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# Levi's View of Law an Enigmatic Web

By Orr Kelly  
Star-News Staff Writer

Reading Edward Hirsch Levi is like watching a spider spin its web.

He first outlines the area the web will encompass, attaching the first thin threads securely at strategic points. And then back and forth he goes, weaving an intricate network from which no idea can struggle free.

Lawyers at the Justice Department have been reading Levi's writings in the last few weeks for clues to his thinking on issues and the way his mind works, because he appears before the Senate Judiciary Committee today and probably tomorrow, and, shortly afterwards, in all likelihood, will become the new attorney general of the United States.

FOR THOSE who have been looking for opinions that tell how Levi, now the president of the University of Chicago, will deal with specific issues when he replaces William B. Saxbe at the Justice Department, the 98 books, articles and

speeches he has written over the last 38 years offer few real answers but many useful clues.

About the closest he ever comes to a strong, firmly stated opinion on a matter of public controversy is a comment on the death penalty contained in a speech to the New York Bar Association in 1969:

"The more dramatic the criminal trial, probably the less it fulfills its proper purpose. The function of the death penalty at the present time is largely to increase the dramatic element. It hovers over the entire criminal system as a symbol of harshness unacceptable in the modern world, inappropriate in a society which must diminish violence. Its effect is directly contrary to what should be desired, and its persistence is an example of legislative inaction thwarting the message of the law."

More typical of Levi's approach is an article in the Washington and Lee Law Review in the fall of 1973 on the recent Supreme Court decisions on capital punishment and abortion. Instead

of dealing with the rightness or wrongness of the decisions, Levi begins his discussion with an account of a debate on morals and the criminal law begun 14 years earlier in a lecture at the British Academy.

But, if the article does not reveal Levi's personal view on abortion or repeat his opinion on capital punishment, it, like his other writings, gives an insight into the workings of his mind. In this case, he displays his strong feeling that the community's moral consensus is better expressed through legislation than through the kind of judicial decisions reached in the Supreme Court decisions.

"Otherwise we do not make use of the process which not only reflects but helps create a collective morality," he says, "and we are on our way to an impairment of that morality and a widening gap between the people and the law."

DURING his career, the 62-year-old Levi has been a law professor, government official and trial lawyer (as first assistant in the Justice Department's antitrust division during World War II), head of a law school and university president. In all of his writings, his concern and respect for the law

See LEVI, A-6



Bob Boyer

Neal & Ben

• Magnificent superb

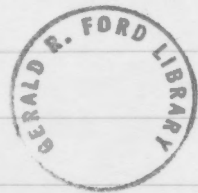
• Very vigorous

• Treaties have done for smelters to stay beyond 65, <sup>1st Time</sup> in history

• (one up at Ambridge)

• Chicago school " but not hawk-line & sinker

No negative



✓ Ed Walsh (212) 288 8070

Wonderful;  
Decent, level headed, sound

ALI Council: not outspoken, but never was; self assured

→ Oswald  
Bretel  
→ Henry Friendly  
Walter Chaffee  
↳ Traynor

Philip Tone  
Bruce Nichols  
• Bill Webster 8th Cir  
• well-liked  
Able

✓ Gerry Gunther

Admirable choice

Fast hand commands uniform high regard  
Too tough minded? yet seems to get along at that chi  
No reservations



✓ ~~Ron~~ Hamm! Chafetz

Great!

[Benson reaction always characteristic.]

Not constantly that way. Superb on his feet  
Now an operative. Will get best people

→ Chicago trying to keep him on

Has skill of plasma domes; has a OAV & a prestige

Very Rt wing won't be happy but less than anyone of his type  
Hamm & can line up some very com Nixon supporters to support him

[Robam]

Grossman  
✓ Ed Levi

Surprise & favor

Extraordinary Good

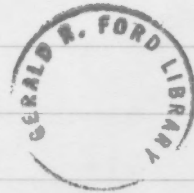
Very high

Excellent adm. at Chicago

Get it out of politics

Understands criticism, but mostly rubbed off. Student must deal with

Not an ideologue in any sense



ITEM WITHDRAWAL SHEET  
WITHDRAWAL ID 01264

Collection/Series/Folder ID ..... : 001900273  
Reason for Withdrawal ..... : DR, Donor restriction  
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DPA*

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Paul Freund

Everything done top notch & first rate  
Reminds access on Dean + Pres. Harmonizing factors

Inspired choice  
Not very active at ALI Council meetings  
Gaming complex of all

Al Sachs

Excellent (only possible p.)

Enormous regard: ability, fairness, judgment

Find out: whether to make "fingerprint", rigidity, unwilling to see other pt of view

Not saying it's a problem.

2 yrs ago: very good account of himself

Stood for ideas + made them come through  
(whispering)

Chi - a monolithic quality  
on issues, pretty far removed  
from most priv. colleges





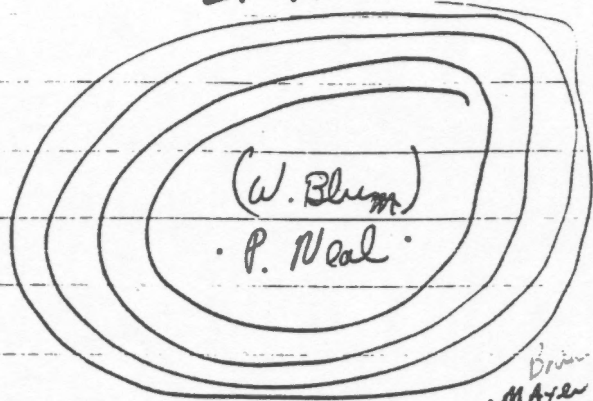
P. Bator

Wonderful, emotional  
Remember success in both academic jobs  
Don't know exact

Ed. Kitch (cont)  
Frank Allen  
Wally Blum  
Erwin

Bell Baxter

Don't know him personally  
off hand, splendid



Ernest Brown

Highly regarded as scholar  
Everyone thinks highly of him  
Splendid record in Acad + Intell Comm  
Effective Debn. + Pres.

P. Neal  
→ Erwin  
Bradley

Erwin  
Mayer  
Meyer  
Bob Stern

(312) 98-96

Bob Stern

Ability: Legal + Adm very high about 60  
Magnificent appt.  
Hasn't been active as a lawyer for many years

Neal/Kohl  
7th Cir.



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Ron Berman

Some kind of physical illness: arthritis & tired : painful back condition  
Stadier than that

Personal observation may be unreliable, incomplete

Probs could go away & he

George Shultz (via Rumsfeld)

Bullshit

Splendid marriage

A bit prickly

(can't tell what he's thinking)

Rockefeller (via DE

(favors)



## WHO'S WHO IN AMERICA

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o. exec.; b. N.Y.C., Aug. St. Lawrence U., 1948; rison, May 18, 1956; rder Mfg. Co., N.Y.C., ey City, 1951-61; pres. 1961-64; with Philips —. Served with USNR, H 45409 Office: 4509

New Eng. Pathol. Soc.; hon. mem. Pacific Dermatol. Assn., Austrian, Brit., Danish, Finnish, French, German, Greek, Indian, Italian, Japanese, Polish, Venezuelan, Yugoslav dermatol. socs. Episcopalian. Club: Harvard (Boston). Author: Histopathology of the Skin, 4th edit., 1967; Pemphigus and Pemphigoid, 1965; (with Ken Hashimoto) Appendage Tumors of the Skin, 1969. Mem. editorial bd. Archives of Dermatology, 1963—. Home: 780 Boylston St Boston MA 02199 Office: New Eng Med Center Boston MA 02111

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1960), 1959, Literature, Philosophy and the Imagination, 1962, Humanism and Politics, 1969, The Humanities Today, 1970. Home: 7008 Waterman Av St Louis MO 63130

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Public Law 93-178  
 93rd Congress, H. R. 11710  
 December 10, 1973

**An Act**

87 STAT, 697

To insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the compensation and other emoluments attached to the Office of Attorney General shall be those which were in effect on January 1, 1969, notwithstanding the provisions of the salary recommendations for 1969 increases transmitted to the Congress on January 15, 1969, and notwithstanding any other provision of law, or provision which has the force and effect of law, which is enacted or becomes effective during the period from noon, January 3, 1969, through noon, January 2, 1975.

