

**The original documents are located in Box 28, folder “Nixon - Papers Access Requests Compilation (5)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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Litigation Related Requests

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B

June 20, 1975

Dear Mr. Guste:

This is in further response to your letter to me of May 21, 1975, in which you requested copies of tape recorded conversations between former President Nixon and H. R. Haldeman concerning the Environmental Protection Agency's decision to ban DDT.

Enclosed is a letter dated June 13, 1975, from Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, declining to accede to your request. In view of the position taken by Mr. Miller, should you wish to pursue this matter further, I recommend that you contact him directly..

Sincerely,

Philip W. Buchen  
Counsel to the President

The Honorable William J. Guste, Jr.  
Attorney General  
State of Louisiana Department of Justice  
2-3-4 Loyola Building  
New Orleans, Louisiana 70112

PWB:BNR:d1m



LAW OFFICES  
MILLER, CASSIDY, LARROCA & LEWIN  
2555 M STREET, N.W. - SUITE 500  
WASHINGTON, D. C. 20037

AREA CODE 202  
TELEPHONE 293-6400

JOSEPH S. MCCARTHY  
COURTNEY A. EVANS  
OF COUNSEL

HERBERT J. MILLER, JR.  
JOHN JOSEPH CASSIDY  
RAYMOND G. LARROCA  
NATHAN LEWIN  
MARTIN D. MINSKER  
WILLIAM H. JEFFRESS, JR.  
THOMAS D. ROWE, JR.  
R. STAN MORTENSON  
THOMAS B. CARR

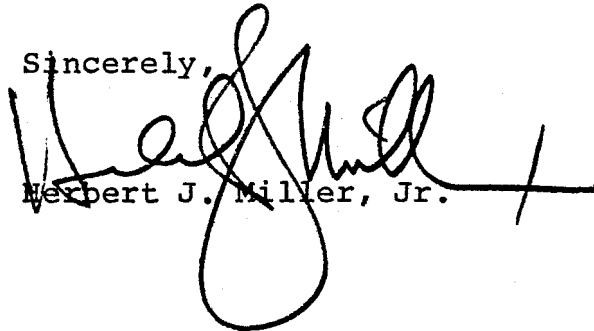
June 13, 1975

Philip W. Buchen, Esquire  
Counsel to the President  
The White House  
Washington, D. C.

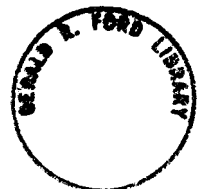
Dear Mr. Buchen:

I have received your letter of May 31, 1975, together with Mr. William Guste's request of May 21, 1975 seeking production of tape recordings or transcripts of discussions between President Nixon and Mr. Haldeman concerning the decision to ban the use of DDT. The location and production of this conversation, if it exists, would necessitate a search of numerous conversations between a President and his aides, and others, and would consequently involve a significant intrusion upon the President's privilege of confidentiality. Therefore, as counsel for former President Nixon, I do not consent to either the search or the production of tapes or transcripts.

Sincerely,



Herbert J. Miller, Jr.



May 31, 1975

Dear Mr. Guste:

This is in response to your letter of May 21, 1975, in which you requested copies of tape recorded conversations between former President Nixon and H. R. Haldeman concerning the Environmental Protection Agency's decision to ban DDT. As Mr. Roth of my staff explained to you, your letter was not received until after May 26, and I regret that therefore we were unable to respond within the time period that you had requested.

Such recordings, if any do exist, constitute "Presidential materials of the Nixon Administration" within the meaning of the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518. A copy of the relevant portion of this Order is enclosed. This Order generally enjoins the disclosure, transfer or disposal of these materials, and effectively requires that former President Nixon or his agent consent to any production or use of such materials for the limited purposes specified in the Order. Accordingly, I have referred your request to Mr. Herbert J. Miller, Jr., Counsel to Mr. Nixon, for his consideration.

For the time period of October-November 1971, during which you believe that the requested conversations did take place, there are in excess of eighty reels of tape. Each reel, although varying in precise duration,



contains up to six hours of recorded conversations. I am sure that you will understand that a request of this scope does raise numerous practical problems, in addition to the legal problems related to litigation now in process involving the ownership of the Nixon Presidential materials.

I will advise you further on this matter as soon as I learn of the position taken by Mr. Miller.

Sincerely,

Philip W. Buchen  
Counsel to the President

The Honorable William J. Guste, Jr.  
Attorney General  
State of Louisiana Department of  
Justice  
2-3-4 Loyola Building  
New Orleans, Louisiana 70112

Enclosure

PWB:BR:fcg

bcc: Herbert J. Miller, Jr., Esq.



contains up to six hours of recorded conversations. I am sure that you will understand that a request of this scope does raise numerous practical problems, in addition to the legal problems related to litigation now in process involving the ownership of the Nixon Presidential materials.

I will advise you further on this matter as soon as I learn of the position taken by Mr. Miller.

Sincerely,

Philip W. Buchen  
Counsel to the President

The Honorable William J. Guste, Jr.  
Attorney General  
State of Louisiana Department of  
Justice  
2-3-4 Loyola Building  
New Orleans, Louisiana 70112

Enclosure

PWB:BR:fcg

bcc: Herbert J. Miller, Jr., Esq.



THE WHITE HOUSE  
WASHINGTON

May 28, 1975

MEMORANDUM FOR: BARRY ROTH

FROM: PHILIP BUCHEN *P.*

Please review this letter quickly, determine what is feasible, and let me know what we can tell Mr. Guste by telephone.

I do not know why the letter was so late in reaching here.

Attachment

*4/28*

*Explained to Guste on phone that requires Nixon's consent and the volume of tapes required for search. Advised would confirm in writing*

*BR*







WILLIAM J. GUSTE, JR.  
ATTORNEY GENERAL

## State of Louisiana

DEPARTMENT OF JUSTICE

7TH FLOOR  
2-3-4 LOYOLA BUILDING  
NEW ORLEANS 70112

May 21, 1975

Philip Buchen, Esquire  
Counsel to the President  
The White House  
Washington, D. C.

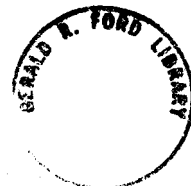
Dear Mr. Buchen:

In June, 1972, the Administrator of the Environmental Protection Agency (EPA) overruled Administrative Law Judge Sweeney and barred the use of DDT, especially as an agriculture pesticide, (37 F.R. 13369).

