

**The original documents are located in Box 27, folder “National Security Council - Nixon/Thieu Letters (1)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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# Ninety-third Congress of the United States of America

AT THE SECOND SESSION

Began and held at the City of Washington on Monday, the twenty-first day of January, one thousand nine hundred and seventy-four

## An Act

To protect and preserve tape recordings of conversations involving former President Richard M. Nixon and made during his tenure as President, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Recordings and Materials Preservation Act".

### TITLE I—PRESERVATION OF PRESIDENTIAL RECORDINGS AND MATERIALS

#### DELIVERY AND RETENTION OF CERTAIN PRESIDENTIAL MATERIALS

Sec. 101. (a) Notwithstanding any other law or any agreement or understanding made pursuant to section 2107 of title 44, United States Code, any Federal employee in possession shall deliver, and the Administrator of General Services (hereinafter in this title referred to as the "Administrator") shall receive, obtain, or retain, complete possession and control of all original tape recordings of conversations which were recorded or caused to be recorded by any officer or employee of the Federal Government and which—

- (1) involve former President Richard M. Nixon or other individuals who, at the time of the conversation, were employed by the Federal Government;
- (2) were recorded in the White House or in the office of the President in the Executive Office Buildings located in Washington, District of Columbia; Camp David, Maryland; Key Biscayne, Florida; or San Clemente, California; and
- (3) were recorded during the period beginning January 20, 1969, and ending August 9, 1974.

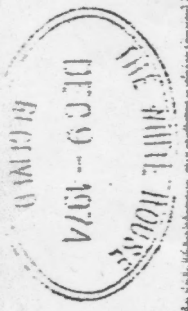
(b) (1) Notwithstanding any other law or any agreement or understanding made pursuant to section 2107 of title 44, United States Code, the Administrator shall receive, retain, or make reasonable efforts to obtain, complete possession and control of all papers, documents, memorandums, transcripts, and other objects and materials which constitute the Presidential historical materials of Richard M. Nixon, covering the period beginning January 20, 1969, and ending August 9, 1974.

(2) For purposes of this subsection, the term "historical materials" has the meaning given it by section 2101 of title 44, United States Code.

#### AVAILABILITY OF CERTAIN PRESIDENTIAL MATERIALS

Sec. 102. (a) None of the tape recordings or other materials referred to in section 101 shall be destroyed, except as hereafter may be provided by law.

(b) Notwithstanding any other provision of this title, any other law, or any agreement or understanding made pursuant to section 2107 of title 44, United States Code, the tape recordings and other materials referred to in section 101 shall, immediately upon the date of enactment of this title, be made available, subject to any rights, defenses, or privileges which the Federal Government or any person may invoke, for use in any judicial proceeding or otherwise subject to court subpoena or other legal process. Any request by the Office of Watergate



Special Prosecution Force, whether by court subpoena or other lawful process, for access to such recordings or materials shall at all times have priority over any other request for such recordings or materials.

(c) Richard M. Nixon, or any person whom he may designate in writing, shall at all times have access to the tape recordings and other materials referred to in section 101 for any purpose which is consistent with the provisions of this title, subsequent and subject to the regulations which the Administrator shall issue pursuant to section 103.

(d) Any agency or department in the executive branch of the Federal Government shall at all times have access to the tape recordings and other materials referred to in section 101 for lawful Government use, subject to the regulations which the Administrator shall issue pursuant to section 103.

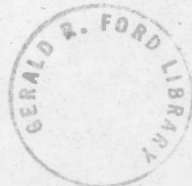
REGULATIONS TO PROTECT CERTAIN TAPE RECORDINGS AND OTHER  
MATERIALS

SEC. 103. The Administrator shall issue at the earliest possible date such regulations as may be necessary to assure the protection of the tape recordings and other materials referred to in section 101 from loss or destruction, and to prevent access to such recordings and materials by unauthorized persons. Custody of such recordings and materials shall be maintained in Washington, District of Columbia, or its metropolitan area, except as may otherwise be necessary to carry out the provisions of this title.

REGULATIONS RELATING TO PUBLIC ACCESS

SEC. 104. (a) The Administrator shall, within ninety days after the date of enactment of this title, submit to each House of the Congress a report proposing and explaining regulations that would provide public access to the tape recordings and other materials referred to in section 101. Such regulations shall take into account the following factors:

- (1) the need to provide the public with the full truth, at the earliest reasonable date, of the abuses of governmental power popularly identified under the generic term "Watergate";
- (2) the need to make such recordings and materials available for use in judicial proceedings;
- (3) the need to prevent general access, except in accordance with appropriate procedures established for use in judicial proceedings, to information relating to the Nation's security;
- (4) the need to protect every individual's right to a fair and impartial trial;
- (5) the need to protect any party's opportunity to assert any legally or constitutionally based right or privilege which would prevent or otherwise limit access to such recordings and materials;
- (6) the need to provide public access to those materials which have general historical significance, and which are not likely to be related to the need described in paragraph (1); and
- (7) the need to give to Richard M. Nixon, or his heirs, for his sole custody and use, tape recordings and other materials which are not likely to be related to the need described in paragraph (1) and are not otherwise of general historical significance.



(b) (1) The regulations proposed by the Administrator in the report required by subsection (a) shall take effect upon the expiration of ninety legislative days after the submission of such report, unless such regulations are disapproved by a resolution adopted by either House of the Congress during such period.

(2) The Administrator may not issue any regulation or make any change in a regulation if such regulation or change is disapproved by either House of the Congress under this subsection.

(3) The provisions of this subsection shall apply to any change in the regulations proposed by the Administrator in the report required by subsection (a). Any proposed change shall take into account the factors described in paragraph (1) through paragraph (7) of subsection (a), and such proposed change shall be submitted by the Administrator in the same manner as the report required by subsection (a).

(4) Paragraph (5) is enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (as far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(5) (A) Any resolution introduced under paragraph (1) shall be referred to a committee by the Speaker of the House or by the President of the Senate, as the case may be.

(B) If the committee to which any such resolution is referred has not reported any resolution relating to any regulation or change proposed by the Administrator under this section before the expiration of sixty calendar days after the submission of any such proposed regulation or change, it shall then be in order to move to discharge the committee from further consideration of such resolution.

