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THE WHITE HOUSE

WASHINGTON

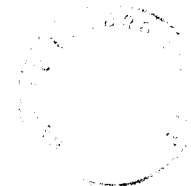
October 11, 1974

MEMORANDUM FOR THE FILE:

FROM: Phil Buchen *PWB*.

Talked to Larry Silberman who said that he did not believe a memorandum would be ready for our consideration covering general policy on representation of government employees or former employees in suits brought by them. That it would not be ready in time to talk to Larry Higby.

He suggested I advise Larry Higby that because of a possible conflict of interest, the Justice Department is declining to represent him in the case of Halperin v. Kissinger. I so advised Higby and suggested that if he wanted any further information, he should have his attorney call Larry Silberman. Higby said he had been advised when talking to Justice originally that this was a possibility but now he questions what the status is of the information he provided to Justice. Then I suggested he express his concern to his own attorney.



16 B
11/6

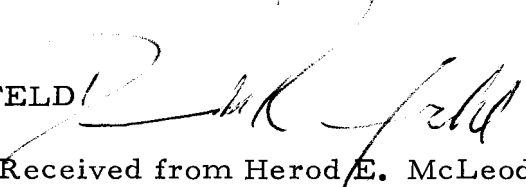
THE WHITE HOUSE

WASHINGTON

November 5, 1974

MEMORANDUM

TO: PHIL BUCHEN

FROM: DONALD RUMSFELD 

SUBJECT: Court Pleadings Received from Herod E. McLeod,
Plaintiff per se, Naming Donald Rumsfeld

Attached as Tab A are purported pleadings I have received in the mail from a Herod E. McLeod. I have no knowledge who he is or what matter he is referring to in the pleadings. Obviously, from these documents one can not even be certain that a court action is pending. However, this should be checked out since it has to do with my government tenure. If my representation is necessary, I presume it will be handled by the Office of Legal Counsel in the Justice Department. Therefore, I would appreciate your taking the necessary steps to have this matter forwarded to the Justice Department.

I call your attention to the fact that in all of the documents I am referred to as Rumfeld or Rumfield, instead of Rumsfeld. You will also notice that this matter is supposedly set for hearing on Friday, November 15th at 9:00a.m.

I would appreciate your keeping me advised of what happens in this matter.

Attachments

*Delivered to
Justice (Jim Wickert) which
11/8/74 made copy*



TAB
B

COVERING LETTER

INTRODUCTION
MOTIONS

ARTHUR H. SILLS, ET AL - CIVIL 698-69
ATLANTIC CITY PRESS, ET AL - CIVIL 198-73
ARTHUR H. PONZIO AND JERRY FISHER - CIVIL 264-73

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RE: HEROD E. McLEOD - PLAINTIFF PROSE
1815 HUMMOCK AVENUE
ATLANTIC CITY, NEW JERSEY 08401

vs.

THE ABOVE ET AL

1. HONORABLE DONALD H. RUMFELD
EXECUTIVE OFFICES
WASHINGTON, D.C.
2. RICHARD MILHOUSE NIXON, EX-PRESIDENT
RICHARD MILHOUSE NIXON, INDIVIDUAL
SAN CLEMENTE, CALIFORNIA

Defendants.

CIVIL ACTION

AFFIDAVIT IN SUPPORT OF
NOTICE OF MOTION FOR NEW
TRIAL
IN EQUITY - MATTER OF RIGHT
IN THE ABOVE AND SUBSEQUENT
DEFENDANTS

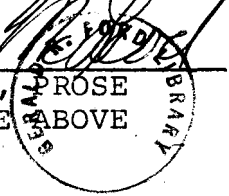
TO: ALL COUNSEL

TAKE NOTICE that the undersigned, Herod E. McLeod, Prose, City of Atlantic City, above address, will make application before this Court at 400 Market Street, Camden, New Jersey, returnable the 3rd Friday on the 15th day of November, 1974, at 9:00 A.M. prevailing time, for an Order granting a new trial in the above and subsequently to set aside judgment in the above and grant a new trial as contained in Statements of Facts in the Motion Rule 60 (b) (f).

TAKE FURTHER NOTICE that at the time and place aforesaid, the undersigned will also make application for such relief as the Court may deem just.

BY:

Herod E. McLeod
HEROD E. McLEOD, PROSE
PLAINTIFF IN THE ABOVE



DATED: October 24, 1974
SERVED THIS DATE 26, 1974

OCTOBER 12, 1974

THE INTRODUCTION FOR NEW TRIAL

1 HEROD E. MCLEOD, PLAINTIFF, PROSE

vs.