We have reason to believe that the decision to ban the use of DDT may have been made by former President Richard Nixon in October or November, 1971, on account of political rather than environmental considerations. The reversal of the strong findings of the administrative law judge, based on the evidence that a ban on DDT could not be supported by scientific data, lends credence to this belief.

We also have reason to believe that this 1971 decision may have been made in the White House during a conference between former President Richard Nixon and Chief of Staff H. R. Haldeman, and is recorded on tape. We have contacted Special Prosecutor Henry S. Ruth, Jr. and he has informed us that the 1971 conference is not on the tapes subpoenaed by his office and now in the possession of U. S. District Judge John Sirica. Special Prosecutor Ruth has suggested we contact you.

The State of Louisiana is presently before the United States Court of Appeals for the Fifth Circuit (C.A. No. 75-2091) in a suit against EPA to allow the emergency use of DDT on a massive infestation of tobacco budworm in Louisiana cotton fields. Unless DDT is permitted to be used on an emergency basis, a \$50 to \$60 million cotton crop loss will be suffered in Louisiana.



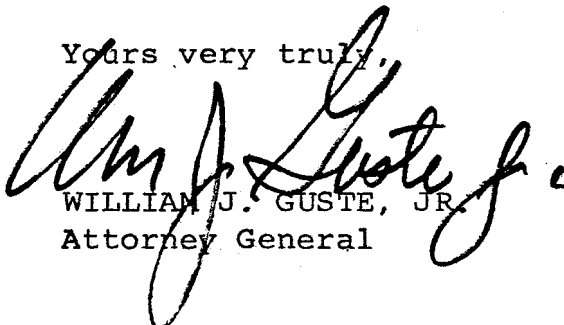
Philip Buchen, Esquire  
May 21, 1975  
p. 2.

Therefore, should the tapes exist, they would obviously bear on the issue of whether there is substantial evidence to support the ban of DDT: and on the question of whether the EPA is justified in denying the emergency use of DDT by Louisiana.

Therefore, we request that you advise us as to whether such tapes do in fact exist. If they do, we request that you make the tapes, or a transcript of their content available to us no later than Monday, May 26, 1975, at which time we must present the matter to Judge Charles Clark of the United States Court of Appeals.

Time is of the essence; therefore, a telephonic reply would be appreciated.

Yours very truly,



WILLIAM J. GUSTE, JR.  
Attorney General

WJGjr:ab

CERTIFIED  
AIR MAIL-SPECIAL DELIVERY



FOIA Requests

T  
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B  
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June 7, 1975

Dear Ms. Schroeder:

This is in response to your letter of May 29, 1975, to Dr. James H. Cavanaugh, Deputy Director of the Domestic Council, in which you request on the basis of the Freedom of Information Act, 5 U.S.C. 552, a copy of a "report prepared by the Office of Science and Technology in 1972 which made policy recommendations to the Executive Branch on the implementation of certain recommendations made by the President's Commission on Population and the American future."

Although neither the White House nor the Domestic Council is believed to be an agency for the purposes of the Freedom of Information Act and is, therefore, not subject to its provisions for mandatory disclosure, I did seek to determine whether this report could be located. I have been advised that it cannot be found in the current files of either the White House or the Domestic Council.

As you may be aware, the "Presidential materials of the Nixon Administration" presently in the custody of the White House are subject to the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518. This Order enjoins any disclosure, transfer, disposal or search of these materials except under certain limited circumstances not present here. However, when the Office of Science and Technology was terminated, its official files were deposited with the National Archives and Records Service. Requests with respect to these files should be directed to the Military Archives Division of the National Archives and Records Service.

Sincerely,

Philip W. Buchen  
Counsel to the President



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

PWB:BNR:d1m

cc:

bcc: Jim Cavanaugh  
Dick Parsons

PATRICIA SCHROEDER, COLO., CHAIRWOMAN  
WILLIAM LEHMAN, FLA.  
STEPHEN L. NEAL, N.C.  
GLADYS N. SPELLMAN, MD.  
WILLIAM M. BROOHEAD, MICH.  
TIMON, ILL.  
ROUSSELOT, CALIF.  
W. HINSHAW, CALIF.  
EX OFFICIO:  
DAVID N. HENDERSON, N.C.  
EDWARD J. DERWINSKI, ILL.

# U.S. House of Representatives

SUBCOMMITTEE ON CENSUS AND POPULATION  
OF THE  
COMMITTEE ON POST OFFICE AND CIVIL SERVICE  
601 HOUSE OFFICE BUILDING ANNEX

Washington, D.C. 20515

May 29, 1975

James H. Cavanaugh  
Deputy Director  
Domestic Council  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Mr. Cavanaugh:

I am writing with regard to a report prepared by the Office of Science and Technology in 1972 which made policy recommendations to the Executive Branch on the implementation of certain recommendations made by the President's Commission on Population and the American Future.

I am requesting, under the Freedom of Information Act (PL 89-487), that a copy of this report be made available to the Subcommittee on Census and Population. I would appreciate it if this report could be made available to the Subcommittee as soon as possible.

With kind regards,

Sincerely,

*Pat Schroeder*  
Patricia Schroeder  
Chairwoman



THE WHITE HOUSE  
WASHINGTON

May 28, 1975

*Wolff  
Lester L.  
(orig.)*

Dear Mr. Wolff:

On behalf of the President, this is in response to your letter of May 15, 1975, in which you request on the basis of the Freedom of Information Act, 5 U.S.C. 552, copies of letters you believe to have been written by former President Nixon on January 19, 1973, to then-Prime Minister Heath and then-President Pompidou. You indicate that these letters deal with White House support for the Anglo-French Concorde supersonic air transport project.

These letters, if they do exist, would be part of the "Presidential materials of the Nixon Administration," which are presently in the custody of either the White House or the General Services Administration. These materials are subject to the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et. al., Civil Action No. 74-1518. This Order enjoins any disclosure, transfer, or disposal of the above-referenced materials except under certain limited circumstances not present here. One issue in litigation is the availability of the papers of a former President under the Freedom of Information Act. In addition, I feel obliged to point out that the White House is not believed to be an agency for the purpose of the Freedom of Information Act, and is, therefore, not subject to its provisions for mandatory disclosure.

Accordingly, for the reasons referred to above, your request is respectfully denied.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President



The Honorable Lester L. Wolff  
House of Representatives  
Washington, D. C. 20515

THE WHITE HOUSE  
WASHINGTON

May 23, 1975

MEMORANDUM FOR: BARRY ROTH

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

Attached is a copy of a letter from Congressman Lester L. Wolff to the President, on which our office is to prepare a direct reply.

