

The original documents are located in Box 25, folder “Nixon, Richard - Transition Expenditures: General (1)” of the John Marsh Files at the Gerald R. Ford Presidential Library.

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M
C. F. J.

Q: You sent to the Hill a request for \$850,000 for former President Nixon to cover his expenses through the end of the current fiscal year. The House has cut that figure back to \$200,000. Do you agree with the House action, and are you doing anything to attempt to restore some of the funds that were reduced by the House action?

A: I think former President Nixon should be afforded the opportunity to make the transition to a private citizen in the manner in which his predecessors have done. Clearly, the Congress, in passing the Transition Act, recognized that during the first six months following the holding of this high office, the former President has unusual demands placed upon him, unlike other public officials who return to private life. Therefore, I think that the Congress should appropriate whatever funds are necessary to allow him to make this transition as easily as possible. The Congress has, through their action, reduced by almost 65 percent the amount of money that was requested for the former President to make this transition. I think this is an excessive cutback, and I would hope that the Congress would restore some of those funds which could be consistent with the intent of the legislation that provides for the transition of former Presidents.



Q: Do you think that the House action in reducing your request for funds for the former President from \$850,000 to \$200,000 is an attempt to punish the former President?

A: No, I don't think the Congress is attempting to punish the former President. I think that they have considered the request for funds for the former President and that at least the House has made their judgments that those funds should be reduced by 65 percent. As I said, I hope that some of those funds would be restored so that the former President could make the transition to private life and be allowed to discharge all of the responsibilities that the Congress clearly recognized that a former President has during a transition.



Q: You will recall that the former President was quoted in a conversation with the member of the House of Representatives as asking, "Do they want to pick my bones?" Do you think that the House action in reducing your \$850,000 request for funds for the former President is an indication that they want to pick his bones?

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Q: The White House sent to the Hill last week a list of 64 people who were detailed to the former President from the White House staff and other government departments. Don't you think this is an excessive number of people? If not, what are these people doing to support the former President.

A: You will note that under the legislation providing for the transition of a former President, the bill allows for the detailing of personnel from the White House or any other government agency or department to support the former President during this transition period. Now, many of the 64 people that you refer to are performing functions relating to the protection of the former President, or providing more indirect than direct support. I think a more accurate figure with regard to direct support of the former President is 33. When we look at the history of the number of people detailed to former President's during the period of transition this figure is fairly consistent with what has been the pattern in the past.



Q: Ron Ziegler, the former President's press secretary, is still detailed to the former President from the White House staff and is being paid a salary of \$42,500 a year as well as his assistant who is being paid over \$21,000 a year. There is no press office in San Clemente; there are no press releases coming from San Clemente--why is Mr. Ziegler and his assistant detailed from the White House staff to support the former President in view of the fact that there is no press office there?

A: As you know, under the Transition Act a former President can request any member of the government to be detailed to him and is responsible only to the former President for his duties. Now, this is the wording of the legislation under the Presidential Transition Act, and clearly the Congress recognized in this bill the very unusual circumstances incident to the transition of a former President to private life, and therefore provided that he could ask for anybody that he felt he needed to assist him in this transition period. Former President Nixon, in requesting Mr. Ziegler, ~~has~~ ^{indicated} a need for his services, and this is provided for in the legislation covering the transition of former Presidents.



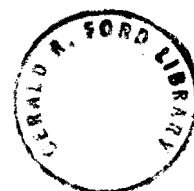
Q: Under the Transition Act a former President can request that any member of the government be detailed to him to assist him during the six month transition period. In other words, the Act provides for an unlimited number of people to be assigned to a former President. Do you think that placing a \$220,000 aggregate salary limitation on people assigned to former President Nixon is unfair?

A: As you know, this \$220,000 salary limitation on detailed personnel to the former President was not in the part of the House bill that passed. I believe this is an amendment that come out of the Senate subcommittee action. I think the Congress has a responsibility to provide for whatever is necessary to assist the former President in making the transition to private life. Under the Transition Act a former President can request, ^{subject to Department and Agency head approval} that any member of the government be detailed to him during the six-month transition period. I don't think that the Congress should take any action which denies former President Nixon ^{the resources} ~~whatever assets are~~ necessary to make this transition which was clearly recognized by the Congress when they passed the Transition Act of 1958.



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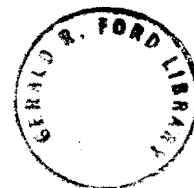
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GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS AND RESEARCH

For an additional amount for "Surveys, Investigations and Research", \$2,600,000, to be derived by transfer from the appropriation for "Salaries and Expenses", Office of Coal Research, fiscal year 1975.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAM

For an additional amount for "Operation of Indian Programs", \$2,814,000, including \$1,975,000 for implementation of the Menominee Restoration Act (Public Law 93-197), and \$239,000 for assistance to the Menominee Restoration Committee.

CONSTRUCTION

Of the funds appropriated under this head in the Department of the Interior and Related Agencies Appropriation Act, 1975, \$425,000 shall be available to assist the Tuba City High School Public School District, Arizona, in the construction of facilities for joint use with the Grey Hills Indian High School.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For an additional amount for "Road Construction (Liquidation of Contract Authority)", \$500,000 to remain available until expended.

RELATED AGENCIES

FEDERAL ENERGY ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$8,000,000.

TITLE II

GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 202. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

SEC. 203. No part of any appropriation contained in this Act or any other Act may be used to pay any expenses of any kind to send, ship, transmit, convey, or deliver any of the Presidential documents, written materials, or tape recordings of former President Richard M. Nixon from the custody of Federal officials or agencies now in possession of them until the passage by the Congress of legislation determining the disposition of said documents, written materials, and

tape recordings: *Provided*, That this limitation shall expire on June 30, 1975: *And provided further*, That this limitation shall not prevent compliance with subpoenas duly issued by State or Federal Courts or by the United States House of Representatives or the United States Senate.

SEC. 204. Notwithstanding any other provision of law, appropriations provided in this or any other Act which would otherwise expire on June 30 of the calendar year 1976, or on such date of any subsequent calendar year, shall remain available until September 30 of each such calendar year.

SEC. 205. None of the funds appropriated by this or any other Act which are available during the fiscal year 1975 for travel expenses, including subsistence allowances, of Government officers and employees may be obligated after the date of the enactment of this Act, at a rate for the balance of the fiscal year which exceeds 90 percent of the budget estimates for fiscal year 1975 for such expenses which were submitted for appropriations or otherwise provided by law: *Provided*, That none of the limitations on travel included in the regular appropriations for fiscal year 1975 shall be exceeded.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

THE WHITE HOUSE

WASHINGTON

White House Detailees serving former President Nixon

Ronald L. Zeigler

Rose Mary Woods

Franklin R. Gannon

Marjorie P. Acker

L. Diane Sawyer

Nora Vandersommen

White House Office

RECAP OF TRANSITION EXPENSES

August 9 thru November 9, 1974

*File
Smallen*

<u>NAME</u>	<u>Salary Cost</u>	<u>Actual Travel Expenses</u>	<u>Travel Cost</u>	<u>Total Cost</u>
Presently assigned to Transition Office:				
Franklin Gannon	9,676.97	2,852.89		12,529.86
Diane Sawyer	5,856.43	2,313.74	355.28	8,525.45
Ronald Ziegler	11,650.00	3,510.00	564.55	15,724.55
Nora L. Vandersommen	3,503.87	1,986.27		5,490.14
Rose Mary Woods	9,870.85	303.75	407.73	10,582.33
Marge Acker	6,413.98	180.00	407.73	7,001.71
No longer assigned to Transition Office:				
Steve Bull	7,485.24	2,656.93	355.01	10,497.18
Ann Grier	3,558.30	2,193.60	177.37	5,929.27
Jeanne Quinlan	859.25	1,333.86		2,193.11
Jo Ellen Walker	414.07	365.74		779.81
Kenneth Khachigian	1,713.47	608.05	48.68	2,370.20
Michael Sterlacci	469.67	511.03		980.70
Raymond Price	4,818.26	1,217.62		6,035.88
	<u>\$66,290.00</u>	<u>\$20,033.48</u>	<u>\$2,316.35</u>	<u>\$88,640.19</u>
Western Union, August 9 - September 23, 1974				3,681.00
Auto Rental, San Clemente (14) Key Biscayne (2)				<u>103.00</u>
				<u>\$92,424.19</u>



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20348

*File
San Antonio*

September 10, 1974

B-149372

The Honorable Roy L. Ash, Director
Office of Management and Budget

Dear Mr. Ash:

We have given consideration to the manner in which services and facilities could be provided for former President Nixon pending congressional consideration of requests for appropriations under the Presidential Transition Act of 1963 and the Former Presidents Act.