ATLANTIC CITY PRESS, ET AL HON. CHAIM SANDLER, ONE NEW YORK
AVENUE, ATLANTIC CITY, NEW JERSEY

2 Collusion between defense - Kirkman, Etc., and prosecution -
Legal Services - firing of Leonard N. Wallach, Director, Legal
Services, by Aaron J. Krauss, etc., the failure of Judge Rimm
to notify defense counsel; the holding of hearings in the
Appellant Division of Superior Court, Part B, Judge Collester
sitting beneath, without notice, without counsel, while Plaintiff
was in the intensive care room of the VA Hospital in Philadelphia,
and the "Improper Actions by Judge Jacobs, Small Claims Court;
the collusive obstruction of justice by the State of New Jersey,
McLeod vs. Sills, etc; the massive violations of the Constitution
by Former President Nixon, unindicted; co-conspirator, Agnew,
convicted; John Mitchell's interferences with the First District,
The Court of Claims; the Clerks Office of the United States
Supreme Court; sickness unto death, all makes it necessary for a
3 new trial.

STAY OF JUDGMENT

RELIEF FROM JUDGMENT

RULE 60(B)-62-(f)

4 "In any State in which a judgment is a lien upon the property
of a judgment debtor, in which judgment debtor is entitled to a
stay of execution, eight (8) days notice, in Small Claims Court
#130 not given in the District Court, must take such a notice as
it would be, or had the action been maintained by the State Court.

5 Judge Cohen should have granted stay inasmuch as the County
Court had been moved to do so (four days after judgment, June 14,
1968 pending removal from State Court to Federal Court).

6 New trials, under Rule 59 may be had in actions tried or not
by jury. Courts may open judgments if one has been entered, take
additional findings and enter new judgments. Motion made four
days after June 14, 1968.



SEIZURE OF PROPERTY WITHOUT DUE PROCESS

1 The seizure of property without due process, in the Ellsburg
Case, is the same as that of the Atlantic City Press. On two
or more occasions, in which paid for in advance, political ad-
vertisement, but did not publish ads in either case: McLeod's
in the 1966 Federal Elections as candidate for the County
Committee, the 13th Precinct of the Third Ward, Atlantic City.

2 See Shirley vs. Cooper, Mercer County Legal Services. In
such cases, the United States Supreme Court struck down such in
Florida and Pennsylvania. Seizure of McLeod's bank account
violated the Fourth Amendment. Ridgway of Record.

3 JOHN MITCHELL & GREY

Every case Former Attorney General Mitchell and Grey of the
FBI has been thrown out of Court. But their infiltration into
the judicial proceedings, in the First District, The Court of
Claims and the Clerks Office of the United States Supreme Court
still makes it impossible for justice to be obtained in this and
similar cases, involving the twenty-five million poor, blacks,
Chicanos, women and children in the low-income bracket.

4 Violations in derogation to the Constitution, where a judgment
is sustained against a citizen, is reviewable in a new trial and
in the case of client-lawyer relationships, there can be no
defense, but such was claimed in Watergate "COVERUP".

5 "Ongoing criminal conspiracies, obstruction of justice,
misfeasance, malfeasance and nonfeasances in office are
too obvious for recitation, witnessed by the convictions
from Watergate to the City of Atlantic City."

6 At the present time, there are more than 30 policemen and
more to come, in McLeod vs. City of Atlantic City, involved in
"kickback" take, rape, extortion, no show, fraud, misrepresenta-
tion. The Nixon pervasive criminal syndrome invades the very
marrow and bone of the administration of justice. My motion to
impeach, jail later was denied. See 73-8127 73-8128 filed
August 14, 1974 vs. OEO MIS 264-73 28 USC 1331-1334, 1341
2201-2202 (1970) Pinderton. U.S. vs. Pinderton.



Herod E. McLeod
HEROD E. McLEOD

"THOUGH THE HEAVENS FALL, JUSTICE MUST BE DONE"

1 IN THE UNITED STATES DISTRICT COURT, DISTRICT OF NEW JERSEY
CAMDEN, NEW JERSEY 08108

OFFICE OF THE CLERK
RE: McLEOD, HEROD E.
1815 HUMMOCK AVENUE
ATLANTIC CITY, NEW JERSEY 08401

CIVIL ACTION: "MOTION FOR A NEW TRIAL, MERIT, MATTER
OF RIGHT" MOORE: 6 A Rule 60(B)

vs.

2 ATLANTIC CITY PRESS, ET AL (A newspaper in interstate com-
merce, Ohio & Atlantic Avenue, Atlantic City, New Jersey 08401),
Honorable Chaim Sandler, One South New York Avenue, Atlantic City,
New Jersey 08401.