(C) Such motion may be made only by a person favoring the resolution, and such motion shall be privileged. An amendment to such motion is not in order, and it is not in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(D) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed.

(E) When the committee has reported, or has been discharged from further consideration of, a resolution introduced under paragraph (1), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be privileged. An amendment to such motion is not in order, and it is not in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(6) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.

(c) The provisions of this title shall not apply, on and after the date upon which regulations proposed by the Administrator take effect under subsection (b), to any tape recordings or other materials given to Richard M. Nixon, or his heirs, pursuant to subsection (a) (7).



(d) The provisions of this title shall not in any way affect the rights, limitations or exemptions applicable under the Freedom of Information Act, 5 U.S.C. § 552 et seq.

JUDICIAL REVIEW

SEC. 105. (a) The United States District Court for the District of Columbia shall have exclusive jurisdiction to hear challenges to the legal or constitutional validity of this title or of any regulation issued under the authority granted by this title, and any action or proceeding involving the question of title, ownership, custody, possession, or control of any tape recording or material referred to in section 101 or involving payment of any just compensation which may be due in connection therewith. Any such challenge shall be treated by the court as a matter requiring immediate consideration and resolution, and such challenge shall have priority on the docket of such court over other cases.

(b) If, under the procedures established by subsection (a), a judicial decision is rendered that a particular provision of this title, or a particular regulation issued under the authority granted by this title, is unconstitutional or otherwise invalid, such decision shall not affect in any way the validity or enforcement of any other provision of this title or any regulation issued under the authority granted by this title.

(c) If a final decision of such court holds that any provision of this title has deprived an individual of private property without just compensation, then there shall be paid out of the general fund of the Treasury of the United States such amount or amounts as may be adjudged just by that court.

AUTHORIZATION OF APPROPRIATIONS

SEC. 106. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE II—PUBLIC DOCUMENTS COMMISSION

SHORT TITLE

SEC. 201. This title may be cited as the "Public Documents Act".

ESTABLISHMENT OF STUDY COMMISSION

SEC. 202. Chapter 33 of title 44, United States Code, is amended by adding at the end thereof the following new sections:

"§ 3315. Definitions

"For purposes of this section and section 3316 through section 3324 of this title—

"(1) the term 'Federal official' means any individual holding the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or any officer of the executive, judicial, or legislative branch of the Federal Government;

"(2) the term 'Commission' means the National Study Commission on Records and Documents of Federal Officials; and



"(3) the term 'records and documents' shall include hand-written and typewritten documents, motion pictures, television tapes and recordings, magnetic tapes, automated data processing documentation in various forms, and other records that reveal the history of the Nation.

**"§ 3316. Establishment of Commission**

"There is established a commission to be known as the National Study Commission on Records and Documents of Federal Officials.

**"§ 3317. Duties of Commission**

"It shall be the duty of the Commission to study problems and questions with respect to the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials, with a view toward the development of appropriate legislative recommendations and other recommendations regarding appropriate rules and procedures with respect to such control, disposition, and preservation. Such study shall include consideration of—

"(1) whether the historical practice regarding the records and documents produced by or on behalf of Presidents of the United States should be rejected or accepted and whether such practice should be made applicable with respect to all Federal officials;

"(2) the relationship of the findings of the Commission to the provisions of chapter 19 of this title, section 2101 through section 2108 of this title, and other Federal laws relating to the control, disposition, and preservation of records and documents of Federal officials;

"(3) whether the findings of the Commission should affect the control, disposition, and preservation of records and documents of agencies within the Executive Office of the President created for short-term purposes by the President;

"(4) the recordkeeping procedures of the White House Office, with a view toward establishing means to determine which records and documents are produced by or on behalf of the President;

"(5) the nature of rules and procedures which should apply to the control, disposition, and preservation of records and documents produced by Presidential task forces, commissions, and boards;

"(6) criteria which may be used generally in determining the scope of materials which should be considered to be the records and documents of Members of the Congress;

"(7) the privacy interests of individuals whose communications with Federal officials, and with task forces, commissions, and boards, are a part of the records and documents produced by such officials, task forces, commissions, and boards; and

"(8) any other problems, questions, or issues which the Commission considers relevant to carrying out its duties under section 3315 through section 3324 of this title.

**"§ 3318. Membership**

"(a) (1) The Commission shall be composed of seventeen members as follows:

"(A) one Member of the House of Representatives appointed by the Speaker of the House upon recommendation made by the majority leader of the House;

"(B) one Member of the House of Representatives appointed



by the Speaker of the House upon recommendation made by the minority leader of the House;

“(C) one Member of the Senate appointed by the President pro tempore of the Senate upon recommendation made by the majority leader of the Senate;

“(D) one Member of the Senate appointed by the President pro tempore of the Senate upon recommendation made by the minority leader of the Senate;

“(E) one Justice of the Supreme Court, appointed by the Chief Justice of the United States;

“(F) one person employed by the Executive Office of the President or the White House Office, appointed by the President;

“(G) three appointed by the President, by and with the advice and consent of the Senate, from persons who are not officers or employees of any government and who are specially qualified to serve on the Commission by virtue of their education, training, or experience;

“(H) one representative of the Department of State, appointed by the Secretary of State;

“(I) one representative of the Department of Defense, appointed by the Secretary of Defense;

“(J) one representative of the Department of Justice, appointed by the Attorney General;

“(K) the Administrator of General Services (or his delegate);

“(L) the Librarian of Congress;

“(M) one member of the American Historical Association, appointed by the counsel of such Association;

“(N) one member of the Society of American Archivists, appointed by such Society; and

“(O) one member of the Organization of American Historians, appointed by such Organization.

“(2) No more than two members appointed under paragraph (1) (G) may be of the same political party.

“(b) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

“(c) If any member of the Commission who was appointed to the Commission as a Member of the Congress leave such office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for no longer than the sixty-day period beginning on the date he leaves such office or becomes such an officer or employee, as the case may be.

“(d) Members shall be appointed for the life of the Commission.

“(e) (1) Members of the Commission shall serve without pay.

“(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses in the same manner as persons employed intermittently in the service of the Federal Government are allowed expenses under section 5703 (b) of title 5, United States Code, except that per diem in lieu of subsistence shall be paid only to those members of the Commission who are not full-time officers or employees of the United States or Members of the Congress.

“(f) The Chairman of the Commission shall be designated by the President from among members appointed under subsection (a) (1) (G).



“(g) The Commission shall meet at the call of the Chairman or a majority of its members.

“§ 3319. Director and staff; experts and consultants

“(a) The Commission shall appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316).

“(b) The Commission may appoint and fix the pay of such additional personnel as it deems necessary.

“(c) (1) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule (5 U.S.C. 5332).

“(2) In procuring services under this subsection, the Commission shall seek to obtain the advice and assistance of constitutional scholars and members of the historical, archival, and journalistic professions.

“(d) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under sections 3315 through 3324 of this title.

“§ 3320. Powers of Commission

“(a) The Commission may, for the purpose of carrying out its duties under sections 3315 through 3324 of this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem desirable.

“(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

“(c) The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out its duties under section 3315 through section 3324 of this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

“§ 3321. Support services

“(a) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services and assistance as the Commission may request.

“(b) The Archivist of the United States shall provide to the Commission on a reimbursable basis such technical and expert advice, consultation, and support assistance as the Commission may request.

“§ 3322. Report

“The Commission shall transmit to the President and to each House of the Congress a report not later than March 31, 1976. Such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation, administrative actions, and other actions, as it deems appropriate.

“§ 3323. Termination

“The Commission shall cease to exist sixty days after transmitting its report under section 3322 of this title.

“§ 3324. Authorization of appropriations

“There is authorized to be appropriated such sums as may be necessary to carry out section 3315 through section 3324 of this title.”





TECHNICAL AMENDMENT

SEC. 203. The table of sections for chapter 33 of title 44, United States Code, is amended by adding at the end thereof the following new items:

- "3315. Definitions.
- "3316. Establishment of Commission.
- "3317. Duties of Commission.
- "3318. Membership.
- "3319. Director and staff; experts and consultants.
- "3320. Powers of Commission.
- "3321. Support services.
- "3322. Report.
- "3323. Termination.
- "3324. Authorization of appropriations."

*Carl Albert*

*Speaker of the House of Representatives.*

*Lee Metcalf*

~~*Vice President of the United States*~~

*Acting President of the Senate pro Tempore.*



THE WHITE HOUSE

WASHINGTON

May 16, 1975

MEMORANDUM FOR:

JEANNE DAVIS

FROM:

PHILIP W. BUCHEN

SUBJECT:

Senate Foreign Relations  
Committee Request for  
Presidential Correspondence  
on Saudi Arabia

*classified*  
*down*  
*Exchange of*  
*Letters*  
*(material*  
*filed in*  
*Exec agreement*

In response to your memorandum of May 12 on the above subject, I comment as follows:

1. Preferred option: I prefer option 2 of this draft memo under which appropriate representatives of the Senate Foreign Relations Committee would be permitted to review the classified letters, but would not be provided with copies of those letters. Option 1 -- providing copies to the Committee on a classified basis -- tracks too closely the procedure required under the Case Act for "international agreements." Adopting that option might be interpreted as an acknowledgement that these letters in fact represent an "international agreement," a position we have rejected in the case of the Nixon-Thieu letters. Option 3 -- total denial-- strikes me as unnecessarily belligerent and inappropriate in view of the low sensitivity of these particular letters and the Senate's unquestionable legitimate inquiry into the scope and nature of U. S. commitments in the Middle East.
2. Legal basis for denial: For language to support option 3, I would suggest the following:

The letters in question do not constitute international agreements because they do not bind the U. S. as a Nation. They are not in any way analagous to treaties and do not abrogate in any way treaty power of the Senate.



In truth and in fact the letters in question represent nothing more than confidential communications between heads of state. As such, to provide them to the Congress would irreparably harm the ability of a President to conduct the foreign relations of the United States. If the President's correspondence with other heads of state is subject to being provided to the Congress, the result would be a significant chill in the candor and utility of such confidential exchanges. As President Ford recently indicated, "it would not be wise to establish the precedent of providing correspondence between the heads of state."



THE WHITE HOUSE

WASHINGTON

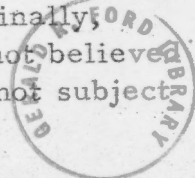
June 3, 1975

MEMORANDUM FOR: PHIL BUCHEN  
THROUGH: BILL CASSELMAN *BC*  
FROM: BARRY ROTH *BR*  
SUBJECT: Requests for Materials of the  
Nixon Administration

In response to your request this morning, attached is a compilation of the correspondence our office has generated with respect to requests for copies of "Presidential Materials of the Nixon Administration." Tab A consists of Congressional requests for information; Tab B, of requests pertaining in some way to litigation; Tab C, of Freedom of Information Act (FOIA) requests; and Tab D, of Executive Branch requests (other than the Special Prosecutor).

When requests have been made by Congress for Nixon materials, we have responded that disclosure of these materials requires the consent of Counsel for Mr. Nixon as the result of the District Court's Order. While it is possible for this office to unilaterally deny such requests, we are in a stronger litigating and public relations position if we have on record the refusal of Mr. Nixon or his Counsel. Prior to responding to these requests, we have checked, to the extent practicable, with the appropriate agencies to insure that the requested document cannot be found among items that are outside the scope of the Order.

When FOIA requests have been made for Nixon materials, we have unilaterally denied them when the only available copies are believed to be within the scope of the Order. If we were to find that the requested document could be found at another agency, we would probably refer the requester to that agency, where any exemptions under the Act could also be invoked. Since one issue now before the courts is the availability of these Presidential materials under the FOIA, we have taken a position, concurred in by Justice, that the Order prevents us from disclosing the contents of these materials on the basis of an FOIA request. Finally, we point out that the White House (or the Domestic Council) is not believed to be an agency for the purposes of the FOIA, and therefore is not subject to its provisions for mandatory disclosure.



May 29, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: KEN LAZARUS

SUBJECT: Power of Congressional Committees to  
Compel Appearance or Testimony of  
Presidential Assistants

This is in response to your request for a discussion of historical precedents and policy on appearances or testimony before congressional committees by Presidential assistants not confirmed by the Senate.

