

The original documents are located in Box 26, folder “National Security Chronological File (3)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE

WASHINGTON

June 2, 1975

MEMORANDUM FOR:

The Honorable Edward H. Levi
Attorney General
Department of Justice

Subject: Your draft of letter to Senator Kennedy
on electronic surveillance for national
security and foreign intelligence purposes

The staff of the National Security Council would like to await Brent Scowcroft's return from Europe on Tuesday night before commenting on this draft, which I submitted to the NSC staff. However, in the meantime, I make the suggestion that instead of detailing the four points made at the top of page 3 these could be dropped and covered by changing the last sentence on page 2 to read as follows:

"Authorization will not be granted unless the Attorney General has satisfied himself that the requested electronic surveillance is necessary for national security or foreign intelligence purposes important to national security."

If this change meets with your approval, it may remove one problem which Brent may have with the draft as written.

P.W.B.

Philip W. Buchen
Counsel to the President

cc: Bud McFarlane

Administratively Confidential

THE WHITE HOUSE

WASHINGTON

June 2, 1975

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The Honorable Edward H. Levi
Attorney General
Department of Justice

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P.W.B.

Philip W. Buchen
Counsel to the President

cc: Bud McFarlane



Classified

THE WHITE HOUSE
WASHINGTON

June 3, 1975

~~SECRET/XCDS~~

MEMORANDUM FOR: Richard Ober
FROM: Philip W. Buchen *P.W.B.*
SUBJECT: Your memorandum of May 30, 1975,
involving consideration of proposed
NSCID No. 9

My reaction to the proposed text of NSCID No. 9 is that it is premature to submit this matter to the NSC for the following reasons:

1. The proposed text should be checked against the effect of the Presidential memorandum of December 19 to the Attorney General on electronics surveillance after pending negotiations for changes in that memorandum have been concluded.
2. The views of the current Attorney General should be obtained as to any proposed text.
3. Whether or not the Rockefeller Commission comes up with specific recommendations in regard to the subjects of this proposed NSCID, consideration should be given to including special provisions to safeguard implementation of the authority granted from any possible abuse. Only in that way can the desires of the current administration to provide for such safeguards be adequately reflected.
4. Issuance of this NSCID now would require immediate disclosure of it to the Senate Select Committee and could provoke adverse reactions unless it were drawn to anticipate what the Committee is likely to find are inadequacies of control over the activities permitted.

DECLASSIFIED
E.O. 12958 Sec. 3.6

~~SECRET/XCDS~~

MR. 94-152, #9; NSC letter 9/8/98
By Let NARA, Date 6/6/00

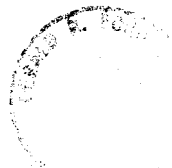


~~SECRET/XGDS~~

-2-

On the subject of whether the CIA has statutory authority to recruit U. S. citizens for use as sources abroad, I would agree that it has the authority to do so. However, that is true in respect to all of the authority granted the CIA by this NSCID, and therefore it may make sense to specify that authority in the final draft of the NSCID as part of Section 1 c or as a separate subparagraph of paragraph 1.

~~SECRET/XGDS~~



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.

THE WHITE HOUSE

WASHINGTON

June 5, 1975

~~SECRET~~

MEMORANDUM FOR: PHILIP BUCHEN

FROM: BRENT SCOWCROFT *BS*

SUBJECT: Request by Senator Kennedy for Information
on Electronic Surveillance

I have reviewed the draft reply from the Attorney General to Senator Kennedy concerning the latter's request for information on the conduct of electronic surveillance. I concur in your recommendation that the detailed criteria to be met before authorizing such surveillances be deleted from the letter and replaced with a summary reference such as you proposed in your memorandum to the Attorney General of June 2.

In addition, I believe it is important to recognize that the conduct of electronic surveillances constitutes an important and sensitive "source and method" of intelligence collection. Accordingly it is necessary that precautions be taken to prevent the public disclosure of this practice. Further, although there have been public references to past examples of national security surveillances, the practice remains sensitive in terms of official acknowledgement of the "fact of" this practice. Public disclosure carries the continuing risk of serious damage to our foreign relations with many countries. For this reason I recommend that the Attorney General's letter be classified Secret.

Subject to the reflection of the above points I concur in the Attorney General's draft letter.

~~SECRET~~

DECLASSIFIED
E.O. 12958 Sec. 3.6

MR 94-152, #10; NSCL/HR 9/5/98

By lt NARA, Date 10/10/00

THE WHITE HOUSE

WASHINGTON

June 7, 1975

MEMORANDUM FOR: THE PRESIDENT
FROM: PHILIP W. BUCHEN *P.W.B.*
SUBJECT: U. S. Government involvement in
plots to assassinate foreign leaders

You have the summary report prepared by David Belin of the results of the Rockefeller Commission's investigation into allegations of CIA involvement in plans to assassinate certain foreign leaders. The Commission's investigation pertained primarily to Castro and Trujillo. Mr. Belin's report is similar in scope to internal reviews of the same matters conducted by the CIA's Inspector General in 1967. The Senate Select (Church) Committee has sanitized versions of these 1967 reviews.

