

The original documents are located in Box 60, folder “Rockefeller, Nelson - Confirmation as Vice President (2)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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WATERGATE SPECIAL PROSECUTION FORCE

United States Department of Justice

1425 K Street, N.W.

Washington, D.C. 20005

September 4, 1974

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

Dear Mr. Buchen:

Special Prosecutor Jaworski mentioned to me that he brought to your attention the fact that the transcript of the tape recorded meeting involving former President Nixon and John D. Ehrlichman on April 19, 1973, produced pursuant to the subpoena upheld by the Supreme Court in United States v. Nixon, contains a reference to Vice Presidential nominee Nelson Rockefeller. For your information, I am enclosing a preliminary transcript of the relevant portion of that tape. It is our understanding that when former White House counsel produced to Judge Sirica the original reel on which this conversation was recorded, counsel retained for the White House files a complete copy of the tape.

The conversation in question, which began at 5:15 p.m. on April 19, contains a reference to a meeting held by former President Nixon with Richard Moore of the White House counsel's staff. According to Presidential logs, that meeting took place from 3:45 to 5:00 p.m. on April 19. Apparently former President Nixon and Mr. Moore discussed the reference to Mr. Rockefeller in more detail than is contained in the subsequent meeting between the former President and Mr. Ehrlichman.

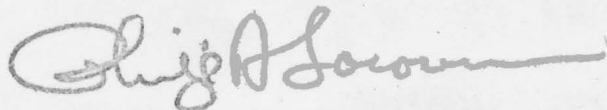
We have been asked formally by the Senate Committee on Rules and the House Committee on the Judiciary to furnish to them in connection with the nomination of Mr. Rockefeller all information we may have concerning his affairs. It is our intention to honor that request and to supply the Committees with the excerpt of the April 19 conversation between former President Nixon and Mr. Ehrlichman in which reference is made to Mr. Rockefeller.



In order to ascertain more fully and fairly the context and significance of that reference, however, we believe that it is important that we also have access to the tape of the meeting earlier that afternoon between the former President and Mr. Moore. Although the original reel is in the custody of Judge Sirica, it would be sufficient for our purposes to review the relevant portion of the tape copy that is believed to be in your custody. Under all the circumstances, review of that tape seems more appropriate than requesting access to the original reel which is in the custody of the Court only in conjunction with a subpoena for a different segment of the tape.

Please advise us whether arrangements can be made for us to review, and if necessary, to copy the tape of the meeting between former President Nixon and Mr. Moore on the afternoon of April 19, 1973.

Sincerely,



Philip A. Lacovara
Counsel to the Special
Prosecutor

Enclosure



PARTIAL TRANSCRIPT OF A CONVERSATION
BETWEEN THE PRESIDENT AND JOHN EHRLICHMAN
ON APRIL 19, 1973, FROM 5:15 TO 5:45 P.M.

EHRLICHMAN: What else did he [Richard Moore] recall?

PRESIDENT: He recalled the LaCosta meeting.

EHRLICHMAN: Um hum. I hope he recalls it better than I do.

PRESIDENT: Well, his (unintelligible) recollection (unintelligible). Dean at that says, by the way, I believe we're gonna need money and it's urgent. I told him, I said well, you're gonna have to get back on this if it's urgent. He says, Bob or John says, can't LaRue, LaRue go underground and, and, and, and raise it.

EHRLICHMAN: (Unintelligible)

PRESIDENT: You remember that John said (unintelligible) Mitchell away from Rockefeller if you give him a clean (unintelligible) recollection of a contribution. That of course is uh, what you recall too, as I re-, as I said.

EHRLICHMAN: Well, I don't recall Rockefeller.

PRESIDENT: Well, the Rockefeller -- look, uh, he won't recall it either then.

EHRLICHMAN: But, I mean, I just, I just wondered about the fact that, uh . . .



Eva -

" file under
Rockfeller "



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

Date: 9/9/74

TO: Mr. Philip W. Buchen

FROM: General Counsel

For your information in connection with the Secret Service protection being given to Governor Rockefeller.

Stan Ebner



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

SEP 9 1974

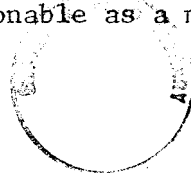
Dear Mr. Ebner:

This is in response to your letter of August 30, 1974, regarding the Secret Service protection currently being afforded Governor Rockefeller as Vice President-designate.

The powers of the Secret Service are specifically set forth in section 3056 of Title 18, United States Code. Those powers are subject to Reorganization Plan No. 26 of 1950 (64 Stat. 1280) which transferred to the Secretary of the Treasury all functions of all officers, employees, and agencies of the Treasury Department and authorized their performance as the Secretary may deem appropriate (P.L. 91-651; 84 Stat. 1941). Section 3056 authorizes the Secret Service to protect certain enumerated persons or classes of persons, including the President and members of his immediate family, the Vice President or other officers next in order of succession to the office of President, and the Vice President-elect. In addition, Public Law 90-331 (82 Stat. 170), set out as a note to 18 U.S.C. 3056, provides for the protection of "major presidential or vice presidential candidates who should receive such protection."