We believe that the only currently available source in this regard is the appropriation for "Unanticipated Personnel Needs" contained in the Executive Office Appropriation Act, 1975, approved August 21, 1974, Pub. L. 93-381, 88 Stat. 617, as follows:

"For expenses necessary to enable the President to meet unanticipated personnel needs, for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, and to pay administrative expenses incurred with respect thereto, as authorized by law, \$500,000."

The legislative history indicates that this appropriation was designed for use in connection with the recent change in administrations. We would particularly invite your attention to the following statement by Senator Montoya made during consideration of the conference report on the legislation enacted as Public Law 93-381, Cong. Rec., August 15, 1974, S15022:

"I want to also note that the new \$500,000 appropriation for unanticipated personnel needs is available for any additional expenses of the transition of the Presidency from President Nixon to President Ford. There will be some additional costs in connection with the changing of the watch at the White House, but pending a supplemental appropriation, there are sufficient funds in this bill for the interim."

B-149372

Accordingly, it is our view that this appropriation is available for use in providing such services and facilities for former President Nixon as are determined necessary to assist him in winding up his official affairs, pending congressional consideration of additional appropriations. It could, of course, be requested that amounts so expended or obligated be reimbursed to the "Unanticipated Personnel Needs" account from any amounts hereafter appropriated with specific reference to former President Nixon.

After careful examination of existing statutes, we find no authority to utilize current appropriations to the General Services Administration to provide services to former President Nixon.

Sincerely yours,

SIGNED ELMER B. STAATS

Comptroller General
of the United States

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-149372

September 20, 1974

The Honorable Joseph M. Montoya, Chairman
Subcommittee on Treasury, Postal Service
and General Government
Committee on Appropriations
United States Senate

Dear Mr. Chairman:

This refers to your letter of September 12, 1974, wherein you request our views on certain questions arising in connection with the Subcommittee's consideration of two proposed appropriations to the General Services Administration (GSA) which would provide services, facilities, and benefits for former President Richard M. Nixon.

Our opinion is requested concerning the eligibility of former President Nixon for services and facilities under the Presidential Transition Act of 1963; limitations upon nonreimbursable details provided to him under the Presidential Transition Act; and the validity of an agreement between the GSA Administrator and former President Nixon regarding the preservation of the latter's Presidential historical materials. Each of these questions in the order here presented is treated separately below.

Eligibility of former President Nixon under
the Presidential Transition Act

We have reviewed the correspondence between GSA and the Department of Justice which was enclosed with your letter to us. In a letter to the Attorney General dated August 12, 1974, the GSA Administrator expressed the view that the Presidential Transition Act does apply in former President Nixon's situation, and requested the Attorney General's opinion on this point. In a letter to the Administrator dated August 15, 1974, the Acting Assistant Attorney General, Office of Legal Counsel, held that the Transition Act is applicable to former President Nixon. While this matter is by no means clear, we agree, for the reasons stated hereinafter, with the conclusion expressed by GSA and the Department of Justice.

SEP 24 1974
SENATE ON THE TERRACE AT WASHINGTON, D.C.

The purpose of the Presidential Transition Act of 1963, approved March 7, 1964, Pub. L. 88-277, 78 Stat. 153, 3 U.S.C. 102 note, as stated in section 2 thereof, is "to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President." To this end, section 3(a) authorizes the Administrator of General Services to provide, upon request, to each President-elect and each Vice-President-elect, for use in connection with his preparations for the assumption of official duties, necessary services and facilities including (1) suitable office space appropriately equipped and furnished; (2) compensation for office staffs, including the detail of Federal employees; (3) payment of experts or consultants or organizations thereof; (4) travel and subsistence allowances, including rental of Government or hired motor vehicles; (5) communications services; (6) printing and binding expenses; and (7) reimbursement to the postal revenues for the value of mailing privileges authorized under subsection 3(d). Section 4 of the Act provides in part:

"The Administrator is authorized to provide, upon request, to each former President and each former Vice President, for a period not to exceed six months from the date of the expiration of his term of office as President or Vice President, for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this Act to be provided to Presidents-elect and Vice-Presidents-elect. * * *"

Section 5 authorizes the appropriation of such sums as may be necessary for carrying out the purposes of the Act but not to exceed \$900,000 "for any one Presidential transition * * *."

There are certain fairly specific limitations upon the applicability of the Presidential Transition Act. For example, under the definitions of "President-elect" and "Vice-President-elect" contained in subsection 3(c), services and facilities are available only to persons to accede to such offices as successful candidates in a general Presidential election. Also, incumbent Presidents and Vice Presidents who are reelected are not eligible for transition services and facilities; nor would a new Vice-President-elect who is the running mate of a reelected incumbent President. Cf., H. Rept. No. 301, 88th Cong., 1st sess., 5; S. Rept. No. 448, 88th Cong., 1st sess., 3.

In general terms, and even beyond that portion of the stated purpose in section 2, quoted previously, it is obvious from the basic

statutory scheme and legislative history that the Transition Act was enacted only in consideration of a transition occurring through the normal electoral processes. Clearly, no thought was given to the possibility of a Presidential resignation, and, accordingly, it may fairly be said that Congress never specifically intended to make transition services and facilities available to a former President who had resigned. This observation might reasonably be considered sufficient to justify the conclusion that former President Nixon is not eligible for such services and facilities. However, we believe that the absence of a specific affirmative legislative intent in this regard need not be considered dispositive provided that the furnishing of transition services and facilities to a former President by resignation, albeit not foreseen as a possibility, may nonetheless be considered consistent with the express terms of the Transition Act and its general purposes. We further believe that both of these conditions are satisfied.

As noted previously, section 4 of the Transition Act authorizes the provision "to each former President" of services and facilities of the same general character as those authorized for Presidents-elect and Vice-Presidents-elect for a period not to exceed six months "from the date of the expiration of his term of office * * *." While the Transition Act itself does not elaborate upon the quoted language, consideration must be given in this regard to the so-called "Former Presidents Act," approved August 25, 1958, Pub. L. 85-745, 72 Stat. 838, as amended, 3 U.S.C. 102 note. This statute authorizes the provision to each former President of a pension, office space, and staff allowances for the remainder of his life. A pension is also provided for the widow of a former President.

The relationship between the Transition Act and the Former Presidents Act appears significant in several respects. First, subsection (f) of the Former Presidents Act defines a "former President" as an individual who has held the office of President and whose service in that office terminated other than by removal through impeachment and conviction. Secondly, section 4 of the Transition Act expressly provides that the Former Presidents Act, except for the pension provisions, shall not become effective with respect to a former President until six months after the expiration of his term of office as President. This six-month delay in the operation of the Former Presidents Act was included on the assumption that a former President would, for the first six months after he leaves office, receive services and facilities under the Transition Act, and, therefore, was designed to avoid duplication and confusion resulting from the simultaneous operation of both acts during the six-month period. See H. Rept. No. 301, supra, 2-3; S. Rept. No. 448, supra, 4.

In view of the integral relationship between the two statutes, we believe it is reasonable that the definition of "former President" contained in the Former Presidents Act should be considered applicable as well under section 4 of the Transition Act. Former President Nixon would, of course, fall within this definition since he was not actually removed from office by impeachment and conviction.