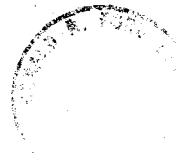
Mr. Belin's report also includes interviews of Robert McNamara, Maxwell Taylor, McGeorge Bundy, John McCone, General Edward Lansdale and others with respect to a meeting of the "Special Group Augmented" -- a 40 Committee-like group that existed between November 1961 and October 1962 and administered a wide-ranging covert action program against Cuba known as "Operation MONGOOSE." However, the Commission did not have access to all of the underlying documents -- including NSC and Defense records -- concerning MONGOOSE. Consequently, the materials compiled by the Commission provide only a partial history. They focus on the CIA's involvement in the assassination plots, but contain very little with respect to involvement of others in the Executive Branch. They create the impression that the CIA was largely acting alone in these matters -- particularly in the case of Castro, less so in the case of Trujillo.

Attached at Tab A is a summary memorandum of MONGOOSE and related records from the NSC's files (and additional materials provided by the Defense Department) concerning the Castro matter and covering the period from the Bay of Pigs in April 1961 to the end of the Cuban Missile Crisis in October 1962.

Attached at Tab B is a similar memorandum concerning Executive Branch involvement in the Trujillo matter, based on NSC and State Department records.

As a practical matter, I believe that the information set forth in the Belin paper and these two tabs is about as much as we will ever know from documents readily available to us about the Federal Government's role in plots to assassinate Castro and Trujillo. A reason is that much of the planning was probably never recorded in the usual fashion, but there may be many former participants in various aspects of these matters from whom information can be obtained by thorough interrogation.

Attachments



THE WHITE HOUSE

WASHINGTON

June 9, 1975

chron

MEMORANDUM FOR: THE PRESIDENT

FROM: PHILIP W. BUCHEN

P.W.B.

Attached are three preliminary drafts of a proposed statement for you to make at the beginning of your press conference tonight. They are at varying length and in some respects make different points so I thought you might want to look at all of them for the suggestions they offer.

cc: Robert Hartmann



THE WHITE HOUSE

WASHINGTON

June 10, 1975

MEMORANDUM FOR: Jeanne Davis

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

In response to your memorandum of June 9, I see no problem with the attached letters, but suggest you send me an information copy, as well as one to Monroe Leigh at State.

Your letters are returned herewith for your signature.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 7, 1975

Dear Mr. Long:

This is in further response to your concern about US policy on arms sales to Iran, including your letter of December 20, 1974.

We believe that the specific documents which contain the information you are seeking should not be distributed beyond the offices which have responsibility for implementing the terms of the President's directive. We appreciate your needs and those of your colleagues to be aware of factors and conditions underlying US policy in this area, however, and would like to suggest an alternative to distributing the subject documents outside of the Executive Branch.

You will recall that in the March 7 response to your inquiry, Mr. Vernon Loen of the White House Staff indicated that he would be pleased to arrange meetings for you with members of the State Department to discuss the particular concerns you may have about our arms policy decisions. I would now like to add that, if you desire, members of the National Security Council Staff are also prepared to brief you on US arms sales to Iran and specifically discuss with you in detail the contents of the Presidential directive governing policy in this area.

The particular documents you seek deal with only certain aspects of complex matters which are best understood if placed in a broader context which can be provided by an oral briefing. We sincerely believe this suggested alternative will meet your need for full access to information while at the same time protecting the sensitivity of these internal Executive Branch instructions of the President.

I hope that you will find these arrangements suitable and that we can arrange a meeting for you in the near future with the most knowledgeable staff officers in the Executive Branch.

Sincerely,

Jeanne W. Davis
Staff Secretary

Honorable Clarence D. Long
House of Representatives
Washington, D. C. 20515

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

June 7, 1975

Dear Mrs. Schroeder:

I am writing in further response to your March 20 letter to the President in which you ask for an explanation of our policy toward Iran, specifically concerning our military obligations and sales policy in this area.

The United States has for some years followed a policy designed to assist moderate states in the Gulf area to develop the capability to maintain regional stability as well as to meet their own national security needs. Over the years Iran has pursued a policy of moderation and responsibility in the region and has an important role to play in the future. Iran is working with the Gulf states in a cooperative way to achieve the regional security and stability which is also important to peace and stability in the broader Middle East area and to the economic relationships between the Gulf area and the West. We therefore believe that our policy toward Iran and the Gulf states has served US interests well.

Regarding your particular questions on US military commitments and their effect on US capabilities, our policy involves a number of complex issues which are best understood if put in a broader perspective. I believe that these issues could best be dealt with in a briefing by Department of State officials and I would be most pleased to arrange such a session for you.

We are keenly appreciative of your need to be kept informed of our policy in this area and are pleased to provide assistance in these matters. I look forward to hearing from you on the possibility of a briefing.

Sincerely,

Jeanne W. Davis
Staff Secretary

Honorable Patricia Schroeder
House of Representatives
Washington, D.C. 20515

CONFIDENTIAL

*classified
chron*

THE WHITE HOUSE

WASHINGTON

June 10, 1975

MEMORANDUM FOR: Brent Scowcroft

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

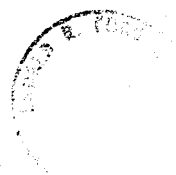
Returned with this memorandum is the original you sent of a letter written to you on May 5 from Carl F. Salans about Eldridge Cleaver.

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."

... to be an administrative matter
... of the D.O. ...
... memo of March 10, 1975
KC NARS date 7/12/88



CONFIDENTIAL

~~CONFIDENTIAL~~

THE WHITE HOUSE
WASHINGTON

Justice

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

attached to be an administrative matter
per E.O. 12858, Sec. 1.3
Attorney's memo of March 10, 1988

KR NARS date 8/12/88



~~CONFIDENTIAL~~

SAMUEL PISAR

20, PLACE DE LA MADELEINE

PARIS 8 FRANCE

TEL. 742 23.31

TELEX 28885 CABLE PARLAW

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

WASHINGTON D.C.
1100 CONNECTICUT AVENUE
TEL. 293.1903

LONDON
STONE HOUSE
128 BISHOPSGATE
TEL. 247.56.22

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



CONFIDENTIAL

*classified
chron*

THE WHITE HOUSE

WASHINGTON

June 10, 1975

MEMORANDUM FOR: Max Friedersdorf
FROM: Phil Bucher *P.W.B.*
SUBJECT: Your memorandum to me of June 5

Our office has made some discreet inquiries about the matters you raised, and we cannot find any information. However, we shall keep the matter in mind and advise you if we learn of anything.

Reclassified to be an administrative marking
authorized per E.O. 12958, Sec. 1.3 and
Director's memo of March 16, 1983

KE NARS date 8/12/88

CONFIDENTIAL

THE WHITE HOUSE
WASHINGTON

5:45

Mr. Buchen,

Rudly Chapman
called and said
HUD had not
been able to
find anything else
on the CSC.



THE WHITE HOUSE
WASHINGTON

~~CONFIDENTIAL~~

June 5, 1975

MEMORANDUM FOR: PHIL BUCHEN
FROM: MAX FRIEDERSDORF *M.G.*
SUBJECT: HUD Scandals (Prospective)

Congressman Bill Ford (D-Mich) has mentioned to Charlie Leppert an impending scandal involving HUD & Civil Service, that would be embarrassing to the Administration.

Representative Herm Schneebeli has also mentioned a HUD scandal brewing at Sunbury, Pennsylvania, and has sent a letter to Secretary Hills. Herm says the FBI is investigating the Sunbury matter.

cc: Jack Marsh

~~CONFIDENTIAL~~

Determined to be an administrative marking
Cancelled per E.O. 12356, Sec. 1.3 and
Archivist's memo of March 16, 1983.
By KR NARS date 8/12/88



~~SECRET ATTACHMENT~~

THE WHITE HOUSE

WASHINGTON

June 12, 1975

MEMORANDUM FOR: Don Rumsfeld

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

Attached are the original and one copy of a classified memo for the President on the subject you and I have discussed. Jack Marsh has seen it and approves. If you have questions or suggestions, let me know.

Attachment

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

~~SECRET ATTACHMENT~~



~~SECRET ATTACHMENT~~

THE WHITE HOUSE

WASHINGTON

June 12, 1975

MEMORANDUM FOR: Don Rumsfeld

FROM:

Phil Buchen

P.W.B.

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Attachment

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

~~SECRET ATTACHMENT~~



October 10, 1973

Honorable Lee H. Hamilton
Chairman, Subcommittee on the
Near East and South Asia
Committee on Foreign Affairs
House of Representatives
Washington, D. C. 20515

Dear Mr. Hamilton:

Secretary of Defense Schlesinger has requested that I reply to your letter of October 1, 1973 with respect to Deputy Secretary Clements' financial interests.

As Secretary Clements indicated to the Senate Armed Services Committee at the time of his nomination in January, 1973, he is a principal stockholder in SEDCO, Inc. SEDCO operates exclusively outside the United States, and is a service organization providing drilling, pipeline construction, and engineering services to oil producing companies. Detailed information is contained in the enclosed copy of SEDCO's 1972 annual report.

Because of SEDCO's interests in Iran, Mr. Clements has disqualified himself from any activities of the Department of Defense which might relate to military sales or any other matters affecting Iran. The Secretary of Defense is fully aware of Mr. Clements' investment in SEDCO and will himself make any decisions which relate to Department of Defense activities affecting Iran. You are of course aware that overall government policy with respect to Iran or any other foreign state is within the purview of the Department of State.

Mr. Clements is familiar with the various statutes and regulations regarding conflicts of interest and it is not anticipated that his personal investments will present any problems to him in the performance of his duties as Deputy Secretary of Defense. You may be assured that the avoidance of conflicts of interest is a matter which receives constant attention within the Department.

Sincerely yours,

L. Niederlehner
Acting General Counsel



Enclosure

cc: PA
LA

B



14 DEC 1973

Honorable Les Aspin
House of Representatives
Washington, D. C. 20515

Dear Mr. Aspin:

This refers to your letter of 26 November 1973 to the Deputy Secretary of Defense, William P. Clements, Jr., with respect to his ownership of stock in SEDCO, Inc.

SEDCO stock is not an "oil stock" in the commonly accepted meaning. SEDCO is a service and construction organization providing drilling contracting, pipeline construction contracting and engineering services to oil producing companies; and all drilling operations are conducted exclusively outside the United States. SEDCO has no contracts with the Department of Defense.

Secretary Clements indicated to the Senate Armed Services Committee at the time of his nomination in January 1973 that he is a principal stockholder in SEDCO, Inc. The Committee carefully considered this fact in recommending that the Senate confirm his nomination.

Mr. Clements is familiar with the various statutes and regulations regarding conflicts of interest. In our view there is neither an "apparent" nor "probably real" conflict of interest between Mr. Clements' holdings and the performance of his official duties as you suggest in your letter. It is noted that you have referred the entire matter to the General Accounting Office; the Department will cooperate in any inquiry which that Office may wish to make on your behalf.

You may be assured that the avoidance of conflicts of interest is a matter which receives constant attention within the Department.