Section 3056 of title 18 thus provides specifically for the protection of an incumbent Vice President or other officer next in order of succession to the Presidency, the Vice President-elect, and major Vice Presidential candidates. Under a narrow reading of the statute, protection for a Vice President-designate pursuant to the 25th Amendment to the United States Constitution is not expressly authorized during the time period from his nomination by the President until his confirmation by the Congress, since he is not an official next in succession to the Presidency nor a "Vice President-elect." Neither is he a "candidate" for the Vice Presidency for whom protection has been recommended by the advisory committee prescribed in Public Law 90-331.

In our opinion, the protective statute should not be regarded as preventing the Secret Service from protecting persons not specifically described in the statute when the risk of harm and the public interest justify protection. Indeed, the Treasury Department has consistently taken the position that the statutory enumeration does not preclude the Secret Service from affording protection to individuals who do not fall within the specific categories set forth in section 3056 if there are circumstances present which make such protection reasonable as a matter of both law and public policy.




The fact that Congress has specifically designated certain individuals as being entitled to personal protection and has not granted express authority to protect the Vice President-designate should not be construed as congressional action intended to withhold such authorization. On the contrary, it can be argued that Congress has impliedly authorized protection in the present situation. Public Law 90-331, as noted above, authorizes the Secret Service to furnish protection to persons who are determined from time to time by the Secretary of the Treasury, after consultation with an advisory committee, to be major presidential or vice presidential candidates.

We consider the status of Vice President-designate Rockefeller to be somewhere between that of a major vice presidential candidate and the Vice President-elect. Since both are specifically entitled to Secret Service protection, it seems clear that a Vice President-designate should receive such protection.

Given the above background, and in the absence of an authoritative expression to the contrary, it is the Treasury position that we have not only the authority but the obligation to provide Secret Service protection for Governor Rockefeller.

Sincerely,



Richard R. Albrecht
General Counsel

The Honorable
Stanley Ebner
General Counsel
Office of Management and Budget
Washington, D. C. 20503



THE WHITE HOUSE

WASHINGTON

September 18, 1974

Re: Rockefeller reference on Nixon tape.

1. Jack Miller has Nixon approval to listen.

→ 2. Phil Buchen must authorize Miller access to storage area with appropriate supervision to assure that only the particular tape (which is a copy) is removed.

3. I have told Lacovara that we are on top of the matter, *and that we are taking the first steps.*

4. Once Miller listens to the tape, the options are as follows:

a. Transcript is obtained, certified by Miller, and submitted to Special Prosecutor, or

b. Appropriate transcription is certified in some other manner acceptable to the congressional committees and submitted by us directly to them.

5. We don't have to decide subsequent procedure until Miller listens to the tapes.

P.A.



WATERGATE SPECIAL PROSECUTION FORCE
United States Department of Justice
1425 K Street, N.W.
Washington, D.C. 20005
September 19, 1974

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

Dear Mr. Buchen:

By letter dated September 4, 1974, I wrote to you requesting access to the tape of a meeting between former President Nixon and Richard Moore that took place from 3:45 to 5:00 p.m. on April 19, 1973. I explained that during that meeting there was apparently some discussion of Vice Presidential-nominee Nelson Rockefeller and we regarded it as pertinent to our obligation to respond to the Congressional Committees before whom that nomination is pending to try to ascertain the substance of that discussion.

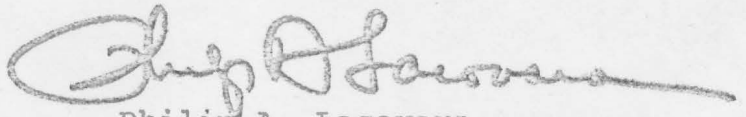
As I have orally informed Phillip Areeda, Counsel to the President, today, we are withdrawing our request for access because of complications that have arisen due to the intervening signing of an agreement with former President Nixon that seeks to give Mr. Nixon sole control over access to the tapes and files of his Administration, apparently including the tape in question. We are advising the Senate Rules Committee and the House Judiciary Committee of the existence of this tape and of our intention not to pursue the matter further in connection with the Rockefeller nomination.

As you know, however, we have formally included this conversation as one of the items of investigative or prosecutive interest listed in the schedules sent to you by the Special Prosecutor yesterday. This withdrawal of the request for access in connection with the nomination of Governor Rockefeller is without prejudice to our right to



pursue our independent interest in that tape for other purposes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Phil Lacovara". The signature is written in dark ink and is positioned above the typed name.