Office of  
 the Attorney  
 General.  
 Compensation  
 and other  
 emoluments.  
 83 Stat. 863.  
 5 USC 5312 and  
 note.

SEC. 2. (a) Any person aggrieved by an action of the Attorney General may bring a civil action in the appropriate district court to contest the constitutionality of the appointment and continuance in office of the Attorney General on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States district courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

USC prec. title  
 1.

(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.

62 Stat. 968;  
 74 Stat. 201.

(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

Approved December 10, 1973.

LEGISLATIVE HISTORY:

- CONGRESSIONAL RECORD, Vol. 119 (1973):  
 Dec. 3, considered and passed House.  
 Dec. 6, considered and passed Senate, amended.  
 Dec. 7, House concurred in Senate amendment.



# Political Labels

Justice 40-45 <sup>Probably</sup> col'd Dem.

Lucas objected

Hoover · Nixon

Usually not in phrases; certainly, not recently

"Independent"

Contacts to Percy · Stevenson  
wife Clark (in)

Viewed by some as Rep (late Hoover)  
As Dem

Declined: General of Dem Con 45-50





Day Prod

Fed Fndn 1MM Law & Behv Science

Debn. to be in overall charge

Jury. Arbitration. Tax & Pub Opinion

That part of law covered cl. Laysan interaction

Meltzer, Kauland, Levi directed for Snow, Kalven

Directed it

Ed Kitch: Bar Assn Committee of Kansas City

Judge + Counsel approval + chief judge of 10th Cir

Control of judge: who operated switches

Manual & mixed

5 cases recorded & compared w/ artificial judges

Overall charge, but not director of bypassing

Philips so proud; his circuit had control of tapes; wanted to use them before 10th Cir conference. Levi objected.

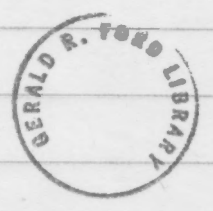
showed jury functioning very well

Philips did it. (Other books judges there).

(Signed statement that he had given permission.)

~~Very~~

Law subsequently passed to make it illegal  
Tapes destroyed



Accused of fixing materials for AT Div in '45

Consent decrees & reports should be made available

Didn't know what

Asked AT Div office may to go over & separate & determine what shall be sent.

Levi had nothing to do with selection

Files some confidential, locked for many years 52  
Appt for FBI investigation  
From secretary explained

Explained many points

## Practice

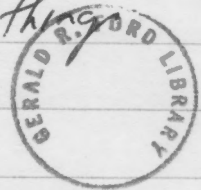
- 40-45: Some 1st Asst Wash Div. (Hugh Cox)  
Assistant " " (Gene Sepp)
- Dean '51
- Spl Crim Cells Com 50-51, Newsprint + Hell  
Fauler: fewest hearings they ever had  
Many stated on spots

Cardozo Lecture (during still court '69)

The Crisis of LAW: Statement of importance of law, legitimacy,  
Diff between ct + obligations on Exec + legal  
Conservative statement

Tucker Lecture ( Wash + Lee ) LAW + MORALS  
(Abortion + Capital) Special Role of LAW  
Catherine S. Legislative matter

Entering student Talk: LAW + ct not everything



Selbman

- 1) Primary problem is protocol: Pat O'Donnell called the off float tell the
- 2) When key cons: have press meet w/ them w/ Levy / Knology & others?
- 3) Left affirmative protocol
- 3) Left Suffin - Selbman

## II Philosophy

Cons lawyer they trust (e.g. Boke) w/ the wind to analyze his writings for E H

## III: Long thing



Mon & Tue

IV (esp H)

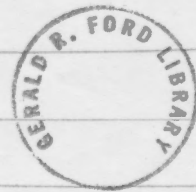


Law + order aforcent to support him vigorously, esp if he knows H  
Private communications (not public)

Carl Rowan: Laudatory Editorial.

Diff put 2 mos (n) Threaten no judges

Velde & Johnson



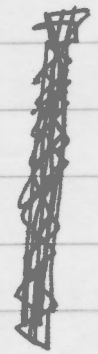
Saxbe very close to E: P → Saxbe to ask for help of talk w/ E

Albert  
~~Bud~~ Jenner (312) 222 9350

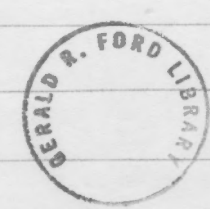
2<sup>20</sup>  
4 2<sup>45</sup> LARRY

~~Walt~~  
~~Walt~~ → ~~Walt~~  
Chuck Percy

Ms<sup>Sola</sup> Menshioff (JE DAVIS)



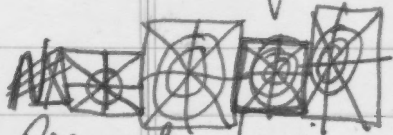
Zwick (SE Natl  
Wriston  
Wals  
Chet. Smith



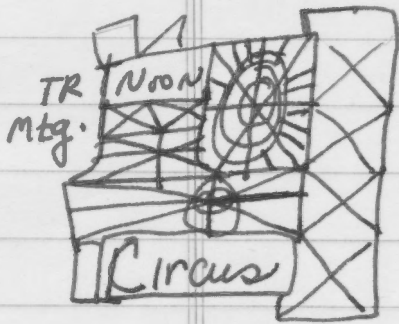
Mansfield

Chaffetz


Bell years (St oil) advise H re Chi on Comm



Recess Levi met to sell self



Katherine Graham

↔ Percy? what should he do 



THE WHITE HOUSE  
WASHINGTON

Foley

E. Astland will give  
as trustee



THE WHITE HOUSE  
WASHINGTON

Jaworski  
will get to Tower  
(thru Amb. Clarke)  
will call Hruska  
will try to get them  
to Eastland



Aruska buddy to Chaffetz

No prob.  
→ H can handle E (he says)  
& needs open line to Levi  
eg. ① like Selbmann  
② Not keeper, but not  
w cards

"No preconceived notions"

No problem  
Spies - another visit of Aruska  
Ed's willing to do that - NOT be huffy  
But Ed can't mutate

If opp present itself, then Aruska  
set-up.





THE WHITE HOUSE  
WASHINGTON

12/31/74

Re: Ed Levi

Phil A:

Had call from Bob Bork  
who reported:

1) He had lunch with  
Sen. Hruska and believes  
he made some progress  
in behalf of Ed. Levi.

2) He would be glad to  
call Prof. Myers McDougal  
of the Yale Law School  
(a former classmate of  
Sen. Eastland) to request  
contact with Eastland  
in behalf of Ed.

I advised I would respond  
as soon as we had planned  
our strategy.

P.

2 A was, e.g., Albert Jenner & Ben Heineman, Pres of  
Ch & NW RR Co

1943 - Phys v. Pub Comm.

48 - Newspaper letter v H Union Act c as "spytent"

Bundles (mixed, bottom clip)

by Natl Fed for Cont Libs



Bernie Siegal

Arlen Spector

Peter Walker

Ed Levi

Howard - writing by + about Ed.

Back Sat.

Bob Kutak former H aide & former stud. of Levi  
(Phila) He talked w/ H

H to meet w/ Kutak on Sat in Nebraska

H to see Siegal Monday if Kutak thinks it necessary

By Wed, S hopes to reach \_\_\_\_\_ (representative)  
former back of England, practicing in Jackson Miss.

will report back by

Spec Pros Complete on FRI



*Judice  
Dept.*

Thursday 10/31/74

12:10 John Crewdson of the New York Times wants to talk with you -- about important affairs of state.

293-3100

Wants to discuss a report that there is a decision that's been made to replace the Attorney General after the election.

I checked with the Press Office to see if they had had such calls; Larry Speakes is to call me back.

(I saw an article in the paper the other day -- Jack Anderson says Charles Goodell will be the next Attorney General)



*Speakes suggests (if you want to talk to Crewdson) you might just say the President has indicated the cabinet would stay.*

*Levi  
file  
(A-)*

December 11, 1974

**TO: DON RUMSFELD**

**FROM PHIL AREEDA**

1. As you asked.
2. Saxbe is out of town today. I will ask him for a letter tomorrow morning.

**Attachment:  
Memo to President**

cc: *Mr. Bush*



December 11, 1974

MEMORANDUM FOR THE PRESIDENT

FROM: PHILLIP AREEDA

SUBJECT: LARRY SILBERMAN

In connection with the change in the Attorney Generalship, I recommend that you visit with, or at least telephone, Larry Silberman. You might want to make the following points with him.

- 1) I want you to know that Attorney General Saxbe will be leaving.
- 2) I also want you to know that I have the highest regard for your work as Deputy Attorney General. People in other Departments and my own staff who work with you have nothing but praise for your intelligence, judgment and cooperativeness.
- 3) You were one of the few people that I considered carefully for the post of Attorney General. In the end I have decided to offer the post to Ed Levi who, as you doubtless know, is the former Dean of the University of Chicago Law School and now President of that University. (But, of course, this decision is not entirely final until all the checks have been completed.)
- 4) It is because I have decided to appoint someone else that I wanted to be sure to tell you personally how highly I value your work and how grateful I have been for your help.



5) I certainly hope you will stay on as Deputy Attorney General--at least for a reasonable transition period. But, in whatever capacity, this Administration certainly needs your continued help.

PA Chron.  
Memo to President's file  
~~Levi (AG) file~~  
Levi (AG) file



December 12, 1974

*Justice*

Dear Mr. President:

I hereby submit my letter of resignation as Attorney General of the United States of America so that I may accept the new responsibility which you have assigned to me as United States Ambassador to the Republic of India, subject to confirmation by the Senate of the United States.

As we agreed, it is my intention to make my resignation effective upon my appointment as Ambassador, or, in the alternative, upon the appointment of my successor as Attorney General, whichever occurs earlier.

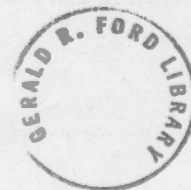
I want to take this opportunity to express to you, Mr. President, my appreciation for the opportunity to serve as Attorney General. A strong Department of Justice is vital to our country, and I can assure you that the officials of this Department will cooperate in every way with my successor in order that the interests of government and the people may best be served.

Respectfully,

*Wm B Saxbe*

William B. Saxbe

The President  
The White House  
Washington, D. C.





December 11, 1974

TO: DON RUMSFELD

FROM PHIL AREEDA

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Memo to President

cc: Mr. Buchen ✓



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PA Chron.  
Memo to President's file  
Silberman file  
Levi (AG) file

cc: Mr. Bucher



THE ATTORNEY GENERAL

WASHINGTON

December 12, 1974

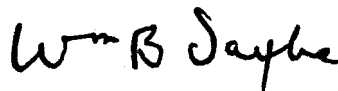
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Respectfully,



William B. Saxbe

The President  
The White House  
Washington, D. C.



MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

December 13, 1974

MEMORANDUM FOR: JACK MARSH  
FROM: PHIL AREEDA *PA*  
SUBJECT: SALARY OF ATTORNEY GENERAL

When Saxbe was made Attorney General, the Congress enacted P. L. 93-178 reducing the compensation of that office in order to comply with Article I, Section 6 of the Constitution. That Section precludes the appointment of a Senator to an office whose salary was increased during the period for which that Senator was elected.

Saxbe's Senatorial term would have ended this year. And, as you know, there will soon be a new Attorney General.

Accordingly, it is appropriate to repeal P. L. 93-178 and to provide that the Attorney General's compensation should be the same as that of other Cabinet members. A draft bill is attached for that purpose. Perhaps this is a matter on which Congress could act routinely and expeditiously before it adjourns.

I have coordinated this matter with Silberman, Ebner and Walker. They all agree. I have not consulted anyone else.

*Phil Bachon  
also agrees*

Attachment



*Spoke to Sen H. Scott  
flies. There is a question whether  
legis is needed. He's to advise  
one same. m 12/16*

----- CONGRESS  
----- SESSION

S. \_\_\_\_\_

(Note.—Fill in all blank lines except those provided for the date and number of bill.)

IN THE SENATE OF THE UNITED STATES

Mr. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

introduced the following bill; which was read twice and referred to the Committee on  
\_\_\_\_\_



**A BILL**

Compensation and other emoluments attached to the Office of the Attorney General.

(Insert title of bill here)

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That the first section of the Act entitled "An  
4        Act To insure that the compensation and other  
5        emoluments attached to the Office of the Attorney  
6        General are those which were in effect on Janu-  
7        ary 1, 1969" (Public Law 93-178; 87 Stat. 697), is  
8        repealed effective as of January 3 , 1975 ,  
9        and the compensation and other emoluments attached  
10       to the Office of the Attorney General shall, on  
11       and after that date, be those that now or here-  
12       after attach to offices and positions at  
13       level I of the Executive Schedule (5 U.S.C. 5312).

(NOTE.—Fill in all blank lines except those provided for the date and number of bill.)

CONGRESS }  
SESSION } S.

# A BILL

(Insert title of bill here)

By Mr. \_\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_—Read twice  
and referred to the Committee on \_\_\_\_\_



OFFICE OF THE ATTORNEY GENERAL

Office of the Attorney General.  
Compensation and other emoluments attached to the

# A BILL

introduced the following bill: which was read twice and referred to the Committee on \_\_\_\_\_

MR. \_\_\_\_\_

IN THE SENATE OF THE UNITED STATES

2

RECEIVED  
MAY 22 1907

Number of bill: \_\_\_\_\_  
Date introduced: \_\_\_\_\_  
(This to be filled in by the printer)

## STEPS ON LEVI

1. Meet with Marsh, Timmons, PB, PA, Korologos, Walker, Rumsfeld, Silberman.
2. Initiate some conservative contacts with Eastland and Hruska from practitioners, bar associations and businessmen.
3. Edward Levi to meet with Silberman, Duffner, Velde and Johnson to (a) brief Edward Levi and (b) generate names (including law enforcement types) for Justice people to contact for J2 purposes.
4. Levi meets Eastland and then Hruska.
5. After steps #2 and #4, we (who?) sound out the Eastland and Hruska mood: (a) total opposition, (b) acquiescence with drawn out hearings and a "circus", (c) acquiesce to prompt and dignified procedure.
6. President and Levi decide whether they wish to go forward.  
If so:
7. Initiate FBI checks (etc.).
8. Plan strategy.
9. Nominate and implement strategy.





cc:

*Mr. Areeda*

December 18, 1974

To: Bill Timmons

From: Phil Buchen

Attached is a copy of a memorandum previously sent to Jack Marsh by Phil Areeda. By all means, we should support the new bill that will repeal P. L. 93-173.

Attachments

PWBuchen:ed



December 13, 1974

MEMORANDUM FOR:

JACK MARSH

FROM:

PHIL AREEDA

SUBJECT:

SALARY OF ATTORNEY GENERAL

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Accordingly, it is appropriate to repeal P. L. 93-178 and to provide that the Attorney General's compensation should be the same as that of other Cabinet members. A draft bill is attached for that purpose. Perhaps this is a matter on which Congress could act routinely and expeditiously before it adjourns.

I have coordinated this matter with Silberman, Ebner and Walker. They all agree. I have not consulted anyone else. *Phil Areeda yes.*

Attachment

PA/ec

PA Chron.  
Levi File

*cy to M. Dasher.*




THE WHITE HOUSE

WASHINGTON

December 18, 1974

MEMORANDUM FOR: PHILIP BUCHEN

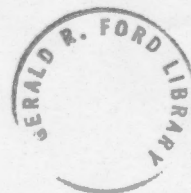
FROM: WILLIAM E. TIMMONS 

SUBJECT: Attorney General's Compensation

As you may know the Congress had to enact a special law at the time of Bill Saxbe's confirmation to satisfy the Constitutional requirements of a Member of Congress taking a federal post after raising the salary of that position.

There is some uncertainty about the Attorney General's emoluments in the future. One school of thought says it automatically is raised to \$60,000 on January 2, 1975. Another has the provision applying only to a former Member. Still a third school argues that a new law must be enacted to raise the salary.

At any rate, it's your problem now. Attached is copy of Act and the committee report.





Public Law 93-178  
93rd Congress, H. R. 11710  
December 10, 1973

An Act

To insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

87 STAT. 697

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the compensation and other emoluments attached to the Office of Attorney General shall be those which were in effect on January 1, 1969, notwithstanding the provisions of the salary recommendations for 1969 increases transmitted to the Congress on January 15, 1969, and notwithstanding any other provision of law, or provision which has the force and effect of law, which is enacted or becomes effective during the period from noon, January 3, 1969, through noon, January 2, 1975.

Office of the Attorney General. Compensation and other emoluments. 83 Stat. 863. 5 USC 5312 and note.

Sec. 2. (a) Any person aggrieved by an action of the Attorney General may bring a civil action in the appropriate district court to contest the constitutionality of the appointment and continuance in office of the Attorney General on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States district courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

USC prec. title 1.

(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.

62 Stat. 968; 74 Stat. 201.

(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

Approved December 10, 1973.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 119 (1973):

- Dec. 3, considered and passed House.
- Dec. 6, considered and passed Senate, amended.
- Dec. 7, House concurred in Senate amendment.



COMPENSATION OF THE OFFICE OF ATTORNEY  
GENERAL OF THE UNITED STATES

NOVEMBER 13, 1973.—Ordered to be printed

Mr. McGEE, from the Committee on Post Office and Civil Service,  
submitted the following

## REPORT

[To accompany S. 2673]

The Committee on Post Office and Civil Service, to which was referred the bill (S. 2673) to insure that the compensation and other emoluments attached to the office of Attorney General are those which were in effect on January 1, 1969, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

## PURPOSE

The purpose of S. 2673 is to reduce the salary of the Office of Attorney General to its pre-January 15, 1969 level of \$35,000 per annum. The legislation was introduced at the request of the Administration. It is the judgment of the Attorney General that S. 2673 must become law before the nomination of Senator Saxbe can be submitted to the Senate.

On January 3, 1969, when Senator Saxbe began his term of office, the salary of the Office of Attorney General was \$35,000. Later in 1969, under PL 92-206, the salary of the Office of Attorney General was increased to \$60,000.

Article I, Section 6, Clause 2 of the Constitution provides that:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

This measure achieves its purpose by reducing the Attorney General's salary to that amount authorized by law on January 3, 1969.



when he took office. The Committee has no desire or intention to resolve any constitutional issue regarding Senator Saxbe's appointment as Attorney General of the United States. Such issues are not within the jurisdiction of the Senate Committee on Post Office and Civil Service.

## STATEMENT

The Acting Attorney General of the United States, Robert H. Bork, stated in his testimony before the Committee on November 13, 1973, that his initial view of the Constitutional injunction cited above was that it would not be unconstitutional for nomination and Senate consideration to move forward in the absence of the remedy provided by this bill. The Constitution, he pointed out, speaks of a Senator or Representative being *appointed*; and nomination and consideration in the Senate would, on the face of it, appear to be steps which precede actual appointment. The Acting Attorney General stated, however, that legal research conducted by his office shows that history does not bear out his initial view; and that should Senator Saxbe be appointed and should Judiciary Committee consideration proceed prior to the elimination of the Constitutional impediment with regard to salary, the legality of his appointment could later be challenged in the courts.

Accordingly, upon the advice of the Acting Attorney General and upon the basis of a specific written request of the President of the United States, the Chairman of the Committee and the ranking Republican Member agreed to hold a hearing and to consider the bill. Having heard the testimony of the Acting Attorney General as to the necessity for this Committee's taking initial action, and having considered the measure, the Members of the Committee unanimously agreed to the bill reducing the salary of the Attorney General.

## BACKGROUND

The Committee was initially reluctant to involve itself in Senate procedures involving the appointment of an Attorney General of the United States, because, very clearly, recommendations to the Senate with regard to its advice and consent on this appointment fall within the purview of the Senate Judiciary Committee and no other.

The Committee's action is based upon the Acting Attorney General's testimony and the statement of the President of the United States contained in his letter of November 8, 1973, to the Chairman: "Constitutional precedents beginning with President Washington indicate that the nomination of an individual not then eligible may be improper and that any subsequent appointment based on such nomination might be null and void."

## ADDITIONAL VIEWS

Following are additional views of Senator Quentin N. Burdick:

In joining with the Committee in approving this legislation to reduce the salary of the proposed nominee for Attorney General, I want to indicate that I reserve my right to make a *further* judgment on the constitutionality of this legislation.

QUENTIN N. BURDICK.

Following is a  
the Chairman of  
be acted upon fav  
be Attorney Gen

Hon. GALE W. Mc  
Chairman, Comm  
Washington,

DEAR MR. CH:  
nominate Senato  
of the United St  
lation that woul  
Saxbe's appointe

Without this  
Saxbe's eligibilit  
tion provides:

"No Senator c  
was elected, be  
the United State  
whereof shall ha

During Senat  
the annual salary  
\$35,000 to \$60,00

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in effect before

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which Knox w  
tion. Senator K

Constitution  
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improper and t  
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On February  
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that the time f  
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nulled by the C



THE PRESIDENT'S RECOMMENDATION

Following is a letter from the President of the United States to the Chairman of the Committee specifically requesting that S. 2673 be acted upon favorably prior to his nomination of Senator Saxbe to be Attorney General.

THE WHITE HOUSE,  
Washington, November 8, 1973.

HON. GALE W. MCGEE,  
Chairman, Committee on Post Office and Civil Service, U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: I wish to inform you of my intention to nominate Senator William B. Saxbe of Ohio to be Attorney General of the United States, immediately upon enactment of remedial legislation that would eliminate a Constitutional impediment to Senator Saxbe's appointment.

Without this legislation, doubt would exist concerning Senator Saxbe's eligibility because Article I, section 6, clause 2 of the Constitution provides:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; \* \* \*"

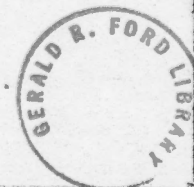
During Senator Saxbe's term of service in the United States Senate the annual salary of the Office of Attorney General was increased from \$35,000 to \$60,000.

On November 5, 1973, Acting Attorney General Robert H. Bork submitted legislation which would remove the Constitutional impediment to Senator Saxbe's appointment by reducing the compensation and other emoluments attached to the Office of Attorney General to those in effect before Senator Saxbe began his Senate term.

This solution has historical support. In 1909, similar legislation was enacted at the request of President Taft to reduce the salary of the Office of the Secretary of State so that Senator Philander C. Knox would be eligible for appointment, the compensation and other emoluments of that Office having been increased during the Senate term which Knox was then serving. After enactment of remedial legislation, Senator Knox was nominated, and confirmed by the Senate.

Constitutional precedents beginning with President Washington indicate that the nomination of an individual not then eligible may be improper and that any subsequent appointment based on such nomination might be null and void.

On February 28, 1793, President Washington withdrew the nomination of William Patterson of New Jersey to be Associate Justice of the Supreme Court on the ground that Mr. Patterson "was a member of the Senate when the law creating that Office was passed, and that the time for which he was elected is not yet expired. I think it my duty therefore, to decree that I deem the nomination to have been nulled by the Constitution."



This position has been consistently followed by the Attorney General of the United States in opinions in 1883 by Attorney General Brewster and in 1895 by Acting Attorney General Conrad.

I strongly urge that corrective legislation be enacted as soon as possible. I will submit the nomination of Senator Saxbe immediately upon passage of such legislation so that the Senate may proceed with the confirmation process.

Sincerely,

RICHARD NIXON.

Folli  
United  
affirma  
Commi  
researc  
precede

STATEM  
THE  
CONC  
GENE

Mr. C  
Than  
of Just  
Genera  
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was elec  
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whereof  
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House

As yo  
Senator  
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## AGENCY VIEWS

Following is a letter from the Acting Attorney General of the United States, requesting that S. 2673 be introduced, and acted upon affirmatively; and the statement of the Acting Attorney General at the Committee hearing November 13, 1973, providing the results of the research conducted by the Attorney General's office into the historical precedents for this measure.

DEPARTMENT OF JUSTICE.

STATEMENT OF ROBERT H. BORK, ACTING ATTORNEY GENERAL, BEFORE THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. SENATE, CONCERNING S. 2673, RELATING TO THE SALARY OF THE ATTORNEY GENERAL, NOVEMBER 13, 1973

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to appear to give the Department of Justice views on S. 2673, relating to the salary of the Attorney General.

Article I, Section 6, Clause 2 of the Constitution provides that: "No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office."

As you know, the President has announced his intention to nominate Senator William B. Saxbe to be Attorney General of the United States. The salary applicable to the office of Attorney General under existing law is \$60,000 because of a recommendation for salary increases submitted to the Congress pursuant to Public Law 90-206 on January 15, 1969. The salary for the office of Attorney General at the time Senator Saxbe began his term of office on January 3, 1969, was \$35,000, set at that figure by Public Law 89-554, passed on September 6, 1966. S. 2673 is designed to remove the question of the impact of the quoted constitutional provision on the nomination of Senator Saxbe to be Attorney General of the United States.

There are two precedents for the proposed action. First, Lot M. Morrill was appointed to serve as Secretary of the Treasury in 1876 after having been elected to the Senate in 1871. Cabinet officers' salaries had been raised in 1873 from \$8,000 to \$10,000 and returned in 1874 to \$8,000. Senator Morrill's nomination was nevertheless confirmed by the Senate.

Second, a measure with the same purpose as the bill under consideration today was passed by the Congress in 1909 in order to permit the nomination of Senator Philander Knox to be Secretary of State.

(5)



Senator Knox had been elected in 1905 for a term expiring on March 3, 1911. In 1907 the compensation of the Secretary of State had been increased from \$8,000 to \$12,000. An unofficial opinion of Assistant Attorney General Russell commenting on the bill which reduced the compensation of the Secretary of State to \$8,000 states that the purpose of the constitutional provision was "to destroy the expectation a Representative or Senator might have that he would enjoy the newly created office or newly created emoluments." 43 Cong. Rec. 2403, February 15, 1909. After passage of the remedial legislation, Senator Knox was nominated and confirmed as Secretary of State.

The purpose of the constitutional provision is clearly met if the salary of an office is lowered after having been raised during the Senator's or Representative's term of office. The Senators and Representatives know that, because of the constitutional provision, they cannot be appointed to an office with a higher salary than was provided at the beginning of their current term of office, so the expectation of a higher salary cannot influence their votes on legislation to raise salaries of Federal officers.

S. 2673 should remove any constitutional question which may be raised concerning the appointment of Senator Saxbe to be Attorney General of the United States. I urge its early consideration by this Committee and prompt enactment by the Senate in order to facilitate consideration of Senator Saxbe.

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D.C., November 5, 1973.

PRESIDENT PRO TEMPORE,  
U.S. Senate,  
Washington, D.C.

DEAR MR. PRESIDENT PRO TEMPORE: Enclosed for your consideration and appropriate reference is a legislative proposal to provide that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

Article I, Section 6, Clause 2 of the Constitution provides: "No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office."

When Senator William B. Saxbe of Ohio began his term of service in the United States Senate on January 3, 1969, the salary for the Office of Attorney General was established by P.L. 89-554 (80 Stat. 460, September 6, 1966) at \$35,000. On January 15, 1969, the President transmitted to the Congress pursuant to P.L. 90-206 (81 Stat. 642, December 16, 1967) a recommendation increasing the annual salary for the Office of Attorney General to \$60,000.

The accompanying legislation is designed to remove the question concerning the impact of Article I, Section 6, Clause 2 on the President's nomination of Senator William B. Saxbe to be Attorney General of the United States.

I urge prompt  
The Office of  
of this proposal  
Sincerely



I urge prompt consideration and enactment of this legislation. The Office of Management and Budget has advised that enactment of this proposal is in accord with the Program of the President.  
Sincerely,

ROBERT H. BORK,  
*Acting Attorney General.*



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THE WHITE HOUSE

WASHINGTON

December 18, 1974

MEMORANDUM FOR: PHILIP BUCHEN  
FROM: WILLIAM E. TIMMONS *WT*  
SUBJECT: Attorney General's Compensation

As you may know the Congress had to enact a special law at the time of Bill Saxbe's confirmation to satisfy the Constitutional requirements of a Member of Congress taking a federal post after raising the salary of that position.

There is some uncertainty about the Attorney General's emoluments in the future. One school of thought says it automatically is raised to \$60,000 on January 2, 1975. Another has the provision applying only to a former Member. Still a third school argues that a new law must be enacted to raise the salary.

At any rate, it's your problem now. Attached is copy of Act and the committee report.





Public Law 93-178  
 93rd Congress, H. R. 11710  
 December 10, 1973

An Act

87 STAT. 697

To insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the compensation and other emoluments attached to the Office of Attorney General shall be those which were in effect on January 1, 1969, notwithstanding the provisions of the salary recommendations for 1969 increases transmitted to the Congress on January 15, 1969, and notwithstanding any other provision of law, or provision which has the force and effect of law, which is enacted or becomes effective during the period from noon, January 3, 1969, through noon, January 2, 1975.

Office of the Attorney General. Compensation and other emoluments. 83 Stat. 863. 5 USC 5312 and note.

SEC. 2. (a) Any person aggrieved by an action of the Attorney General may bring a civil action in the appropriate district court to contest the constitutionality of the appointment and continuance in office of the Attorney General on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States district courts shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

USC prec. title 1.

(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.

62 Stat. 968; 74 Stat. 201.

(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

Approved December 10, 1973.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 119 (1973):

- Dec. 3, considered and passed House.
- Dec. 6, considered and passed Senate, amended.
- Dec. 7, House concurred in Senate amendment.



## COMPENSATION OF THE OFFICE OF ATTORNEY GENERAL OF THE UNITED STATES

NOVEMBER 13, 1973.—Ordered to be printed

Mr. McGEE, from the Committee on Post Office and Civil Service, submitted the following

### REPORT

[To accompany S. 2673]

The Committee on Post Office and Civil Service, to which was referred the bill (S. 2673) to insure that the compensation and other emoluments attached to the office of Attorney General are those which were in effect on January 1, 1969, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of S. 2673 is to reduce the salary of the Office of Attorney General to its pre-January 15, 1969 level of \$35,000 per annum. The legislation was introduced at the request of the Administration. It is the judgment of the Attorney General that S. 2673 must become law before the nomination of Senator Saxbe can be submitted to the Senate.

On January 3, 1969, when Senator Saxbe began his term of office, the salary of the Office of Attorney General was \$35,000. Later in 1969, under PL 92-206, the salary of the Office of Attorney General was increased to \$60,000.

Article I, Section 6, Clause 2 of the Constitution provides that:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

This measure achieves its purpose by reducing the Attorney General's salary to that amount authorized by law on January 3, 1969,



when he took office. The Committee has no desire or intention to resolve any constitutional issue regarding Senator Saxbe's appointment as Attorney General of the United States. Such issues are not within the jurisdiction of the Senate Committee on Post Office and Civil Service.

#### STATEMENT

The Acting Attorney General of the United States, Robert H. Bork, stated in his testimony before the Committee on November 13, 1973, that his initial view of the Constitutional injunction cited above was that it would not be unconstitutional for nomination and Senate consideration to move forward in the absence of the remedy provided by this bill. The Constitution, he pointed out, speaks of a Senator or Representative being *appointed*; and nomination and consideration in the Senate would, on the face of it, appear to be steps which precede actual appointment. The Acting Attorney General stated, however, that legal research conducted by his office shows that history does not bear out his initial view; and that should Senator Saxbe be appointed and should Judiciary Committee consideration proceed prior to the elimination of the Constitutional impediment with regard to salary, the legality of his appointment could later be challenged in the courts.

Accordingly, upon the advice of the Acting Attorney General and upon the basis of a specific written request of the President of the United States, the Chairman of the Committee and the ranking Republican Member agreed to hold a hearing and to consider the bill. Having heard the testimony of the Acting Attorney General as to the necessity for this Committee's taking initial action, and having considered the measure, the Members of the Committee unanimously agreed to the bill reducing the salary of the Attorney General.

#### BACKGROUND

The Committee was initially reluctant to involve itself in Senate procedures involving the appointment of an Attorney General of the United States, because, very clearly, recommendations to the Senate with regard to its advice and consent on this appointment fall within the purview of the Senate Judiciary Committee and no other.

The Committee's action is based upon the Acting Attorney General's testimony and the statement of the President of the United States contained in his letter of November 8, 1973, to the Chairman: "Constitutional precedents beginning with President Washington indicate that the nomination of an individual not then eligible may be improper and that any subsequent appointment based on such nomination might be null and void."

#### ADDITIONAL VIEWS

Following are additional views of Senator Quentin N. Burdick: In joining with the Committee in approving this legislation to reduce the salary of the proposed nominee for Attorney General, I want to indicate that I reserve my right to make a *further* judgment on the constitutionality of this legislation.

QUENTIN N. BURDICK.

#### THE PRESIDENT'S RECOMMENDATION

Following is a letter from the President of the United States to the Chairman of the Committee specifically requesting that S. 2673 be acted upon favorably prior to his nomination of Senator Saxbe to be Attorney General.

THE WHITE HOUSE,  
Washington, November 8, 1973.

HON. GALE W. MCGEE,  
Chairman, Committee on Post Office and Civil Service, U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: I wish to inform you of my intention to nominate Senator William B. Saxbe of Ohio to be Attorney General of the United States, immediately upon enactment of remedial legislation that would eliminate a Constitutional impediment to Senator Saxbe's appointment.

Without this legislation, doubt would exist concerning Senator Saxbe's eligibility because Article I, section 6, clause 2 of the Constitution provides:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; \* \* \*"

During Senator Saxbe's term of service in the United States Senate the annual salary of the Office of Attorney General was increased from \$35,000 to \$60,000.

On November 5, 1973, Acting Attorney General Robert H. Bork submitted legislation which would remove the Constitutional impediment to Senator Saxbe's appointment by reducing the compensation and other emoluments attached to the Office of Attorney General to those in effect before Senator Saxbe began his Senate term.

This solution has historical support. In 1909, similar legislation was enacted at the request of President Taft to reduce the salary of the Office of the Secretary of State so that Senator Philander C. Knox would be eligible for appointment, the compensation and other emoluments of that Office having been increased during the Senate term which Knox was then serving. After enactment of remedial legislation, Senator Knox was nominated, and confirmed by the Senate.

Constitutional precedents beginning with President Washington indicate that the nomination of an individual not then eligible may be improper and that any subsequent appointment based on such nomination might be null and void.

On February 28, 1793, President Washington withdrew the nomination of William Patterson of New Jersey to be Associate Justice of the Supreme Court on the ground that Mr. Patterson "was a member of the Senate when the law creating that Office was passed, and that the time for which he was elected is not yet expired. I think it my duty therefore, to decree that I deem the nomination to have been nullified by the Constitution."

This position has been consistently followed by the Attorney General of the United States in opinions in 1883 by Attorney General Brewster and in 1895 by Acting Attorney General Conrad.

I strongly urge that corrective legislation be enacted as soon as possible. I will submit the nomination of Senator Saxbe immediately upon passage of such legislation so that the Senate may proceed with the confirmation process.

Sincerely,

RICHARD NIXON.

Senator Knox had been elected in 1909 for a term expiring on March 3, 1911. In 1907 the compensation of the Secretary of State had been increased from \$2,000 to \$2,500. An unusual opinion of the Attorney General, based on the fact that the bill which reduced the compensation of the Secretary of State to \$2,000 states that the purpose of the bill is to reduce the salary of the Secretary of State to the same level as that of the Secretary of the Navy.

