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September 26, 1974

MEMORANDUM FOR: Ron Nessen
FROM: Philip Buchen

On September 17, Mr. Peter M. Flanigan was nominated by the President for the post of Ambassador to Spain. The President believed that he met the high standards necessary for appointment to this important post.

In recent days, certain allegations have questioned the character and integrity of Mr. Flanigan. Even criminal violations have been suggested. These charges, which have been made before, prompted checking with the Special Prosecutor, Leon Jaworski, before the nomination was made. The Special Prosecutor, Leon Jaworski, then informed the White House that "no action was contemplated against Mr. Flanigan, and such is the usual form of clearance given to prospective nominees." He added, "The fact he was at one time under investigation is not regarded by the Special Prosecutor's office as any indication of wrongdoing." This information was confirmed again today by Mr. Jaworski.



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March 29, 1975

TOP SECRET/SENSITIVE
EXCLUSIVELY EYES ONLY

ACTION

MEMORANDUM FOR

THE ATTORNEY GENERAL

I have been advised that some questions have arisen as to the most appropriate procedures to be followed under my memorandum to the Attorney General dated December 19, 1974, in the case of certain previously authorized surveillance activities as requested of the Director of the Federal Bureau of Investigation by the National Security Agency. Because I also understand that previous authorizations for these activities approved under the December 19, 1974, memorandum are now about to expire, and in order to permit a reasonable time for a resolution of these questions, I direct you to approve the pending request before you from the Director of the Federal Bureau of Investigation for the continued conduct of these activities over the period ending April 15, 1975.

TOP SECRET/SENSITIVE
EXCLUSIVELY EYES ONLY

DECLASSIFIED
E.O. 12958, Sec. 3.5
NSC Memo, 11/24/98, State Dept. Guidelines
By WLM, NARA, Date 5/5/00

March 29, 1975

TOP SECRET/SENSITIVE
EXCLUSIVELY EYES ONLY

ACTION

MEMORANDUM FOR: THE PRESIDENT

FROM: PHILLIP W. BUCHEN
BRENT SCOWCROFT

SUBJECT: Authorization and delegation to the Attorney General with respect to warrantless electronic surveillance for foreign intelligence and counter-intelligence operations

On December 19, 1974, you issued a memorandum to the Attorney General covering the above subject, which set forth certain procedures for his exercise of the above authorization and delegation. Certain questions have now been raised by concerned departments and agencies with respect to the most appropriate procedures to be followed under that memorandum. These questions have arisen at the time that authorizations previously made pursuant to your memorandum are about to expire in the case of certain electronic penetrations of communications equipment and certain technical surveillances of the teletype facilities of foreign establishments in the United States.

In order to allow time for resolution of these questions while avoiding any interruption of these previously authorized and continuing activities, we recommend that you approve and sign the attached direction to the Attorney General.

Attachment

TOP SECRET/SENSITIVE
EXCLUSIVELY EYES ONLY

DECLASSIFIED
E.O. 12958, Sec. 3.5
NSC Memo, 11/24/98, State Dept. Guidelines
By WIKM, NARA, Date 5/5/00

PWBuchen:ed

April 10, 1975

MEMORANDUM FOR THE FILE

FROM: Rod Hills

SUBJECT: Discussion points on war risk insurance granted PanAm for flights to, from and over Vietnam, Cambodia and Laos.

Because of the increasing war risks in the Vietnam area, PanAm's commercial carrier (Lloyd's) notified PanAm approximately ten days ago that its premium rates would increase dramatically and would be cancelled at 12:01 a.m. April 11th.

PanAm notified the President by letter of April 7 that it could not fly into Saigon without war risk coverage and asked the President to authorize the Secretary of Transportation to grant Title XIII coverage.

The Secretary of Transportation found as required by Title XIII, that PanAm could not secure insurance adequate for flights into and out of Vietnam on reasonable terms and requested the President's approval to grant Title XIII coverage.

In fact, the Secretary quite some time ago had delegated such authority in the Department of Transportation to the Federal Aviation Administrator so that the statutory certification of the Secretary of Transportation was in fact made by that official.

The Federal Aviation Administrator also pursuant to specific delegation makes the determination of the premium to be paid by PanAm for such coverage. By long-standing practice that premium is set at about the rate charged for such war risk coverage to other carriers flying obviously to other spots. The premium to be set for this coverage is slightly above that which PanAm was paying prior to the increase in war activities around Saigon.