Philip A. Lacovara
Counsel to the Special
Prosecutor

cc: Phillip E. Areeda, Esq.
Counsel to the President



September 25, 1974

Dear Mr. Miller:

We would like to be in a position to provide Congress, should it desire it, with any reference to Nelson Rockefeller made in a meeting which took place between former President Nixon and Richard Moore from 3:45 - 5:00 pm on April 19, 1973. The original tape is held by Judge Sirica. But there is apparently a copy among Mr. Nixon's tapes.

We understand that you are authorized by Mr. Nixon to listen to this tape and to provide the relevant material.

We further understand that the Special Prosecutor's office has no objection to this procedure in view of your undertaking to them to obtain a waiver from Richard Moore, to disclose the content of the conversation to Mr. Neal and, if desired by Mr. Neal, to authorize a copy of that conversation for the Special Prosecutor's office.

I would appreciate it if you would confirm this understanding. I am asking Mr. Neal of the Special Prosecutor's office to do the same.

Sincerely,

Phillip E. Areeda

Mr. Herbert J. Miller
Miller, Cassidy, Larroca & Lewin
1320 19th Street, N. W.
Washington, D. C. 20036

cc: Mr. James Neal
bcc: Messrs. Buchen and Buzhardt



WATERGATE SPECIAL PROSECUTION FORCE
United States Department of Justice
1425 K Street, N.W.
Washington, D.C. 20005


October 1, 1974

Phillip E. Areeda, Esq.
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Areeda:

This is to confirm that the Special Prosecutor's office has no objection to Herbert J. Miller, counsel to former President Nixon, listening to a copy of the tape recording of a meeting between Mr. Nixon and Richard A. Moore on April 19, 1973, from 3:46 to 5:00 p.m., provided that Mr. Miller first obtains written authorization from Mr. Moore to listen to the recording, to disclose its contents to this office, and to accede to a copy of the recording being provided to this office.

Sincerely,



Peter M. Kreindler
Counsel to the Special
Prosecutor

cc: Herbert J. Miller, Esq.
Miller, Cassidy, Larroca & Lewin
1320 19th Street, N.W.
Washington, D. C. 20036



October 3, 1974

MEMORANDUM FOR: Dudley Chapman

FROM: Phil Buchen

Inasmuch as it seems unlikely that confirmation on the nomination of Governor Rockefeller to be Vice President can occur before the November trip planned by the President to go to Japan, kindly advise what, if any, legal problems might arise if the President were out of the country under these circumstances.



MEMORANDUM

THE WHITE HOUSE
WASHINGTON

October 21, 1974

TO: PHIL BUCHEN

FROM: JOHN O. MARSH, JR.



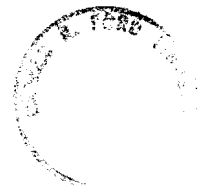
I believe you are aware of the information relayed by Dick Burress wherein he advised that Peter Flanigan has raised a question about Rockefeller holdings in Eastern Air Lines and the relationship between Eastern in a merger with Caribbean Air Lines, particularly the role CAB played.

Burress had another call from Peter Flanigan indicating he had drafted a memo to President Nixon in reference to this subject, which memo is with the Nixon documents. Flanigan has indicated that the memo should be located and studied and I assume he wishes to examine it himself.

This is something that I wish to give some thought to and perhaps we should talk about it personally.

*Called him back
10/23*

*Said no access
possible under junction.
1.*



THE WHITE HOUSE
WASHINGTON

copy

Phil A:

Are these letters that Dudley
should review? If so,
kindly ask him to handle.

P

2/14/50

Tuesday 10/22/74

3:20 Two letters (October 21 and 22) have been delivered from the FBI concerning Nelson Rockefeller -- I have them in the safe when you wish to see them.

The letter of 10/22 states "The foregoing supplements the information in my previous letters and no further investigation is contemplated in the absence of a specific request."



EVA (file)

THE WHITE HOUSE

WASHINGTON

October 24, 1974

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: PHIL BUCHEN

FROM: KEN LAZARUS

SUBJECT: Committee Inquiry.

This morning, John Vickerman, Administrative Assistant to Anne Armstrong, came to me with the attached letter to Mrs. Armstrong from Chairman Rodino requesting records of any communications between Nelson Rockefeller and Mrs. Armstrong or members of their respective staffs during the period January 1, 1970 to the present (Tab A).

I have spoken with Jerry Zeifman (225-7709) and Bill Dixon (225-8086) of the committee staff. They advise that the letter was the only one directed to a member of the White House staff and that it was prompted by their awareness of the fact that Mrs. Armstrong has served as White House liaison to Mr. Rockefeller's Commission on Critical Choices since early 1973. The purpose behind the inquiry is to consider whether Mr. Rockefeller might have used his political office or influence for personal gain.