Sincerely yours,

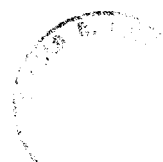
L. Wiederleher
Acting General Counsel

cc: Sen Stennis
Mr Braswell
PA
LA
OSD Mail Room (17525)
Singer (CC #2572)

Coordinated w/ASD (PA)
ASD (LA)
Spec Asst to SecDef



C



December 15, 1973

Deputy Secretary Clements will not handle any decisions concerning oil drilling or oil field exploitation, not because there is any legal conflict of interest involved but because the Department wants to avoid even any appearance of a possible conflict of interest.

Assistant Secretary Mendolia directs DoD energy policy, and Deputy Secretary Clements will remain outside the decision process on any matters that might have even an appearance of affecting the market value of oil drilling equipment.

The Department will of course draw on Secretary Clements' expertise in oil matters, but Secretary Schlesinger will make all necessary decisions in this matter after receiving recommendations directly from Secretary Mendolia and the Service Secretaries.



December 18, 1973

Honorable Warren G. Magnuson
Chairman
Committee on Commerce
United States Senate

Dear Mr. Chairman:

This will respond to your telegram of December 14, requesting my appearance at the Senate Commerce Committee hearings on Wednesday, December 19. For the reasons stated herein, I am hopeful that an arrangement other than my appearance will prove acceptable to the Committee.

You should be aware of my rôle within the Department of Defense with respect to matters dealing with energy. Recently questions have been raised as to the possible appearance of conflict of interest between my official duties and my holdings in SEDCO Inc. To avoid even a hint of impropriety, I have removed myself from the decisional chain on energy matters in the Department. I will not represent the Department on matters dealing with energy. At Secretary Schlesinger's suggestion, I have agreed to be available to provide personal technical advice to the Department of Defense based upon the experience that I have gained in matters relating to energy. However, this role will not concern matters of policy, but rather will deal with technical issues in the energy field, and then only as requested by the Secretary.

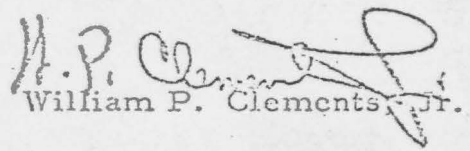
In addition, I have withdrawn from all interagency groups such as the President's Emergency Energy Action Group. It is possible that this group or other offices within the Executive Branch may ask for my personal advice on technical matters concerned with energy. I would be willing to provide such views, as and when requested, but not as a participant in the policy or in the decision-making process of the Executive Branch.



10 2657

I have asked Mr. Jack Bowers, Assistant Secretary of the Navy for Installations and Logistics, to represent the Department of Defense at your hearing. Mr. Bowers is fully conversant with issues relating to oil and gas development in and around naval petroleum reserves, and related matters. I am confident he will be a highly effective representative of the Department and that his testimony will be of value to you and to your Committee.

Sincerely,


William P. Clements, Jr.



January 21, 1974

Honorable John C. Stennis
Chairman, Committee on Armed Services
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is in response to your letter of January 18, 1974 concerning the role of William P. Clements, Jr., Deputy Secretary of Defense, on energy-related matters. Your letter makes special reference to the Naval Petroleum Reserves.

As we are all well aware, under the applicable statutes Secretary Clements may not take any actions in his official capacity which have a direct and predictable impact upon the interests of any company in which he holds a financial interest.

Over and above this requirement Mr. Clements has determined that he will refrain from actions having a major impact on the petroleum industry generally, such as: (1) recommendations with respect to the Naval Petroleum Reserves; (2) decisions on procurement of petroleum; (3) national energy policy decisions of the Executive Branch; and (4) decisions relating to the leasing of and drilling in Department of Defense offshore ranges, U. S. continental shelf, or public lands.

All of these energy matters are the responsibility of the Assistant Secretary of Defense (Installations and Logistics) reporting directly to me. A memorandum to this effect has been issued by Mr. Clements to lay the matter to rest (Attachment A).

Mr. Clements has also terminated his advisory role on national energy policy.

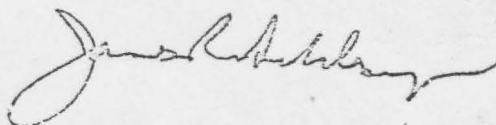
With specific reference to the Naval Petroleum Reserves, the particular responsibilities of the Secretary of the Navy, the President of the United States, and the Congress of the United States are detailed in the attached memorandum of the Acting General Counsel of the Department of Defense (Attachment B).



It should be noted that under Mr. Clements' memorandum, I am free to rely on him for day-to-day management functions of the Department of Defense that are a part of the customary duties of the Deputy Secretary of Defense. These functions relate to budget, procurement and operational activities of the Department. As contemplated by the memorandum, such management functions would be those wherein the impact on the petroleum industry is tangential or derivative, as distinct from management policy or operational decisions which focus directly on that industry.

I trust these arrangements will meet with the approval of the Committee.