Introductory Note

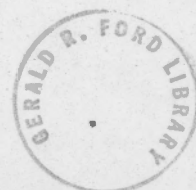
In his press briefing of April 25, regarding Senator Kennedy's request to have Ambassador Brown testify before a Judiciary Subcommittee, Ron Nessen stated: ". . . traditionally appointees of the President who are not subject to confirmation by the Senate are not called to testify." Actually, a complete reading of the transcript (Tab A) makes clear that Ron was talking about a narrower category of Presidential "assistants" rather than "appointees".

On May 2, 1975, Senator John Sparkman sent a letter to the President in order ". . . to keep the record straight." (Tab B) He noted:

\* \* \*

"Among the Presidential appointees not confirmed by the Senate who have testified before congressional committees are Peter Flanigan, Richard Goodwin, Sherman Adams, Robert Cutler, Robert E. Merriam, Gerald D. Morgan, Lawrence F. O'Brien, General E. R. Quesada, Roger L. Stevens, Dr. Stafford L. Warren, and Dr. Jerome Wiesner."

\* \* \*



## Historical Precedents

There have been numerous instances in which White House Staff members declined to appear before congressional committees.

1. On two occasions during the administration of President Truman, a subcommittee of the House Committee on Education and Labor issued subpoenas to John R. Steelman, who held the title "Assistant to the President". In both instances he returned the subpoena with a letter stating that "In each instance the President directed me, in view of my duties as his Assistant, not to appear before your subcommittee."
2. In 1951, Donald Dawson, an Administrative Assistant to President Truman, was requested to testify before a Senate Subcommittee investigating the Reconstruction Finance Corporation, one aspect of which concerned Mr. Dawson's alleged misfeasance. Although the President believed that this request constituted a violation of the constitutional principle of the separation of powers, he nevertheless "reluctantly" permitted Mr. Dawson to testify so that he could clear his name.
3. In 1944, Jonathan Daniels, an Administrative Assistant to President Roosevelt, refused to respond to a subcommittee subpoena requiring him to testify concerning his alleged attempts to force the resignation of the Rural Electrification Administrator. He based his refusal on the confidential nature of his relationship to the President. The Subcommittee then recommended that Daniels be cited for contempt. Thereupon Daniels wrote the Subcommittee that although he still believed that he was not subject to subpoena, the President had authorized him to respond to the subcommittee's questions.
4. During the Eisenhower Administration Sherman Adams declined to testify before a committee investigating the Dixon-Yates contract because of his confidential relationship to the President. However, at a later date in the administration he



volunteered to testify concerning his dealings with Bernard Goldfine who was charged with violations of federal criminal statutes.

5. During the hearings on the nomination of Justice Fortas as Chief Justice the Senate Judiciary Committee requested W. DeVier Pierson, then Associate Special Counsel to the President, to appear and testify regarding the participation of Justice Fortas in the drafting of certain legislation. Pierson declined to appear, writing the Committee as follows:

"As Associate Special Counsel to the President since March, 1967, I have been one of the 'immediate staff assistants' provided to the President by law. (3 U.S.C. 105, 106) It has been firmly established, as a matter of principle and precedents, that members of the President's immediate staff shall not appear before a congressional committee to testify with respect to the performance of their duties on behalf of the President. This limitation, which has been recognized by the Congress as well as the Executive, is fundamental to our system of government. I must, therefore, respectfully decline the invitation to testify in the hearings."

6. Similar incidents occurred during the Nixon Administration in connection with attempts of Congressional Committees to obtain the testimony of Dr. Kissinger and Mr. Flanigan. It is my recollection that Kissinger never testified as a Presidential assistant, but that Flanigan did appear during the course of the Kleindienst nomination with the approval of the President and under certain ground rules limiting the scope of the inquiry to his personal role in the ITT-Hartford merger.

It thus appears that at least since the Truman Administration Presidential Assistants have appeared before congressional committees only where the inquiry related to their own private affairs or where they had received Presidential permission. In the Dawson case both conditions were met.



of William H. Rehnquist, Assistant Attorney General, before the Subcommittee on Separation of Powers, Committee on the Judiciary, United States Senate (Tab D).

Recommendation

I would suggest that you not respond to the letter of Senator Sparkman at this time. In this regard, it would be best to leave sleeping dogs lie.





## Relevant Doctrine

Although I am not aware of any judicial pronouncements on this issue, two areas of Constitutional doctrine are relevant.

1. Executive Privilege. While an assertion of Executive Privilege with respect to specific testimony or documents on the subject of advice given by a staff member to the President would be entirely proper, the propriety of invoking the privilege to direct the staff member not to appear at all would be questionable.

Requests to the White House to furnish official documents in its custody to a congressional committee clearly can be resisted on the basis of Executive Privilege (notwithstanding Nixon v. Sirica). But the claim of privilege for documents would not appear to be co-extensive with the claim of personal immunity from subpoena. A claim for official documents in the custody of the Executive Branch necessarily involves Executive business, whereas it cannot be said to a certainty in advance that a White House adviser will necessarily be interrogated only on matters pertaining to his official duties.

2. Separation of Powers. A more persuasive rationale for denying the appearance or testimony of Presidential assistants before congressional committees is the doctrine of separation of powers. An immediate assistant to the President in the normal situation acts as an agent of the President in implementing Presidential functions. If a congressional committee could compel the attendance of a Presidential adviser for the purpose of inquiring into the discharge of functions constitutionally committed to the President, the independence of the Presidency would be impaired for the same reason that such congressional power to compel the attendance of the President himself would impair that independence. As President Truman said in a radio address on the occasion of his refusal to appear pursuant to a request of the House Un-American Activities Committee, if a President or former President could be called and questioned about his official duties, "the office of President would be dominated by the Congress and the Presidency might become a mere appendage of Congress." New York Times, Nov. 17, 1953 at p. 26.

The issue at hand is treated comprehensively in the attached Memorandum on Power of Congressional Committee to Compel Appearance or Testimony of Presidential Assistants -- Constitutional and Statutory Aspects (Tab C) and the Statement

*Frank Church*

THE WHITE HOUSE

WASHINGTON

June 19, 1975

Dear Mr. Chairman:

This is in response to your letter of yesterday concerning the meeting we had on a number of matters.