3 OTHER DEFENDANTS: Originally Richard Milhouse Nixon, former
President of the United States, Richard Milhouse Nixon, individ-
ually, San Clemente, Cal., Donald Rumfield, former Director of the
Office of Economic Opportunity, created by an act of Congress, as
amended 1970, 2708 U.S.C. Section 2790 42 U.S.C. under Section 221
for legal representation of the poor, Blacks, Chicanos, women and
children; Rumfield now in Executive Office.

4 CIVIL ACTIONS NOS. 371;375; 370-73 by consolidated actions
of American Federation of Government Employees vs. OEO, Affirmed:
Judge John J. Jones, 11 April, 1963.

5 OTHER DEFENDANTS: Atlantic-Cape Legal Services, Inc., 1421
Atlantic Avenue, Atlantic City, New Jersey; Rabbi Aaron Krauss,
407 Lancaster Avenue, Margate City, Margate, New Jersey; John
Mitchell, Former Attorney General of the United States, D.C., now
on trial before Judge Sirica, D.C.

6 CHARGE: Obstruction of justice, ongoing conspiracy to
obstruct justice; U.S.A. vs. Pinkerton, common law.

7 In Motions: On Merit, Matter of Right

1. To set aside judgment of Dismissal;
2. Amendment of judgment to reopen case;
3. To reserve defendants. Par. 2, ltr. dated 4/19/74 Budiniak

Moore - 6 A Rule 60(B)

AutrORIZES six reasons: 60 A (1); 60 A (2); 60 A (3)



Appellant so moves.

1. Motion made in reasonable time.
2. Not more than one year after judgment.
3. Or ordered, or proceedings where taken or entered.

59.04 (7) 59/12 (1) Supra

60.22 - 60-27 Supra

60.28 (2) Infra.

59/09 (1) - (3)

59/12 (1) 2d.

60/28

BRIEFS IN SUPPORT

1. 59/09 Henderson v. Moore (1809) 5 Branch 11, 3;
2. Indianapolis, St. Louis RR Co., vs. Horst (1876)
93 U.S. 291,23;
3. McDonald V. Plessy (1915)
288 U.S. 264,35 St. Ct. 78359
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CCA 3rd. (1920) 264 F. 385;
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91970 430 F.2d. 420,14 FR, authorizes further
proceedings to be taken.

Rehearing as a matter of right. Constitutionally under common affords equity. Gives Plaintiffs right to jury trial; right to examine witness, and to cross examine witnesses, avail himself of new evidence not available to him heretofore; produce exhibits, lacking in the first place (suppressed) without harsh affects to defendants. Amalgamations to Rule 59

REHEARING: Power of Court to grant new trial is hearing in equity has a venerable common law and equitable origin 59/05 - 59/07

The exercise of such power could not exist, without power somewhere to grant new trials. 59/05. See Bright v. Eynon (K B 1757) 1 Burr, 390, 393, 97. A general judgment, or verdict can only be set aside by a new trial, especially in an "ongoing conspiracy with accumulation of deprivations are tantamount to assault and battery causing irreparable harm to life, property and even death.



ACCUMULATIVE NATURE OF ACUTE CIRCUMSTANCES
IN VIOLATION OF THE 1964-1965 VOTING RIGHTS ACT

1 On December 7, 1966 "A day of infamy" suit was filed in the Small Claims Court, Judge Herbert Jacobs sitting beneath, alleging that the guaranteed constitutional rights of Herod E. McLeod and his good, late wife, Maud W. McLeod, a teacher of some 42 years, that their voting rights had been abridged". SC 130

2 The then, and now defendant Atlantic City Press never printed the names of the candidates, for county committeeman and county committeewoman, according to the election laws, Title 19 of New Jersey. As a result, the check was stopped, but the Press won a perjured judgment of \$100.00 by suppressing the evidence, which has been made available to me, through federal intervention. Thanks to Watergate and the Third Circuit Court of Appeals, the Chief Judge, and the Special Watergate Prosecutor.

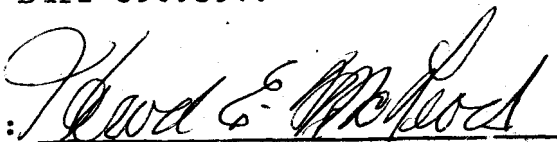
3 In the 1972 presidential campaign, the same Atlantic City Press cashed by checks but never ran the ads. Counsel, Chaim says: "We have McLeod's money, and we will return it, if he asked for it." I am suing, did sue, but was denied, due to the accumulated obstructions of Nixon, Agnew, Mitchell, and the Republican and Democratic organizations, the State of New Jersey, "Where organized crime can get most anything it wants."

4 FREE TRADE IN IDEAS: JUSTICE HOLMES

"First Amendment: Justice Holmes said:" The ultimate good desired, is better reached by free trade in ideas, uninhibited and wide open debate". That was the basis for the Peter Zinger decision.

5 Because of the conspiracies to obstruct justice, by the Press, OEO, Nixon, Agnew, Mitchell and the State of New Jersey, the perjured judgments stands, in that: the first, fourth, fifth, sixth, seventh and fourteenth amendments have been violated.

6 Unless a new trial is granted, "The attainment of justice is nil", and can only be sat aside by a new trial. I so move. See Bright v. Eynon KB, 1757 1. Burr 390.397.

BY: 
HEROD E. MCLEOD, PROSE
PLAINTIFF



Hon. Donald Rumsfelds - *2080*
 Executive Office - *Director*
 Washington D.C.

WHITE HOUSE
 RECEPTION & SECURITY
 OCT 31 1974
 Processed by

TAB
A

COVERING LETTER

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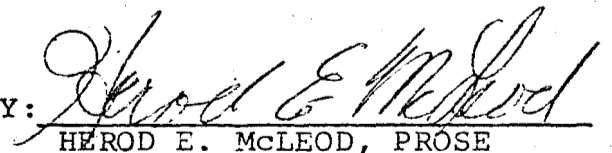
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HEROD E. McLEOD, PROSE
PLAINTIFF IN THE ABOVE

DATED: October 24, 1974
SERVED THIS DATE 26, 1974



OCTOBER 12, 1974

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and the "Improper Actions by Judge Jacobs, Small Claims Court;
the collusive obstruction of justice by the State of New Jersey,
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The Court of Claims; the Clerks Office of the United States
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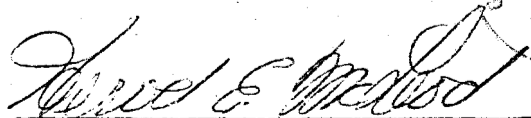
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HEROD E. MCLEOD

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CAMDEN, NEW JERSEY 08108

OFFICE OF THE CLERK
RE: MCLEOD, HEROD E.
1815 HUMMOCK AVENUE
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CIVIL ACTION: "MOTION FOR A NEW TRIAL, MERIT, MATTER
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1. To set aside judgment of Dismissal;
2. Amendment of judgment to reopen case;
3. To reserve defendants. Par. 2, ltr. dated 4/19/74 Budiniak

Moore - 6 A Rule 60(B)

Autrorizes six reasons: 60 A (1); 60 A (2); 60 A (3)

Appellant so moves.

1. Motion made in reasonable time.
2. Not more than one year after judgment.
3. Or ordered, or proceedings where taken or entered.

59.04 (7) 59/12 (1) Supra

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Rehearing as a matter of right. Constitutionally under common affords equity. Gives Plaintiffs right to jury trial; right to examine witness, and to cross examine witnesses, avail himself of new evidence not available to him heretofore; produce exhibits, lacking in the first place (suppressed) without harsh affects to defendants. Amalgamations to Rule 59

REHEARING: Power of Court to grant new trial is hearing in equity has a venerable common law and equitable origin 59/05 - 59/07

The exercise of such power could not exist, without power somewhere to grant new trials. 59/05. See Bright v. Eynon (K B 1757) 1 Burr, 390, 393, 97. A general judgment, or verdict can only be set aside by a new trial, especially in an "ongoing conspiracy with accumulation of deprivations are tantamount to assault and battery causing irreparable harm to life, property and even death.



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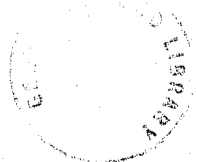
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 See Bright v. Eynon KB, 1757 l. Burr 390.397.

BY: 

HEROD E. MCLEOD, PROSE
 PLAINTIFF

November 15, 1974

MEMORANDUM FOR: Don Lowitz
FROM: Phil Buchen
SUBJECT: Court Pleadings Received from
Herod E. McLeod, Plaintiff per se,
Naming Donald Rumsfeld

To provide you with record of delivery of
McLeod's pleadings to the Department of Justice by me
on November 8, 1974.

Attachment

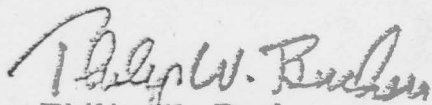
PWBuchen:ed



by the Department of Justice. Mr. Henkel does not have sufficient confidence in the local counsel to rely on him exclusively for his defense; but his own lawyer wants the local counsel to remain in the case for the usual reasons favoring someone familiar with the local jurisdiction. I further understand that past participation by Mr. Henkel's private counsel through his preparations for depositions and various legal memoranda has effectively displaced time and services that otherwise would have had to be provided by the local counsel at direct expense to the Department of Justice. The trial of this case is scheduled to begin on April 21, and Mr. Henkel's own counsel will need to participate extensively in his defense.

