

**The original documents are located in Box 32, folder “Nixon - Papers Rockefeller Commission Request” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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THE WHITE HOUSE

WASHINGTON

May 2, 1975

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

BILL CASSELMAN *BC*

Attached is the letter Jack Miller proposes to send you regarding Dave Belin's request for Nixon materials. Since Belin also asked for copies of the finding aids that were prepared for Nixon and the Special Prosecutor by GSA, I believe that Miller's letter should reference this point. A letter, revised accordingly, is being prepared by Miller and will be delivered to you on Monday.

Enclosure



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

AREA CODE 202  
TELEPHONE 293-6400

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

JOSEPH S. MCCARTY  
COURTNEY A. EVANS  
OF COUNSEL

May 2, 1975

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

Dear Mr. Buchen:

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

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

I am writing to inform you that I object to the Commission's request for access to my client's presidential materials and accordingly will not waive my right to be present during the search that would be a necessary prerequisite to complying with the Commission's request. Notwithstanding the Commission's characterization of its own request, it is not, in my opinion, for "purposes of current government business" as that term is to be construed in the order of the United States District Court for the District of Columbia in Nixon v. Sampson, dated October 22, 1974. The limited scope of the "current government business"



Mr. Philip W. Buchen  
Page Two  
May 2, 1975

provision is reflected by the fact that the Special Prosecutor, who is a party to the Nixon v. Sampson litigation, has not had access to the presidential materials under the "current government business" provision of the order and has not attempted to invoke that provision to gain access. At minimum, the Commission's request stands on the same footing as requests for access to the presidential materials by the Special Prosecutor.

Because the Commission's request does not qualify under the "current government business" provision, Mr. Nixon's or my consent is required before access by the Commission to any of the presidential materials can be permitted. You do not have that consent. Consequently, if steps are taken to permit production of these materials to the Commission or its staff despite my stated objection, I will seek appropriate sanctions for violation of the outstanding restraining orders or take such other action as I deem appropriate to preserve my client's rights.

Sincerely,

Herbert J. Miller, Jr.

HJM/sb



Barry has  
original.

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405



APR 28 1975

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

Dear Mr. Buchen:

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

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

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

Sincerely,

(Signed) A. F. Sampson

ARTHUR F. SAMPSON  
Administrator

Enclosure

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

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



COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES

Washington, DC 20500

RECEIVED  
GSA

APR 23 10 44 AM '75  
Executive Director

Nelson A. Rockefeller,  
Chairman

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

April 22, 1975

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

Dear Sir:

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

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

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

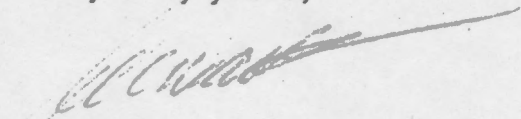
Request is made for access to such materials, and to all finding aids related thereto, now in your custody. In particular, and without limiting the generality of this request, we would like to examine all memoranda, tapes and documents relating to a meeting between President Nixon and Richard Helms on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



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

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

Very truly yours,



David W. Belin  
Executive Director

cc: Honorable Philip W. Buchen





THE WHITE HOUSE  
WASHINGTON

*Nixon  
papers*

May 6, 1975

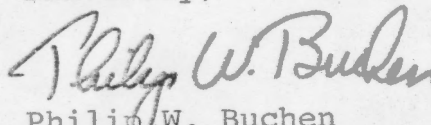
Dear Mr. Belin:

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

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

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

Sincerely,



Philip W. Buchen  
Counsel to the President

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

cc: Irwin Goldbloom, Esq.  
The Honorable Arthur Sampson



THE WHITE HOUSE  
WASHINGTON

May 6, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: BILL CASSELMAN



The attached letter from Jack Miller, objecting to the production of Nixon materials to the CIA Commission, was received by me today. (Apparently, Miller left out the paragraph about drawing and quartering us, but otherwise effectively asserted the rights of his client!) Also attached is a letter to Belin for your signature advising him of the position taken by Miller (copies to Goldbloom and Sampson).

Enclosures



LAW OFFICES  
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2555 M STREET, N.W. - SUITE 500  
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JOSEPH S. MCCARTHY  
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R. STAN MORTENSON  
THOMAS B. CARR

May 5, 1975

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

Dear Mr. Buchen:

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

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

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



Mr. Philip W. Buchen

May 5, 1975

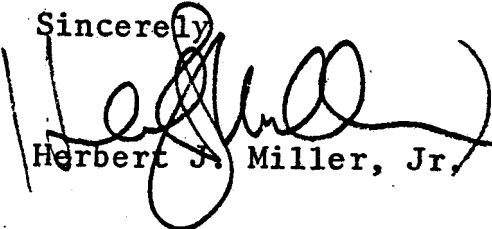
Page Two

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

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

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

Sincerely



Herbert J. Miller, Jr.

HJM:nka



THE WHITE HOUSE

WASHINGTON

May 6, 1975

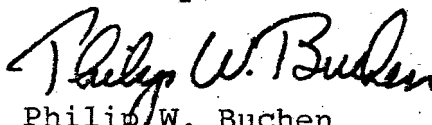
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Enclosed is a copy of a letter which I received today from Herbert J. Miller, Jr., attorney for former President Nixon, concerning your request. Please be advised that Mr. Miller has objected to production of the above-cited materials and finding aids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

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

Sincerely,



Philip W. Buchen  
Counsel to the President

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

cc: Irwin Goldbloom, Esq.  
The Honorable Arthur Sampson



THE WHITE HOUSE  
WASHINGTON

*For file.*

May 6, 1975

Dear Mr. Ruth:

As agent of Philip W. Buchen, Counsel to the President, for purposes of the Research Project for the Special Prosecutor, I am providing to you, under separate cover, two envelopes marked "C:4/16/75(a)," and "C:4/16/75(b)." The contents of these envelopes are generally identified in the attached letter, dated April 28, 1975, from R. Stan Mortenson, attorney for Mr. Nixon, to Thomas P. Wolf, Special Assistant to the Administrator, Nixon Presidential Materials.

Sincerely,



William E. Casselman II  
Counsel to the President

Honorable Henry S. Ruth, Jr.  
Special Prosecutor  
Watergate Special Prosecution Force  
1425 K Street, N. W.  
Washington, D. C. 20005

Enclosure

bcc: Phil Buchen