Although I generally agree with your recapitulation of the points of agreement, I feel obliged to raise one matter specifically in order to avoid any misunderstanding of our position. Your letter states that "The Committee appreciates your intentions to deliver the NSC and other materials on assassinations by Friday." As I recall, there was no discussion yesterday with respect to the means and manner by which the materials relevant to assassination allegations would be made available to the Select Committee. Your letter seems to assume that copies of these materials will be provided to the Committee for its custody. This matter was not discussed yesterday, and we made no such commitment.

With respect to that matter, I should point out that the President has expressed his hope that the Congress will handle the matter of assassination allegations with the utmost prudence. I am sure you share the same goal. However, in view of your announced intention to publish an interim report on these matters, it is our judgment that additional discussions and assurances are necessary before we can responsibly turn over to the Select Committee custody copies of materials which might ultimately, at your discretion, be publicly released in a manner so as to substantially affect the ongoing diplomatic and foreign affairs interests of this country.

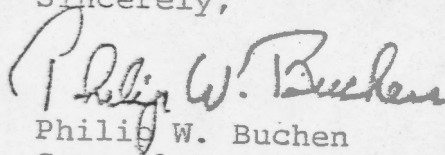
Of course, these discussions should not and will not interfere with access to these materials by the Select Committee staff. Beginning tomorrow morning, materials relevant to assassination allegations will be available for review in the Situation Room at the White House. The Situation Room is staffed on a



24-hour a day, seven day a week basis; consequently, there will be no impairment of the Select Committee's access to these materials.

As you know, we are still continuing our own internal review of relevant National Security Council and other materials, and these materials will be also available for Select Committee review on a continuing basis when and as possible.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Frank Church  
Chairman,  
Senate Select Committee to  
Study Government Operations  
with Respect to Intelligence  
Activities  
United States Senate  
Washington, D. C. 20510



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GARY HART, COLO.

WILLIAM G. MILLER, STAFF DIRECTOR

## United States Senate

SELECT COMMITTEE TO  
STUDY GOVERNMENTAL OPERATIONS WITH  
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

June 18, 1975

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

Dear Mr. Buchen:

I have reflected upon the proposals discussed today by you and Senator Tower, myself and our respective staffs.

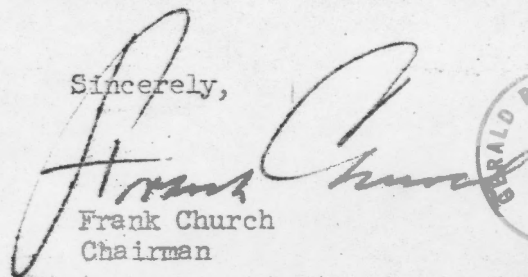
First, I agree with you that it would be most helpful if the Committee were briefed by the NSC regarding covert action and intelligence estimates. The Committee would like to have those briefings at the earliest mutually convenient opportunity, perhaps next week. With regard to these briefings to be given to the full Committee on covert action and intelligence estimates by the NSC, it would be most helpful to the Committee if designated staff were briefed by the NSC staff prior to the meeting so that members of the Committee will be well prepared and be able to gain the most benefit from the briefing.

Second, in regard to the requests already made by the Committee concerning covert action and intelligence estimates, the Committee regards these requests as pending and would like the staff to be able to continue with its interviews and study of material from the agencies. With respect to the files requested in letters already sent and which will be sent shortly, the Committee is of the view that we should proceed in the future as we have in the past. The briefings and materials that have been given thus far have been useful to our staff and the work of the Committee has been advanced thereby. It is the desire of the Committee that this process should continue uninterrupted.

The Committee appreciates your intentions to deliver the NSC and other materials on assassinations by Friday.

With kind regards,

Sincerely,

  
Frank Church  
Chairman



*Barry*

THE WHITE HOUSE  
WASHINGTON

*Eleanor  
Connors*

*Muskie*



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2591

3/28 memo to

W. J. Harris  
L. J. Harris

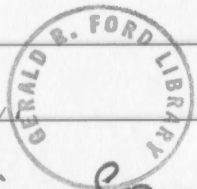
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THE WHITE HOUSE  
WASHINGTON

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*Mushie,*  
*Edmund S.*

May 28, 1975

Dear Mr. Chairman:

In behalf of the President, I am responding further to your letter of May 15 which was previously acknowledged by Mr. William T. Kendall of the President's staff.

In support of the position taken by Dr. David Rall when he was invited to appear before your Subcommittee to participate in a panel discussion with persons from outside of the Government, I can confirm that Dr. Rall acted in good faith.

It is understood that Subcommittees of Congress have sought to use somewhat innovative techniques in the conduct of their hearings, and the President has encouraged Government witnesses to cooperate. However, he has expressed to Heads in the Executive Branch his concern about the newly developing practice on the part of certain Subcommittees of Congress to request participation by an Administration representative in a panel or seminar involving also non-governmental participants. This practice, he believes, constitutes a substantial departure from the traditional manner in which the Legislative and Executive Branch seek and exchange information and opinions from each other's representatives. It is a departure in which the President does not concur. However, the President sees no problem with having two or more Executive Branch witnesses appear at the same time, but without non-governmental witnesses, before a Congressional Subcommittee if appropriate arrangements are made in advance of the hearing.

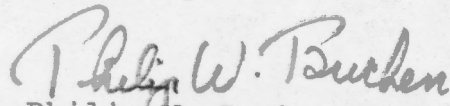
I should also point out that he has requested that Executive witnesses prior to the hearing date, or representatives on their behalf, contact the Committee in reference to the format of the hearing because it is felt in this way there can be satisfactorily resolved any questions that might arise in reference to the format of the hearing.





The President continues to call for full cooperation by representatives of his Administration with the Committees and Subcommittees of Congress, but believes that such cooperation depends upon mutual respect by the Legislative and Executive Branches of the Federal Government in their regard for each other.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Edmund S. Muskie  
Chairman, Subcommittee on  
Environmental Pollution  
United States Senate  
Washington, D. C. 20510



Any response  
from Mr. Marsh?