A related matter is whether former President Nixon's "term of office" has expired for purposes of the Transition Act. The concept of "term of office" has different meanings in different contexts. See generally 67 C.J.S., Officers, §42, p. 196; 41 Words and Phrases, "Term of Office," pp. 621-628. While none of the contexts presented in the cited references are particularly analogous to the present consideration, there is some authority to the effect that a fixed term of office expires when the occupant leaves that office. See, for example, the following passage from the opinion of the New Jersey Supreme Court in Board of Chosen Freeholders v. Lee, 76 N.J.L. 327, 70 A. 925, 926 (1908):

"The words 'term of office' may in a sense be used to indicate the statutory period for which an officer is elected. We speak of the term of office of the President of the United States and the term of office of the Governor of the state, meaning that the first was four years and the latter three years; but the words 'term of office' may also mean a period much shorter than that for which the particular officer was elected. His term of office may be terminated before the expiration of the statutory period for which he was elected by impeachment, or resignation, or death of the particular officer. The happening of these contingencies is an implied limitation upon the right of the elected officer to continue in office for the period for which he would otherwise be entitled to hold. When such a contingency occurs, the officer's term expires, there is a vacancy, and upon the appointment or election to fill the vacant office the term of another officer begins. To assert that a term of office of an impeached or deceased officer continues is to assert that there may be two terms of office running together, although the office can be filled but by a single person. * * *"

It seems to us that the relationship between the Former Presidents Act and the Transition Act sheds further light upon this matter. Former President Nixon's term of office either expired on the date of his resignation or it must, in effect, be viewed as continuing until January 20, 1977. The latter approach would produce the incongruous result, by literal application of section 4 of the Transition Act, that he would not qualify for application of the Former Presidents Act, other than the pension provision, until six months after January 20, 1977. Even if former President Nixon's term of office is considered to have expired on the date of his resignation, section 4 of the Transition Act would by its terms still delay operation of the Former Presidents Act in his case, other than the pension, for six months. This result, coupled with a holding that the substantive provisions of the Transition Act do not apply, would also be incongruous since, as noted previously, the only basis for the six-month delay is the assumption that a former President is receiving services and facilities under the Transition Act during this period.

For the foregoing reasons, we believe that former President Nixon may be considered eligible for services and facilities consistent with the express terms of the Transition Act; and, as indicated above, the opposite conclusion would seem to produce results which appear clearly at odds with a reasonable construction of the two statutes taken together. It is also our view that provision of transition services and facilities to a President who has resigned would be consistent with the general objectives of the Transition Act. As noted previously, section 2 of the Act states its purpose to be to promote the orderly transfer of executive power "in connection with the expiration of the term of office of a President and the inauguration of a new President." Section 2 goes on to state, in part:

"* * * The national interest requires that such transitions in the office of President be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both domestic and foreign. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people. Accordingly, it is the intent of the Congress that appropriate actions be authorized and taken to avoid or minimize any disruption. * * *"

Simply stated, we can perceive of no reason why a transition resulting from the resignation of a President would be any less significant in terms of the foregoing considerations as stated in section 2 than a transition following a general election; nor does it appear that the needs of a former President for services and facilities in connection with winding up his official affairs would be any less severe merely because he had resigned. On the contrary, such considerations and needs might even be considered more compelling following a Presidential resignation.

In sum, while former President Nixon's resignation gives rise to a unique situation in consideration of the Presidential Transition Act, it is our view that, on balance, a holding that he is eligible for transition services and facilities is less troublesome in terms of the design, operation, and general objectives of the Act than would be the contrary conclusion.

The analysis and conclusions expressed above do not take into account the particular circumstances leading to former President Nixon's resignation since such circumstances are, in our view, irrelevant to the legal issues presented. Thus the legal issues would necessarily be the same regardless of the reasons for a President's resignation. Finally, it is noted that the Presidential Transition Act is essentially operative on the basis of appropriations made pursuant to the authorization of section 5. Whether or to what extent appropriations are actually justified in the case of former President Nixon is a separate matter which must, of course, be determined by the Congress.

Nonreimbursable details provided to former
President Nixon pursuant to the Presidential
Transition Act

You also request our comments concerning the amount of nonreimbursable details under that portion of paragraph 3(a)(2) of the Presidential Transition Act which states, with reference to staffing for Presidents-elect and Vice-Presidents-elect:

"* * * Provided, That any employee of any agency of any branch of the Government may be detailed to such staffs on a reimbursable or nonreimbursable basis with the consent of the head of the agency; and while so detailed such employee shall be responsible only to the President-elect or Vice-President-elect for the performance of his duties: Provided further, That any employee so detailed shall continue to receive the compensation provided pursuant to law for his regular employment, and shall retain the rights and privileges of such employment without interruption. * * *" (Emphasis added.)

The same authority to detail Federal employees clearly applies to a former President or Vice President under section 4 of the Act since it is a service "of the same general character as authorized" for the incoming officials; and, in fact, section 4 expressly provides:

"* * * Any person appointed or detailed to serve a former President or former Vice President under authority of this section shall be appointed or detailed in accordance with, and shall be subject to, all of the provisions of section 3 of this Act applicable to persons appointed or detailed under authority of that section. * * *"

The basic issue which arises in this regard concerns the relationship between the provision for nonreimbursable details and the overall \$900,000 limitation upon appropriations authorized by section 5 of the Act, which provides:

"There are hereby authorized to be appropriated to the Administrator such funds as may be necessary for carrying out the purposes of this Act but not to exceed \$900,000 for any one Presidential transition, to remain available during the fiscal year in which the transition occurs and the next succeeding fiscal year. The President shall include in the budget transmitted to the Congress, for each fiscal year in which his regular term of office will expire, a proposed appropriation for carrying out the purposes of this Act."

Thus the question is whether the cost or value of nonreimbursable details, in terms of the salaries represented, is subject to the \$900,000 appropriation authorization limitation under section 5 or, more specifically, any amount which is actually appropriated under section 5.

Absent an overall monetary limitation upon appropriations under the Transition Act, the express authority to detail employees on a nonreimbursable basis would clearly operate without restriction in terms of cost or value. In clusion of the appropriation authorization limitation and the legislative history of the Act in this regard are somewhat perplexing in this respect. The original version of the Transition Act legislation included the authority to detail on a reimbursable or nonreimbursable basis. On the other hand, the original bill did not impose a limitation upon appropriations, authorizing instead appropriation of "such funds as may be necessary for carrying out the purposes of this Act." See H.R. 4638, 88th Cong., 1st sess., as introduced on March 7, 1963. The House Committee on Government Operations added a \$1.3 million appropriation authorization limitation in the version of the bill which it reported; and some monetary limitation remained in the legislation thereafter. See H.R. 4638 as reported May 15, 1963. However, we find no indication that the Congress ever considered the effect of a monetary limitation upon the provision expressly permitting non-reimbursable details.

At the same time, the legislative history clearly demonstrates that throughout consideration of this legislation the appropriation authorization limitation was viewed as representing the full scope and value of services and facilities under the Act. Thus the House Committee on Government Operations, in adopting a \$1.3 million limitation, observed, H. Rept. No. 301, 88th Cong., 1st sess., 4:

"The limitation of \$1,300,000 for expenditures in any one fiscal year seems reasonable in view of the estimates presented. This can be changed by future legislation if experience so dictates. Any request for funds must, of course, be strictly justified before the appropriation is made by Congress."

During floor consideration, Congressman Fascell, the sponsor of the bill, stated, 109 Cong. Rec. 13350 (July 25, 1963):

"The committee added to the bill a limitation on expenditures of \$1,300,000 for all of the purposes of the bill in any one fiscal year. This seems a reasonable figure considering both incoming and outgoing Presidents

and Vice Presidents and was based on the best estimates available to us. Of course, the specific figure to be appropriated in any year must be fully justified before the Appropriations Committee."

Thereafter the following colloquy occurred, id. at 13351:

"Mr. GROSS. * * * Can the gentlemen from Florida tell me, if he will, please, how many \$100-a-day consultants it is expected will be employed to take care of the incoming President and Vice President in 1964?

"Mr. FASCELL. I may say to the gentleman from Iowa whatever the President can substantiate in his budget request and whatever he can get out of the Committee on Appropriations and whatever may be necessary or required within the limitation of the authorization under this act.

"Mr. GROSS. It is wide open insofar as this bill is concerned, and insofar as the committee is concerned, that is, the Committee on Government Operations?

"Mr. FASCELL. No, I would not say it is wide open at all. We do have a limit on the authorization and we do follow the normal appropriation procedure."