My understanding of the relevant background may be summarized in the following manner. Sometime in March of 1973, Mr. Rockefeller had some contact with the former President and Mrs. Armstrong regarding a N. Y. State Commission on the Quality of Life. The former President expressed interest in the commission and suggested that it be expanded beyond the borders of New York and dubbed the Commission on Critical Choices.

In May of 1973, the new commission was established and shortly after that Mrs. Armstrong was named liaison to the group. Although Mr. Rockefeller attempted on numerous occasions to obtain some government funding for the venture, his efforts went unrewarded and the sole source of funding wound up to be a \$2 million contribution by the Rockefeller family.



ADMINISTRATIVELY CONFIDENTIAL

- 2 -

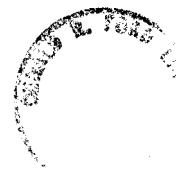
Also attached (Tab B) is a list of records which are currently in the possession of Mrs. Armstrong and presumably within the purview of the inquiry from Chairman Rodino. Those materials which contain potentially embarrassing information are marked by an asterisk -- these are generally comments given in confidence with respect to various candidates for appointment to the commission by government personnel.

You will note that all of these records are pre-August 9. Thus, the request from Chairman Rodino would appear to raise three issues for this office to resolve:

- (1) To what extent can we comply with the committee's request and yet not unnecessarily reveal any confidential and potentially embarrassing statements by Mr. Rockefeller or other individuals involved?
- (2) Can the request be squared with Judge Richey's Order in Nixon v. Sampson? (I believe it can -- see p. 2 of the Order at Tab C.)
- (3) Will the former President by Jack Miller approve a turnover of any or all of the material?

In speaking with Jerry Zeifman and Bill Dixon, I got the impression that the committee does not feel particularly aggressive with respect to the request and that they will be sensitive to legitimate concerns. Perhaps the first step is to review these materials in order to evaluate their content. Shall I proceed to do so?

cc: Phil Areeda
Bill Casselman



PETER W. RODINO, JR. (N.J.) CHAIRMAN

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Congress of the United States
 Committee on the Judiciary
 House of Representatives
 Washington, D.C. 20515

GENERAL COUNSEL:
 JEROME M. ZEIPMAN
 ASSOCIATE GENERAL COUNSEL:
 GARNER J. CLINE
 COUNSEL:
 HERBERT FUCHS
 WILLIAM P. SHATTUCK
 H. CHRISTOPHER NOLDE
 ALAN A. PARKER
 JAMES F. FALCO
 MAURICE A. BARBOZA
 ARTHUR P. ENDRES, JR.
 FRANKLIN G. POLK
 THOMAS E. MOONEY
 MICHAEL W. BLOMMER
 ALEXANDER B. COOK
 CONSTANTINE J. GEKAS
 ALAN F. COFFEY, JR.

October 21, 1974

Mrs. Anne L. Armstrong
 Counsellor to the President
 The White House Office
 Washington, D. C. 20500

Dear Mrs. Armstrong:

On August 20, 1974, President Gerald R. Ford nominated Nelson A. Rockefeller to be Vice President of the United States pursuant to Section 2 of the 25th Amendment of the Constitution of the United States. The President's nomination was referred to the Committee on the Judiciary.

In order to conduct a thorough investigation of Mr. Rockefeller's qualifications for the Office of Vice President, it would be helpful to the Committee if you would furnish us with the following:

Any and all records, correspondence, memoranda, papers, or other documents, including, but not limited to, notes or memoranda of all telephone conversations or meetings between Nelson A. Rockefeller, members of his staff, or persons purporting to act on behalf of, or at the behest of, Mr. Rockefeller and your office from January 1, 1970, to the present.

In addition, please provide the Committee with copies of any communications from your office to third parties prompted by any of the above transactions during the specified time frame.



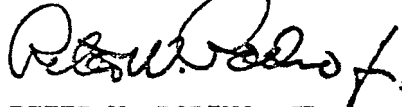
Mrs. Anne L. Armstrong
Page 2
October 21, 1974

Pursuant to H. Res. 74, agreed to by the House of Representatives on February 28, 1973, the Committee is authorized

"to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary."

To assist the Committee in fulfilling its responsibility, it would be appreciated if you would provide the information requested not later than October 31, 1974. If you have any questions concerning this request, please contact Jerome M. Zeifman, General Counsel, at (202) 225-7709. In addition, kindly forward all correspondence on this matter to Mr. Zeifman, at the House Judiciary Committee, Room 2137, Rayburn House Office Building, Washington, D. C. 20515.

Sincerely yours



PETER W. RODINO, JR.
Chairman

PWR:tms



Materials on the Commission on Critical Choices for Americans

- Membership of Commission on Critical Choices for Americans
- