

The original documents are located in Box 59, folder “Republican National Committee (1)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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*file*M E M O R A N D U M

TO : W.C.C.
FROM: M.A.M.
RE : R.N.C. BUILDING SEVERABILITY

Relevant Documents:

The Republican National Committee currently occupies a building at 310 First Street, S. E. (legal description - Lot 46 Square 733. . .). The legal owner of the building is Capitol Hill Associates, Inc. (a Delaware Corporation). The property is encumbered by two deeds of trust to the Travelers Insurance Company totaling \$1,109,287.42 as reduced by monthly payments since July 1972. The following documents affect the premises:

1. Lease - dated February 14, 1968, between Capitol Hill Associates, Inc. and the Republican National Committee.

2. Amendment to Lease - dated July 1, 1972 between Capitol Hill Associates, Inc. and the Republican National Committee.

3. Deed of Trust and Promissory Note - dated June 24, 1970, between Capitol Hill Associates, Inc. (as Grantor), John J. Carmudy and M. H. Groves (as Trustees) and Travelers Insurance Company (beneficiary) full principal sum of \$900,000.00

4. Deed of Trust and Promissory Note - dated June 24, 1970, between the same three parties principal sum is \$250,000.00 (2nd Deed of Trust).



5. Assignment of Rents - dated June 24, 1970, between Capitol Hill Associates, Inc. and Travelers. Recites that the agreement was executed because Travelers would not loan the additional \$250,000.00 without it. Assigns rent from R.N.C. lease to Travelers in the event of default under the 2nd Trust.

6. Consolidation and Modification Agreement - dated June 21, 1972, between Capitol Hill Associates, Inc., Carmody & Groves and Travelers. This agreement consolidates the two notes into a single obligation of \$10,725.00 per month on the R.N.C. building, commencing July 1, 1972, and running to May 1, 1980. Paragraph 7 of this Agreement refers to the AGREEMENT creating the non-severable default situation with the Capitol Hill Club Building.

7. Agreement - dated June 21, 1972, between Capitol Hill Associates, Inc., Carmody & Groves and Travelers. This is the document that establishes the cross default default situation. The Agreement (see paragraphs 3 & 4) does not make the cross default mandatory. It leaves it at the option of the foreclosing party - "may be foreclosed", "shall be available."

Considerations for Severance:

The building and property currently occupied by the Capitol Hill Club (Lot 47, Square 733. . .) are encumbered by a Deed of Trust with a principal sum of \$1,500,000. This document does refer to the necessity of the execution and recordation of a "severance agreement" a necessary precondition for the disbursement of the final \$700,000.00 of the loan (i.e., part of the consideration for the loan). The annotated amortization schedule in the file with the Deed of Trust contains regular



entrys through April 8, 1974, apparently the last installment paid, i.e., the obligation will be 9 months in arrears as of February 1, 1975.

This leaves Travelers with the apparent option of (1) "foreclosing" and forcing a sale of all the property, (2) severing the two encumbrances allowing R.N.C. to continue paying its obligations, and selling the Capitol Hill Club property, (3) allowing the Club a 1 year moratorium on its debt (presumably in addition to the 9 months already allowed) in order for the Club to get its operations in the black, or (4) some permutation of the above.

Travelers does have significant restrictions in its freedom to sell the property. First, there is the 90 day first refusal option held by the United States with a price formula that will cover Travelers investment, but does not seem to provide for any "windfall profit". (See Amended Congressional Agreement of March 4, 1974). Travelers may also note the current state of the capital market and determine that it is not an advantageous time to sell the property which would give the Club more time to retrench.

The second set of restrictions involve zoning. Capitol Hill Associates, Inc. was able to obtain special zoning variances largely on account of the R.N.C. and Club being identifiably Republican Party activities. Any sale that "ousts" the Republican character of the two activities could conceivably require new (or renewed) zoning permits which may or may not be granted. (e.g., one can imagine vociferous neighborhood opposition to anything bringing more cars into an area already short of parking spaces.) This would seem to direct Travelers in the direction of a sale to the U. S. Government which would probably have little zoning trouble.

Potential zoning problems might also provide the R.N.C. with the necessary leverage for a severance of the two pieces of property from the cross default arrangement. The R.N.C. (or Capitol Hill Associates, Inc.) could argue that taking the default on the Club building and allowing the R.N.C. to remain would negate zoning problems since the variances would be maintained for the R.N.C. and thereafter it would serve no purpose to change zoning back on just the corner piece of property.

Another fact directing Travelers toward a severance is the simple fact that the R.N.C. lease is paying its way. Travelers should be interested in retaining a profitable investment and there is no indication in the available information that the \$10,725.00 per month paid by the R.N.C. is a losing proposition to Travelers when considered solely in relation to the two trust deeds encumbering the 310 1st Street property. Therefore, Travelers may be amenable to keeping the paying tenant in situ and proceeding solely against the defaulting entity.

There should be no question that Travelers (or its nominee Trustees) has the power to "sever" the arrangement. The "severance agreement" allows, but does not command, Travelers to foreclose on both deeds of trust if there is a forfeiture on either obligation. Capitol Hill Associates, Inc. could not really protest the decision since it granted that power as part of the consideration for a \$700,000 loan. Further, Travelers has the right under the Assignment of Rents (June 24, 1970) to succeed to all of Capitol Hill Associates, Inc.'s rights under the R.N.C. lease in the event of a default, a right which is not abrogated by the cross default arrangement. Therefore, under

the "severance agreement", Travelers could treat the default under the Club's trust deed as a default on the R.N.C. one as well, but use its assignment rights to have the R.N.C. continue in possession and pay the monthly rental directly to Travelers.

Another problem that might be considered is the total effect of a foreclosure on both properties on Capitol Hill Associates, Inc. Such an action could force Capitol Hill Associates, Inc. into bankruptcy, forcing Travelers to expose its position to the possibility of being tied up in proceedings brought by the host of creditors (e.g., Marriot) that would be claiming against the firm.

Suggestion:

Immediate steps be taken to ascertain Travelers position.

Privacy Committee
BUSH, GEORGE

Re: Joseph Harrison

May 28, 1974

*Republican
Nat Comte*

Mr. George Bush
Chairman
Republican National Committee
310 First Street, S. E.
Washington, D. C. 20003

Dear Mr. Bush:

As a follow-up to your letter of April 10, 1974, to the Vice President, I want to let you know that we do not have a position available at this time for Joe Harrison.

I appreciated the opportunity to spend some time with him. As you indicated, he seems to be a capable and conscientious person. You can be assured that he will be given every consideration should there be a staff opening for which he is qualified.

Sincerely yours,

Phillip W. Buchen
Executive Director
Domestic Council Committee
on the Right of Privacy

PWB/lme



OFFICE OF THE VICE PRESIDENT
WASHINGTON, D.C.

Doug:

Do you think we should follow up this letter by saying we have considered Harrison's qualifications (his resume is in file) and do not have position ~~open~~ available at this time? If so, kindly have letter prepared
J.

April 22, 1974

Mr. George Bush
Chairman
Republican National Committee
310 First Street, S.E.
Washington, D.C. 20003

Dear George:

Thank you for your letter of April 10 on behalf of Joe Harrison.
I appreciate knowing of your high regard for his abilities.

Mr. Harrison was recently interviewed by Phil Buchen, Executive
Director of the Domestic Council Committee on the Right of Privacy.
I have passed your letter of recommendation on to Phil for his further
reply. Final selections for remaining staff positions should be made
within the next several days.

With warm regards,

Sincerely,


15/

Gerald R. Ford

GRF:^{u.c.}wec

bcc: Philip W. Buchen, Esquire




Republican
National
Committee

George Bush, Chairman

April 10, 1974


The Honorable Gerald Ford
Vice President of the United States
Washington, D.C.

Dear Jerry:

I understand Mr. Joe Harrison, presently employed by GSA, has applied for a job on the staff of the Right to Privacy Committee.

I've known Joe for some time and have a high regard for him. He's capable and conscientious, and I'd recommend he be given favorable consideration.

Yours very truly,


George Bush

This guy is OK!!
W



4924 Sentinel Drive #305
Bethesda, Maryland 20016

April 2, 1974

Mr. Philip Buchen
Executive Director
Committee on the Right of Privacy
Rm. 271 - OEOB
Washington, DC

Dear Mr. Buchen:

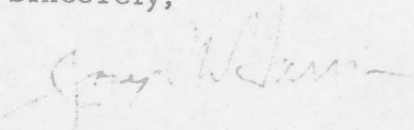
It was generous of you to spend so much time in our visit Friday and this letter is to reaffirm my strong desire to join the staff of the Committee on the Right of Privacy. I would like to do this just as soon as possible and I hope that we can make such an arrangement.

At one point in the conversation you mentioned the suggestion that a non-governmental institution be given the responsibility for compiling and maintaining data relating to the fundamental right of privacy, to which I responded that something similar had been undertaken with regard to data on campaign financing (although, I think, without specific sanction). The name of the organization is Citizens' Research Foundation, Princeton, New Jersey. Part of its funds are from the Ford Foundation.

If you wish, I'd be happy to find out more about the nature of this organization--or similar ones in other fields of public interest.

Again, thanks for letting me have the opportunity to visit with you. Please consider me a very interested candidate for the Committee staff.

Sincerely,


Joseph W. Harrison



**MEMORANDUM
OF CALL**

TO: _____

YOU WERE CALLED BY— YOU WERE VISITED BY—

Joseph W. Harrison
OF (Organization) _____

PLEASE CALL → PHONE NO. CODE/EXT. _____
 WILL CALL AGAIN IS WAITING TO SEE YOU
 RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

*Mr. Buchen
interviewed
3-29-74*

RECEIVED BY	DATE	TIME

STANDARD FORM 63
REVISED AUGUST 1967
GSA FPMR (41 CFR) 101-11.6

☆ U. S. GPO: 1973-509-363

63-103



March 23, 1974

Mr. Joseph W. Harrison
4924 Sentinel Drive, Apt. 305
Bethesda, Maryland 20016

Dear Joe:

While it seems unlikely that there will be any additions to the present staff in the near future, we are currently organizing the Domestic Council Committee on the Right of Privacy, of which the Vice President is Chairman. I have advised Phil Buchen, the Executive Director, of your availability.

As I am sure you are already aware from the press, the President requested the Vice President to direct this effort, and gave him a four month deadline for beginning to implement substantive policy changes as well as legislative proposals. The Vice President is spending a considerable portion of his time on this study, and is committed to producing a meaningful report. I think that you might find the area to be most interesting and increasingly in the spotlight.

In the meantime, with warm regards,

Sincerely,



WILLIAM E. CASSELMAN II
Legal Counsel to the Vice President

bcc: Mr. Buchen



RESUME

JOSEPH W. HARRISON

Home: 4924 Sentinel Drive, Apt. 305
Bethesda, Maryland 20016
(301/229-5266)

Office: General Services Administration
Washington, D. C. 20405
(202) 343-4905

Present Employment:

Real Property Assistant to the Commissioner, Property Management and Disposal Service, General Services Administration.

Responsibilities: Serve as the Commissioner's principal assistant on all matters relating to the disposal of federally-owned real property. The chief programs of concern are the Nixon Legacy of Parks program, and the execution of Executive Order 11508, which charges GSA with the responsibility of surveying all Federal installations to ascertain whether or not they are being put to their highest and best use. Additionally, given the responsibility of preparing presentations for the GSA Administrator to be made to the Property Review Board, and attend meetings of the Board.

Previous Employment:

Special Assistant to the Assistant Postmaster General, Facilities Department (March 1969 to January 1972)

Responsibilities: Serve as the Assistant Postmaster General's chief advisor on matters of a politically sensitive nature and coordinate the flow of all information on postal facilities to the Congress and the public.

Involved in efforts to secure passage of the Postal Reorganization Act, including giving speeches in support of postal reform around the nation.

After passage of the Reform Act, was appointed by Henry Lehne, Assistant Postmaster General, to be Transition Coordinator, thus becoming involved in all decision making for conversion to the U.S. Postal Service.



The Bible, The Constitution and Public Education

JOSEPH W. HARRISON

Reprinted From
TENNESSEE LAW REVIEW
Vol. 29, 1962



September 16, 1974

Republican
National
Comtee.

Dear Bob:

Thank you very much for your kind letter of August 30th. As you can well imagine, we have been quite busy in the past two weeks, but I have not forgotten our pleasant meeting in Dean Burch's office, and I look forward to seeing you again if the pace in Washington allows.

Should I ever get back to Atlanta, I should certainly like to "step across the Street" to the Shaws'.

All good wishes to you.

Most sincerely yours,

Philip W. Buchen
Counsel to the President

Mr. Robert J. Shaw
State Chairman
Member for Georgia
Republican National Committee
1819 Peachtree Road, N. E. No. 308
Atlanta, Georgia 30309



THE WHITE HOUSE

WASHINGTON

October 24, 1974

MEMORANDUM FOR: PHIL BUCHEN

FROM: DUDLEY CHAPMAN *DC*

RNC funds for
White House activities

Jerry Jones just called me about my advice to Bill Baroody that none of his mailings should be paid for from RNC funds. Jerry said that Clawson's and Klein's offices have done this in the past and that some entertainment expenses are routinely reimbursed by the RNC. He also questioned whether the procedure substituted for the White House subsidiary account, whereby the White House bills RNC and forwards the check to DOD, successfully avoids our legal objections.

Jerry asked for a memo on the mailings problem, which I have drafted and attached for your signature. As to the other uses, we should find out what they are and arrive at a comprehensive legal position for future guidance.

Attachment



THE WHITE HOUSE
WASHINGTON

October 24, 1974

MEMORANDUM FOR: JERRY JONES
FROM: PHILIP BUCHEN

Use of RNC funds for
various White House
activities

It has come to my attention that funds of the Republican National Committee (RNC) have been used to pay for certain mailings from the White House. I also understand that the expenses of certain entertainment functions within the White House have been paid for with RNC funds. The laudable purpose for this method of financing is to prevent the expenditure of public funds for political purposes.

The use of political funds to support mailings, however, raises a legal question and should be terminated forthwith. Please take whatever action is needed to implement this policy immediately.

In addition, please furnish to me as soon as possible a complete list of all purposes for which RNC funds are being used to pay for any entertainment or other activities that take place within the White House.



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DC:cg



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JERRY JONES

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PHILIP BUCHEN

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DC:cg

Rep Nat'l
Comm

October 24, 1974

MEMORANDUM FOR: PHIL BUCHEN
FROM: KEN LAZARUS
SUBJECT: Offer of a Gift

Attached is a reply for your signature declining an offer to provide the President with pipes embossed with the Presidential seal for use as gifts by the President.

As a matter of policy, I strongly recommend that we avoid any actions that appear to suggest Presidential endorsement of a particular commercial product or that involve the acceptance of items from private industry.

For your information, such gifts are normally paid for by the Republican National Committee. The only exception to that policy that I have been able to determine is with respect to cigarettes, beer and soft drinks served on the Presidential planes, yacht, etc. These are accepted by DOD on the basis of long-standing precedent. While the cigarettes are considered to be manufacturers' samples, they carry the Presidential seal and other indicia of the White House.

cc: Phil Areeda
Bill Casselman



October 24, 1974

Dear Mr. Rosenker:

Thank you very much for your recent letter to Warren Rustand in which you offer to provide pipes manufactured by Venturi, Inc. for use by the President as gifts.

While your offer is most appreciated, it has been the policy of the President not to accept such items, even when the purpose is for gifts to other persons. I trust that you can understand the basis for this policy and our reasons for declining this generous offer.

Sincerely,

/s/
Phillip W. Buchen
Counsel to the President

Mr. Mark Rosenker
Daniel J. Edelman, Inc.
1730 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

KAL:dm

September 3, 1974

Mr. Warren Rustand
The White House
Washington, D.C.

Dear Warren:

As we discussed earlier, I have attached the information you requested concerning our firm and our client, Venturi Pipes.

For your background information, the pipe Venturi is donating is the only totally American-made pipe in existence, with the exception of those manufactured of corn cobs. All briar pipes must be imported into the U.S. in either a finished stage or in a raw material stage.

The "Pipe" by Venturi is a product of American space age technology built out of pyrolytic graphite and phenolic, a thermal setting plastic.

Venturi has offered to provide custom-made pipes which would include the President's signature and the presidential seal packaged in a specially designed box. If you also would like a signature stating "Compliments of Gerald R. Ford," this could be arranged as well.

The pipes could be presented as a novel personal gift to official visitors, friends, and foreign dignitaries, as well as serving as a symbol of peace to foreign heads of state.

As President Ford is the nation's number one pipe smoker, Venturi would like to offer its services to him.

Sincerely,



Mark Rosenker
Account Executive

MR:vg

Enclosures

THE WHITE HOUSE
WASHINGTON

October 24, 1974

Memorandum for the File

By: Dudley Chapman *DC*

Use of RNC funds for
mailings of WIN volunteer
groups or general contacts
with private interest groups

I have orally advised Russ Freeburg and others working on the WIN campaign that no RNC funds should be used, lest the non-partisan character of the campaign be compromised. I have also advised Bill Baroody, orally, that RNC funds should not be used for any of his mailings.

cc: Mr. Buchen ✓
Mr. Areeda
Mr. Casselman
Mr. Lazarus

THE WHITE HOUSE
WASHINGTON

Dudley to report
back on this.

T.

THE WHITE HOUSE

WASHINGTON

October 25, 1974

MEMORANDUM FOR: PHIL BUCHEN

FROM: DUDLEY CHAPMAN *DC*

Your note on RNC funds
for gifts (Lazarus memo
attached)

I have the same difficulty with this practice as with mailings and entertainment. Moreover, the items contain the Presidential Seal which implies that their use is "Presidential." The use of these items, I believe, is not limited to our political friends anyway -- or at least should not be hereafter.

Attachment

THE WHITE HOUSE
WASHINGTON

October 24, 1974

MEMORANDUM FOR: PHIL BUCHEN
FROM: KEN LAZARUS *KL*
SUBJECT: Offer of a Gift

Attached is a reply for your signature declining an offer to provide the President with pipes embossed with the Presidential seal for use as gifts by the President.

As a matter of policy, I strongly recommend that we avoid any actions that appear to suggest Presidential endorsement of a particular commercial product or that involve the acceptance of items from private industry.

* For your information, such gifts are normally paid for by the Republican National Committee. The only exception to that policy that I have been able to determine is with respect to cigarettes, beer and soft drinks served on the Presidential planes, yacht, etc. These are accepted by DOD on the basis of long-standing precedent. While the cigarettes are considered to be manufacturers' samples, they carry the Presidential seal and other indicia of the White House.

cc: Phil Areeda
Bill Casselman

* Dudley:
Do you see any problem with this practice?
I understand it relates to such items as cuff-links, tie clasps etc. which are available here for distribution by the President.
You might want to talk to Ken on the subject, based on the points you raised with me on other uses of RNC funds. P

Evo:

Please Xerox
copy for me &
send original to
Dudley.

P.

has been
done

THE WHITE HOUSE

WASHINGTON

October 24, 1974

MEMORANDUM FOR: PHIL BUCHEN
FROM: KEN LAZARUS *KL*
SUBJECT: Offer of a Gift

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with me on other uses of RNC funds. P*



THE WHITE HOUSE
WASHINGTON

October 25, 1974

Memorandum for: Phil Buchen

From: Dudley Chapman *DC*

When I mentioned this to Jerry Jones
he said send the ~~note~~ and then we can
discuss it. *memo*

THE WHITE HOUSE
WASHINGTON

October 25, 1974

MEMORANDUM FOR: JERRY JONES

FROM: PHIL BUCHEN

RNC payment for
mailings and entertainment

The question has been raised whether RNC funds should be accepted to pay for any White House mailings or to reimburse the cost of any entertainment in the White House. I believe the prudent course would be to avoid any use of RNC funds for these purposes.



*Rep Nat
Cute*

Bozfelng

THE WHITE HOUSE
WASHINGTON

November 14, 1974

Phil:

I do know Davis Robinson.
He is a very good man.
I sent Bill Walker a resume
some time ago and have
arranged for Walker and
Robinson to get together.

PA

Phil A.



Phil A:

Do you happen to
know Robinson from the
Harvard Law class of '67?

P.

THE WHITE HOUSE
WASHINGTON

Eva:

Transmit copies,
please, to Bill Walker
& return originals
to me for replies
P.

11/13/74 sent copies to
Bill Walker.



36B
11/7

CRAMER, HABER & BECKER
ATTORNEYS AT LAW
475 L'ENFANT PLAZA, S. W.
SUITE 4100
WASHINGTON, D. C. 20024
202-554-1100

From the desk of

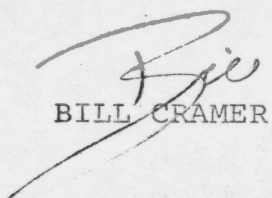
WILLIAM C. CRAMER

November 6, 1974

Phil:

This man is an exceptionally good lawyer and good, loyal Republican and I recommend him to you. He particularly wants to work at the White House for President Ford.

I got to know him when he was counsel to 14 Western States relating to Rule Committee matters during the Republican National Convention.


BILL CRAMER

WCC/lkb

Enclosure



RESUME

DAVIS ROWLAND ROBINSON
3729 Fordham Road, N. W. ✓
Washington, D. C. 20016
Tel: (202) 686-1922

PERSONAL:

Born: New York City, July 11, 1940
Height: 6'1" Weight: 185
Marital Status: Married (Suzanne Walker Robinson)
Children: Christopher Champlin, born March 5, 1968
Gracyn Walker, born April 19, 1971

EXPERIENCE:

December, 1971 to present

Associate

Leva, Hawes, Symington, Martin & Oppenheimer
815 Connecticut Avenue, N. W.

Washington, D. C. 20006

Tel: (202) 298-8020

- a. In general corporate practice specializing in securities and international law.

September, 1969 to December, 1971

Associate

Sullivan & Cromwell

48 Wall Street, New York, N. Y. 10005

- a. In general corporate practice specializing in securities law.

1961-69 Foreign Service Officer with Department of State, Washington, D. C.

1969: Staff Assistant to the Secretary of State

1967-

1969: Attorney-Adviser, Office of the General Counsel, United States Arms Control and Disarmament Agency

1962-

1964: Vice-Consul, American Consulate General, Alexandria, U.A.R. (except for 3 months in 1963 when acting Consul in American Embassy, Amman, Jordan)

1961-

1962: French language, orientation, consular and area training courses

EDUCATION:

1964-67

Harvard Law School
Cambridge, Massachusetts

- a. LL.B. Cum Laude
- b. President, Harvard Legal Aid Bureau, grade-based organization providing legal assistance



EDUCATION:

- c. Organizer with others of Harvard Conference on Law and Poverty, 1967
- d. Member, Lincoln's Inn, Pow-Wow, Choate

1957-61 Yale College
New Haven, Connecticut

- a. B.A. in History, Magna Cum Laude
- b. Member, Phi Beta Kappa
- c. Member, Fence Club
- d. Captain, Saybrook College Squash Team
- e. Member, Saybrook College Council

1954-57 Phillips Exeter Academy
Exeter, New Hampshire

- a. Completed 4 year course in 3 years
- b. Circulation Manager, PEAN Yearbook
- c. Business Manager, Dramatic Association

1946-54 Greenwich Country Day School
Greenwich, Connecticut

Summer Employment:

1966 Sullivan & Cromwell
1965 International Division, Morgan Guaranty Trust
Company of New York, 23 Wall Street
1960 Tutor for son of Thomas J. Watson, Jr. (Former
Chairman, IBM)
1959 Tutor for son of Dr. Howard P. Serrell (Former
Director, Greenwich Hospital)
1958 Technical Assistant, Convair-Astronautics,
San Diego (received job through Mr. Frank Pace,
former Chairman, General Dynamics)

PUBLICATIONS:

"The Treaty of Tlatelolco and the United States:
A Latin American Nuclear Free Zone", American
Journal of International Law, April, 1970

MEMBERSHIPS:

District of Columbia Bar
New York Bar
Supreme Court Bar
Association of the Bar of the City of New York
Federal Bar Association
American Society of International Law
(a) Member, Panel on International Energy Policy
American Foreign Service Association
The Atlantic Council
The Middle East Institute
New York Society of Mayflower Descendants
Field Club of Greenwich
Yale Club of New York City

LANGUAGES: Moderately proficient french, basic arabic

TRAVELS: Austria, Canada, Egypt, France, Germany, Greece, Italy, Jamaica, Japan, Jordan, Lebanon, Netherlands, Portugal, Switzerland, Syria, United Kingdom

HOBBIES: Squash, tennis, bridge, gardening, cooking

Wednesday 12/5/74

3:10 The White House operator (Betty) called to ask if we have a telephone number for Dick Bass in Texas whose residence the President will stay in -- in Vail. She said the Press Office had a call earlier from him and had failed to get his phone number to call him back.

I checked Mildred Leonard and Dotty Cavanaugh; they didn't know the name.

Checked Kardex and they list

Mrs. Rita Bass
6905 Vassar Drive

(214) 522-9177

Dallas, Texas 75205 (Indicate she is the Alternate Delegate to the Republican National Committee.

Husband is Richard D. Bass. Called Angie Raisch and she indicates they are divorced.

It is our understanding that Richard Bass' house is being rented by the Fords.

Called Dorothy Downton to ask if she would have the phone number. She apparently called James Brown in Tremonton, Utah, and got the following numbers for Richard Bass:

Home	(214) 368-0728
Office	(214) 741-3005
Resort hideaway in Utah	(801) 742-2100
Home in Vail	(303) 476-5921

Gave the numbers to Betty in the telephone office and she was going to get them to the Press Office.



Republican
National
Center

December 10, 1974

Dear Bob:

You were most thoughtful to spot and send me the news item on my visit to Warm Springs.

It was a rewarding experience, and my "homecoming" brought back fond memories.

Sincerely yours,

Philip W. Buchan
Counsel to the President

Mr. Robert J. Shaw
Vice Chairman
Republican National Committee
1819 Peachtree Road, N. E. #308
Atlanta, Georgia 30309



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Republican National Committee.

Robert J. Shaw, State Chairman
Member for Georgia
Vice Chairman
Republican National Committee
1819 Peachtree Road, N. E., #308
Atlanta, Georgia 30309
(404) 355-1922

December 2, 1974

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

Dear Phil:

I was delighted to read in yesterday's Atlanta newspaper that you had received the "Alumnus of the Year Award" at the 47th. Annual Founders Day Program at the Warm Springs Hospital.

This award carries with it an honorary citizenship so you must plan to visit your "home state" more often.

Looking forward to seeing you again soon.

Sincerely,

Robert J. Shaw

RJS:ph

enclosure

Buchen Gets Springs Award

Special to Atlanta Journal-Constitution

WARM SPRINGS—Philip W. Buchen, counsel to President Gerald Ford, and who was a patient at Warm Springs as a youth, Wednesday received the "Alumnus of the Year Award" at the 47th annual Founders Day Pro-



New York
Republican
State Committee.

Rep Nat
Comte.

January 30, 1975

RICHARD M. ROSENBAUM, Chairman

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

Dear Mr. Buchen:

We would be delighted to have you and Mrs. Buchen at our "Salute to Vice President Rockefeller" dinner scheduled for Thursday, February 13th at the Waldorf-Astoria Hotel in New York City. Vice President and Mrs. Rockefeller will be hosting a reception for the Dais guests prior to the dinner and this is scheduled to commence at 6:45 P.M.

The dinner is black tie. Following the Dais reception arrangements will be made for you and your spouse to be seated at a special table during dinner. I am enclosing a list of those persons from Washington who have been invited to the Dais reception and the dinner.

Very truly yours,

Richard M. Rosenbaum
Chairman

RMR:rfs

RSVP to: Mrs. Ruth Swan (518) 462-2601
Mrs. Emily Roche (212) 826-1398



The following persons from Washington, D.C. have
been invited to the Dais Reception on February 13th:

President Ford
Vice President Rockefeller
Secretary of State Kissinger
Philip W. Buchen
Robert Hartmann
John O. Marsh
Jack Calkins
William Walker
Warren S. Rustand
Roy L. Ash
Kenneth R. Cole, Jr..
Alan Greenspan
Donald Rumsfeld
William Seidman
Ron Nessen

*Rep not
Carter*

Monday 2/3/75]

Luncheon
2/3/75
12:15 p. m.

9:45 Dick Cheney's office called to say he is to attend the luncheon at 12:15 today (Monday 2/3) with you, Bob Hartmann, Jack Calkins and Bill Cramer.

We have a car at West Basement for 12 o'clock.

Should I call Cramer's office to notify them there will be another person at the luncheon?



THE WHITE HOUSE
WASHINGTON

February 6, 1975

Phil

You will be interested in this.

Phil Areeda

I agree with Dudley,
and I have informally
initiated steps that put
the decision-making within
practical limits at the RNC
and put all the disbursing
there. P.

Republican
not
Cute.



THE WHITE HOUSE

WASHINGTON

February 6, 1975

MEMORANDUM FOR: PHIL AREEDA

FROM: DUDLEY CHAPMAN *DC*

SUBJECT: OLC Draft Memorandum
on Political Funds

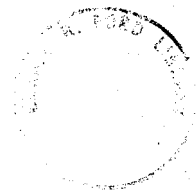
I have a number of questions as to the validity of the criteria used in this memorandum and their adequacy for answering the question that we posed.

1. 18 U.S.C. 603. The questions raised by this statute are (1) what is a "contribution" and (2) where is a contribution "received" within the meaning of the statute?

(a) The question of what is a contribution includes two sub-questions:

(i) Is there a distinction between primary donors and subsequent "internal" transfers? I agree with OLC's conclusion that the law's intent should be limited to primary donors, though the opinion might have provided more detailed support from the legislative history.

(ii) What kind of subsequent transfers can be said to be "internal" transfers rather than a new "contribution?" OLC's criterion is whether the transfer has "the effect of committing the funds to a political cause to which they were not previously unqualifiedly committed." No authority or analysis is offered in support of the "political cause" criterion. Applying that criterion, OLC would find no contribution in a transfer of funds from CREEP to the White House, but could find one for a transfer from the RNC to the White House. The reasoning is that the objectives of a

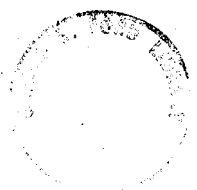


committee such as CREEP are more nearly identical with the political objectives of the White House than the broader purposes of the RNC. Applying this same criterion, I would find it equally plausible to argue that funds donated to the RNC or DNC embrace the entire range of Republican or Democratic objectives, including those of a Republican or Democratic White House respectively, so that such a transfer involves no commitment to a new political cause. I would draw the same conclusions for an allocation of funds by the national committee to any individual candidate for Congress or for a state office. An example of a transfer from one political cause to another could be a donation by Congressional Candidate A of his own surplus funds to Congressional Candidate B, since funds originally committed to an individual candidate rather than a more general cause would not imply a purpose to support another candidate.

(iii) An alternative criterion would be the concept of agency which the OLC memorandum considers only in the context of the registration and reporting requirement. As applied under 18 U.S.C. 603, it could be said that any transfer of funds held by a political organization for expenditure in furtherance of the objectives of that organization is an internal or agency transfer and not a contribution. Under this criterion, funds provided by the RNC, as well as a CREEP-type Committee, should fall outside the scope of the statute.

(b) The second principal question is to determine the location at which funds are "received" within the meaning of the statute. This question would not even be reached if the answer to the first question is that transfers from the RNC to the White House are not a "contribution." The OLC memorandum appears to overlook this solution, and proposes two others:

(i) OLC advises that bills be referred to the RNC rather than paid from the White House. It is, of course, a further defense to a charge that a "contribution" has been received in the White House if no money is sent there. On the other hand, if such a transfer would otherwise be a contribution, there remains the question, not addressed by OLC, of whether receipt of the fruits of an expenditure within the White House would be equivalent to



receipt of a contribution. If, for example, a political mailing from the White House is paid for by a bill sent to the RNC, is this any less a "receipt" than if the check were written against a White House account? The same question would be raised with respect to expenses for political entertainment at the White House and distribution there of politically financed mementos.*/

(ii) OLC's second alternative I find wholly unpersuasive. The draft states that --

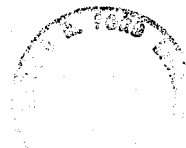
"If the RNC funds are accepted for deposit at RNC headquarters, deposited in a bank account, and checks and disbursement from that account written in the White House, Section 603 would have no application."

The apparent rationale is that the funds are never physically present in the White House. That paragraph then goes on to state that if this approach is adopted --

"It would be essential to avoid any phone call from the White House to the RNC regarding the funds which could be deemed a 'solicitation.'"

I do not see how the writing of checks within the White House could be condoned if a phone call soliciting funds cannot be. More basically, I question whether it is tenable to argue that there is no "receipt" at the place where a check is written because the funds against which the check is written are physically located elsewhere.

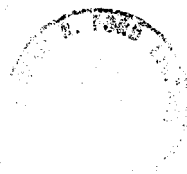
*/ For this reason, it is unavoidable that some White House personnel will make decisions on the uses of political funds. It may, therefore, be impossible to achieve the degree of insulation implied by the last sentence on page 3 of the OLC memo: "It is simply not a good idea to have White House staff members disbursing political money."



2. Registration and reporting

(a) The critical question raised by the Federal Election Campaign Act (P.L. 92-225, 86 Stat. 3 (1972)) is what constitutes a distinct political "committee"? Depending on how broadly or narrowly that term is construed, transfers of funds between people or groups seeking a common political objective could imply the existence of separate committees resulting from almost any transfer, or only with respect to transfers between clearly separate and distinct entities. The statute defines the term "committee" differently in two different titles (Sections 201 and 301(d), including the word "individual" in the former but not the latter). Violations of the Act carry criminal sanctions; and the formation of a committee involves a number of detailed organizational and other requirements that people would be unlikely to observe if they did not have the conscious intention to form a committee. An interpretation of the Act that would lead to the conclusion that transfers of money result in the involuntary creation of a committee, particularly in circumstances where people would not ordinarily be aware that such is the consequence of their acts, should therefore be disfavored. All of this suggests a need for careful scrutiny of what Congress had in mind in terms of what would constitute separate committees, and why the different definitions of that term were used under different titles of the same Act. The OLC memo offers only the conclusion that the legislative history does not answer specific questions. We are given no description of what history there was and what inferences might be drawn from it for purposes of analysis: What, for example, was the purpose of defining a "committee" and prescribing its organization in detail? Is there any connection to the practice of proliferating "committees" as a means of avoiding gift taxes for political donors? If so, that would imply a purpose to restrict the concept of a separate committee; and it would also show a lack of purpose directed toward intragroup transfers. The memo offers instead only "a reasonable interpretation" that is conducive to proliferating the number of separate "committees."

(b) The statutory definition of a committee includes two distinct ideas -- (i) The existence of some entity, which (ii) acts to receive or spend political funds. The OLC analysis focuses



almost exclusively on the latter, virtually eliminating any requirement that there be some meaningful entity. The analysis of the second element also appears deficient in failing to distinguish decisions on substantive principles from those of detail and implementation. Both confusions emerge in the following criterion for determining the existence of distinct committees --

"where...the White House retains complete discretion of the disposition of the money, and makes no accounting concerning it, the White House staff would probably be regarded as a separate political committee liable to registration and reporting under the FECA."

This proposition links together a number of factors all emphasizing the locus of the decision making in the White House as distinct from the RNC. But if the central question is where the decision is made, is it not possible to distinguish decisions in principle to make certain categories of expenditures from decisions of detail that are merely implementation -- just as we do in appraising delegations of legislative power? If the RNC decides, for example, to fund all political mailings from the White House, or all political travels of the President, or all political entertainment at the White House, or distribution of political mementos at the White House, or political entertainment by the President or White House personnel outside the premises, or all of the above, cannot this be said to be the RNC's decision? Is that conclusion changed by the fact that total discretion to make each of the individual expenditures is exercised within the White House? Does it make any difference whether that discretion is exercised only within each of the various categories described above, rather than generally as to all of them?

(c) The above quoted statement from the OLC memo indicates that once the combination of elements needed to conclude that the locus of decision making is in the White House occurs, it follows that "the White House staff would probably be regarded as a separate political committee liable to registration and reporting under the FECA." This fails to analyze the statutory concept of a



"committee" in terms of realistic entities, which leads to all sorts of anomalies. If staff member A draws on the funds for a political mailing, staff member B draws on them to pay for a political luncheon at the Hay Adams, and staff member C draws on them to pay for Presidential travel for political purposes, while staff members D through ZZZ have no dealings with the funds at all, which members (and their secretaries?) belong to a "political committee," and how many committees are there?

(d) The inescapable reality is that certain political activities generating expenditures of political funds are going to occur in the White House, and the decisions to conduct the activities and make the expenditures are going to be made by people physically located there. The President's political travels alone compel this conclusion. The crucial question is therefore whether this means that there must inevitably be one or more "political committees" in the White House? If the answer is no, it is unlikely to depend solely on where the checks are written, since the benefit will accrue to persons in the White House as a result of decisions made there. The place of "expenditure," therefore, cannot be located with assurance outside the White House. Rather, a conclusion that no separate committee is involved must be based on the theory that the only political committee involved is the RNC, and that the RNC makes the critical decision that funds are to be spent for a category or categories of uses by various people in the White House. The fact that a variety of different people on the White House staff make the actual expenditures, of different kinds and for different purposes, seems more consistent with the conclusion that they are acting as agents for purposes of directing funds to purposes for which they have been committed by the RNC, than to dub each staff member (and his secretary) or the staff as a whole as a separate political committee. It would, of course, reinforce the concept of agency to have the bills paid by the RNC, rather than from an account within the White House, which appears to be the most important advantage of such an arrangement.

cc: Ken Lazarus

Laurence H. Silberman
Deputy Attorney General

JAN 23 1975

Antonin Scalia
Assistant Attorney General
Office of Legal Counsel

Legal questions concerning "political funds".

This is in response to your request for the views of this Office on questions raised by the White House concerning payment of the costs of political activities undertaken by the President and his immediate staff. We are informed that such costs are traditionally borne by the President's political party in one of two ways: Either through disbursements from a White House account funded for that purpose by a political committee (e.g., the Republican National Committee (RNC), the Committee to Re-elect the President), or through direct payment by the political committee of bills forwarded by the White House staff.

18 U.S.C. 603

The first question is whether the activity described above runs afoul of 18 U.S.C. § 603, which provides

"Whoever, in any room or building occupied in the discharge of official duties by any person mentioned in Section 602 of this Title, or in any navy yard, fort or arsenal, solicits or receives any contribution of money or other thing of value for any political purpose, shall be fined not more than \$5,000 or imprisoned not more than three years, or both."

The persons "mentioned in Section 602" include any person who "receives compensation for services rendered from monies derived from the United States Treasury." Thus, rooms and buildings occupied by the President and all members of the White House staff are included. Despite a contrary view expressed by a staff memorandum of the Special Prosecutor's Office, we are of the firm opinion that--as the clear language of the statute indicates--it is the place of solicitation or receipt and not the status of the person solicited to which the prohibition is addressed. Even if the language were not unambiguous,



provision to cover only solicitation or receipt from Federal employees.

It is our opinion, however, that the term "contribution" does limit the reach of the statute. The concern of the legislative history is with solicitation and receipt of money or other things of value from primary donors. The sponsors of Sec. 603 (enacted originally in 1883) sought to prevent Federal premises from being used for political fundraising. Although the term "contribution" is defined in the general definitional section of the Chapter, 18 U.S.C. § 591(e), in such a way as to include transfers of funds between political committees, the definitions of that section are expressly not made applicable to Section 603. There is no reason, when approaching the latter section, to stretch the term "contribution" beyond its more normal meaning, referring to the initial donation to a particular political group and not to subsequent transfers of the contributed funds within that group. Such a limited interpretation is entirely consistent with the statute's general purpose.

The foregoing analysis does not, however, entirely resolve the present problem. While deposits in a White House account by an organization such as CREEP, whose funds are all directed exclusively to furthering the President's personal political interests, seem clearly exempt, it is by no means clear that contributions from the RNC to the President are merely transfers within units of the same political group and hence not "contributions" for purposes of Section 603. In our view the touchstone of Section 603's applicability is whether the transfer has the effect of committing the funds to a political cause to which they were not previously unqualifiedly committed. Such a transfer from the RNC to the campaign of a particular Congressman would meet this test; and it is arguable that a transfer from the RNC to the President's campaign (at least once he is an announced candidate) is no different. It seems more reasonable, however, to take note of the fact that the President, unlike a Congressman, is the head of his party as well as an individual candidate; he expends his political funds for party as well as personal purposes, and indeed has an obligation to do so; his success and that of his party are usually closely interdependent. In these circumstances, the RNC and the President may properly be said to represent one and the same political cause, in which case transfer of funds to the President

What analysis or history supports this? Why "political cause" - what does it mean? Funds given to the RNC as a whole would run through all political parties, wouldn't they? -

... contribution" under Section 603. Nevertheless, this issue is not entirely free from doubt, and the safest cause is clearly direct billing of the RNC rather than payment through a White House account.

In a narrow sense, political activity by members of the White House staff for which there is no reimbursement with political funds might be considered a form of political contribution of the market value of their services. However the line between those "political" functions of the President and his staff emanating from the President's role as head of the Executive branch and those emanating from his role as the head of a political party has always been extremely hazy. See Rossiter, the American Presidency (1964) at 28-30. There is no indication that this statute, drawn in simple terms of solicitation and receipt of contributions, was intended to enter this murky area. We think that extension of a criminal statute such as Section 603 in such a manner would create a standard too vague for enforcement, and would be improper. See Prussian v. United States, 282 U.S. 675 (1931); Cf. The Regional Rail Organization Act Cases, U.S. _____ (1974), 43 U.S.L.W. 4031, 4041 (U.S. Dec. 16, 1974).

As strange as it may seem, there is a simple technical means of avoiding all problems with Section 603. The statute only applies if funds are solicited or received on Federal property. If the RNC funds are accepted for deposit at RNC Headquarters, deposited in a bank account, and checks and disbursement from that account written in the White House, Section 603 would have no application. This is in no way an evasion of the law. It is a technical statute and can be technically complied with. If this approach is adopted, however, it would be essential to avoid any phone call from the White House to the RNC regarding the funds which could be deemed a "solicitation." Both because of the difficulty of avoiding this problem, and because of the technicality which is not particularly appealing from a public relations standpoint, we still consider the best resolution to be the forwarding of invoices for payment. It is simply not a good idea to have White House staff members disbursing political money.

Why can't this be written as receipt?

How does this differ from writing a check

This does not address the problem of concerning the White House with the RNC. It merely shifts the problem to the RNC. It is a good idea to have White House staff members disbursing political money?



Registration and Reporting

The question to be addressed here is whether the forwarding of invoices covering charges for political activities from White House personnel to political committees, or the receipt by White House personnel of funds from political committees to pay such charges, causes such personnel to qualify as a separately identifiable "political committee", subject to the registration and reporting requirements of the Federal Election Campaign Act, as amended, 2 U.S.C. § 431 et seq. (FECA).

A "political committee" is defined by the 1974 Amendments as "any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000." Section 301(d), as amended (P.L. 93-443, § 201). The contributions and expenditures referred to only bring a committee within the definition if they are made for the purpose of influencing a Federal election, a nomination for such an election, a Federal primary, the selection of delegates to a national nominating convention, or the selection of Presidential electors. See § 301(e), (f), as amended. For purposes of the Act's reporting provisions, the term "contribution" includes transfers of funds between political committees. Section 301(e)(3), as amended.

The primary purpose of the FECA is to allow the public to trace the source and disposition of funds used to influence Federal elections. See House Rep. No. 93-1239, 93d Cong., 2d Sess., (1974) at 2, 7. It is clear that an itemized report on the disposition of funds transferred into a White House account and spent for the purposes of influencing a Federal election will be required of someone, and the only question is of whom.

It seems to us that application of the reporting provisions in the present case depends upon whether White House staff members making the expenditure do so with a sufficient degree of independence from the RNC to be considered a separate committee; or whether they are, rather, merely agents or instruments for the disbursal of funds by the RNC itself. Section 302(a) of the Act specifically contemplates such agents. ("No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.") (emphasis added.) An agency relationship would impose a requirement to report

only upon the Committee. It can only exist if the expenditures are related to the lawful purpose of the RNC, treated in a manner consistent with its statement of organization under § 303 of the Act, and subject to its control. The last requirement is obviously difficult to establish. Specification by the RNC of the individual expenditures to which the funds are to be devoted would surely meet the requirement; specification of particular purposes for the expenditures would probably suffice, so long as they are not stated at such a level of generality as to confer broad discretion upon the White House staff, thereby making them a "separate committee."