Sol Mosher (HOD)  
753-5003



THE WHITE HOUSE  
WASHINGTON

May 23, 1975

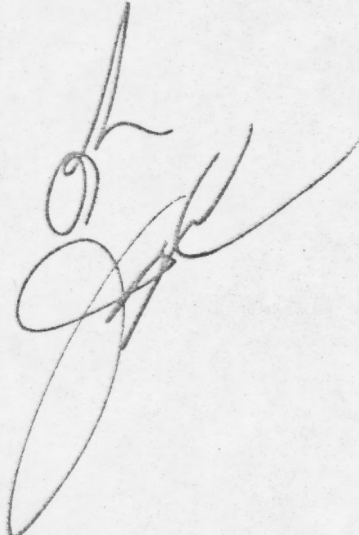
MEMORANDUM FOR: JACK MARSH ✓  
JIM CONNOR ✓

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

Attached is a copy of a letter from  
Senator Muskie and a copy of my draft  
reply.

Please let me have your comments  
promptly.

Attachments



May 16, 1975

Dear Mr. Chairman:

This will acknowledge receipt and thank you for your May 15 letter to the President requesting clarification of the report that a policy has been set which would prevent governmental witnesses from appearing on panels with non-governmental witnesses.

Please be assured that your letter will be called to the President's attention at the earliest opportunity.

With kind regards,

Sincerely,

William T. Kendall  
Deputy Assistant  
to the President

The Honorable Edmund S. Muskie  
Chairman, Subcommittee on  
Environmental Pollution  
United States Senate  
Washington, D.C. 20510



~~cc:~~ w/incoming to Philip Buchen for appropriate handling.  
bcc: w/incoming to Max Friedersdorf - FYI

WTK:EF:VO:vo

5-16

ENNINGS RANDOLPH, W. VA., CHAIRMAN  
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 MIKE BRAVEL, ALASKA  
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HAROLD H. BAKER, JR., TENN.  
 JAMES L. BUCKLEY, N.Y.  
 ROBERT T. STAFFORD, VT.  
 JAMES A. MCCLURE, IDAHO  
 PETE V. DOMENICI, N. MEX.

# United States Senate

COMMITTEE ON PUBLIC WORKS  
 WASHINGTON, D.C. 20510

M. BARRY MEYER, CHIEF COUNSEL AND CHIEF CLERK  
 BAILEY GUARD, MINORITY CLERK

May 15, 1975

The President  
 The White House  
 Washington, D.C.

Mr. President:

The Subcommittee on Environmental Pollution is presently conducting oversight hearings to assess the implementation of the Clean Air Act. On Tuesday, May 13, the Subcommittee received testimony from scientists regarding the impact of auto pollutants on public health.

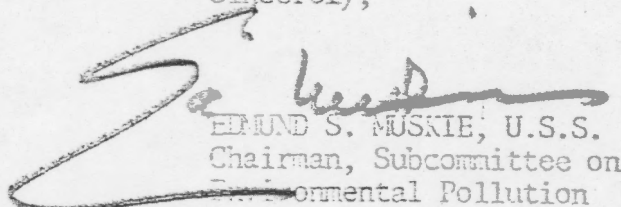
Dr. David Rall, Director of the National Institute of Environmental Health Sciences, was not allowed to testify before our Subcommittee as a participant in the panel with the other scientists. The reason given was that a memorandum had been issued, at your direction, stating that governmental witnesses were not to appear on panels with non-governmental witnesses.

As a result, the Subcommittee did not have the benefit of Dr. Rall's participation with other scientists in response to technical questions that were discussed by other members of the panel. While the Subcommittee did hear Dr. Rall because of the importance of his expertise, I would not want our decision to permit him to testify as a separate witness to be construed as endorsement or acceptance of the stated policy.

If this, in fact, is Presidential policy, it is important that such a policy be documented because it would obviously effect the usefulness of Congressional hearings. I therefore request that you supply a copy of any documentation of this policy to all Members of the Senate Public Works Committee as soon as possible.

Thank you for your cooperation.

Sincerely,

  
 EDMUND S. MUSKIE, U.S.S.  
 Chairman, Subcommittee on  
 Environmental Pollution



THE WHITE HOUSE

WASHINGTON

June 13, 1975

MEMORANDUM FOR: EVA A. DAUGHTREY  
FROM: PHILIP W. BUCHEN *P.W.B.*  
SUBJECT: Supplemental Statement of  
Employment and Financial Interests

Each employee of the White House Office and the Domestic Council, paid at a level equivalent to GS-13 (\$21,816) and above, is required by law to file a current Statement of Employment and Financial Interests covering their interests as of June 30 of each year. These statements are to be returned, no later than July 18, 1975.

For your convenience, if no changes or additions have occurred from your previous filing, you may simply so indicate on the attached form. It is recommended that you keep a copy of the information you provide this office for future reference. Please send your form marked "Personal and Confidential" to Mr. Barry Roth, Room 106, Old Executive Office Building.

If your substantive duties have changed since the time of your last filing, please submit a revised job description form along with the statement. Copies of this form may be obtained by calling X2397. Notwithstanding the filing of the original or supplemental reports, you must, at all times, avoid acquiring a financial interest or taking any action which could result in either an actual or apparent conflict of interest, as described in the materials that have previously been provided to you.

If you have any questions in this regard, please do not hesitate to contact Mr. Roth who would be happy to discuss these matters with you.

Your assistance is appreciated.

Attachment



# CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

## (FOR USE BY GOVERNMENT EMPLOYEES)

1. NAME <i>(last, first, initial)</i>	2. TITLE OF POSITION
3. DATE OF APPOINTMENT IN PRESENT POSITION	4. AGENCY AND MAJOR ORGANIZATIONAL SEGMENT

**PART I. EMPLOYMENT AND FINANCIAL INTERESTS.** List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational, or other institutions: (a) with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or (b) in which you have any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which you have any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. If none, write NONE.

NAME & KIND OF ORGANIZATION (USE PART I DESIGNATIONS WHERE APPLICABLE.)	ADDRESS	POSITION IN ORGANIZATION. (USE PART I(a) DESIGNATIONS, IF APPLICABLE.)	NATURE OF FINANCIAL INTEREST, e.g., STOCK, PRIOR BUSINESS INCOME. (USE PART I(b) & (c) DESIGNATIONS, IF APPLICABLE.)