Sincerely yours,



Attachments

SECRET

335088

EYES ONLY

10

ZCZODKAK673
RR YKADRA
DE YHLNDR #1898 278114A 19 MAR 75 12 05z
ZNY MNMNH

R 191141Z MAR 75 ZFF-1
FM MGEN JOHN G. JONES, MIL ASST DEPSECDEF
TO RADM KEN M. CARR, MIL ASST DEPSECDEF

ZEM
SECRET EYES ONLY

ZEFI CASD (ISA) Z2548 MAR 75, FROM MGEN SMITH TO RADM CROWE,
1, SUBSTANTIVE COMMENTS FROM DEPSECDEF RE NSSM 214
INCLUDED IN EARLIER MSG JONES TO CARR,

2, REMAINDER OF DEPSECDEF COMMENTS ON NSSM 214 DRAFT ARE
MARGINAL NOTATIONS AS FOLLOWS:

PAGE V
SENTENCE READING QUOTE - WITHOUT OUTSIDE ASSISTANCE, THE
PACE OF DEVELOPMENT OF ON SHORE OIL AND GAS RESOURCES WOULD
BE DELAYED BY THREE TO FIVE YEARS OR LONGER, END QUOTE;
DEPSECDEF CIRCLED LONGER AND NOTED YES IN MARGIN, BY NEXT
SENTENCE DEPSECDEF COMMENT WAS QUOTE - AGREE;

PAGE VII
SENTENCE READING QUOTE - BY 1990 SIBERIAN FIELDS
PROBABLY ACCOUNT FOR ABOUT HALF OF TOTAL SOVIET
PRODUCTION OF OIL AND GAS, END QUOTE, DEPSECDEF
ANNOTATED QUESTION MARK BY DATE 1990, BY NEXT
SENTENCE SAME PAGE DEPSECDEF NOTED QUOTE AGREE;

PAGE VIII
SENTENCE READING QUOTE - THE RESERVES OF GAS IN THE
WRENGLY FIELD ARE MORE THAN ADEQUATE, DEPSECDEF
ANNOTATED QUESTION MARK,

PAGE IX
SENTENCE READING QUOTE - PRESENTLY EXPLORED RESERVES
IN THE AREA CAN SUPPORT THREE OR FOUR PROJECTS OF THE
SIZE OF NORTH STAR, DEPSEC ANNOTATED QUESTION MARK,

PAGE XIV
SENTENCE READING QUOTE - DEVELOPMENT OF THE YAKUTSK
FIELD WOULD NOT BEGIN UNTIL U.S. AND JAPANESE
FIRMS ARE ASSURED OF SUFFICIENT RESERVES, DEPSEC
ANNOTATED QUOTE - HOW,

PAGE XVII
AFTER FIRST SENTENCE, DEPSEC ANNOTATED WORD AGREE,

PAGE XX
SENTENCE READING QUOTE - ... HOWEVER, TOKYO HAS SHOWN
THAT IT IS PREPARED TO BECOME UNILATERALLY INVOLVED
IN SIBERIAN PROJECTS, DEPSEC ANNOTATED QUESTION
MARK BY WORD UNILATERALLY,

PAGE 28 PAPA E, CONCLUSIONS,
DEPSEC ANNOTATED AGREE BY EACH OF THE FIRST THREE
SUBCONCLUSIONS,
NEXT PAGE TITLED - INSERT

DECLASSIFIED
Authority: DOD Directive 5200.30
By: W/H/M NLF Date: 5/1/00



EYES ONLY

SECRET

EYES ONLY

76

BY SENTENCE READING QUOTE - THE EXPORT OF U.S.
 OIL AND GAS DRILLING AND PRODUCING EQUIPMENT;
 WOULD HINDER DOMESTIC ENERGY EXPLORATION AND
 DEVELOPMENT, DEPSEC ANNOTATED QUOTE - NO;
 SAME PAGE, AFTER SENTENCE READING QUOTE - ON THE
 OTHER HAND, IF DEEMED FEASIBLE ON ECONOMIC GROUNDS,
 DEP SEC ANNOTATED WORD AGREE BY NEXT THREE SUB
 CONCLUSIONS,
 PAGE 76

AFTER TWO SUBCONCLUSIONS AT BOTTOM OF PAGE, DEPSEC
 ANNOTATED AGREE,
 IN BEST REGARDS,

SSO NOTE! DELIVER DURING DUTY HOURS;
 41398

SECRET

EYES ONLY

NNNN

~~SECRET~~

THE WHITE HOUSE

WASHINGTON

June 12, 1975

MEMORANDUM FOR: THE PRESIDENT
FROM: PHILIP BUCHEN *P.W.B.*
SUBJECT: Possible talking points for
Joint Leadership Meeting,
June 13, 1975

At the beginning of the meeting you may want to informally comment that you trust all Members present received a copy of the Rockefeller Commission Report and that they will soon read it if they have not already done so. You might also add that the second chapter of the report dealing with the need for intelligence reminds us of the invasions of U. S. privacy going on because of intelligence activities in this country by foreign powers.

Of special concern should be the threat to the security of our telephone calls, particularly long distance calls going by microwave radio transmission.

If you are asked what steps are being taken to protect against this threat, you can indicate that a program is going on in cooperation with the Bell System to place circuits to key government offices entirely underground in the Washington area but that this project has been kept secret lest foreign powers desirous of minitoring calls plan further maneuvers to overcome this development.

For your confidential information, you should know that the project will probably be completed by year-end, that it already includes the FTS circuits, but that the Congress itself is not being protected on its ordinary commercial circuits. If you get any further questions, I suggest that you propose having proper security officials within the Executive Branch consult with security officials at the Congress.