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PanAm wrote the President also to point out that the Department of Transportation under Title XIII could not give the complete coverage previously given by PanAm's commercial insurance program and that PanAm therefore would need a broader indemnification from the government than the Department of Transportation could give. After consultation between the Secretaries of State, Transportation and Defense, and the National Security Council, it was determined to be in the national interest to maintain scheduled air service into Saigon. In response the Department of Defense has granted the additional indemnification that PanAm required for such continued service.

By reason of the above facts, PanAm will be insured as of 12:01 a. m. for essentially the same risks that were previously covered by a commercial carrier and PanAm will pay a premium slightly in excess of what it was paying prior to the recent increase in war activities.

The Department of Defense regularly provides complete war risk coverage for chartered aircraft operating in and out of war risk areas for the evacuation of refugees and for other humanitarian purposes.

It was determined by the above governmental officials that the cancellation of scheduled air service by PanAm into Saigon would severely hinder the departure of American citizens and would place additional demands for U. S. military help in removing civilians.

Attached are copies of the documents considered by the President in approving the Title XIII coverage. It should be emphasized that Presidential approval as required by statute was directly solely to the Title XIII coverage of the Department of Transportation and was not required for the broader indemnity granted by the Department of Defense.

Attachments

RMHills:ed



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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.

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



cc: Bud McFarlane

PWBuchen:red

Administratively Confidential

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WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Memo	Memo from Philip W. Buchen to Richard Ober (2 pages)	6/3/1975	A

File Location:

Philip Buchen Files, Box 2, Central Files / TMH / 11/12/2015

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~~CONFIDENTIAL~~

June 10, 1975

MEMORANDUM FOR: Brent Scowcroft
FROM: Phil Buchen

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."

DECLASSIFIED
E.O. 12958, Sec. 3.5
NSC Memo, 11/24/98, State Dept. Guidelines
By W.H.W., NARA, Date 5/5/00

PWBuchen:red

~~CONFIDENTIAL~~

CONFIDENTIAL

June 10, 1975

MEMORANDUM FOR: Max Friedersdorf
FROM: Phil Buchen
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.

PWBuchen:ed

CONFIDENTIAL

DECLASSIFIED
E.O. 12958, Sec. 3.5
NSC Memo, 11/24/98, State Dept. Guidelines
By 112444, NARA, Date 5/5/00

SECRET ATTACHMENT

June 12, 1975

MEMORANDUM FOR: **Don Rumsfeld**

FROM: **Phil Buchen**

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

PWBuchen:ed

SECRET ATTACHMENT

UNCLASSIFIED UPON REMOVAL
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August 9, 1975

To: Jim Connor

From: Jim Wilderotter

**This reply to Cong. Shuster
has been cleared by Phil Buchen.**



August 9, 1975

Dear Bud:

Thank you very much for your thoughtful letter concerning political assassination plans as a part of foreign policy planning. I very much agree -- and have so stated publicly on a number of occasions -- that assassination of foreign leaders cannot and will not be utilized or condoned as a policy of our government.

Although discussions of alleged assassination plots in the past are painful, I firmly believe that we will emerge from the current investigations as a stronger and better nation. I think that your quote from deTocqueville pretty much sums it up: "America is great because she is good, and if America ever ceases to be good, America will cease to be great." Those words are as meaningful now as they were 200 years ago, and they should remain our guide always.

I deeply appreciate your letter.

Sincerely,

The Honorable E. G. Shuster
House of Representatives
Washington, D. C. 20515

JWilderotter;pwbuchen:ed

cc: Barry Roth
Jim Wilderotter



THE WHITE HOUSE

WASHINGTON

August 1, 1975

*Barry has
a copy
also
wildcat*

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

MAX L. FRIEDERSDORF *mf*

SUBJECT:

Confidential letter to the President
from Congressman E. G. Shuster

Because of the nature of the attached letter, I have not written the customary interim acknowledgment.

Will you please have a response prepared for the President's signature? Because of the concern expressed by the Congressman, I hope that this can be done at an early date.

Many thanks.





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

F. G. Shuster
Ninth District
Pennsylvania

July 28, 1975

Confidential

The President
The White House
Washington, D.C.

Dear Mr. President:

Over the past several weeks I have learned from reliable sources that the CIA has been involved in numerous assassination attempts, spanning the last four administrations, with approval from the highest level. Although the information I received is detailed and corroborated, I continue to hope, with a sinking feeling, that the CIA will be exonerated.

Because my own background includes service as a Counter-Intelligence Agent, I am more sympathetic than most to the national security problem. My voting record speaks for itself on this issue. I have searched my conscience and cannot justify a policy of assassination by the government of the United States, except against an enemy in war. Not even last year's impeachment proceedings compare with the enormity of these revelations, if they are true.

What has happened to the American dream? Are we no better than the Communists or fascists? Because I believe with deTocqueville that "America is great because she is good, and if America ever ceases to be good, America will cease to be great", I also believe I have a duty to oppose with all the energy inside me, a policy of assassination by my government. I could feel nothing more strongly.

Determined to be Administrative Marking
Date 5/9/98 By KE



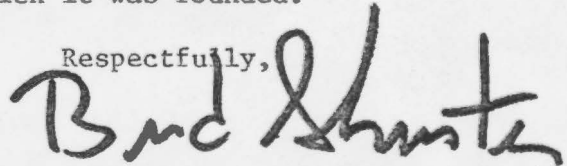
Page Two

I do not yet see clearly how to fulfill this duty. I intend to await the reports of the House and Senate Intelligence Committees and hope for the best. Ultimately, I must satisfy myself that American policy is decent, and that our Intelligence Agencies are effectively controlled. I would only hurt my country if I joined the chorus of attackers, yet I cannot ignore serious charges.

You, of course, do not bear responsibility for past policies. I do not know how else to constructively register my utmost concern at this time, except through this confidential communication to my President.

Please, Mr. President, lead this land we both love back to the essential values upon which it was founded.

Respectfully,

A handwritten signature in cursive script that reads "Bud Shuster". The signature is written in dark ink and is positioned to the right of the word "Respectfully,".

BUD SHUSTER
MEMBER OF CONGRESS

EGS:ame



*copy for
Barry*

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JWilderotter;pwhuchen:ed

cc: Barry Roth
Jim Wilderotter

October 6, 1975

MEMORANDUM FOR: DOUG BENNETT

FROM: PHIL BUCHEN

**SUBJECT: Appearance of Conflict of Interest in
appointment of Dr. John S. Foster, Jr.,
to be Chairman of PFIAB.**

Mr. J. Robert Burnett, a senior Vice President of TRW, and Mr. James J. McKee, Vice President and Senior Counsel of TRW, came to my office at their request on October 2 to discuss questions in connection with prospective appointment of Dr. John S. Foster, Jr., as Chairman of the President's Foreign Intelligence Advisory Board (PFIAB). At Mr. Burnett's request, Mr. Wheaton B. Byers, Executive Secretary of the PFIAB, attended the meeting.

Dr. Foster is a senior corporate officer of TRW and, while his responsibilities are in the field of energy, the corporation has contracts with agencies and organizations in the intelligence community totaling \$118 million annually (TRW gross annual revenues are approximately \$2.6 billion, of which 20% is from government business, principally with DOD).

Mr. Burnett and Mr. McKee took no position with respect to the conflict of interest question, but wished to make a matter of record the extent of TRW's contractual arrangements with the intelligence community. Mr. Burnett explained that TRW intelligence-related contracts range from the production of intelligence collection systems hardware to the analysis of complex intelligence data, and that other contracts relate to strategic military weapons systems. He anticipates that these contracts will continue at the current level.

A general discussion of conflict of interest as it might arise with respect to members of the PFIAB recognized the Board's role as advisory only, although it was recognized that there is substantial insulation between the advice tendered to the President and the



actual procurement of hardware or services by elements of the intelligence community or the armed services. It also recognized that the appearance of conflict of interest pertains to a number of members of the Board, and that there was thus a general dilemma: those best qualified to serve the President as part-time advisers on intelligence matters are not professional eunuchs.

In my view, the appearance of conflict of interest as it pertains to the Chairman of the PFIAB must be avoided with even greater certainty than in the cases of other board members, because of the expectation that he will devote substantial time to the position and will have a predominant influence in framing Board recommendations. The President has decided to enlarge the responsibilities of the PFIAB to include compliance with statutory authority and he has publicly announced his determination that the intelligence community will be directed and managed in a manner which will restore public confidence. In these circumstances, much importance will be placed by the public on the qualifications of the Chairman to carry out these responsibilities in a judicious and impartial manner.

I believe it will be difficult to defend publicly appointing as Chairman of the President's Foreign Intelligence Advisory Board a man whose employer has close and extensive contractual arrangements with the foreign intelligence community in particular and the Defense Department generally which could be affected by recommendations of the Board.