**PART II. CREDITORS.** List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal residence or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write NONE.

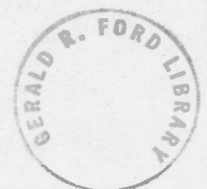
NAME AND ADDRESS OF CREDITOR	CHARACTER OF INDEBTEDNESS, e.g., PERSONAL LOAN, NOTE, SECURITY

**PART III. INTERESTS IN REAL PROPERTY.** List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write NONE.

NATURE OF INTEREST, e.g., OWNERSHIP, MORTGAGE, LIEN, INVESTMENT TRUST	TYPE OF PROPERTY, e.g., RESIDENCE, HOTEL, APARTMENT, FARM, UNDEVELOPED LAND	ADDRESS. (IF RURAL, GIVE RFD, OR COUNTY AND STATE.)

**PART IV. INFORMATION REQUESTED OF OTHER PERSONS.** If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write NONE.

NAME AND ADDRESS	DATE OF REQUEST	NATURE OF SUBJECT MATTER



*I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.*

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

## CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

For use by an officer or employee as required by section 402 of Executive Order 11222, dated May 8, 1965, Prescribing Standards of Ethical Conduct for Government Officers and Employees.

### GENERAL REQUIREMENTS.

The information to be furnished in this statement is required by Executive Order 11222 and the regulations of the Civil Service Commission issued thereunder and may not be disclosed except as the Commission or the agency head may determine for good cause shown.

The Order does not require the submission of any information relating to an employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed to be "business enterprises" for purposes of this report and should be included.

The information to be listed does not require a showing of the amount of financial interest, indebtedness, or the value of real property.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in Part IV of your statement.

The interest, if any, of a spouse, minor child, or other member of your immediate household shall be reported in this statement as your interest. If that information is to be supplied by others, it should be so indicated in Part IV. "Member of your immediate household" includes only those blood relations who are full-time residents of your household.





THE WHITE HOUSE

WASHINGTON

6/16/75

TO: BARRY ROTH

FROM: ELEANOR CONNORS

Per our conversation.

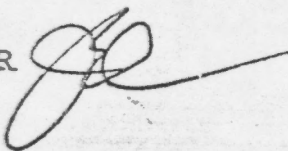


THE WHITE HOUSE

WASHINGTON

June 13, 1975

TO: BILL KENDALL

FROM: JIM CONNOR 

Attached is some material which relates to the problem of Executive Branch appearances before the Senate Budget Committee. Included are:

1. March 24 memo from Friedersdorf to Marsh and Rumsfeld discussing Secretary Schlesinger's appearance and the "possible dangerous precedent" it might set.
2. A portion of the minutes of the Cabinet meeting of March 26, 1975, at which the matter was discussed, showing the President's wishes in the matter (please do not distribute this material to anyone; it is included only for your information).
3. A copy of my letter to the Cabinet members expressing the President's wishes as to appearances by Executive Branch witnesses. The letter was cleared by Jack Marsh.
4. A copy of Cap Weinberger's response of April 17th.
5. Correspondence with Senator Muskie on the issue.

All inquiries which have subsequently come into my office from the Departments (there have not been many) have been referred directly to Max Friedersdorf for discussion.

Attachments



March 24, 1975

MEMORANDUM FOR:

JACK MARSH  
DON RUMSFELD

FROM:

MAX FRIEDERSDORF

SUBJECT:

Round Table Format at the Senate Budget  
Committee Hearings

We monitored the Jim Schlesinger appearance before the Budget Committee hearings on Friday where the round table was used with opposing witnesses confronting the Administration witness.

It apparently went alright because despite Cranston's Senator Muskie prohibited the opposition witness, Charles from engaging in debate with Secretary Schlesinger.

This could set a dangerous precedent and Senatorial respect cannot be counted upon in future hearings. Perhaps we develop a policy on this and it could be an agenda item at a future Cabinet meeting and/or Jim Connor may want to discuss with the Cabinet members individually to ascertain their

Our observation is that it does not put any restraint on from posturing, and could add considerably to the disarray of Administration witnesses.

cc: Jim Cannon  
Jim Lynn  
Jim Connor



The President: I understand that there have been some problems in appearances before the Senate Budget Committee. Jim Schlesinger and Jim Lynn have had experience with the Committee, and I would like to ask for their observations after Jack Marsh has had an opportunity to explain.

Jack Marsh: There has been an attempt by Senator Muskie to establish new guidelines and new methodology in developing witnesses. His desire has been to go to a seminar type approach, almost a talk show technique. In talking with witnesses about budget items and about programs, they have attempted to mingle Administration and outside witnesses. When you go into the committee you are confronted with an outside expert who can test and probe you. If you have any doubts about whether or not you should appear, please check with 'Max or me' and we will be glad to assist you in this. It is very difficult for a Cabinet officer, even more difficult for a sub-Cabinet officer, to go up anticipating a traditional committee format and then suddenly find himself being challenged by an outside expert.

Jim Schlesinger: The Secretary mentioned he had some experience with this since he was scheduled to go up to appear with Warnecke. It's the Secretary's feeling that the President's budget should be presented to the Congress by the Cabinet officer responsible. An executive agency should not be treated as just another pressure group. This format seems to be an attempt to indicate that the Executive Branch is in the same category with the Navy League or the Women's Political Caucus or any other of a number of pressure groups which might testify on the Hill. The principal responsibility, or one of the principal responsibilities, given to a Cabinet officer by his President, is to present the budget for his department and offer testimony to that fact in a confrontation with committee members only.

Secretary Weinberger: Along that line, HEW has had several invitations and has declined them all. Two have been relative to the budget and one on a specific program item, but feeling is that it becomes a show and not the kind of thing in which the department wants to participate.

The President: The Budget Committee is not the forum for the tough questions anyway. The Sub-Committee really is the place where the experts are prepared to handle the tough questioning. The members on the Budget Committee don't prepare themselves adequately or won't take the time to prepare themselves to become experts, they are using the outside witness as their expert and it appears that they aren't doing their homework. It's the President's feeling that you should not participate in the Budget Committee as the current format indicates and as you have indicated here today. Jack Marsh and Jim Connor will prepare a letter to be sent under the President's signature so instructing you.