The Senate Committee on Government Operations retained the House-passed \$1.3 million limitation in the version of the bill which it reported. The Senate Committee incorporated the explanation of the House report in this regard. See S. Rept. No. 448, 88th Cong., 1st sess., 3. The Senate report also set forth, as had the House report, recommendation No. 8 of the President's Commission on Campaign Costs, which read in part:

"We endorse proposals to 'institutionalize' the transition from one administration to another when the party in power changes. Important reasons for doing so exist wholly aside from the costs to the parties. The new President must select and assemble the staff to man his administration, and they in return must prepare themselves for their new responsibilities.

"We recommend that the outgoing President be authorized to extend needed facilities and services of the Government to the President-elect and his associates. We also recommend that funds be appropriated, to be spent

through normal governmental channels, for that purpose."
Id. at 2. (Underscoring supplied.)

During floor consideration in the Senate, an amendment was adopted which reduced the appropriation authorization limitation to \$500,000, 109 Cong. Rec. 19737 (October 17, 1963); and the conferees agreed upon a compromise figure of \$900,000. H. Rept. No. 1148, 88th Cong., 2d sess., 2.

Remarks during consideration of the conference report in each House again reflect the understanding that the limitation was comprehensive. In the Senate, Senator Miller observed with reference to the limitation, 110 Cong. Rec. 3397 (February 24, 1964):

"* * * the Senator from Washington pointed out, in the conference, that this amount is a ceiling; it is not necessarily the amount of money that will be appropriated. This is an authorization bill; and the Appropriation Committees may not approve amounts up to the ceiling thus set. The expenditures may not come anywhere near that amount. So perhaps the Senator from Georgia and I will, later, have an opportunity together to do something about getting this amount back to the amount which we think it really should be."

Senator Jackson added:

"I desire to point out that we feel that this is definitely a ceiling; and in my judgment--speaking only for myself, although I am sure I also speak for the Senator from Iowa [Mr. Miller]--they can get along with well under the \$900,000 figure." Id.

On the House side, Congressman Fascell stated, 110 Cong. Rec. 3539 (February 25, 1964):

"* * * In the conference we agreed on \$900,000 as a reasonable amount, with the expectation that if expenditures went higher than that amount, as we had anticipated in the authorization of the House bill, we could by way of supplemental request take care of the needed additional appropriation."

Again, a colloquy occurred between Congressman Cross and Congressman Fascell, id. at 3540:

"Mr. GROSS. Is the \$900,000 to cover both the President-elect and Vice-President-elect?

"Mr. FASCELL. Yes.

"Mr. GROSS. Would this cover the cost of jet planes and the Cadillacs to be assigned to them during the interim period?

"Mr. FASCELL. If such were assigned to them, I would assume they would be covered in the budget request.

"Mr. GROSS. This will not be in addition thereto?

"Mr. FASCELL. Whatever the services are, itemized in the bill, are authorized and which would be covered by the appropriation. Since the authorization fixes those services, one could not go beyond that."

As indicated previously, the legislative history leaves no doubt that the appropriation authorization limitation was enacted with the intent that it would cover all services and facilities provided under the Transition Act. This intent is further reflected in the second sentence of section 5, relating to budget submissions. We believe that this manifestation of congressional intent is sufficient to overcome any implicit authority under the provisions of the Act to furnish services or facilities other than the detail of Federal employees on a nonreimbursable basis. Nevertheless, we must conclude that this legislative history is simply inconsistent with the Act's express grant of authority for nonreimbursable details. Accordingly, it is our opinion that nonreimbursable details under the Transition Act are not subject to monetary limitations under section 5 or any amount appropriated pursuant to section 5. Since, for the reasons stated above, it appears that this result may not have been intended, the Congress might wish to consider amending paragraph 3(a)(2) of the Transition Act to delete the reference to details on a nonreimbursable basis.

In this regard, it is our understanding that nonreimbursable services and facilities in addition to the detail of employees--such as use of existing Federal office space, equipment, and communications

facilities—have in the past been provided under the Transition Act. While our decision at 48 Comp. Gen. 786, 789 (1969), referred to in the text hereinafter, might be considered as implicitly approving such additional nonreimbursable services and facilities, this was not intended and that decision should not be so viewed.

Notwithstanding the absence, in our view, of a monetary limitation, details of Federal employees are clearly subject to certain other conditions and restrictions under the Transition Act. First, as stated in the first proviso of paragraph 3(a)(2), such details may be made only with the consent of the head of the employing agency; although we know of no particular formalities which would apply in this regard.

Second, definite time limitations apply. By virtue of section 3(b), a Federal employee could be detailed to the staff of a President-elect or Vice-President-elect only for a period commencing on the day after a general Presidential election and ending not later than the date of inauguration. In the case of a former President or Vice President, the detail would be limited by section 4 to a period not to exceed six months following the date of expiration of the term of office, or, in former President Nixon's case, the date of his resignation. These time limitations would apply even if appropriations under the Act were made available for a longer period. See 48 Comp. Gen. 786, 789, (1969) (copy enclosed).

Finally, such details would be subject to the general limitations upon the purposes for which any services or facilities are provided pursuant to the Transition Act. In the case of a President-elect or Vice-President-elect, section 3(a) authorizes necessary services and facilities "for use in connection with his preparation for the assumption of official duties as President or Vice President * * *." Section 4 limits provision of services and facilities to a former President or Vice President to those necessary "for use in connection with winding up the affairs of his office * * *." See 48 Comp. Gen. 786, 789, supra; and our letter of September 11, 1974, to Congressman Joseph P. Addabbo, B-149372, page 2 (copy enclosed). In this regard, we feel constrained to suggest that the Subcommittee carefully review the list of Federal employees presently detailed to former President Nixon and the functions which they are to perform. For example, GSA's list of employees now detailed to former President Nixon (Revised Justification, dated September 10, 1974) includes a "butler" and a "maid" who are on the payroll of the Park Service, as well as three "military drivers." It is not apparent to us how such employees would be used by a former President in connection with winding up the affairs of his office.



Validity of an agreement between the GSA Administrator and former President Nixon regarding the preservation of the latter's Presidential historical materials

The September 6 agreement between former President Nixon and the Administrator of GSA provides in some detail for the disposition of Mr. Nixon's Presidential historical materials. The term "historical materials" in the agreement is assigned the meaning given it by 44 U.S.C. 2101, as including--

"books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value."

The stated purpose of the agreement is to preserve the materials until such time as Mr. Nixon's intention to donate a "substantial portion" thereof to the United States is consummated. His desire, in making the donation, is said to be that the materials be available, with appropriate restrictions, for research and study.

In 1950, legislation was first enacted authorizing the Administrator of General Services to accept for deposit--

"the personal papers and other personal historical documentary materials of the present President of the United States, his successor, heads of executive departments and such other officials of the Government as the President may designate * * *,"

subject to restrictions specified by the depositors. Section 507(e) of the act of September 5, 1950, chapter 849, 64 Stat. 578, 588. The intent of this provision was to make it possible for the documents in question to be preserved by the Government with related official records and to be available for scholarly research. H. Rept. No. 2747, 81st Cong., 2d Sess., 15 (1950). Such materials had in the past often been dispersed and, sometimes, lost.

As enacted, the 1950 law did not provide for the Administrator to accept for deposit the papers of a former President, nor was there any provision for the establishment of depository libraries for Presidential papers apart from the National Archives. In 1955, legislation was enacted to achieve both these purposes. Act of August 12, 1955, ch. 859, 69 Stat. 695. Section 1 of the act of August 12, 1955, as amended, 44 U.S.C. 2107, authorizes the Administrator to accept for deposit--



"the papers and other historical materials of any President or former President of the United States * * * subject to restrictions agreeable to the Administrator as to their use * * *."

The act also provides that:

"The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials * * *." 44 U.S.C. 2108(c).

The House Government Operations Committee report on H. J. Res. 330, 84th Congress, the derivative source of the act of August 12, 1955, states that:

"The enactment of the resolution into law would end the lack of a systematic arrangement for the preservation and use of Presidential papers that has resulted in irreparable loss or dispersion of important bodies of Presidential documents during the 166 years of our Nation's existence. It would enable our Presidents and former Presidents to plan for the preservation of their papers at the place of their choice with the knowledge that the Government has made provision to receive them in the archives of the Nation with adequate provisions for their preservation, with proper safeguards for their administration, and with restrictions on their use that recognize and protect the President's rights." H. Rept. No. 998, 84th Cong., 1st. sess. 2 (1955).

The act reflects the recognition that papers and other materials generated and collected by a President in the course of his official duties may become his personal property. We note that the Attorney General has opined, in a letter to the President dated September 6, 1974, that it has apparently been "the almost unvaried understanding of all three branches of Government since the beginning of the Republic" as reflected in "the practices of our Presidents since the earliest times" that the papers and other materials of a former President are his personal property, subject only to certain limitations directly related to the character of the documents as records of Government activity such as, for example, security classification.



Under the September 6 agreement, Mr. Nixon retains legal and equitable title to the materials and sole control of access to and use of them for the present. He makes a gift to the Nation of the White House recordings effective September 1, 1979, although they are all to be destroyed September 1, 1984, or at his death, whichever first occurs, and he can order any of them destroyed after September 1, 1979. He expresses his intention to donate a portion of the other materials to the Nation, after he has reviewed them.

The various restrictions on the use of and access to the materials deposited with the Administrator are very broad. However, in negotiating such agreements the Administrator, it seems clear, is to be guided by the legislative goal, which is to secure to the Nation to the extent possible the use of Presidential historical materials, and to prevent their dispersion into private hands, or their loss.

In view of this responsibility of the Administrator, and of the broad discretion given him by 44 U.S.C. 2107 and 2108(c) we cannot say that the September 6 agreement is not valid. We have no basis to assume that the Administrator did not diligently seek to achieve the statutory objectives, or that it would have been possible to negotiate an agreement more favorable to the United States, particularly since the alternative may have been that Mr. Nixon would make no deposit of the materials but rather would assert his recognized right of ownership of them to the exclusion of any right of access by the United States. Accordingly, we consider the September 6 agreement to be a valid exercise of the Administrator's authority.

We trust that the foregoing is of assistance to the Subcommittee in its consideration of the pending appropriation requests.

Sincerely yours,

James B. Starks

Comptroller General
of the United States

Enclosures



File
from
Holtzman

93D CONGRESS
2D SESSION

H. RES. 1398

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 1974

Ms. HOLTZMAN submitted the following resolution; which was referred to the
Committee on Government Operations

RESOLUTION

1 *Resolved*, That the President of the United States is
2 directed to furnish the House of Representatives the following
3 information:

4 (1) The nature, source by agency within the executive
5 branch, and cost of each service, facility, and payment pro-
6 vided by, or at any expense to, the United States to, or for
7 the benefit of, Richard M. Nixon, his wife, or any of his
8 daughters or sons-in-law, from August 9, 1974, to the date
9 of the adoption of this resolution, including any—

- 10 (A) personnel, whether part- or full-time;
- 11 (B) office or recreational facilities;
- 12 (C) travel and moving;

1 (D) medical services and facilities;

2 (E) office supplies, equipment, and other personal
3 property; and

4 (F) maintenance services for real property.

5 (2) Any decision that has been made by the White
6 House, or any agency within the executive branch, with
7 respect to continuing any such service, facility, or payment.

8 (3) Any decision that has been made by the General
9 Services Administration, or any other agency within the
10 executive branch, to bring about the return to the United
11 States of any thing of value (including any office furniture,
12 any property improvements, and any gifts from foreign
13 powers) given to or utilized by Richard M. Nixon, his wife,
14 or any of his daughters or sons-in-law, at the expense of the
15 United States, while Richard M. Nixon was President of the
16 United States.

- 10 (A) personnel, whether part- or full-time;
- 11 (B) office or recreational facilities;
- 12 (C) travel and moving;

93rd CONGRESS H. RES. 1328

RESOLUTION

Directed the President to provide to the House
of Representatives information relating to
certain services, facilities, and payments pro-
vided by the United States to Richard M.
Nixon and members of his immediate family.

By Ms. HORTON

Referred to the Committee on Government Operations
September 30, 1974

93^d CONGRESS
2^d SESSION

H. RES. 1398

RESOLUTION

Directing the President to provide to the House of Representatives information relating to certain services, facilities, and payments provided by the United States to Richard M. Nixon and members of his immediate family.

By Ms. HOLTZMAN

SEPTEMBER 30, 1974

Referred to the Committee on Government Operations

[Oct. 1974?]

Howard Kerr

SUMMARY

	<u>Presidential Transition</u>	<u>Allowance for Former President</u>	<u>Total</u>
Requested in supplemental transmitted by Ford	\$450K	\$400K	\$850K
Lower mark informally suggested to Cong. Robinson per Cederberg request	375	275	650
House-subcommittee report	245	153	398

The House subcommittee reported (vote of 7 to 6 with minority wanting a smaller amount) level of \$308K would leave only \$343K after setting aside \$55K in pension payments for 11 months.

Key Assumptions

- The \$450K for transition funds would be available through June 30, 1975, thus providing in 11 months what LBJ had available for 18 months.
- The \$400K for allowance for former President's included \$110K for vault and special security arrangements not required during Johnson transition. The request also included \$290K for contingencies. The former President's funds cannot be available until six months after termination from office and thus were requested to cover five months between February 9, 1975 and June 30, 1975.



Key Points to Keep in Mind

- An amount of \$900 thousand was appropriated for 1963 transition which was divided equally between incoming and outgoing Administrations. Former President Johnson elected to allocate \$75K of his amount to Humphrey.
- In 1973 the Congress again appropriated \$900K for the transition that would have occurred had the Democrats won the election. The appropriation language enacted by the Congress would have made the funds available for 18 months until June 30 of the succeeding fiscal year.
- In November of 1970 the Comptroller General issued a report that recommended increases in authorizations and limitations for both Presidential transition and allowances for former Presidents. With the approval of GAO, the General Services Administration submitted proposed legislation in 1973 to the Congress which would have authorized \$600 thousand for transition for former Presidents and made the funds available for 18 months.
- In view of sudden resignation of President Nixon, GSA has had to reconfigure the details of the requested funds. GSA is willing to drop the \$110K security item and reconsider requirements in preparation of FY 1976 budget.
- There is no precise yardstick to measure requirements for transition and allowances for former Presidents.
 - Nowhere are the roles and duties precisely defined.
 - The precise details for expenditure will change as experience in each individual transition is developed.
- Under the former President's Act, GSA is required to arrange for pension payments and provide office staff and space, appropriately furnished and equipped-- subject of course to the availability of funds.
- GSA will have to continue to carry burden on details of budget estimates including \$110K vault and security items which was initially presented as a general contingency and which has come under sharp attack.
- Sampson will carry burden on agreement reached with former President Nixon concerning custody and access of Presidential papers and tapes.
- The supplemental for Transition and Allowances was transmitted to the Congress without delay in view of:
 - Immediate need for Transition Funds and
 - Desire to promptly place the request before the Congress so it could immediately give the matter full review.



Both Appropriations Committees of the Congress have held extensive hearings on the supplemental requests covering over 300 pages of transcript in the House and 100 pages in the Senate.



Transition Expenses and Allowances for
Former President Nixon

There are several unique factors which should be taken into account in considering the requests for funds to cover expenses associated with the unprecedented resignation of President Nixon.

First, Nixon's resignation was sudden and unplanned in contrast to President Johnson's termination from office in which he had nine months (March 1968--January 1969) to prepare for an orderly transition.

- Before leaving office, LBJ had an office especially designed and fully equipped at a cost of \$776 thousand. (Nixon's office at San Clemente cost \$723 thousand.)

Most of Mr. Johnson's records were sorted, packaged, crated and transported to Austin before he left office. Archives liaison costs during the nine-month period are estimated at \$244 thousand compared to about \$102 thousand for the nine months before President Nixon's resignation.

- Johnson was able to draw on resources of White House staff and the agencies within his Administration.

Second, there were numerous expenditures for former President Johnson which were covered in other accounts but are being requested in the \$850 thousand amount prepared by GSA for former President Nixon:

- In the first 18 months of President Johnson's transition, \$136 thousand was for supplies, equipment and communications expenses which was budgeted under the now defunct appropriation for "Operating expenses, Public Buildings Service."