AGENCY VIEWS

Following is a letter from the Acting Attorney General of the United States, requesting that S. 2673 be introduced, and acted upon affirmatively; and the statement of the Acting Attorney General at the Committee hearing November 13, 1973, providing the results of the research conducted by the Attorney General's office into the historical precedents for this measure.

DEPARTMENT OF JUSTICE.

STATEMENT OF ROBERT H. BORK, ACTING ATTORNEY GENERAL, BEFORE THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. SENATE, CONCERNING S. 2673, RELATING TO THE SALARY OF THE ATTORNEY GENERAL, NOVEMBER 13, 1973

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As you know, the President has announced his intention to nominate Senator William B. Saxbe to be Attorney General of the United States. The salary applicable to the office of Attorney General under existing law is \$60,000 because of a recommendation for salary increases submitted to the Congress pursuant to Public Law 90-206 on January 15, 1969. The salary for the office of Attorney General at the time Senator Saxbe began his term of office on January 3, 1969, was \$35,000, set at that figure by Public Law 89-554, passed on September 6, 1966. S. 2673 is designed to remove the question of the impact of the quoted constitutional provision on the nomination of Senator Saxbe to be Attorney General of the United States.

There are two precedents for the proposed action. First, Lot M. Morrill was appointed to serve as Secretary of the Treasury in 1876 after having been elected to the Senate in 1871. Cabinet officers' salaries had been raised in 1873 from \$8,000 to \$10,000 and returned in 1874 to \$8,000. Senator Morrill's nomination was nevertheless confirmed by the Senate.

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S. 2673 should remove any constitutional question which may be raised concerning the appointment of Senator Saxbe to be Attorney General of the United States. I urge its early consideration by this Committee and prompt enactment by the Senate in order to facilitate consideration of Senator Saxbe.

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D.C., November 5, 1973.

PRESIDENT PRO TEMPORE,  
U.S. Senate,  
Washington, D.C.

DEAR MR. PRESIDENT PRO TEMPORE: Enclosed for your consideration and appropriate reference is a legislative proposal to provide that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on January 1, 1969.

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The accompanying legislation is designed to remove the question concerning the impact of Article I, Section 6, Clause 2 on the President's nomination of Senator William B. Saxbe to be Attorney General of the United States.

I urge prompt consideration and enactment of this legislation.  
The Office of Management and Budget has advised that enactment of this proposal is in accord with the Program of the President.

Sincerely,

ROBERT H. BORK,  
Acting Attorney General.

December 18, 1974

To: Bill Timmons

From: Phil Buchen

Attached is a copy of a memorandum previously sent to Jack Marsh by Phil Areeda. By all means, we should support the new bill that will repeal P. L. 93-178.

Attachments

PWBuchen:ed



Glad to get call.  
(Recognized consequence, G.S.)

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Administration: Balance & perpetuity

HR send favorable report  
The back-off newspaper statement

Contrary of implacable opposition

Saxbe



THE WHITE HOUSE

WASHINGTON

December 20, 1974

MEMORANDUM FOR: PHIL AREEDA  
MAX FRIEDERSDORF  
JACK MARSH  
BILL WALKER

FROM: DON RUMSFELD

George Shultz told me that he had called Hruska and Tower about Levi. They seemed pleased and reassured. George Shultz wanted us to know that he was available to call anyone else we wanted. He knows Levi intimately and has the highest regard for him and has a very personal acquaintance with his philosophy and views. I would think he'd be about as valuable a person to assist in your efforts as anyone.



THE WHITE HOUSE

WASHINGTON

December 19, 1974

MEMORANDUM FOR: PHIL AREEDA

FROM: DON RUMSTELD

George Shultz told the President that he would call John Tower and Roman Hruska strongly supporting Ed Levi. You might call George Shultz and get a feel from him as to how the conversations went.



THE WHITE HOUSE  
WASHINGTON

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THE WHITE HOUSE  
WASHINGTON

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7. Initiate FBI on Levi
8. Conflict of interest on Levi
9. Announce Levi



Eastland · Hruska

Scott · Giffen

Photo Albums

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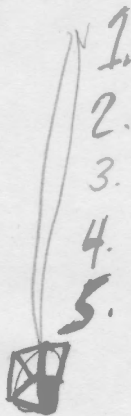
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Dr. Levi is 63 - born in

1911

*Rowland Evans and Robert Novak*

12/23/74

## The Opposition Lines Up Against Levi

When President Ford departed for Vail's ski slopes, he left behind him a messy dilemma confounding his intended nomination of Edward H. Levi as Attorney General and dramatizing this unpleasant fact: the incompetence factor at the White House persists.

Mr. Ford has widely conflicting advice to consider as he slaloms in Colo-



THE WHITE HOUSE

WASHINGTON

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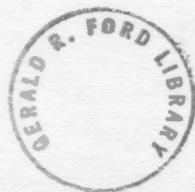
Anti-Lobbying (1973)  
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THE WHITE HOUSE  
WASHINGTON

Hugo Melvain

(312) 782 0600



Peter

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June = Madison





THE WHITE HOUSE  
WASHINGTON

December 24, 1974

MEMORANDUM FOR PHILIP AREEDA

FROM: WILLIAM N. WALKER



Attached is a bibliography of articles by Edward Levi which has been prepared by the Library of Congress and is now circulating on Capitol Hill. It was sent to us by a staff person. I thought you would find it interesting.

Attachment



EDWARD HIRSCH LEVI

A Bibliography: 1936-1974

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1. With Roscoe T. Steffen. Cases and Materials on the Elements of the Law. 2nd ed. Chicago: University of Chicago Bookstore, 1938.
2. With James W. Moore. "Federal Intervention. 1. The Right to Intervene and Reorganization." Yale Law Journal 45 (February 1936): 565-606.
3. With Friedrich Kessler and Edwin E. Ferguson. "Some Aspects of Payment by Negotiable Instrument: A Comparative Study." Yale Law Journal 45 (June 1936): 1373-1405.

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4. With James W. Moore, joint editor. Gilbert's Collier on Bankruptcy: A Treatise on the Law and Practice in Bankruptcy under the National Bankruptcy Act of 1898. 4th ed. Albany: M. Bender and Co., 1937.
5. With James W. Moore. "Bankruptcy and Reorganization: A Survey of Changes." University of Chicago Law Review 5 (December 1937): 1-40.

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6. With James W. Moore. "Bankruptcy and Reorganization: A Survey of Changes II." University of Chicago Law Review 5 (February 1938): 219-59.
7. With James W. Moore. "Bankruptcy and Reorganization: A Survey of Changes III." University of Chicago Law Review 5 (April 1938): 398-423.
8. "The Natural Law, Precedent, and Thurman Arnold." Virginia Law Review 24 (April 1938): 587-612.
9. With James W. Moore. "Federal Intervention: II. The Procedure, Status, and Federal Jurisdictional Requirements." Yale Law Journal 47 (April 1938): 898-943.
10. "Corporate Reorganization and a Ministry of Justice." Minnesota Law Review 23 (December 1938): 3-29.



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11. "International Cartels and the Law." In War and the Law [the Charles R. Walgreen Foundation Lectures], pp. 117-41. Edited by Ernst Wilfred Puttkammer. Chicago: University of Chicago Press, 1944.
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13. With Casper Ooms and Bernard Thiess. Patents and Monopoly. University of Chicago Round Table Pamphlets, no. 385 (August 5, 1945), pp. 1-16.
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15. With Thomas Finletter, Grayson Kirk, and Phillip Morrison. Problem of the Year: Control of the Atom. University of Chicago Round Table Pamphlets, no. 407 (January 6, 1946), pp. 1-21.
16. With Thurman Arnold and Harold Ickes. American Commonwealth Today. University of Chicago Round Table Pamphlets, no. 415 (March 3, 1946), pp. 1-16.

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17. With Wilber Katz and Robert Wilson. Patents and Economic Progress. University of Chicago Round Table Pamphlets, no. 460 (January 12, 1947), pp. 1-19.
18. "Anti-trust Laws and Monopoly." University of Chicago Law Review 14 (February 1948): 153-83.
19. With Wendell Berge and James Martin. Are We Against Monopoly? University of Chicago Round Table Pamphlets, no. 477 (May 11, 1947), pp. 1-19.

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20. "An Introduction to Legal Reasoning." University of Chicago Law Review 15 (Spring 1948): 501-74.

An Introduction to Legal Reasoning. Chicago: University of Chicago Press, 1949.



Introduccion Al Razonamiento Juridico. Translated and annotated by Genaro R. Carrio. Buenos Aires: Editorial Universitaria, 1964.

An Introduction to Legal Reasoning. Chicago: University of Chicago Press, 1948; Phoenix Books, 1970.

"An Introduction to Legal Reasoning [extract]". In Introduction to Jurisprudence, pp. 806-10. Edited by Baron Dennis Lloyd, Lloyd of Hampstead, 3rd ed. New York: Praeger Publishers, 1972.

"An Introduction to Legal Reasoning [extract].:" In Jurisprudence, pp. 962-67. Edited by George C. Christie. St. Paul: West Publishing Co., 1973.

[Various excerpts appear in various other casebooks and collections.]

21. Review of Cases on Federal Anti-trust Laws, by S. Chesterfield Oppenheim. Journal of Legal Education 1 (Autumn 1947): 139-43.

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22. With Melvin G. Pe Chazeau and Joseph C. O'Mahoney. What Should We Do About Monopoly? University of Chicago Round Table Pamphlets, no. 565 (January 16, 1949), pp. 1-10.
23. With Nathaniel Nathanson and Malcolm Sharp. Guilt by Association. University of Chicago Round Table Pamphlets, no. 573 (March 13, 1949), pp. 1-19.
24. With James Bennett, Tom C. Clark, Walter A. Gordon, and Frederick A. Moran. Prisons and Parole. University of Chicago Round Table Pamphlets, no. 586 (June 12, 1949), pp. 1-12.
25. "The Effectiveness of the Federal Anti-trust Laws: A Symposium." American Economic Review 39 (June 1949): 703.
26. With Bernard Meltzer and Frank A. Reel. Were the War Crimes Trials Successful? University of Chicago Round Table Pamphlets, no. 600 (September 18, 1949), pp. 1-13.

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27. With Roscoe T. Steffen. Elements of the Law. 4th ed. Chicago: University of Chicago Press, 1950.
28. With Thomas I. Emerson, John P. Frank, Alexander H. Frey, and others. "Segregation and the Equal Protection Clause." Brief for Committee of Law Teachers Against Segregation in Legal Education. Minnesota Law Review 34 (March 1950): 289-329.
29. Review of Legal Theory. 2nd ed. by W. Friedmann. New York University Law Review 25 (April 1950): 426-28.



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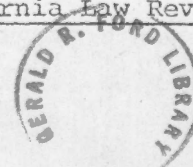
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THOMAS G. KINDEL  
735 SAN JOSE DRIVE, S. E.  
GRAND RAPIDS, MICHIGAN 49506

*For filing.  
No answer  
required.*

December 30, 1974.

Mr. Philip Buchen,  
Jefferson Hotel,  
1200 16th, N.W.,  
Washington, D.C. 20036

Dear Phil:

It was wonderful to again have you  
and Bunny in Grand Rapids. You both add so  
much to any gathering.

We can well imagine the long hours and  
frustrations that you must have, but you should  
get some comfort from the fact that unquestionably  
everyone, who knows you, sleeps a little more  
soundly because you are one of President Ford's  
close advisors.

As you suggested, I have written to  
Senators Tower, Hruska and Eastland per the  
enclosed copies.

With warm good wishes to you and *love to*  
Bunny.

Sincerely yours,

*Tom*

*1/3  
e  
B. L. B.*



THOMAS G. KINDEL  
735 SAN JOSE DRIVE, S. E.  
GRAND RAPIDS, MICHIGAN 49506

December 30, 1974.

Senator John Eastland,  
Senate Office Building,  
Washington, D.C. 20501

Dear Senator Eastland:

As a member of the N.A.M. and other conservative groups before I retired, I am extremely concerned to read in the papers that there may be difficulty in confirming the appointment of Edward Levi as Attorney General.

I have known Mr. Levi both personally and through members of my family on the faculty of the University of Chicago. We all have the greatest respect for his outstanding ability and integrity. I believe he is the kind of person that the average citizen wants to see as Attorney General. He will add strength to the Ford Cabinet.

I am confident that with your prestige and reputation for integrity that you can help get Mr. Levi confirmed without undue delay.

Respectfully yours,

e



Levi  
D. Ford

THOMAS G. KINDEL  
735 SAN JOSE DRIVE, S. E.  
GRAND RAPIDS, MICHIGAN 49506

December 30, 1974.

Senator John Tower,  
Senate Office Building,  
Washington, D.C. 20501

Dear Senator Tower:

As a registered Republican, and a member of the N.A.M. and other conservative groups before I retired, I am extremely concerned to read in the papers that there may be difficulty in confirming the appointment of Edward Levi as Attorney General.

I have known Mr. Levi both personally and through members of my family on the faculty of the University of Chicago. We all have the greatest respect for his outstanding ability and integrity. I believe he is the kind of person that the average citizen wants to see as Attorney General. He will add strength to the Ford Cabinet.

The recent election in Michigan (of a Republican Governor and a Democrat to President Ford's old seat in the House) shows that the public wants to see men and women of character and ability in public office. The trend is for the majority to resent party politics and labels.

Having met and heard you when you spoke in Grand Rapids several years ago, I am confident that you are desirous of bringing into government men and women of outstanding ability and character . . . and that you have the prestige to help get Mr. Levi confirmed without undue delay.

Respectfully yours,



THOMAS G. KINDEL  
735 SAN JOSE DRIVE, S. E.  
GRAND RAPIDS, MICHIGAN 49506

December 30, 1974.

Senator Roman Hruska,  
Senate Office Building,  
Washington, D.C. 20501

Dear Senator Hruska:

As a registered Republican, and a member of the N.A.M. and other conservative groups before I retired, I am extremely concerned to read in the papers that there may be difficulty in confirming the appointment of Edward Levi as Attorney General.

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The recent election in Michigan (of a Republican Governor and a Democrat to President Ford's old seat in the House) shows that the public wants to have in office the men and women who are the ablest and, of course, whose honesty is unquestioned.

I am confident that with your prestige and reputation for integrity that you can help get Mr. Levi confirmed without undue delay.

Respectfully yours,



ITEM WITHDRAWAL SHEET  
WITHDRAWAL ID 01265

Collection/Series/Folder ID ..... : 001900273  
Reason for Withdrawal ..... : DR, Donor restriction  
Type of Material ..... : REP, Report(s)  
Creator's Name ..... : Levi, Edward  
Description ..... : Confidential State of Employment  
and Financial Interests.  
Creation Date ..... : 12/31/1974  
Date Withdrawn ..... : 06/23/1988