Kindly, after consulting with Bill Casselman, prepare a draft reply to the second paragraph of this letter.

Attachment



THE WHITE HOUSE  
WASHINGTON

May 23, 1975

MEMORANDUM FOR: BARRY ROTH

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

Attached is a copy of a letter from Congressman Lester L. Wolff to the President, on which our office is to prepare a direct reply.

Kindly, after consulting with Bill Casselman, prepare a draft reply to the second paragraph of this letter.

Attachment

*Wolff  
Lester L.  
(copy)*





THE WHITE HOUSE

WASHINGTON

May 23, 1975

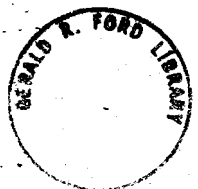
MEMORANDUM FOR: GENERAL SCOWCROFT

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

Attached is a copy of a letter to the President from Congressman Lester Wolff. You apparently received an information copy from Vern Loen, who, however, asked us to draft a reply.

I am having prepared in our office a suggested response to paragraph 2 of the letter, but on other aspects of the letter I will need help from your office.

Attachment



May 19, 1975

Dear Mr. Wolff:

This will acknowledge receipt of your May 15 letter to the President requesting information concerning exchanges between the governments of France and Britain and our government concerning the Concorde, with particular reference to correspondence of former President Nixon.

You may be assured that your letter will be presented for consideration at the earliest opportunity. I am certain you will hear further as soon as possible.

With kind regards,

Sincerely,

Vernon C. Loeb  
Deputy Assistant  
to the President

The Honorable Lester L. Wolff  
House of Representatives  
Washington, D. C. 20515



~~cc:~~ w/incoming to Philip Buchen for DIRECT REPLY.  
bcc: w/incoming to General Scowcroft - for your information.

VCL:EF:VO:vo

LESTER L. WOLFF  
9TH DISTRICT, NEW YORK

MEMBER:  
COMMITTEE ON  
INTERNATIONAL RELATIONS

CHAIRMAN:  
SUBCOMMITTEE FUTURE FOREIGN  
POLICY RESEARCH AND DEVELOPMENT

MEMBER:  
SUBCOMMITTEE  
INTERNATIONAL OPERATIONS

COMMITTEE ON  
VETERANS' AFFAIRS

SUBCOMMITTEES:  
HOSPITALS  
EDUCATION AND TRAINING

5-16

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

OFFICES:  
2463 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, D.C.  
202-225-5936

156A MAIN STREET  
PORT WASHINGTON, NEW YORK 11050  
516-767-4343

214-07 42ND AVENUE  
BAYSIDE, NEW YORK 11361  
212-423-1050

1ST VICE CHAIRMAN N.Y. STATE  
DEMOCRATIC DELEGATION

MEMBER:  
BOARD OF VISITORS  
U.S. MERCHANT MARINE ACADEMY

May 15, 1975

Dear Mr. President:

It has come to my attention that former President Nixon may have written then-Prime Minister Heath, and then-President Pompidou, on Jan. 19, 1973, indicating White House support for the Anglo-French Concorde supersonic aircraft project. It is my further understanding that during his recent visit, Prime Minister Wilson discussed the Concorde project with you at some length.

In view of these reports, I am at this time formally requesting under the provisions of the Freedom of Information Act, 5 U.S.C. 552, as amended by P.L. 93-502, that the Jan. 19, 1973 letters from former President Nixon, as mentioned above, be released for study by those presently engaged in legal and legislative activity bearing on the Concorde. I am the sponsor of legislation, H.R. 4933, specifically dealing with the entire question of supersonic aircraft for commercial purposes, and will require all relevant information in order to present factual testimony at the appropriate time.

Along these lines, I would be grateful to receive any information available on what assurances are presently being given British and French authorities concerning the Concorde and in behalf of our government. It is my understanding that the Federal Aviation Administration has yet to make a formal decision on the Concorde, and in view of the upcoming House hearings, it is essential that we be informed of our government's position and dealings with foreign governments on this vital matter.

I will close with the note that contrary to the official position of the FAA, as stated in January of this year, the Concorde SST as presently designed is not roughly similar to American aircraft now in service. According to FAA figures, the Concorde exceeds by 40 and 20 percent the 707 and 747 respectively on take-off, and exceeds by more than 100 percent the sideline noise of all American jets. It is only on approach that Concorde is better than, or similar to, American aircraft. Further, the recent National Academy of Sciences report on the harmful effects of all high-flying aircraft to the upper atmosphere, specifically the ozone layer -- with the accompanying implication of a grave skin cancer threat to the citizens of the United States and the world -- prompts me to urge that you

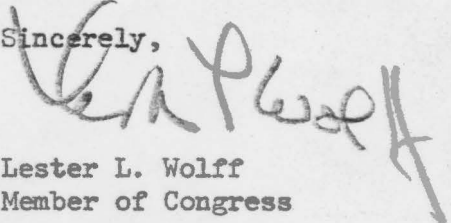


President of the United States  
May 15, 1975  
Page 2

make your own, independent, assessment of the advisability of allowing in a foreign aircraft which fails to meet the environmental and other legal standards being required of American aircraft. The dangers to the health and welfare of our own people have been made abundantly clear since 1971, when you, as a Member of this House, participated in the debate on an American SST. I take the liberty today of assuring you, Mr. President, that no evidence has been produced since then which would counter the wisdom of Congress in rejecting an American SST as then designed.

Finally, let me assure you that no one would welcome a clean, safe and economical SST more than I, Mr. President, and I wish that our French and British friends had produced such an aircraft. I am not unmindful of the financial and moral investment our allies have in Concorde, nor do I denigrate your sincere interest in not complicating the already seriously threatened economic posture of Britain and France. But the facts against the Concorde as presently designed are clear, and overwhelming, and I again urge you to take a new look at whatever commitments may exist in behalf of our government on the Concorde SST.

Sincerely,

  
Lester L. Wolff  
Member of Congress

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D.C.

LLW:cn



May 16, 1975

Dear Mr. Hellegers:

This is in response to your letter of May 7, 1975, in which you request a copy of a letter allegedly written by President Nixon to British Prime Minister Heath and French President Pompidou on January 19, 1973. Your request is made under the Freedom of Information Act (5 U.S.C. 552).