~~SECRET~~
DECLASSIFIED

E.O. 12958, Sec. 3.5

NSC Memo, 11/24/96, State Dept. Guidelines
By *W.H.M.*, NARA, Date *5/8/00*

~~SECRET~~

~~CONFIDENTIAL~~
WITH ATTACHMENT

THE WHITE HOUSE

WASHINGTON

June 12, 1975

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chron

MEMORANDUM FOR: JIM CANNON
THROUGH: PHIL BUCHEN *P.W.B.*
FROM: DUDLEY CHAPMAN *DC*
SUBJECT: Release of White House Memorandum
Concerning Energy

The memorandum in question, dated July 7, 1972, was from Peter Flanigan to John Ehrlichman, George Shultz, Rogers Morton, Bill Timmons and Clark MacGregor. It is classified Confidential. The memo discusses both the merits and politics of natural gas deregulation, as well as certain foreign policy implications. The foreign policy discussion, particularly insofar as it relates to policy toward imports from Canada, is properly classifiable.

The paper is, in addition, an internal White House memorandum to which the Freedom of Information Act does not apply. Even if the Act did apply, it would be exempt because it consists of internal recommendations and advice that would exempt it from disclosure under exemption 5. The memorandum is so totally made up of internal policy discussion that it would not be practical to excise only portions of it.

The document is also clearly protected by executive privilege, though the above grounds are sufficient in themselves to withhold it.

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS



~~CONFIDENTIAL~~
WITH ATTACHMENT

THE WHITE HOUSE

WASHINGTON

June 2, 1975

MEMORANDUM FOR JIM CANNON
THROUGH: JIM CAVANAUGH
FROM: MIKE DUVAL
SUBJECT: RELEASE OF WHITE HOUSE
MEMORANDUM CONCERNING ENERGY

As you can see from the attached memorandum from NSC, I have been asked to review a 1972 memo from Peter Flanigan on "Possible Pre-Election Energy Initiative". Apparently there is a Freedom of Information Act request for this memo, and NSC is considering declassifying it.

I can't see anything in the memo or its attachments which needs to be classified in a national security sense. Obviously, this raises questions concerning the broader issue of release of internal White House documents, and therefore, I thought I should send it to you for final decision.



NATIONAL SECURITY COUNCIL

May 29, 1975

MEMORANDUM FOR: MIKE DUVAL

FROM: Jeanne W. Davi *JWD*

SUBJECT: Release of 1972 White House
Memorandum Concerning
Energy Issues

We have been asked to review the attached documents for possible declassification in response to a Freedom of Information Act request.

The matters discussed in the July 7, 1972 memorandum from Peter Flanigan on "Possible Pre-Election Energy Initiative" are those in which your office has an interest. Accordingly, I am asking that you examine this material and let me know if you have any objection to the declassification and release of these documents.

*Classified
Chron*

THE WHITE HOUSE
WASHINGTON

June 18, 1975

MEMORANDUM FOR: BRENT SCOWCROFT

FROM:

PHILIP BUCHEN

P.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



UNITED STATES GOVERNMENT

Memorandum

TO : Philip Buchen
The White House

DATE: June 16, 1975

FROM : Harold R. Tyler, Jr.
Deputy Attorney General

SUBJECT:

Dear Phil:

I submit more precise information concerning the two separate criminal problems faced by Mr. Cleaver, if and when he returns to the State of California:

(1) First, Cleaver would face a return to prison to complete a term imposed in Los Angeles in 1958 on two counts of assault with intent to murder and three counts of assault with a deadly weapon. In 1966, he was paroled, apparently under the sentence, but this parole was suspended two years later, at the time when he took flight. While he will be entitled to a revocation hearing, I would suspect that the grounds to revoke are all too clear. There remain about four years to be served if the maximum term is fixed under California law. Furthermore, as I understand it, should Cleaver be returned to prison, there could be no release on bail in that particular case.

(2) The second problem Mr. Cleaver would face upon return stems from a 1968 Alameda County indictment charging him and others with two counts of attempted murder and two counts of assault with a deadly weapon upon a police officer. Parenthetically, I believe this arises out of the protracted gun battle in 1968 with police in Oakland, wherein two officers were wounded. Bail in this case was fixed for Cleaver at \$50,000. He jumped that bail. Should he return, I believe that California law would entitle him to ask for bail in this case. Presumably, it could be argued that his voluntary return off-sets the other negative aspects. On the other hand, one could assume that bail in this case may be moot in light of the problems inherent in the case discussed above.



PERSONAL AND CONFIDENTIAL

THE WHITE HOUSE
WASHINGTON

*See
(Clements,
pill)*

July 1, 1975

MEMORANDUM FOR:

THE HONORABLE JAMES P. SCHLESINGER
SECRETARY OF DEFENSE

FROM:

PHILIP W. BUCHEN *P.W.B.*
COUNSEL TO THE PRESIDENT

For whatever assistance it may give you, I am attaching an abstract prepared by me of the material I found in the file regarding Deputy Secretary Clements.

Attachment



THE WHITE HOUSE
WASHINGTON

July 14, 1975

CLASSIFIED - ~~SECRET~~

MEMORANDUM

FOR: ROD HILLS
FROM: DICK CHENEY 

We want to review existing arrangements concerning President succession and incapacitation. You will remember the 25th Amendment of the Constitution, I believe, provides special provisions for what happens in the event of an incapacity on the part of the President.

You should quietly dig into what currently exists and develop a paper on the subject which can go to the President. The paper should lay out current arrangements. He may want to keep them the same or he may want to work up new arrangements. But, we definitely do want to discuss that.

You should also take a look at what the other arrangements were in the past between Presidents and Vice Presidents including Nixon, Johnson, Kennedy, Eisenhower, etc.