For these reasons, I request that the Department of Justice assume the expense of Mr. Henkel's private counsel in furtherance of its obligation to provide representation for Mr. Henkel.

I appreciate that the original decision to defray expenses for only one local counsel for these defendants was motivated primarily by budgetary concerns and that those concerns are no less acute now. I believe it essential, however, for the morale of all Government officials that they have full confidence that they will be adequately represented at Government expense in connection with any litigation arising out of the performance of their official duties. Please feel free to contact me or Dudley Chapman of my staff if you need any further particulars.



Philip W. Buchen
Counsel to the President



THE WHITE HOUSE
WASHINGTON

Justice

February 3, 1975

Dear Mr. Silberman:

I received on January 31, 1975, the attached Notice of Deposition in the case of Lowenstein v. Rooney, et al., E.D.N.Y., Civil Action No. 74c 593. No subpoena has been received for this purpose, nor has any other contact been made by Mr. Dean or his attorneys requesting an opportunity to review his files.

This is to request that the Department of Justice handle this matter on my behalf. To assist the attorney responsible for this matter, I have enclosed a memorandum prepared by a member of my staff regarding similar requests that have been made in other civil cases. I would appreciate an opportunity to review, prior to filing with the court, any materials that your office intends to use in this matter. Should you have any questions or require further assistance in this matter, please contact Mr. William Casselman of my staff.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Honorable Laurence H. Silberman
Deputy Attorney General
Department of Justice
Washington, D. C. 20530

cc: Hon. Henry S. Ruth
Herbert J. Miller, Jr., Esq.



Friday 1/31/75

11:05 Checked with Barry on this (had sent him a copy);
he is getting the stuff ready to send to Justice --
with a carbon copy to Miller.

Barry is
preparing
a revised letter
for me to send
to Justice.
P.



THE WHITE HOUSE

WASHINGTON

February 3, 1975

MEMORANDUM FOR: PHILIP BUCHEN

FROM: BARRY ROTH *BR*

SUBJECT: Notice of Deposition --
Lowenstein, et al., v. Rooney, et al.,
E.D.N.Y., Civil Action No. 74c 593

On January 31, 1975, you received a Notice of Deposition to appear on February 20, 1975, with all of Mr. John Dean's "government and personal books, files, records and documents previously in Mr. Dean's possession in his office in the Executive Office Building" at the time of his resignation. The apparent purpose of this deposition is to allow Mr. Dean full access to his files in connection with the above-captioned case. No subpoena has been received for this purpose, nor has any other contact been made by Mr. Dean or his attorneys requesting an opportunity to review his files. The materials in question are now located in the vault in Room 84 of the Old Executive Office Building and are contained in some six safes and 16 boxes.

As long as the orders entered by Judge Richey in Nixon v. Sampson, et al., D.D.C., Civil Action No. 74-1518, remain in effect, this situation would be controlled by the Order dated November 7, 1974, which provided in part that:

" . . . any person, either now or previously a member of the White House staff, or any defendant in the Watergate criminal trial, now pending before the Honorable Judge John J. Sirica, or the Special Prosecutor, shall be afforded access, solely for purposes relating to criminal investigations or prosecutions, . . ."

(emphasis added)

This limitation of access by former members of Mr. Nixon's staff to their papers did not affect the provisions of the Order, dated

October 22, 1974, which stated that ". . . the injunction shall not serve as a bar to the production of said materials pursuant to a validly-issued subpoena, discovery demand or court order in any civil or criminal case, either outstanding or while this injunction is extant; . . .". Although some question may exist as to how these two provisions interrelate, Counsel for Mr. Nixon have sought in each instance to quash all attempts for discovery of the Presidential materials. To date, no production of Nixon Presidential materials has been made by this office in response to a civil subpoena.

In Dellums, et al., v. Powell, et al., D.D.C., Civil Action No. 2271-71, two unsuccessful attempts were made by plaintiffs to have John Dean review his files prior to testifying in that civil matter. This office initially denied an oral request from the plaintiffs' attorney to permit such a review on the basis of the above-quoted provision of Judge Richey's Order of November 7. The plaintiffs then sought to subpoena all of Mr. Dean's files relating to the May Day demonstrations, but the attorneys for former President Nixon moved the Court to quash this subpoena, and no materials were provided to the plaintiffs.