*to say
what
a
separate
committee
is*

*No analysis
of what is
meant by
"Committee"
why, for
example,
is the
word
"individual"
part of the
definition
in
§ 303(d)
outstanding*

Of course the expectation and understanding of the parties themselves will be persuasive though not necessarily conclusive in determining whether an agency relationship or a "separate committee" exists. As part of any understanding of an agency relationship, it would seem essential that the RNC be provided with fully detailed reports concerning disbursements to enable the Committee to fulfill its reporting obligation. Such internal reporting would also objectively manifest the understanding of the parties.

*Sect. 201
+ not in
303(d)?*

Under the foregoing principles, where the RNC disburses money to White House personnel for payment of bills presented by the Government with respect to particular instances of political use of Government property authorized by the Committee, and where the Committee itself regards the transaction as an internal transfer reportable by it, we would consider it an intra-Committee matter giving rise to no registration or reporting requirement on the part of White House staff. Where, however, the White House retains complete discretion as to the disposition of the money, and makes no accounting concerning it, the White House staff would probably be regarded as a separate political committee liable to registration and reporting under the FECA.

The foregoing analysis, resting the judgment of what is a "separate committee" upon mutual agreement concerning the reporting obligation, and upon the degree of centralization of control of disbursement decisions, is in our view a logical and reasonable interpretation of the Act. However, with neither an informative legislative history nor case law to go on, it is impossible to say with certainty that the Supreme Court will adopt this approach toward the new statute. Hence, with respect

with

*Could not
be some
distinction
in cases as
to local
elections or
others
sponsored
by
RNC
funds within
the Act's
scope? What
frequency
transacts
in this
area? How
often?
How often
does person
have money
available?*

*What is
history of
"Committee"*

to this issue of reporting, as with respect to the previously discussed issue of § 603 liability, the safest course is to keep White House staff members free from the actual disbursement of funds, and simply to forward bills from the White House to the RNC for payment. Under such a system, even if complete freedom to decide what expenditures should be made is vested in designated White House staff members, the actual expenditures will be made by the Committee, and the flow of funds from itemized contribution to itemized expenditure (the monitoring of which is the primary concern of the FECA) will be reflected in the first instance in the Committee's books. Since the Committee itself is paying the bills, it has the ultimate responsibility of seeing to it that such expenditures are both within its registration statement filed under § 303 and otherwise lawful. The purpose of the Act is not to maximize the number of registration statements or reports, but to trace the source and disposition of money. If bills are sent to a political committee either indirectly by the White House staff or directly by the supplier of the service and the committee pays them, it is totally consistent with the FECA for the committee to be the only reporting unit.

Assuming, however, that funds for the purpose of influencing a Federal election are transferred to the broad discretionary control of the White House, or that it is otherwise felt that registration by White House staff members as a political committee is appropriate, the nature of applicable registration and reporting requirements would depend on several variables. For example, different procedures would appear to be required depending upon whether one person or a group of several persons at the White House has responsibility for matters relating to the disbursement of funds. Compare newly added § 304(e) with §§ 303 and 304(a), as amended and new § 308. Perhaps more important, procedures will differ depending upon whether expenditures are made for the general purpose of "influencing the outcome of an election" or for the more narrow purpose of supporting a specific "candidate." Compare newly added § 308 with § 304, as amended. See § 304(e) applicable to both situations.

"Candidate" as defined by the FECA

As indicated above, what must be reported and to whom depends to some extent upon whether a committee is

This paragraph may question & discuss

supporting a "candidate", as that term is defined in the Act. The specific question relevant here is the effect of President Ford's early announcement of candidacy. If the President is now a candidate under the Act, or when he becomes such a candidate, he must designate a "principal campaign committee" (§ 302(f) as amended) to which other political committees supporting him must report, and must file individual reports under § 304.^{1/} He must also designate one or more national or state banks as his "campaign depositories" wherein contributions to his political committees must be kept. Sec. 309.

Under both the original FECA and its 1974 Amendments, the mere announcement of one's candidacy for the Office of President does not, in itself, give rise to any obligations. In order to be subject to the obligations imposed on candidates, one must have performed one of several "acts of candidacy" specified in the definition of that term in Section 301(b) of the Act. These include: (1) qualifying for nomination or election to Federal office under the law of at least one state; (2) personally accepting political expenditures to advance one's candidacy; and (3) giving one's tacit or express consent to another individual or entity to make expenditures or receive contributions to advance one's candidacy. Thus, if monies have either been received or expended to advance the President's 1976 candidacy with his tacit approval, he is a "candidate" within the meaning of the FECA, without regard to the identity of the individual or entity effecting the transaction, and he must proceed under the Act.

The question then arises whether transfer of money by a committee into a White House account for general political purposes, or payment by a committee for political functions carried out by the President, coupled with the President's announcement of candidacy would make him a "candidate" under the Act. The answer turns on a determination of whether the funds are contributed or expended "with a view to bringing about his nomination" § 301(b). In our view a President's general political role in his party can ordinarily be separated from his own quest for

^{1/} The nature of reporting requirements will differ depending on whether the filing is for a period prior to January 1, 1975. See Amendments to § 304.

renomination. The two can become intertwined, however, and the determination required here will have to be made in a specific factual context.

Finally, all of this raises questions concerning the propriety of full time Federal employees in the White House devoting all or a substantial portion of their working hours to partisan political activities, such as fund-raising or supervising a re-election campaign. Insofar as White House activities are concerned, the President operates in a dual capacity: Under the Constitution he is head of the Executive branch of government; he is concomitantly the head of the political party of which he is a member. Under our system it is not always possible, and perhaps not always even desirable if we are to maintain a politically viable Executive branch, to ascertain in which capacity a President is acting in a particular instance. This duality of Presidential function appears to be an accepted part of our political system. To some extent Presidential staff work will share the same characteristic, and it must likewise be accepted.

Again, however, the question can not be answered entirely outside the context of a particular fact situation. In an aggravated case, White House political activity could be considered a possible misuse of appropriated funds for a political purpose, a fraud against the government, and a violation of the Federal Election Campaign Act of 1974. Even then, any minor excesses constituting technical violations would probably best be corrected through traditional political remedies rather than by use of criminal sanctions.

*This is this
a constitutional
principle?*