- President Johnson was provided use of military air craft which were assigned at Bergstrom AFB and included a small jetstar-type air craft, a Convair jet and helicopter support.

Third, the unprecedented circumstances concerning President Nixon's termination from office have created many additional requirements above those faced by former President Johnson. While the full dimensions of these requirements have yet to be determined, the evidence to date suggests substantial increases -- even setting aside increased prices.

- During Johnson's 18-month transition period, about 115 thousand pieces of incoming mail were received compared to 350 thousand already on hand for Mr. Nixon.
- The Johnson papers totaled about 31 million pages compared to 42 million for Mr. Nixon.



- The need to maintain tight security on the Nixon papers added \$110 thousand to the request for funds.

Fourth, wage and price increases alone would significantly increase the requirement. Assuming an average annual rate of 5%, an additional \$216 thousand would be needed to provide cost parity with the funds spent for Mr. Johnson just from the \$542 thousand appropriated to GSA and to reflect the higher rates for pension payments. Prices for many items--such as paper, printing, communications, and office equipment--have increased well over 5% a year.

The GSA request of \$850 thousand is reasonable when considering experience under President Johnson--including the nine month advance preparation time, price increases, as well as the unique security requirements and the additional workload for the Nixon transition. While comparisons are difficult, a projection of budgeted costs* over 18 month period would suggest the Nixon costs are about \$200K higher than those for Johnson. Of this increase, \$110 thousand relates to the special security item and only \$90 thousand for increased workload which indicates only a 10% increase. (see attached table.)

* Excludes items for which costs are not available such as transportation furnished on military aircraft.



Estimated 18 month Comparison
(Dollars in thousands)

	<u>Johnson Estimates</u>		
	<u>Johnson</u>	<u>Price Increases</u>	<u>Johnson Adjusted</u>
Presidential Transition Fund	370	92 ^{a/}	462
National Archives, Liaison with Presidential Libraries	142 ^{b/}	36 ^{a/}	178
Allowances for Former Presidents (Pension)	36	54 ^{c/}	90
Operating Expenses, Public, Buildings Service	<u>136</u>	<u>34^{a/}</u>	<u>170</u>
Total	684	216	900
	* * *		

	<u>Nixon Estimates</u>
Pending Supplemental: Presidential Transition Fund	450
Former Presidents through June 30, 1975	400
Projected 12-month, FY 76 costs for Former Presidents	<u>250^{d/}</u>
Total	1,100
	* * *

	<u>Comparison</u>
Nixon	1,100
Johnson, adjusted	<u>900</u>
Difference	200
Increases distributed as follows:	
Security Workload	110 ^{e/} <u>90</u>



- a/ Assumes 5% annual price increases.
- b/ Represents increase in Presidential Library Liaison costs in April 1968 to December 1968 for former President Johnson (\$244 thousand) over the amount estimated for former President Nixon during the nine months preceding his resignation (\$102 thousand).
- c/ Reflects increase in pension allowances.
- d/ Projects Johnson experience in FY 1971 (\$198 thousand plus 25% increase for FY 76 costs).
- e/ Represents 10% workload increase over \$900 thousand amount for Johnson as adjusted for price increases.



Questions and Answers

Q: Was the \$850K figure "arrived at jointly between GSA and OMB" as Mr. Sampson testified before the House subcommittee?

A: The estimates were developed by GSA based on the experience of other Presidents, from various sources of funding, price increases, and the unique circumstances concerning President Nixon's unprecedented termination of office. In view of the short time requirements, the estimates were discussed with OMB prior to their formal transmittal.

Q: Why didn't OMB cut this rather extravagant request?

A: We applied a number of tests to the \$850K request and consider it reasonable in view of the following:

- Prior to the advent of Nixon's resignation, GAO and the executive branch concluded that \$600K for transition expenses alone should be authorized and available for 18 months -- an increase of \$150K above the existing \$450K level.
- Experience under President Johnson indicates that about \$900K would be required today when considering the various sources of funding used (Former President's, Transition Fund, and GSA appropriations for Public Buildings and National Archives), work which was performed in the nine-month pretransition period, and price increases. A comparable 18-month estimate for former President Nixon would be \$1,100K or an increase of \$200K with \$110 for vault security and \$90K for a 10% workload factor.
- The workload, both in terms of quantity of papers and mail, and need for immediate attention is well above that faced by former President Johnson. For example, mail received by former President Nixon is already 50% above that received during the entire 18 months of the Johnson transition. The volume of records is up 30%.

Q: Does the \$450 request for transition assume that White House and other agencies will be reimbursed for personnel detailed to former President Nixon?

A: We had assumed that the Congress would appropriate adequate funds to provide for reimbursement in most cases. What in fact happens, will naturally depend on funding levels provided by the Congress.

Q: How long will these non-reimbursable details last?

A: The details are indefinite at present. No decision has been made. However, all details--both reimbursable and non-reimbursable--must terminate by February 9, 1975.



Q: Why was the \$400K estimate for transition funds based on 11 month funding?

A: The 11 months assumed that the transition work could be concluded by June 30, 1975. This assumption was fully consistent with

- the recommendation of GAO that the law be amended to extend availability beyond 6 months which it concluded was not realistic to assume that former Presidents could wind up their affairs;
- previous rulings by GAO concerning former President Johnson's 1968 transition funds, and
- action by Congress in appropriating 1973 standby funds on an 18 month basis.




Mr. Kenneth C. Novaty
Congressional Relations
Federal Bureau of Investigation
United States Bureau
Washington, D. C. 20535

Dear Mr. Chairman:

Pursuant to your letter to Director Holt of September 18,
enclosed is a listing of Federal personnel detailed to
former President Nixon during the period August 9, 1974
through September 30, 1974.

Sincerely,


Kenneth C. C. Novaty
Congressional Relations

Enclosure

cc: DO Chron
Ass't. to the Dir. for Adm.
Congressional Relations
BMO Records
BMO Chron

DMO:PLARSEN:jl 9/23/74



PERSONNEL DETAILED TO THE WHITE HOUSE PRESIDENT HENON
 August 9, 1974 through September 20, 1974

<u>Name</u>	<u>Title</u>	<u>Salary</u>	<u>Parent Agency</u>	<u>Location</u>
Ronald L. Ziegler	Assistant to the President and Press Secretary	\$42,500	White House Office	San Clemente/ Washington
Raymond K. Price, Jr.	Special Consultant to the President	\$40,000	"	"
Rose Mary Woods	Executive Assistant and Personal Secretary to the President	\$36,000	"	"
Franklin Cannon	Special Assistant to the President	\$35,300	"	"
Stephen D. Dull	Special Assistant to the President	\$34,000	"	"
Michael Storlacci	Staff Assistant	\$28,263	"	"
Kenneth L. Khachigan	Deputy Special Assistant to the President	\$27,500	"	"
Marjorie P. Acker	Staff Assistant	\$23,000	"	"
Dianne Sawyer	Assistant to the Press Secretary	\$21,000	"	"
Evie Brauntley	Secretary	\$15,700	<i>Defense</i>	San Clemente
James P. Quinalin	"	\$13,993	"	"



<u>Name</u>	<u>Title</u>	<u>Salary</u>	<u>Parent Agency</u>	<u>Location</u>
Anne Greer	"	\$12,979	"	"
Nora Vandersommen	"	\$12,573	"	"
Jo Ellen Walker	"	\$ 9,969	"	"
Jack Ercman	Military Aide	\$25,000	Defense	"
Robert Dunn	Medical Corpsman	\$12,000	"	"
Richard Chevalier	Driver	Sgt.	"	"
Gilbert Gipson	"	"	"	"
Robert Wagon	"	Cpl.	"	"
Hanielo Sanchez	Butler	\$12,000	Park Service	"
Mina Sanchez	Maid	\$ 8,000	"	"
Jo Ann Miller	Secretary	\$11,000	GSA	"

None of the above are on reimbursable detail.



NATIONAL ARCHIVES AND RECORDS SERVICE
WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Report	Other Support for Former President Nixon Excluding Secret Service, 1 pg. (part of "Howard Kerr" Document Case)	N. D.	B

FILE LOCATION

John Marsh Files, Box 25, "Nixon, Richard - Transition Expenditures:
 General (1)

RESTRICTION CODES

- (A) Closed by Executive Order 12356 governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
- (C) Closed in accordance with restrictions contained in the donor's deed of gift.