Since filing suit on December 20, 1974, to enjoin enforcement of the "Presidential Recordings and Materials Preservation Act," P.L. 93-526, Mr. Miller has consistently denied all requests for access by former members of Mr. Nixon's staff.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ALLARD K. LOWENSTEIN, :
 :
 Plaintiff, : Civil Action
 : No. 74 C 593
 - against - :
 :
 JOHN J. ROONEY, et al., :
 :
 Defendants. :
-----X

NOTICE OF DEPOSITION

Please take notice that at 10:00 A. M., on the 20th day of February, 1975, at 600 New Hampshire Avenue, N. W., Suite 720, Washington, D. C. Mr. John W. Dean III, a defendant in the above-entitled action will take the deposition of Mr. Philip W. Buchen, Counsel to the President of the United States, pursuant to the Federal Rules of Civil Procedure, before Stewart, Poe and Oglesby, Notaries Public, or some other person authorized to administer an oath.

Mr. Buchen is hereby notified to appear for this deposition and to bring with him all of Mr. Dean's government and personal books, files, records and documents previously in Mr. Dean's possession in his office in the Executive Office Building and removed from Mr. Dean's possession on April 30, 1973, the day of his resignation as Counsel to the President of the United States.

Chayet and Sonnenreich, P. C.
600 New Hampshire Ave., N. W.
Suite 720
Washington, D. C. 20037

By: Michael R. Sonnenreich
Michael R. Sonnenreich

Anthony J. Roccograndi
Anthony J. Roccograndi

Continued

- 2 -

CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Deposition was sent by certified mail to Mr. Philip W. Buchen, Counsel to the President, The White House, Washington, D. C. 20500, this 29th day of January, 1975.

A copy of the foregoing Notice of Deposition was mailed, postage prepaid, this 29th day of January, 1975, to the following counsel of record:

Leon Friedman, Esq.
Attorney for Plaintiff
Hofstra Law School
Hempstead, New York 11550

Melvin Wulf, Esq.
American Civil Liberties
Union Foundation
Attorneys for Plaintiff
22 East 40th Street
New York, New York 10016

Douglas J. Kramer, Esq.
Assistant U. S. Attorney
Eastern District of New York
Attorney for Defendants
Kelley, Barth and Alexander
225 Cadman Plaza East
Brooklyn, New York 11201

Joseph P. Hoey, Esq.
Brady, Tarpey, Downey, Hoey, P. C.
Attorney for Defendant Rooney
84 William Street
New York, New York 10038

Sidney Dickstein, Esq.
Attorney for Defendant Colson
1735 New York Avenue, N. W.
Washington, D. C. 20006

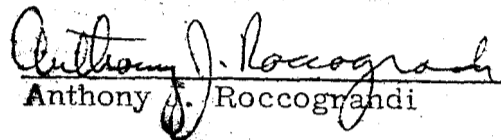
Frates, Floyd, Pearson, Stewart,
Proenzo & Richman, P. A.
Attorneys for Defendants Ehrlichman
12th Floor - Concord Building
Miami, Florida 33120



Frank H. Stickler, Esq.
Attorneys for Defendant Halderman
815 15th Street, N.W.
Washington, D.C. 20005

M. Philip Kane, Esq.
Attorney for Defendant Higby
1100 17th Street, N.W.
Washington, D.C. 20006

Gadsby & Hannah, Esqs.
Attorney for Defendant Caulfield
1700 Pennsylvania Avenue, N.W.
Washington, D.C. 20006


Anthony J. Roccogrondi

cy has
gone to
Barry



*Justice -
representation
for employees*

February 10, 1975

MEMORANDUM FOR: Don Rumsfeld
FROM: Phil Buchen
SUBJECT: Legal representation of Mr. Nixon
in civil suit of Halperin v. Kissinger, et al.

Matter of representation of Mr. Nixon by Department of Justice has been under discussion between L. Silberman and Jack Miller as attorney for Mr. Nixon. Therefore, Ron Ziegler ought to stay out of the matter.

Only issue is whether Department of Justice will find itself unable to represent Mr. Nixon because of a possible conflict of interest, inasmuch as the conduct of certain parties in the handling of information concerning the wiretaps which involved Halperin is under investigation and Mr. Nixon (although he is not subject to prosecution) may have been involved in this conduct.

Efforts are under way to obtain an extension of time for answering in the suit, and I will be kept advised and will advise you.

cc: John Marsh

PWBuchen:red



THE WHITE HOUSE

WASHINGTON

February 8, 1975

MEMORANDUM

FOR: PHIL BUCHEN

FROM: DONALD RUMSFELD

Henry Kissinger indicated that Ziegler had indicated to him that there is some concern that the Department of Justice will not defend Nixon in the wire tap cases. I think it is the Halprin Civil Suit. Could you talk to me about this please.