Please be advised that such a letter, if it exists, would be part of the "Presidential materials of the Nixon Administration," which are presently in the custody of the White House. These materials are subject to the order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518. This order enjoins any disclosure, transfer, or disposal of the above-referenced materials, except under certain circumstances not present here. Moreover, the White House is not believed to be an agency for the purposes of the Freedom of Information Act, and is, therefore, not subject to its mandatory disclosure provisions.

Accordingly, for the reasons referred to above, your request is respectfully denied.

Sincerely,

19

Philip W. Buchen  
Counsel to the President

Mr. John F. Hellegers  
Washington Counsel  
Environmental Defense Fund  
1525 18th Street, N.W.  
Washington, D.C. 20036

WEC:bw



ENVIRONMENTAL  
DEFENSE  
FUND



1525 18th STREET, NW, WASHINGTON, D.C. 20036/202 833-14

May 7, 1975

RE  
Executive Office of the President  
The White House  
Washington, D. C.

Dear Sirs:

On February 19, 1973, the Washington Post carried a story by William Millinship of the London Observer which stated in part that:

"President Nixon wrote to British Prime Minister Heath and French President Pompidou two weeks ago to say that he would do all he could to insure that the Anglo-French Concorde supersonic jet transport is not discriminated against in America, it has been learned.

\*\*\*\*\*

"Mr. Nixon wrote on Jan. 19. [1973] in response to letters from the British and French leaders asking about his administration's position on the future of the Concorde."

If such a letter exists, and if it says what the Post story suggests it does, this letter would contradict the Federal Aviation Administration's present claim that it has still reached no decision on whether to permit Concorde operations at John F. Kennedy Airport in New York and Dulles Airport in Virginia. If the FAA has indeed reached a decision on this issue--or had such a decision imposed upon it from above--then the FAA's recent public hearings on the issue, and its forthcoming environmental impact statement, would be mere sham, and the FAA would thus be in violation of the statutes under which the impact statement and the hearings are required.

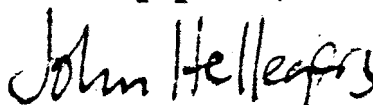


Executive Office of the President  
May 7, 1975  
Page 2

In order to clarify this critical point, the Environmental Defense Fund hereby requests, pursuant to the Freedom of Information Act, 5 U.S.C. §552, as amended by P.L.93-502, that the Executive Office of the President make available the aforementioned letter from President Nixon.

We thank you for your cooperation.

Sincerely yours,



John F. Hellegers  
Washington Counsel

JFH:vad  
Enc.

cc: Sen. Edward Brooke  
Sen. James L. Buckley  
Sen. Harry Byrd  
Sen. Clifford Case  
Sen. Alan Cranston  
Sen. Philip Hart  
Sen. Mark O. Hatfield  
Sen. Hubert Humphrey  
Sen. Jacob Javits  
Sen. Edward M. Kennedy  
Sen. Walter F. Mondale  
Sen. Edmund S. Muskie  
Sen. Charles H. Percy  
Sen. William Scott  
Sen. Adlai Stevenson  
Sen. John V. Tunney  
Rep. Bella Abzug  
Rep. Joseph Addabbo  
Rep. Paul G. Rogers  
Rep. James Scheuer  
Rep. Lester Wolff  
Rep. John Wydler  
Rep. Samuel H. Young



✓  
Washington Post, Feb. 6, 1973  
P. A. 6

# Fair Shake Promised Concorde

By William Millinsbip  
London Observer

President Nixon wrote to British Prime Minister Heath and French President Pompidou two weeks ago to say that he would do all he could to insure that the Anglo-French Concorde supersonic jet transport is not discriminated against in America, it has been learned.

Environmentalists have opposed giving the plane landing rights at U.S. airports because of its high noise level and the semi-permanent trail it leaves behind. They contributed to the defeat of the administration-backed supersonic transport (SST) project on similar grounds.

Mr. Nixon wrote on Jan. 19 in response to letters from the British and French leaders



Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

*Incoming sent to  
Central Files*

*LEY*

April 14, 1975

Dear Mr. Moxon:

This is in response to your letter dated April 8, 1975, in which you requested access to any records maintained by former administrations that deal with the Founding Church of Scientology.

The White House is presently subject to the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518, prohibiting the disclosure of the contents of the "Presidential materials of the Nixon Administration." Therefore, no search has been made to determine whether any such documents are contained within these materials. With respect to the Presidential materials of other administrations, such materials are not maintained in the White House, but have generally been deposited by the departing President or his family in a Presidential Library. Any requests for these materials should be directed to the respective Presidential library or to the National Archives and Records Service of the General Service Administration.

Sincerely,

William E. Casselman II  
Counsel to the President

Mr. Kendrick L. Moxon  
The Founding Church of Scientology  
Of Washington, D. C.  
2125 S Street, NW.  
Washington, D. C. 20008



BNR

March 26, 1975

LE 8

Dear Mr. Grishkevich:

This is in response to your letter dated November 4, 1974, in which you requested access to certain logs and other documents on the basis of the Freedom of Information Act.

The White House Office is not believed to be an agency for the purposes of this Act and is, therefore, not subject to its mandatory disclosure provisions. In addition, the White House is presently subject to the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518, which prohibits the disclosure of the contents of the "Presidential materials of the Nixon Administration", and which includes those staff files and other records of Peter M. Flanigan that you have requested.

With respect to the papers and other materials of then Congressman Ford, these are neither public documents nor are they "records" within the meaning of the Freedom of Information Act. With respect to the papers and other materials of former Vice President Agnew, it is our understanding that such materials are not in the custody or control of the Federal Government. In addition, the Vice President has been considered to be an agency for the purpose of the Freedom of Information Act.

For the reasons referred to above, your requests are hereby denied.

Sincerely,

William E. Casselman II  
Counsel to the President

Mr. Alex Grishkevich  
25 Chase Avenue  
Avenel, New Jersey 07001

BNR:ns



24B  
1/6  
Dudley

Philip W. Buchen, Esq.  
Counsel to the President  
of the United States  
The White House  
Washington, D.C. 20050

Dear Mr. Buchen:

Please tell me if the Executive branch of Government has in its possession and under its control all records and logs reflecting meetings and telephone conversations of Peter M. Flanigan, when he was Assistant to the President of the United States, between November 1, 1969, and November 30, 1969.