March 28, 1975

Dear Mr. Secretary:

You will recall at the last Cabinet meeting there was a discussion of the procedures whereby Executive Branch witnesses appear before the Senate Budget Committee.

It was pointed out that the Committee appears to be developing new formats for soliciting information. One such technique is the seminar approach whereby the Executive Branch witness engages in a dialogue with the Committee in a relatively informal setting. This format is one which seems to enjoy the support of the Members of the Committee.

There is a variation of this approach, however, which raises serious questions. The format involves a joint appearance by an Executive Branch witness with one or more non-governmental witnesses. In some cases a panel of non-governmental witnesses would also participate in the conversations between the Executive Branch witness and the Committee. The President is concerned that such a procedure profoundly alters the traditional testimony relationship between the executive and legislative branches of the government.

The President has no objection to the seminar-type of hearings as they have been conducted so far, but he does not wish Executive Branch witnesses to appear jointly with non-governmental witnesses. Of course, this restriction does not apply to joint appearances with other witnesses from the Executive Branch where, prior to the hearings, there has been an agreement for such joint appearances.

I would appreciate it if you would advise your sub-Cabinet members and others from your Department who have occasion to testify on the Hill of this policy. If a question occurs, you should direct your inquiry to me or to the Office of Congressional Relations.



We would expect that in most cases prior consultation and cooperation with the Committee and staff before a hearing will resolve matters of the type raised in this letter, thereby leading to a mutually satisfactory arrangement for appearances which complies with these guidelines.

Sincerely,

James E. Connor  
Secretary to the Cabinet

The Honorable William E. Simon  
The Secretary of the Treasury  
Washington, D. C.

JEC:ckb

IDENTICAL LETTERS TO ALL MEMBERS OF THE CABINET  
SENT THIS DATE



THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON, D. C. 20201

AFR 17 1975

Honorable James E. Connor  
Secretary to the Cabinet  
The White House  
Washington, D. C. 20500

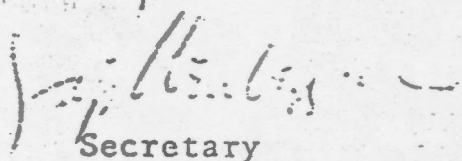
Dear Mr. Connor:

Thank you for your letter of March 28 outlining the President's policy with respect to Congressional hearings.

It has been my policy not to permit Departmental witnesses to appear jointly with non-governmental witnesses. We have on several occasions testified with other Executive Branch witnesses on matters under the jurisdiction of two or more Federal Agencies.

I intend to continue this policy and will consult with Committees and staff in order to reach a mutually acceptable agreement when requests are made to testify with non-governmental witnesses.

Sincerely,

  
Secretary



(3)

THE WHITE HOUSE  
WASHINGTON

May 28, 1975

Dear Mr. Chairman:

In behalf of the President, I am responding further to your letter of May 15 which was previously acknowledged by Mr. William T. Kendall of the President's staff.

In support of the position taken by Dr. David Rall when he was invited to appear before your Subcommittee to participate in a panel discussion with persons from outside of the Government, I can confirm that Dr. Rall acted in good faith.

It is understood that Subcommittees of Congress have sought to use somewhat innovative techniques in the conduct of their hearings, and the President has encouraged Government witnesses to cooperate. However, he has expressed to Heads in the Executive Branch his concern about the newly developing practice on the part of certain Subcommittees of Congress to request participation by an Administration representative in a panel or seminar involving also non-governmental participants. This practice, he believes, constitutes a substantial departure from the traditional manner in which the Legislative and Executive Branch seek and exchange information and opinions from each other's representatives. It is a departure in which the President does not concur. However, the President sees no problem with having two or more Executive Branch witnesses appear at the same time, but without non-governmental witnesses, before a Congressional Subcommittee if appropriate arrangements are made in advance of the hearing.

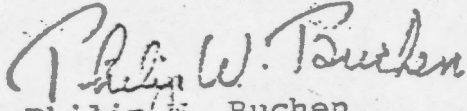
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The President continues to call for full cooperation by representatives of his Administration with the Committees and Subcommittees of Congress, but believes that such cooperation depends upon mutual respect by the Legislative and Executive Branches of the Federal Government in their regard for each other.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Edmund S. Muskie  
Chairman, Subcommittee on  
Environmental Pollution  
United States Senate  
Washington, D. C. 20510



United States Senate

COMMITTEE ON PUBLIC WORKS  
WASHINGTON, D.C. 20510

May 15, 1975

The President  
The White House  
Washington, D.C.

Mr. President:

The Subcommittee on Environmental Pollution is presently conducting oversight hearings to assess the implementation of the Clean Air Act. On Tuesday, May 13, the Subcommittee received testimony from scientists regarding the impact of auto pollutants on public health.

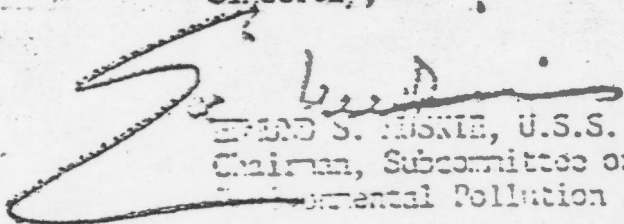
Dr. David Rall, Director of the National Institute of Environmental Health Sciences, was not allowed to testify before our Subcommittee as a participant in the panel with the other scientists. The reason given was that a memorandum had been issued, at your direction, stating that governmental witnesses were not to appear on panels with non-governmental witnesses.

As a result, the Subcommittee did not have the benefit of Dr. Rall's participation with other scientists in response to technical questions that were discussed by other members of the panel. While the Subcommittee did hear Dr. Rall because of the importance of his expertise, I would not want our decision to permit him to testify as a separate witness to be construed as endorsement or acceptance of the stated policy.

If this, in fact, is Presidential policy, it is important that such a policy be documented because it would obviously affect the usefulness of Congressional hearings. I therefore request that you supply a copy of any documentation of this policy to all Members of the Senate Public Works Committee as soon as possible.

Thank you for your cooperation.

Sincerely,

  
GERALD S. RUSK, U.S.S.  
Chairman, Subcommittee on  
Environmental Pollution