October 6, 1975

MEMORANDUM FOR: DOUG BENNETT

FROM: PHIL BUCHEN

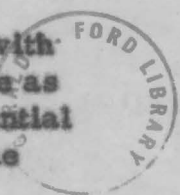
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Dr. Foster is a senior corporate officer of TRW and, while his responsibilities are in the field of energy, the corporation has contracts with agencies and organizations in the intelligence community totaling \$118 million annually (TRW gross annual revenues are approximately \$2.6 billion, of which 20% is from government business, principally with DOD).

Mr. Burnett and Mr. McKee took no position with respect to the conflict of interest question, but wished to make a matter of record the extent of TRW's contractual arrangements with the intelligence community. Mr. Burnett explained that TRW intelligence-related contracts range from the production of intelligence collection systems hardware to the analysis of complex intelligence data, and that other contracts relate to strategic military weapons systems. He anticipates that these contracts will continue at the current level.

A general discussion of conflict of interest as it might arise with respect to members of the PFIAB recognized the Board's role as advisory only, although it was recognized that there is substantial insulation between the advice tendered to the President and the



actual procurement of hardware or services by elements of the intelligence community or the armed services. It also recognized that the appearance of conflict of interest pertains to a number of members of the Board, and that there was thus a general dilemma: those best qualified to serve the President as part-time advisors on intelligence matters are not professional eunuchs.

In my view, the appearance of conflict of interest as it pertains to the Chairman of the PFIAB must be avoided with even greater certainty than in the cases of other board members, because of the expectation that he will devote substantial time to the position and will have a predominant influence in framing Board recommendations. The President has decided to enlarge the responsibilities of the PFIAB to include compliance with statutory authority and he has publicly announced his determination that the intelligence community will be directed and managed in a manner which will restore public confidence. In these circumstances, much importance will be placed by the public on the qualifications of the Chairman to carry out these responsibilities in a judicious and impartial manner.

I believe it will be difficult to defend publicly appointing as Chairman of the President's Foreign Intelligence Advisory Board a man whose employer has close and extensive contractual arrangements with the foreign intelligence community in particular and the Defense Department generally which could be affected by recommendations of the Board.

October 6, 1975

MEMORANDUM FOR: DOUG BENNETT

FROM: PHIL BUCHEN

SUBJECT: Appearance of Conflict of Interest in appointment of Dr. John S. Foster, Jr., to be Chairman of PFIAB.

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November 4, 1975

Dear Mr. Learson:

This office has reviewed your answers to the questions on the Personal Data Statement which was submitted to you.

As a result of our conversation yesterday, I propose the following recommendations:

1. That you submit a list of your wife's investments and agree that they too will be placed in blind trust;
2. That for the trustee of your blind trust and that of your wife that you designate a bank or trust company with which you have had no recent business association;
3. That you upon confirmation will resign from the following:

Board of Directors of the
Chemical Corporation &
Chemical Bank

Board of Directors Exxon Corp.

Member of the Business Council

Member of Brookings Institute

I understand that the other corporations with which you are affiliated as director do not have and do not plan in the future to have any interest which could be affected by the outcome of negotiations at the Law of the Seas Conference. It may be, of course, that the members of the Senate Committee who will be



reviewing your nomination would question one or more of your affiliations which you do not propose to terminate, but our preliminary view is that none of such affiliations would be objectionable.

I was delighted to visit with you yesterday and will be glad to provide any further assistance with the matters discussed.

With best wishes.

Sincerely,

Philip W. Buchen
Counsel to the President

Mr. T. V. Learson
North Manursing Island
Rye, New York 10580



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North Manursing Island
Rye, New York 10580



November 24, 1975

MEMORANDUM FOR: JIM CONNOR
FROM: PHIL BUCHEN

Low Engman would like to have an acceptance from the President as early as possible and would like at least two hours' notice before the announcement is to be made.



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MEMORANDUM FOR: DICK CHENEY

FROM: PHIL BUCHEN

The Attorney General has called to advise us that antitrust suits are about to be filed against Lockheed Corporation and Bechtel Corporation for allegedly conspiring with subcontractors to effectuate the Arab boycott. You may want to pass this information on to the President.