I, by letter dated May 30, 1974, requested access to all records and logs reflecting meetings and telephone conversations of Peter M. Flanigan, Assistant to the President of the United States, between November 1, 1969, and November 30, 1969, for my personal inspection.

By letter dated June 15, 1974, bearing a signature in the name of George P. Williams, as Associate Counsel to the President, Peter M. Flanigan refused to allow me access to all records and logs reflecting meetings and telephone conversations of Peter M. Flanigan between November 1, 1969, and November 30, 1969.

Pursuant to Section 3 of the Administrative Procedures Act, as amended by the Freedom of Information Act of July 4, 1967, 5 USC 552(a)(3), all records and logs reflecting the meetings and telephone conversations of Peter M. Flanigan between November 1, 1969, and November 30, 1969, are public records, and, therefore, are open to public inspection during reasonable business hours.

If the Executive branch of Government has in its possession and under its control all records and logs reflecting meetings and telephone conversations of Peter M. Flanigan, Assistant to the President of the United States, between November 1, 1969, and November 30, 1969, I hereby again request access to those said papers, documents, and tangible things.

If the Executive branch



of Government does not have in its possession and under its control the above said papers, documents, and tangible things, please tell me in whose possession and under whose control all records and logs reflecting meetings and telephone conversations of Peter M. Flanigan, Assistant to the President of the United States, between November 1, and November 30, 1969, are so that this request may be made to them.

Also, please tell me if the President has in his possession and under his control all records and logs reflecting his meetings and telephone conversations between February 17, and March 10, 1969, while he was a member of Congress from the Fifth Congressional District of the State of Michigan.

If all records and logs reflecting his meetings and telephone conversations between February 17, and March 10, 1969, are in his possession and under his control, I hereby request access to the said papers, documents, and tangible things.

If the President does not have in his possession and under his control all records and logs reflecting his meetings and telephone conversations between February 17, and March 10, 1969, while he was a member of Congress from the Fifth Congressional District of the State of Michigan, please tell me in whose possession and under whose control the said papers, documents, and tangible things are in order that this request may be made to them.

Also, please tell me if the President has in his possession and under his control all records and logs reflecting his meetings and telephone conversations between September 10, and September 24, 1969, while he was a member of Congress from the Fifth Congressional District of the State of Michigan.

If all records and logs reflecting his meetings and telephone conversations between September 10, and September 24, 1969, are in his possession and under his control, I hereby request access to the said papers, documents, and tangible things.

If the President does not have in his possession and under his control all records



and logs reflecting his meetings and telephone conversations between September 10, and September 24, 1969, while he was a member of Congress from the Fifth Congressional District of the State of Michigan, please tell me in whose possession and under whose control the said papers, documents, and tangible things are in order that this request may be made to them.

Also, please tell me if the Executive branch of Government has in its possession and under its control all records and logs reflecting meetings and telephone conversations of Peter M. Flanigan, while he was Assistant to the President of the United States, between September 10, and September 24, 1969.

If the Executive branch of Government has in its possession and under its control all records and logs reflecting meetings and telephone conversations of Peter M. Flanigan, while he was Assistant to the President of the United States, I hereby request access to those said papers, documents, and tangible things.

If the Executive branch of Government does not have in its possession and under its control the above said papers, documents, and tangible things, please tell me in whose possession and under whose control all records and logs reflecting meetings and telephone conversations of Peter M. Flanigan, while he was Assistant to the President of the United States, between September 10, and September 24, 1969, are in order that this request may be made to them.

Pursuant to Section 3 of the Administrative Procedures Act, as amended by the Freedom of Information Act of July 4, 1967, 5 USC 552(a) (3), all records and logs reflecting the meetings and telephone conversations of Gerald R. Ford between February 17, and March 10, 1969, and between September 10, and September 24, 1969, and all records and logs reflecting the meetings and telephone conversations of Peter M. Flanigan, between September 10, and September 24, 1969, are public records, and, therefore, are open to public inspection during reasonable business hours.

Also, please tell me if the Executive branch of Government has in its possession and under its control all records and logs reflecting meetings



and telephone conversations of Spiro T. Agnew, while he was the Vice President of the United States, and Peter J. Malatesta, while he was a staff member for national affairs of the Office of the Vice President of the United States, between May II, 1972, and December 24, 1972.

If the Executive branch of Government has in its possession and under its control all records and logs reflecting meetings and telephone conversations of Spiro T. Agnew, while he was the Vice President of the United States, and Peter J. Malatesta, while he was a staff member for national affairs of the Office of the Vice President of the United States, between May II, 1972, and December 24, 1972, I hereby request access to those said papers, documents, and tangible things.

If the Executive branch of Government does not have in its possession and under its control the above said papers, documents, and tangible things, please tell me in whose possession and under whose control all records and logs reflecting meetings and telephone conversations of Spiro T. Agnew, while he was the Vice President of the United States, and Peter J. Malatesta, while he was a staff member for national affairs of the Office of the Vice President of the United States, between May II, 1972, and December 24, 1972, are in order that this request may be made to them.

Pursuant to Section 3 of the Administrative Procedures Act, as amended by the Freedom of Information Act of July 4, 1967, 5 USC 552(a)(3), all records and logs reflecting the meetings and telephone conversations of Spiro T. Agnew, while he was the Vice President of the United States, and Peter J. Malatesta, while he was a staff member for national affairs of the Office of the Vice President of the United States, are public records, and, therefore, are open to public inspection during reasonable business hours.

Please take notice that if these requests are not met within a reasonable length of time I will seek preliminary and final injunction against



withholding this information and ordering that it be disclosed in the United States District Court for the District of New Jersey.

Sincerely,  
*Alec Grishkevich*  
ALEC GRISHKEVICH

25 Chase Avenue  
Avenel, New Jersey 07001

November 4, 1974





Exec. Branch Requests  
T  
A  
B  
D

June 20, 1975

**Re: United States v. Carter Camp, Stanley Holder  
and Leonard Crow Dog - Electronic Surveillance  
Information Request**

---

**Dear Mr. Keeney:**

This is in further response to your letter to me of June 4, 1975, in which you inquired as to whether any records in the White House indicated electronic surveillance of the above-named defendants, their attorneys and certain other individuals.

Enclosed is a letter dated June 13, 1975, from Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, declining to accede to your request insofar as it pertains to the "Presidential materials of the Nixon Administration." In view of the position taken by Mr. Miller, should you wish to pursue this matter further, I recommend that you contact him directly.

**Sincerely,**

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

**Mr. John C. Keeney  
Acting Assistant Attorney General  
Criminal Division  
Department of Justice  
Washington, D. C. 20530**

BNR:dlm



LAW OFFICES  
MILLER, CASSIDY, LARROCA & LEWIN  
2555 M STREET, N.W. - SUITE 500  
WASHINGTON, D. C. 20037

AREA CODE 202  
TELEPHONE 293-6400

HERBERT J. MILLER, JR.  
JOHN JOSEPH CASSIDY  
RAYMOND G. LARROCA  
NATHAN LEWIN  
MARTIN D. MINSKER  
WILLIAM H. JEFFRESS, JR.  
THOMAS D. ROWE, JR.  
R. STAN MORTENSON  
THOMAS B. CARR

JOSEPH S. MCCARTHY  
COURTNEY A. EVANS  
OF COUNSEL

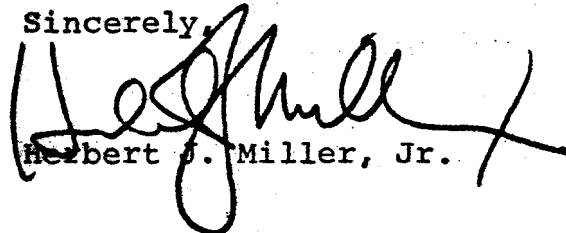
June 13, 1975

Philip W. Buchen, Esquire  
Counsel to the President  
The White House  
Washington, D. C.

Dear Mr. Buchen:

I have received your inquiry concerning Mr. John C. Kenney's request for a search of the files of the Nixon Administration for the purpose of determining whether electronic surveillance was conducted on Messrs. Carter Camp, Stanley Holder or Leon Crow Dog by any member of the White House staff during President Nixon's Administration. Response to this request would necessitate the review of a large quantity of former President Nixon's presidential materials and therefore would involve a significant intrusion upon the presidential privilege of confidentiality. Therefore, as counsel for Mr. Nixon, I do not consent to the production of the information requested nor to a search of Mr. Nixon's presidential materials for the purpose of determining whether such information exists.

Sincerely,

  
Herbert J. Miller, Jr.

HJM/sl



June 10, 1975

**Re: United States v. Carter Camp, Stanley Holder,  
and Leonard Crow Dog - Electronic Surveillance  
Information Request**

---

Dear Mr. Keeney:

This is in response to your letter of June 4, 1975, in which you inquired as to whether any records in the White House indicated electronic surveillance of the above-named defendants, their attorneys and certain other individuals. During the present Administration, no electronic surveillance has been conducted by any member of the White House staff, and no information relating to such electronic surveillance is among the current White House files.

To the extent your inquiry requires a search of the files of the Nixon Administration, you should be aware that these files constitute "Presidential materials of the Nixon Administration" within the meaning of the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., Civil Action No. 74-1518. This Order generally enjoins the search, disclosure, transfer or disposal of these materials, and effectively requires that President Nixon or his agent consent to any production or use of such materials for the limited purposes specified in the Order. At the same time, the Order specifically provides that it is not a bar to the production of the Nixon Presidential materials pursuant to a validly issued subpoena, discovery demand, or court order in any civil or criminal case.

It is, therefore, not possible for this office to search these files without the consent of Mr. Nixon or his counsel, Mr. Herbert J. Miller, Jr. Accordingly, I have referred your request to



Mr. Miller, and I will advise you further as soon as I learn of the position he takes on this matter.

Sincerely,

Philip W. Buchen.  
Counsel to the President

Mr. John C. Keeney  
Acting Assistant Attorney General  
Department of Justice  
Washington, D. C. 20530

cc: Kenneth L. Fields

bcc: Herbert J. Miller, Jr., Esq.  
(w/enclosures)

PWB:BNR:d1m

Department of Justice

Washington 20530

June 4 1975

Mr. Philip W. Buchen  
Counsel to the President  
Executive Office of the President  
Washington, D.C.

Re: United States v. Carter Camp, Stanley Holder,  
and Leonard Crow Dog - Electronic Surveillance  
Information Request

Dear Mr. Buchen:

On November 16, 1973 we requested information as to whether your agency had engaged in any electronic surveillance with respect to these and other individuals. Defendants Camp, Holder and Crow Dog are presently being tried. On May 30, 1975 the court ordered the government to provide an update to your response to our November 16, 1973 communication. For ease of reference, a copy of our November 16 communication and an attachment thereto containing names and addresses of defendants and defense counsel as well as your response are attached. In addition, the court has ordered the name of Frances C. Schreiber be added to the list. Available information concerning Ms. Schreiber and the addresses and telephone numbers to be checked are as follows:

Current

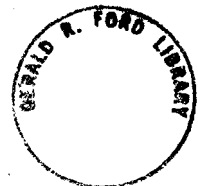
Room 707, Hotel Roosevelt  
Cedar Rapids, Iowa  
319-364-4111 #7707

March 1973 - June 1973

217 Thompson Street  
Apartment 27  
New York, New York  
212-475-9284

March - June 1973

351 Broadway - 3rd floor  
New York, New York  
212-966-7110



National Lawyer's Guild  
23 Cornelia Street  
New York, New York  
212-989-3222  
212-255-8028

June 1973 - July 1973

2111 Jefferson Davis Highway  
Apartment 215-N  
Arlington, Virginia  
703-521-7253

July 1973 - Present

1118 Colosa Avenue  
Berkley, California  
415-525-2495

July 1973 to April 1975

Contra Costa County Public Defender  
919 Pine Street  
Martinez, California  
415-228-3000 #2481

3811 Bissell  
Richmond, California  
415-233-7060 #3233

Wounded Knee Legal Offense/Defense Counsel  
315 East 15th Street  
Sioux Falls, South Dakota  
605-334-0329

Wounded Knee Legal Offense/Defense Counsel  
P. O. Box 918  
Council Bluffs, Iowa  
712-328-9406

Wounded Knee Legal Offense/Defense Counsel  
110 Glenn  
Council Bluffs, Iowa  
712-322-9999



Wounded Knee Legal Offense/Defense Counsel  
P. O. Box 445  
3rd Avenue & 6th Street  
Cedar Rapids, Iowa  
319-366-8413

United States Court House  
Room 106/110  
Cedar Rapids, Iowa  
319-366-7250

Hotel Roosevelt, Room 709  
Cedar Rapids, Iowa  
319-364-4111 #7709

Wounded Knee Legal Offense/Defense Counsel  
Court House  
Lincoln, Nebraska  
402-471-5234

Wounded Knee Legal Offense/Defense Counsel  
P. O. Box 80931  
Lincoln, Nebraska  
407-799-2485

United States Air Force Barracks  
Lincoln, Nebraska  
407-799-2485

Joe Beeler  
12 D Suite  
407 Lincoln Road  
Miami Beach, Florida  
305-672-1811 & 1812

750 N.E. 61st Street  
Apartment 102  
Miami, Florida  
305-751-3808, 3809

Fox & Rohovit  
212 Dey Building  
Iowa City, Iowa  
319-337-3702

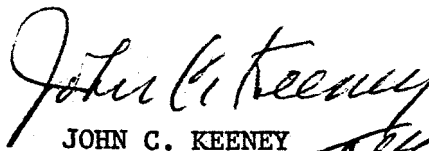
J. Jane Fox  
320 River Street  
Iowa City, Iowa  
319-338-5077



The court has ordered that the government respond to this request by 9:00 a.m., June 5, 1975. Obviously, this time limit is extremely short. It is therefore requested that you provide this information as expeditiously as possible in writing and in addition, contact attorneys, Roger C. Adams or Kenneth L. Fields, General Crimes Section, Criminal Division, 739-2745, when you have completed your response.

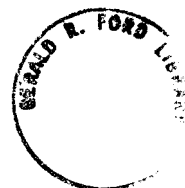
Your attention to this matter is appreciated.

Sincerely,



JOHN C. KEENEY  
Acting Assistant Attorney General

Encl.



May 6, 1975

Dear Mr. Belin:

This is in response to your letter of April 22, 1975, requesting access by your staff to the Presidential materials of the Nixon Administration, and finding aids related thereto, in my custody and that of the Administrator of General Services.

Enclosed is a copy of a letter which I received today from Herbert J. Miller, Jr., attorney for former President Nixon, concerning your request. Please be advised that Mr. Miller has objected to production of the above-cited materials and finding aids to the Commission or its staff. In the event steps are taken to permit such production, Mr. Miller has further stated that he will seek appropriate sanctions under outstanding court orders, or take such other actions as he deems necessary, in order to protect the rights of his client.

By copies of this letter, I am informing Irwin Goldbloom of the Department of Justice and Arthur F. Sampson, Administrator of General Services, of the position taken by Mr. Miller.

Sincerely,

Philip W. Buchen  
Counsel to the President

The Honorable David W. Belin  
Executive Director  
Commission on CIA Activities  
Within the United States  
Washington, D. C. 20500

cc: Irwin Goldbloom, Esq.  
The Honorable Arthur Sampson



LAW OFFICES  
MILLER, CASSIDY, LARROCA & LEWIN  
2555 M STREET, N.W. - SUITE 500  
WASHINGTON, D. C. 20037

AREA CODE 202  
TELEPHONE 293-6400

HERBERT J. MILLER, JR.  
JOHN JOSEPH CASSIDY  
RAYMOND G. LARROCA  
NATHAN LEWIN  
MARTIN D. MINSKER  
WILLIAM H. JEFFRESS, JR.  
THOMAS D. ROWE, JR.  
R. STAN MORTENSON  
THOMAS B. CARR

JOSEPH S. MCCARTH  
COURTNEY A. EVANS  
OF COUNSEL

May 5, 1975

Mr. Philip W. Buchen  
Counsel to the President  
The White House  
Washington, D. C.

Dear Mr. Buchen:

By letter of April 22, 1975, I was informed by Mr. David Belin, Executive Director of the Commission on CIA Activities within the United States, that he had formally requested access to Mr. Nixon's presidential materials. He enclosed with his letter copies of two letters sent by him to you and Mr. Arthur Sampson requesting production of all materials relevant to a conversation between President Nixon and Richard Helms on October 8, 1971 as well as all materials relating to requests for assistance and support directed by President Nixon and members of the White House staff to the CIA which pertained to matters other than foreign intelligence. In addition, Mr. Belin requested access to copies of various finding aides to the Nixon presidential materials.

On April 28, 1975, I received a copy of Mr. Sampson's letter to you stating that if you consent to the Commission's request for access he will make arrangements with members of the Commission's staff regarding the requested access.

I am writing to inform you that I object to the Commission's request for access to my client's presidential materials and accordingly will not waive my right to be present during the search that would be a necessary prerequisite to complying with the Commission's request. Notwithstanding the Commission's characterization of its own request, it is not, in my opinion, for "purposes of current government business" as that term is to be construed in



Mr. Philip W. Buchen  
May 5, 1975  
Page Two

the order of the United States District Court for the District of Columbia in Nixon v. Sampson, dated October 22, 1974. The limited scope of the "current government business" provision is reflected by the fact that the Special Prosecutor, who is a party to the Nixon v. Sampson litigation, has not had access to the presidential materials under the "current government business" provision of the order and has not attempted to invoke that provision to gain access. At minimum, the Commission's request stands on the same footing as requests for access to the presidential materials by the Special Prosecutor. Because the Commission's request does not qualify under the "current government business" provision, Mr. Nixon's or my consent is required before access by the Commission to any of the presidential materials can be permitted. You do not have that consent.

With regard to the Commission's request for access to certain finding aids to the presidential materials, you will recall that the indexes to a large portion of the materials were created pursuant to a specific understanding, reached in conjunction with a request by the Special Prosecutor for access to the materials, under which those indexes are to be considered my work product generated for the purpose of determining in what manner to respond to the Special Prosecutor's requests. Consequently, they are not available for any other purpose without my consent.

In light of the foregoing, I must inform you that if steps are taken to permit production of these materials to the Commission or its staff despite my stated objection, I will seek appropriate sanctions for violation of the outstanding restraining orders or take such other action as I deem necessary to preserve my client's rights.

Sincerely,

  
Herbert J. Miller, Jr.

HJM:nka



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

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

David W. Belin,  
Executive Director

April 22, 1975

Honorable Philip W. Buchen  
Counsel to the President  
The White House  
Washington, D. C.

Dear Mr. Buchen:

Pursuant to Executive Order No. 11828, dated January 4, 1975, this Commission is directed to ascertain and evaluate facts relating to activities conducted within the United States by the Central Intelligence Agency, to determine the adequacy of existing safeguards and make appropriate recommendations to the President and others.

Information developed in the course of this investigation indicates that access will be required to materials of former President Nixon now in your custody and that of the Administrator of General Services.