Determined to be an administrative marking
cancelled per E.O. 12356, Sec. 1.3 and
Obama's memo of March 16, 1983

kr NARS date 8/12/88

CLASSIFIED - ~~SECRET~~



ADMINISTRATIVELY CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

July 17, 1975

MEMORANDUM FOR:

BRENT SCOWCROFT

FROM:

PHILIP BUCHEN *T.W.B.*

SUBJECT:

Warrantless Electronic
Surveillances and Entries
to Conduct such Surveillances

Attached are portions of a request made on June 25 by the Church Committee to Attorney General Levi covering the above subjects. In addition, NSA and CIA have received similar requests. These requests raise extremely sensitive points that involve and affect various elements of the intelligence community. At my suggestion, the Attorney General declined to discuss this subject when he appeared before the Committee yesterday and instead asked the Chairman and Vice Chairman to allow for a confidential briefing on the subject prior to having the Committee or its staff pursue the subject any further.

Then at a meeting held at CIA this afternoon with representatives from each of the intelligence agencies present, I proposed having the CIA, State, NSA, FBI, and Justice work out a proposed joint briefing with the thought that they would test it out on our White House group this coming Tuesday.

I also want to alert you to legal problems which are likely to create differences between the Department of Justice and the other elements of the intelligence community and may cause us not only operational difficulties but difficulties in presenting a united front to the Church Committee. They are:

1. Whether the thrust of the recent opinions of the Circuit Court of Appeals for the District of Columbia in the case of Zweibon v. Mitchell should lead to a practice of seeking sealed judicial warrants for many, if not all, of the surveillances now being conducted or hereafter proposed.

*Classified
Chron.
(See
Electronic
Surveillance)*

GERALD R. FORD LIBRARY

2. Whether the provisions of the Vienna Convention would cause problems in getting a judge to issue warrants in the absence of reasonable evidence that a target country is itself not adhering to the Convention.

3. Whether the already indicated reluctance of the telephone company at cooperating in electronic surveillances as a result of the Zweibon opinions will raise inevitable obstacles unless we go to the practice of obtaining warrants.

All of these issues are under study by the Justice Department but I doubt that they will be resolved by the time the Church Committee will want to get into the matter.

Attachments



EYES ONLY
ADMINISTRATIVELY CONFIDENTIAL

THE WHITE HOUSE
WASHINGTON

July 24, 1975

MEMORANDUM FOR: DON RUMSFELD

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

SUBJECT: HOLDING DUAL POSITIONS

No provisions appear in the Constitution or the Federal Statutes which prevent a person from holding more than one office in the Federal Government except when he is a member of either the Senate or House of Representatives. There are statutory limitations on receiving dual pay for holding more than one position (U.S.C.A. Title 5, Sec. 5533) which makes it evident that a person in the Executive Branch may hold two positions at the same time even though he cannot double up on his pay.

The Constitution (Art. 1, Sec. 6, Cl.2) provides that:

"...no person holding any office under the United States shall be a member of either House during his continuance in office."

For this purpose I do not believe that the Vice President is a Member of the Senate even though he is the presiding Officer of the Senate. Otherwise, he could hold no other Executive Branch position, and there is much precedent for his holding such positions as member of various Executive Branch boards, commissions, and councils. Although the Vice President is included in the definition of "Member of Congress" under one statute (U.S.C.A., Title 5, Sec 2106), that is solely for particular administrative purposes related to his functioning as President of the Senate. It has no bearing on the meaning of the Constitutional provisions as to who is a "member of either House."

I have also examined the provisions concerning appointments of heads of the respective Executive departments and none

ADMINISTRATIVELY CONFIDENTIAL

of these provisions provide that the head of a Cabinet department cannot hold another position in the Executive Branch.

If the question you raised is to be pursued further, I would like to approach on a confidential basis a Constitutional scholar who could provide us with information about possible commentaries or public debate on the legality and merits of appointing the Vice President to head an Executive department or, what is more likely, of naming one person to head two or more Executive departments.



*Classified
Exon*

August 6, 1975

MEMORANDUM FOR: BRENT SCOWCROFT

FROM: PHIL BUCHEN

The Church Committee is pressing for the intelligence estimates on Chile as part of its Track II inquiry. The documents in question are attached for your review. Please let me know your thoughts as soon as possible.

Thank you.



THE WHITE HOUSE

WASHINGTON

August 13, 1975

MEMORANDUM FOR: THE PRESIDENT

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

SUBJECT: Warrantless Electronic Surveillance

I. BACKGROUND

As a result of letters to you on September 18, 1974, and December 10, 1974, from Attorney General Saxbe, you addressed the question of the terms under which you would confirm his authority as delegated from you to approve warrantless electronic surveillance in the U. S. Thereupon you issued a memorandum to the Attorney General on the date of December 19, 1974. This required the Attorney General, before approving any particular surveillance, to satisfy himself that the action was necessary to obtain foreign intelligence information deemed essential to the security of the nation or to protect national security information against foreign intelligence activities or to obtain information which the Secretary of State had certified "is necessary for the conduct of foreign affairs matters which are important to the national security of the U. S." Another limitation is that the target of the warrantless surveillance has to be "assisting a foreign power or foreign-based political group or plans unlawful activities directed against the foreign power or foreign-based political group."

..... A
copy of your memorandum is attached at Tab A.

II. Operating Experiences Under the December 19 Memorandum

After Attorney General Levi came into Office, he raised certain questions as to the adequacy of the stated justifications for various surveillances which he was then asked to authorize, most of which involved renewals of on-going activities but some of which represented new proposals.