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4/7/14

NATIONAL ARCHIVES AND RECORDS SERVICE
WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Letter	Roy Ash to Jack Brooks regarding public expenditures, 5 pgs (redacted)	11/1974	B

FILE LOCATION

John Marsh Files, Box 25, "Nixon, Richard - Transition Expenditures: General (1)"

RESTRICTION CODES

- (A) Closed by Executive Order 12356 governing access to national security information.
- (B) Closed by statute or by the agency which originated the document.
- (C) Closed in accordance with restrictions contained in the donor's deed of gift.

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4/8/14

[Nov. 1974?]

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=

Honorable Jack Brooks
House of Representatives
Washington, D.C. 20515

Dear Congressman Brooks:

This refers to your October 11, 1974, letter to the President concerning public expenditures in connection with former President Nixon's transition from public to private life. I am sure you can appreciate that the suddenness of this unprecedented transition has resulted in many of the requirements for the transition period remaining highly uncertain.

The following information indicates the estimated costs incurred by Federal agencies for the 90-day period between August 9, 1974, and November 9, 1974. In addition to the categories outlined in your letter, we have added another classification for communications expenses. Where possible, we have indicated present plans concerning continuation or discontinuation of these activities.

Costs Between 8/9/74 and 11/9/74 (in thousands)

A. Personnel details (all nonreimbursable) \$154

These costs cover the personnel compensation and benefits and per diem for 29 details made to former President Nixon. Of the total amount, salary costs are \$107,000.

The number of personnel detailed for Presidential transition has now been reduced to 17 details which will terminate by February 9, 1975.



Costs Between 8/9/74 and
11/9/74 (in thousands)

B. Office facilities, supplies and equipment \$14

This amount includes \$9,172 for stationery, supplies, wire service and magazine subscriptions, and miscellaneous transition expenses; \$3,725 estimated value of Government office space used by the former President's personal secretary; and \$605 for lease of a room at Long Beach Memorial Hospital for press and staff.

Operating costs for facilities at Key Biscayne and San Clemente are included under categories G and H for Presidential protection and for maintenance services for real property. No equipment was purchased subsequent to August 9.

C. Travel and moving \$16

Includes \$8,440 for a portion of former President Nixon's flight to California on August 9 (after 12:00 noon); \$2,419 commercial transportation for personnel details; an estimated \$2,000 for gasoline of DOD vehicle transportation at San Clemente; \$3,147 for packing and movement to Andrews Air Force base of personal Nixon belongings. Cost for air transport of these items to California is not included since they were loaded on flights already scheduled for movement to the west coast. Movement from El Toro Marine base to San Clemente was provided by military drivers detailed to the former President (Category A).



Costs Between 8/9/74 and
11/9/74 (in thousands)

D. Medical services and facilities

-0-

Former President Nixon has not used any military or other Government medical facilities since August 9. The costs for the one medical corpsman detailed to the former President are included in Category A. The room obtained by GSA for staff and press during Nixon's first hospitalization is included in Category B. No Government costs were incurred for the second hospitalization.

E. Legal assistance


-0-

No expenses have been incurred for legal assistance to former President Nixon.

F. Recreation facilities

-0-

Other than a few visits to a beach on Camp Pendleton, there has been no use of military recreation or other Government recreation facilities by former President Nixon or his family.



Costs Between 8/9/74 and 11/9/74 (in thousands)

H. Maintenance and operation of real property \$76

This covers GSA costs of \$52,160 for maintaining and operating Federal facilities at San Clemente (excluding depreciation) and \$23,540 for facilities at Key Biscayne exclusive of expenses paid by the Secret Service and included in Category G. GSA plans to terminate Key Biscayne operations by December 31.

I. Storage costs \$83

This amount includes the estimated 90-day rental value of Government-owned space used to store Presidential records and gifts in the Executive Office Building, National Archives Building, and the Suitland Federal Records Center. It also includes personnel costs for screening and crating of materials. It does not include the cost of storage of personal belongings of the former President which were subsequently moved to San Clemente (included in Category C).

Future costs under this category will depend on resolution of pending court orders, new agreements on records being negotiated with former President Nixon, and determinations made concerning compliance with the Foreign Gifts and Decorations Act of 1966.

J. Courier flights \$20

Covers three Air Force courier flights from Washington, D.C., to San Clemente.

As of this date all further flights have been deferred.



Costs Between 8/9/74 and 11/9/74 (in thousands)

K. Communications

\$60

This amount covers personnel and operating costs for DOD/White House Communications Agency operations at Key Biscayne and San Clemente as well as costs for commercial teletype services.

Operations and personnel (except for commercial telephone service) have been terminated at Key Biscayne.

The Department of State is presently consulting with counsel to Mr. Nixon regarding full compliance with the Foreign Gifts and Decorations Act of 1966. No determination has been made to request return of the office furniture authorized to be used by former President Nixon. I understand the Administrator of the General Services Administration has written to you on July 3, 1974, and indicated that the agency sees no basis for seeking restitution or taking other similar action concerning any expenditure of Federal funds at San Clemente or Key Biscayne.

I hope the above information will be helpful to you and the Subcommittee on Government Activities. If any further detail is required, we will be happy to supply it.

Sincerely,

Roy L. Ash
Director

- cc:
- Courtesy
- DO Records
- Director's Chron
- Director
- Deputy Director
- Mr. Marsh (WH)
- Mr. Ebner
- Mr. Hagerty
- Mr. Scott
- Mr. Bray (2)
- Return, Mr. Armbrust



EGGD:EAArmbrust:1kt:11/17/74

NATIONAL ARCHIVES AND RECORDS SERVICE
WITHDRAWAL SHEET (PRESIDENTIAL LIBRARIES)

FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
Memo	David C. Hoopes to Jerry H. Jones regarding Personnel Detailed to Former President Nixon, and attachments 10 pgs	10/1/74	B

FILE LOCATION
John Marsh Files, Box 25, "Nixon, Richard - Transition Expenditures"
General (1)

- RESTRICTION CODES
- (A) Closed by Executive Order 12356 governing access to national security information.
 - (B) Closed by statute or by the agency which originated the document.
 - (C) Closed in accordance with restrictions contained in the donor's deed of gift.

SD
4/7/14

M

THE WHITE HOUSE
WASHINGTON

October 3, 1974

MEMORANDUM FOR: COUNSELLOR MARSH
FROM: GENERAL LAWSON (2)
SUBJECT: Support for Former President Nixon

In order to insure the timely and efficient management of all DOD support to former President Nixon, my office established liaison with the former President and his staff soon after their arrival at San Clemente. Specific requirements for support were developed, tabulated and coordinated between San Clemente, the White House and DOD personnel. To date, we have not received any request from the former President which exceeded those given to other former Presidents. Specifically, the following support is being provided to former President Nixon.

a. Personnel. At Tab A is a listing of all personnel currently assigned to the support of the former President at San Clemente. No other personnel in the Department of Defense are currently involved in the direct support of the former President. Personnel providing indirect support are limited to part time liaison coordination functions being conducted in the White House Military Office, and in OSD.

b. Communications. Communications support for the former President is shown at Tab B. All actions of this phase down program are being carefully coordinated between members of the former President's staff, Secret Service, GSA, WHCA and the Department of Defense. The final configuration for communications will consist of that associated with the support of the Secret Service by WHCA and a small amount carried by GSA to support the activities of the former President and his staff.

c. Transportation.

1. Ground transportation will continue to be provided by vehicles located at San Clemente by Chrysler Corporation in response to a previously developed lease. The lease has been reduced to a total of 10 vehicles at San Clemente and 2 vehicles at Key Biscayne. These vehicles are leased at a cost of \$1.00 per year and will be carried to the end of the 6 months transition period. Fuel is provided by DOD under leasing arrangements managed by the White House Garage. Three Marines from Camp Pendleton have been assigned to assist as drivers on a daily basis for the 6 month transition period. All of the DOD support will be terminated at the end of the transition period.