Nixon

February 10, 1975

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cc: John Marsh

PWBuchen:ed



THE WHITE HOUSE
WASHINGTON

Ron Ziegler-

Halperin line top (uit -
water file man -
Miller said DOJ 30
said not handled
for case -

Jack Buchanan -

Halperin v Kissing

- conflict of interest
(conduct under investigation)
- how results were handled
- worked out with Miller
to get 30-day extension
(Miller also
conflict)



THE WHITE HOUSE
WASHINGTON

February 11, 1975

*Justice
(handling)*

MEMORANDUM FOR: RON NESSEN

FROM: PHIL BUCHEN

SUBJECT: Drinan, et al. v. Ford, et al.

The above-captioned suit has been brought against the President, Secretaries Schlesinger, McLucas (Air Force) and Kissinger, Ambassador to Cambodia John Gunther Dean and William Colby, in an attempt to enjoin the carrying on by the United States of "military and paramilitary activities in, over, off the shores of and respecting Cambodia and from furnishing advice, support, training and intelligence to the military forces of the Lon Nol regime...." Congressional plaintiffs in this case are Robert Drinan, Michael Harrington, John Moakley, Bella Abzug, Herman Badillo, George Brown, Yvonne Burke, Bob Carr, Ronald Dellums, Don Edwards, Donald Fraser, Ken Hechler, Henry Helstoski, George Miller, Richard Ottinger, Frederick Richmond, Benjamin Rosenthal, Edward Roybal, John Seiberling, Fortney Stark, and Henry Waxman.

I have already referred this matter to the Department of Justice for handling and I suggest that as in the case of all matters in litigation, that any specific press inquiries be referred to the Department of Justice for appropriate comment. However, you may wish to make just a generalized statement that the President will fully carry out his constitutional responsibilities to insure that the law is faithfully executed.

cc: Jack Marsh
Brent Scowcroft



THE WHITE HOUSE
WASHINGTON
February 11, 1975

*Chris
Justice*

MEMORANDUM FOR: RON NESSEN
FROM: PHIL BUCHEN
SUBJECT: Drinan, et al. v. Ford, et al.

The above-captioned suit has been brought against the President, Secretaries Schlesinger, McLucas (Air Force) and Kissinger, Ambassador to Cambodia John Gunther Dean and William Colby, in an attempt to enjoin the carrying on by the United States of "military and paramilitary activities in, over, off the shores of and respecting Cambodia and from furnishing advice, support, training and intelligence to the military forces of the Lon Nol regime...." Congressional plaintiffs in this case are Robert Drinan, Michael Harrington, John Moakley, Bella Abzug, Herman Badillo, George Brown, Yvonne Burke, Bob Carr, Ronald Dellums, Don Edwards, Donald Fraser, Ken Hechler, Henry Helstoski, George Miller, Richard Ottinger, Frederick Richmond, Benjamin Rosenthal, Edward Roybal, John Seiberling, Fortney Stark, and Henry Waxman.

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cc: Jack Marsh
Brent Scowcroft



Tuesday 2/11/75

Barry said he brought this over about 8:00 a.m. this morning and came back about 5:00 p.m. wondering if it had been signed.

*Yes, it has
and copies have
been delivered
TD*



Justice

THE WHITE HOUSE

WASHINGTON

February 11, 1975

Dear Mr. Silberman:

I have today received the attached subpoena duces tecum in the case of Apton, et al. v. Wilson, et al., D.D.C. Civil Action No. 956-71.

This is to request that the Department of Justice handle this matter on my behalf. In order to familiarize the attorney responsible for this case, with the handling of previous civil requests for "Presidential materials of the Nixon Administration," he should contact Mr. William Casselman of my staff. I would appreciate an opportunity to review, prior to filing with the Court, any materials that your office intends to use in this matter.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Honorable Laurence H. Silberman
Deputy Attorney General
Department of Justice
Washington, D. C. 20530

cc: Hon. Henry S. Ruth
Herbert J. Miller, Jr., Esq.



*Justice Dept. --
Representation*

Friday 3/28/75

11:00 Bill Casselman will send you a memo concerning the significance of the civil complaint captioned Kennedy v. Jones, et al., which you inquired about.

(Copy of letter to Larry Silberman attached)



THE WHITE HOUSE

WASHINGTON


March 27, 1975

Dear Mr. Silberman:

The attached civil complaint, captioned Kennedy v. Jones, et al., U.S.D.C., District of Columbia, Civil Action File No. 74-194, was received by my office on March 26, 1975.

This is to request that the Department of Justice handle this matter on behalf of Mr. Jones, who is an employee of the White House. If additional information or assistance is required, please contact William E. Casselman II of this office. I would appreciate very much your sending this office copies of any materials that you file with the court in this matter.

Sincerely,


Philip W. Buchen
Counsel to the President

The Honorable Laurence H. Silberman
Deputy Attorney General
Department of Justice
Washington, D.C. 20530

Enclosure



JUSTICE DEPT.
(Defense of Govt. employees)

*File in
Federal
Advisory
Cmte*

- 6/23/75 Memorandum and Order -- Ralph Nader v. Wm. J. Baroody
(Civil Action No. 74-1675) -- re Federal Advisory Cmte. Act
- 6/24/75 Memorandum transmitting above document; file being closed.
- 6/30/75 Memo for Hartmann, Marsh and Rumsfeld re the ruling by
Judge Gesell -- and thoughts concerning the Transition Team
meetings -- in case the Press makes inquiries.
- 7/1/75 - Memo from Hartmann re Mr. B's 6/30 memo; suggests transferring
the locale to the Residence for social gatherings of old friends
rather than a meeting.
- 6/27/75 - Letter to Jeffrey Axelrad, Dept. of Justice, congratulating
him on the results of the defense of Bill Baroody in the Ralph Nader
action.



THE WHITE HOUSE
WASHINGTON

September 11, 1975

MEMORANDUM FOR: JIM WILDEROTTER

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

Attached is a copy of a letter from Bill Colby to Attorney General Levi which bears on the topic you and I have been discussing.

If you have any suggestions, please let me have them.

Attachment



CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

6 SEP 1975

Honorable Edward H. Levi
Attorney General
Department of Justice
Washington, D. C. 20530

Dear Mr. Levi:

A number of civil actions have been filed in various Federal courts naming CIA employees and former employees as defendants. In these cases plaintiffs claim damages arising out of actions allegedly taken by the individual defendants in the course of their official duties. Recently the Department has refused requests by some former employees for representation in civil actions on the grounds that on-going investigations of certain CIA activities by the Criminal Division create a potential conflict of interest.

This refusal to represent former employees is particularly disturbing in the Rhode Island case -- Rodney Driver, et al. v. Richard Helms, et al. (U.S.D.C.D.R.I. Civil No. 750224). The problem here is that ~~there~~ are 14 former Agency employees and four current Agency employees listed as defendants being sued in their official and personal capacities. Specifically, the former employees have been served with summonses which require an answer to be filed within 20 days. This time for an answer would be proper if they were sued only in their personal capacities. However, there would be a 60-day period for an answer if they were sued in their official capacities. These former employees have requested representation in their personal and official capacities and have been refused by the Department of Justice due to a pending investigation of the CIA mail intercept program. If they do not engage private counsel, the court may enter default judgments against them in their personal capacities. At this stage in the proceedings, there appear to be valid defenses available to them such as the jurisdiction of the Rhode Island Court. If the former employees are required to engage private counsel for these procedural actions, they will have assumed an unwarranted expense.



I am distressed by the difficult position of our employees and former employees because of the Department's refusal to give them any representation or counsel in civil matters arising out of their official duties until the ultimate resolution of the investigations by your Criminal Division. These individuals enjoy not only a presumption of innocence, but a presumption that whatever acts they performed were in the normal course of their duties and under proper orders from their superiors. The Department's position places an unwarranted financial burden on a great number of Government employees and former employees, most of whom cannot afford to retain private counsel. To me it seems unconscionable for the Government to permit a civil action to proceed to the point where a judgment may be obtained against a Government employee or former employee simply because it has not completed its own criminal investigation. In view of the statutory responsibilities which you have under 28 U.S.C. 516, I would appreciate your answers to the following questions:

1. If the Department of Justice cannot provide counsel to employees or former employees, will you retain private counsel to defend them?

2. Until the Department of Justice (Criminal Division) recommends the indictment of the employee or former employee being sued, may the Department of Justice (Civil Division) defend that individual?

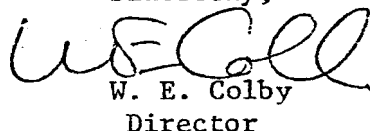
3. If the Department of Justice refuses to defend Government employees or former Government employees, can you delegate to me the authority to hire private counsel for them?

4. Are you aware of any statute which precludes my using appropriated funds to retain private counsel for present or former Government employees?

The attorneys in the Civil Division have advised my attorneys that these problems will continue as long as the Department is investigating CIA activities which might be related to civil suits filed against present or former employees.

I would appreciate your earliest response to this problem since the time for some of these answers expires on 20 September.

Sincerely,


W. E. Colby
Director



CC: Mr. Buchen