DECLASSIFIED • E.O. 12958 Sec. 3.6
With POB [unclear] EXEMPTED
E.O. 12958 [unclear] (c)(d)

MR 94-154 #11 NSC Mr. S/15/AC

P KBH NARA, Date 7/22/98

When these questions were raised, the Department of Defense for the first time found out about the memorandum which had been recommended by Henry Kissinger and Phil Areeda, but which had not been cleared in advance with the Defense Department. The Defense Department raised questions as to how far it had to go in its justification to satisfy the criteria set forth in your memorandum. The differences between the Defense Department and the Attorney General were resolved by having the requests in question certified to by the Secretary of State "as necessary for the conduct of foreign affairs matters which are important to the national security of the U. S."

When your memorandum had been drafted, it was thought that this foreign affairs test, as distinguished from the test involving information deemed essential to the security of the nation, would need to be used rarely, if ever. Thus, it appeared that the memorandum has come to be applied in a manner different from that intended and in a way which Henry Kissinger now finds objectionable.

Another problem arose because the original memorandum by you was based in part on a State Department memorandum of December 6, 1974, which expressed the opinion that
.....
.....
on Diplomatic Relations of 1961 to which 113 nations, including the U. S., are parties.

Attorney General Levi recently received some indication from attorneys in the State Department that the previous opinion about the non-applicability of this treaty might be challenged by a Court or by the Congress. There is no doubt that the treaty is without effect if the
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III. Effect of Recent Court Decision

On June 23, 1975, the U. S. Court of Appeals for the District of Columbia reversed a lower Court decision and declared unconstitutional warrantless electronic

surveillance of the Jewish Defense League even though the League was involved in violent harrassment of officials of foreign governments, which in turn could have brought upon the U. S. adverse foreign consequences. The holding of the case is limited to a domestic organization that is not the agent of or is not acting in collaboration with a foreign power. Because your earlier memorandum did not draw the line at this point, Attorney General Levi sent you a letter dated June 25, 1975, Tab B. In this letter he advises that the current practices under your memorandum have in fact complied with the holding in the Zweibon case and that he would not in the future authorize any activities contrary to the Zweibon holding.

I immediately advised the Attorney General that you would want him to continue complying with the holding in the Zweibon case, even though the case might be appealed, but that I would not recommend amending your memorandum to make this point alone so long as there were other changes that concerned agencies would soon be recommending to you. The Attorney General concurred in deferring the issuance of an amendment to your memorandum of December 19, 1974, because he wanted further time to consider the implications of the Court's opinion in the Zweibon case. He also called attention to the fact that he was in discussion with Congressional committees concerned with possible legislation on the subject and that a revision of your memorandum should be considered in light of possible Congressional action.

The Attorney General's views concerning the problems of warrantless electronic surveillance have most recently been incorporated in an address he prepared to deliver to the American Bar Association on August 13, 1975, Tab C - pgs. 11-18. Based on these views the types of surveillance you authorized in your memorandum of December 19, as modified in practice to conform to the holding in the Zweibon case, are clearly within the limits set by decided Court cases; but still, there is a clear signal from some of the judges in the Zweibon case that judicial warrants may be required in other circumstances as well.

The Attorney General is now in the process of preparing additional recommendations to you. These, of course, will be coordinated with the State Department, the Defense Department and the CIA, so that a fully staffed recommendation can be made to you for whatever changes will be necessary or desirable in your existing memorandum to the Attorney General.

IV. CONCLUSION

The foregoing does not recommend action on your part now, but it merely serves to advise you of the present situation and the preparations being made to provide you in the near future with some recommendations.

Attachments

THE WHITE HOUSE

WASHINGTON

August 22, 1975

MEMORANDUM FOR: JANE DANNENHAUER

FROM: EVA DAUGHTREY

SUBJECT: FBI files on Nelson Rockefeller

On October 1, 1974, Jay French and Skip Williams brought to you seven volumes and one index of the Investigative Reports of Nelson Rockefeller by the FBI.

I am sending you Part VIII, along with additional letters as follows for your files:

9/15/66 Item from the Albany Times Union

9/3/74 Letter from Clarence Kelley to General Haig

9/4/74 Letter from Philip Lacovara (Watergate Special Prosecution Force
to Philip Buchen

9/19/74 Letter from Philip Lacovara to Philip Buchen

9/10/74 Letter from Clarence Kelley to General Haig

9/19/74 Letter from Philip Lacovara to Philip Buchen

9/20/74 Letter from Clarence Kelley to General Haig

10/2/74 Letter from Clarence Kelley to Philip Buchen

10/21/74 Letter from Clarence Kelley to Philip Buchen

10/22/74 Letter from Clarence Kelley to Philip Buchen

11/8/74 Letter from Clarence Kelley to Philip Buchen

11/15/74 Letter from Clarence Kelley to Philip Buchen

11/21/74 Paper sent by Mr. Silberman re UPI Reporter Clarence Bassett's
allegations

11/22/74 Paper by Dan Thomasson and Carl West (Scripps-Howard)

11/19/74 Memo to Don Rumsfeld from Dick Cheney

11/21/74 Memo to Don Rumsfeld from Jack Marsh

11/22/74 Letter from Clarence Kelley to Philip Buchen

11/25/74 Letter from Clarence Kelley to Philip Buchen

12/4/74 Letter from Clarence Kelley to Philip Buchen

12/11/74 Letter from Clarence Kelley to Philip Buchen

12/12/74 Letter from Clarence Kelley to Philip Buchen

12/18/74 Letter from Clarence Kelley to Philip Buchen