2. Government air transportation has been requested by former President Nixon. His request emphasized that his support should not exceed that provided to Presidents Truman, Eisenhower and Johnson. (These former Presidents were provided air transportation to support all travel requirements with the exception of travel associated with political events. For the record, it should also be noted that 2 aircraft were assigned to the Commanding General, Bergstrom AFB specifically for the support of former President Johnson.) There is no indication that former President Nixon intends to request the specific assignment of aircraft for his support. Rather, his desire is that an aircraft be available from Andrews AFB, when and if required. Courier aircraft are required on occasion for use in the movement of intelligence briefing and material and on some occasions for the transportation of key staff and family members. This support has been provided in the past for former Presidents Truman, Eisenhower and Johnson. To date, three C-140 courier flights from Andrews Air Force Base to El Toro Marine Base have occurred. A fourth is scheduled for 4 October.

d. Special Requests. Certain special requests have been made:

1. Intelligence briefings have been requested by the former President on a weekly basis. These briefings were also provided for former Presidents Truman, Eisenhower, and Johnson and for the most part, consisted of a pouch that was that was transported on a weekly basis. Frequently, Secretary Kissinger, who was then a Presidential Assistant and/or General Haig personally briefed President Johnson. On occasions Presidential representatives also briefed former Presidents Truman and Eisenhower.

2. Commissary cards to both Camp Pendleton and El Toro have been requested. In addition, guest privileges at the officers club and golf club have been requested from both bases.

3. Two H-46 helicopters are located at El Toro for the support of visiting VIP's. It has been requested that these helicopters be available on a preemptive basis to support former President Nixon. (The former President has stated that he does not contemplate using these aircraft except on an emergency basis.)

4. Permissive orders for President Nixon's family and staff members that would permit them to ride space available on government courier aircraft have been requested. This service was provided to former Presidents Truman, Eisenhower and Johnson.

The phase down of DOD support in effect on 9 August 1974 at San Clemente and Key Biscayne has been underway since that date. Military personnel at both installations (other than those listed in Tab A) have been reassigned to other military duties. Equipment is being prepared for return to appropriate supply agencies and/or reassigned to other locations. Command and Control communications functions are being carefully studied in order to insure maximum use of these facilities. Again, all of these efforts are being carefully and completely coordinated with all interested DOD agencies. Regular reports regarding this program are being forwarded to OSD.

Throughout this paper there have been several references to support rendered to other former Presidents. This information is based primarily on the personal knowledge of individuals actually involved in the support of specific former Presidents. During the investigation performed for the Brooks Subcommittee on government operations (pertaining to resources expended on the residences at San Clemente and Key Biscayne) each of the Military Services, DOD and my office were requested to provide all available records pertaining to the support of Presidents at their private residences. That record search turned up very little due primarily to the fact that all records associated with each President were sealed and transported to the individual President's archives.

A



SUPPORT PERSONNEL

SAN CLEMENTE

<u>NAME</u>	<u>FUNCTION</u>	<u>DATE ASSIGNED</u>
LtCol John V. Brennan	Military Aide	9 August 1974
Lt Chris Alberts	Mail Assistant	23 September 1974
HMCS R. J. Dunn	Medical Corpsman	9 August 1974
GySgt E. Chevalier	Driver	"
Cpl E. Gipson	Driver	"
GySgt R. Wagoner	Driver	"
SDCM V. DelaCruz	Steward	"
SDI V. Villaranda	Steward	"

CW4 Ralph M. Douglas	WHCA	9 August 1974
SFC George T. Wharton	"	"
SSG Allen L. Harp	"	"
SSG Larry D. Nowels	"	"
Sgt Thomas L. Payne	"	"
CT2 Douglas A. Griffith	"	"
SSG John C. Kleiber	"	"
CT1 Thomas R. Reese	"	"
SP5 David L. Grime	"	"
SP5 Doil T. Osteen	"	"
SP5 Gary R. Smith	"	"
ET3 Marvin Aune	"	"
Sgt Clarence Ecclespon	"	"
TSgt Vonis Spencer	"	"

KEY BISCAYNE

SP5 S. C. Anderson	WHCA	9 August 1974
SFC Ronnie W. Belcher	"	"
SP5 David C. Dersham	"	"
SSG R. R. Jones	"	"
SSG A. J. Jurcak	"	"
Sgt S. W. Oliver	"	"

Handwritten notes:
6/28/74
6/28/74
6/28/74
6/28/74
6/28/74

B



Estimate of WHCA Communications Costs for Former President Nixon
Between August 9, 1974 and September 20, 1974
(Amounts in Thousands)

	<u>Washington, DC</u>	<u>Key Biscayne</u>	<u>San Clemente (Laguna)</u>	<u>Total</u>
A. <u>Details to RMN since August 9</u>	N/A	N/A	N/A	
B. <u>Other Support-Operating</u>				
Personnel Compensation and Benefits		\$ 6.5	\$16.5	\$ 23.
Number of Personnel		6	14	20
Services (communications lease costs)		<u>\$15.5 (2)</u>	<u>\$34.3 (1)</u>	<u>\$ 49.8</u>
Total Operating Costs		\$22.0	\$50.8	\$ 72.8
C. <u>Other Support-Capital</u>				
Recoverable Communications Equipment (acquisition costs)		\$298.3 (3)	\$280.4 (4)	\$578.7

Note (1) Estimated monthly lease costs for communications in support of the Commander in Chief, Western White House and USSS on 9 August 1974 was \$36,452. As of 20 September 1974 this has decreased to an estimated \$11,925 per month and will continue to decrease throughout the transition period to an estimated \$3,000 per month.

Note (2) Estimated monthly lease costs for communications in support of the Commander in Chief, support staff and USSS on 9 August 1974 was \$20,747. As of 20 September 1974 this has decreased to an estimated \$4,839 per month and is planned to be reduced to zero by the end of the transition period.


Note (3) This equipment was installed prior to 9 August 1974 and is being recovered during the transition period. It is planned to reduce this equipment to zero at Key Biscayne.

Note (4) This equipment was installed prior to 9 August 1974 and is being recovered during the transition period. It is planned to reduce this equipment to \$128,000 at San Clemente.

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October 3, 1974

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FROM: GENERAL LAWSON 
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(Amounts in Thousands)

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Note (4) This equipment was installed prior to 9 August 1974 and is being recovered during the transition period. It is planned to reduce this equipment to \$128,000 at San Clemente.

[10/3/84]

*NOTE: The LBJ Transition Period was 18 months, not 6 months. Apparently when Mahon wrote the language for the Independent Offices Appropriations Act of 1969, language was written permitting the expenditure of funds during two fiscal years. Since January 20, 1969 to July 20, 1969 spanned two fiscal years, FY 1969 and FY 1970, an opinion was handed down by Comptroller General Elmer Statts which permitted LBJ to expend the \$375,000 Transition Appropriation all the way until June 30, 1970.

LBJ TRANSITION STAFF AND DETAILEES*

<u>No.</u>	<u>Job Title</u>	<u>Department</u>
6	Mail Clerks	Post Office Department
1	Personal Secretary to First Lady	Post Office Department
2	Clerk Typists	Veterans Administration
1	Clerk Typist	HUD
1	Clerk Typist	Treasury/Secret Service
2	Secretaries	Federal Bureau of Investigation/ Justice
5	Professionals (purpose to assist LBJ in the declassification of documents)	Department of State
1	Administrative Officer	GSA
1	Building Manager, Austin FOB	GSA/PBS
5 (2)	Building Management Staff	
19	Full time employees (including Walt Rostow, Tom Johnson, Harry Middleton, Frank Hardesty) (GS 18 types) (also includes these people's secretaries and mail clerks)	GSA Transition Staff

*File w/
"San Clemente
Detailer" folder.*

ADMINISTRATIVE STAFF AT FOB AUSTIN
DURING LBJ TRANSITION PERIOD

<u>NAME</u>	<u>GRADE</u>	<u>POSITION</u>	<u>1969 SALARY</u>
J. T. Glass	GS-13	Bldg. Manager	\$15,812
T. C. Wilson	GS-12	Asst. Bldg. Manager	\$14,122
Franklin Behrenbt	GS-12	Asst. Bldg. Manager	\$10,253
Barbara Drosche	GS-4	Clerk Steno	\$ 6,258
Carlyn Briones	GS-5	Clerk Steno	\$ 6,588