PWBuchen:ed



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December 31, 1975

MEMORANDUM FOR

SECRETARY OF STATE
SECRETARY OF DEFENSE
ASSISTANT TO THE PRESIDENT FOR
NATIONAL SECURITY AFFAIRS
COUNSEL TO THE PRESIDENT
CHAIRMAN, CIVIL AERONAUTICS BOARD

The Federal Aviation Act provides that recommended decisions of the Civil Aeronautics Board that are subject to my approval under Section 801 of that Act (49 U.S.C.A. § 1461) shall be submitted to the President before publication. In practice, the Board has not released its decisions until after the President's decision has been announced.

This delay between submission to the President and final action is not required by law or the practical needs of government. I have concluded that it is desirable to release such documents as soon as possible, subject only to a screening by the Departments of State and Defense and the NSC for decisions submitted under Section 801 of the Act to guard against disclosure of matters that could be harmful for reasons of defense or foreign policy.

I therefore authorize the Chairman of the Civil Aeronautics Board, effective this date, to release decisions recommended under Section 801 of the Federal Aviation Act, as amended, when notified by the Office of the Counsel to the President that no objection to such release has been received by him from the Departments of State and Defense, or from the Assistant to the President for National Security Affairs, within five working days after receipt of copies of the recommended decision. If objection is raised to part but not all of the document, only that part as to which a defense or foreign policy objection to disclosure has been raised shall be withheld. A lack of objection to release of the document implies nothing with respect to possible defense or foreign policy objections to the content of the order.



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MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP BUCHEN

SUBJECT: Public Release of CAB Decisions

The Federal Aviation Act, Section 801 (49 U.S.C.A. § 1461) requires that those decisions which require your approval shall be submitted to the President before publication thereof. Legally, there is no bar to publication once the decision has been submitted to you, but, in practice, the decisions have not been released until after the President's decision is announced.

This withholding of the recommended decision has been widely criticized for its unfairness and is presently the object of a suit to compel disclosure.

In practice, the decisions are published as originally submitted once the President has acted, and there have not been any objections to release of the Board's recommended decision on the ground that disclosure itself would create a defense or foreign relations problem. As a precaution, it should be sufficient to allow State, Defense and NSC five working days to object to disclosure before releasing a decision.

This is one of a number of reforms of the 801 review process, both procedural and substantive, that are presently under review. It is my hope that the result will be an Executive Order governing the entire Presidential review process, including the release of the Board's opinions. This matter of releasing such opinions is, however, the immediate subject of litigation and the District Judge will rule on the merits if there is no Executive decision by January 19, 1976 (Tab A). I, therefore, recommend that you sign the memo attached at Tab B, which will resolve this issue until such time as a more comprehensive Executive Order can be issued.



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January 3, 1976

MEMORANDUM FOR

**Honorable Antonin Scalia
Assistant Attorney General
Office of Legal Counsel**

Attached is a draft bill submitted to the White House staff by the staff of the Senate Select Committee on Intelligence Operations. It is the first draft of a bill that will be introduced and submitted to the Senate Government Operations Committee which expects to hold hearings soon after the return of Congress in January.

We have been asked by the Intelligence Committee staff to take precautions that the draft of the bill does not receive any publicity because it undoubtedly will be changed in material respects before it is introduced. The staff has also invited comments from the Executive Branch on an informal basis which may result in changes before the bill is introduced.

As you will see on reading the draft, it poses considerable difficulties for the Executive Branch. Among the significant problems are the following:

- Section 2. The statement of purpose appears to go well beyond the proper functions of a Congressional committee in using the term "oversight" which means supervision or superintendence, in making intelligence products the common property of both Executive and Legislative branches, and in giving the Committee a law enforcement role.
- Section 3 creates the awkward situation of having rules made a subject of statute when they can be repealed or amended other than by changes in the statute. Also, sections 11 and 12, which are declared to be an exercise of rule-making power, impact directly on the Executive Branch.



- Section 11 deprives the President of the final authority to maintain confidentiality of Executive Branch classified information.
- Section 13 imposes a duty for a full and continuing supply of information from the Executive Branch, even as to intelligence activities which are merely planned. Also, in the case of "especially sensitive" activities, prior information to the Committee is a condition to carrying out such activities.
- Section 14 calls for annual appropriation authorizations for each type of activity.
- Section 15 permits the Comptroller General, as a representative of Congress, to have access without limitation to all Executive Branch intelligence information.
- Section 16 contains definitions which appear to have no relevance to the rest of the bill and which may in themselves be troublesome.

I would appreciate your comments on the foregoing as soon as possible.

10/ P.W.B.
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Counsel to the President

Attachment

cc: Mike Duval ^w/o attachment



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