The materials required are those relating to requests for assistance and support directed by President Nixon and members of the White House staff to the CIA which pertained to matters other than foreign intelligence.

Request is made for access to such materials, and to all finding aids related thereto, now in your custody. In particular, and without limiting the generality of this request, we would like to examine all memoranda, tapes and documents relating to a meeting between President Nixon and Richard Helms on October 8, 1971.



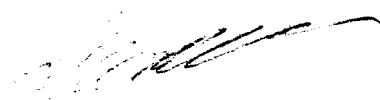
You will understand, however, that it is not possible to make the balance of our request more specific at this time in view of the fact that we have not been provided with access to finding aids or other information of this type.

In our opinion this request falls within the terms of the order of the United States District Court for the District of Columbia in Nixon v Sampson, dated October 22, 1974, as being for "purposes of current government business."

Accordingly, it is requested that the Commission's staff be given access to the above described materials and finding aids now in your possession or in the possession of the Administrator of General Services.

Request is also made that notice of this request be given to counsel for former President Nixon.

Very truly yours,



David W. Belin  
Executive Director

cc: Honorable Arthur F. Sampson



UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, D.C. 20405



APR 28 1975

Honorable Philip W. Buchen  
Counsel to the President  
The White House  
Washington, DC 20500

Dear Mr. Buchen:

Attached hereto is a request from the Commission on CIA Activities Within the United States for access to the Nixon Presidential Materials for the purposes of current government business.

In accordance with the order of the United States District Court for the District of Columbia in Nixon vs. Sampson et. al., dated October 22, 1974, this access requires your consent and notification to Counsel for Plaintiff Richard M. Nixon.

Please let me know whether consent is granted, in which case we will make arrangements with members of the Commission staff regarding the requested access.

Sincerely,

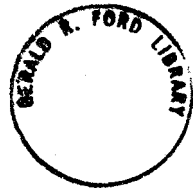


ARTHUR F. SAMPSON  
Administrator

Enclosure

cc: Herbert J. Miller, Jr., Esq.  
Counsel for Richard M. Nixon

David W. Berlin, Executive Director  
Comm. on CIA Activities Within the  
United States



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

Nelson A. Rockefeller,  
Chairman

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

David W. Belin,  
Executive Director

April 22, 1975

Honorable Arthur F. Sampson  
Administrator of General Services  
Washington, D. C.

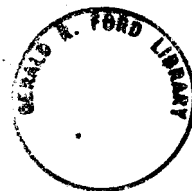
Dear Sir:

Pursuant to Executive Order No. 11828, dated January 4, 1975, this Commission is directed to ascertain and evaluate facts relating to activities conducted within the United States by the Central Intelligence Agency, to determine the adequacy of existing safeguards and make appropriate recommendations to the President and others.

Information developed in the course of this investigation indicates that access will be required to materials of former President Nixon now in your custody and that of Counsel to the President.

The materials required are those relating to requests for assistance and support directed by President Nixon and members of the White House staff to the CIA which pertained to matters other than foreign intelligence.

Request is made for access to such materials, and to all finding aids related thereto, now in your custody. In particular, and without limiting the generality of this request, we would like to examine all memoranda, tapes and documents relating to a meeting between President Nixon and Richard Helms on October 8, 1971. You will understand, however, that it is not possible to make the balance of our request more specific at this time in view of the fact that we have not been provided with access to finding aids or other information of this type.





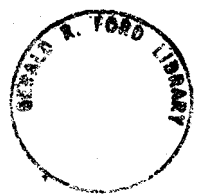
In our opinion this request falls within the terms of the order of the United States District Court for the District of Columbia in Nixon v Sampson, dated October 22, 1974, as being for "purposes of current government business."

Accordingly, it is requested that the Commission's staff be given access to the above described materials and finding aids now in your possession or in the possession of the Counsel to the President.

Very truly yours,

David W. Belin  
Executive Director

cc: Honorable Philip W. Buchen,



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

Jelson A. Rockefeller,  
Chairman

David W. Betin,  
Executive Director

John T. Connor  
C. Douglas Dillon  
Erwin N. Griswold  
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Lyman L. Lemnitzer  
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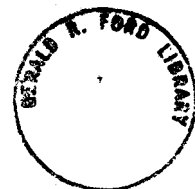
April 22, 1975

Herbert J. Miller, Esq.  
1320 19th Street, N.W.  
Washington, D. C.

Dear Mr. Miller:

We have previously had correspondence and communications, including a meeting at your office on or about April 1, 1975, in which we advised you of the Commission's desire for an interview with former President Nixon and for access to certain of his Presidential papers. We told you that the Commission attaches considerable importance to discussing the various questions before it with the only living ex-President, particularly in view of the many issues concerning the proper role of the CIA which arose during President Nixon's administration. We also told you that we were entirely prepared to make any reasonable arrangements to suit Mr. Nixon's convenience, including interviewing him informally at his home and accepting agreed limitations on access to the documents.

While it is not feasible to outline for you in detail the subject matter of the proposed interview, the Commission would like to explore the working relationship between the President of the United States and the Director of Central Intelligence. Obviously, the opportunity to do this is limited and Mr. Nixon's views and experiences are of great historical significance. In addition, the Commission would like to discuss with former President Nixon the kinds of directions and requests for information, assistance and support given to the CIA, the procedure for doing so, the procedure for authorizing and clearing such matters, and the



nature of the President's control over CIA activities. We are interested in Mr. Nixon's views and opinions on the appropriate uses and functions of the CIA, and in his recommendations based on his experience on means of controlling its operations, with particular reference to domestic activities.

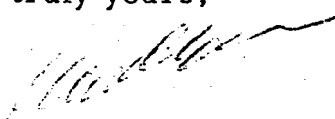
Our purpose in making the Commission's request in an informal manner was to seek an opportunity to arrive at a mutually satisfactory arrangement.

Regrettably we have had no response from you. As you know, the Commission's term expires a little more than a month from now and if Mr. Nixon's views and documents are to be considered in connection with this investigation, steps to obtain them must be taken promptly. We therefore ask that the Commission have a reply from Mr. Nixon or you within the next few days.

Meanwhile we are submitting formal requests for access to Mr. Nixon's Presidential papers in accordance with the order of Judge Richey, copies of which are enclosed.

We look forward to hearing from you at your earliest convenience.

Very truly yours,

  
David W. Belin  
Executive Director

Enclosures

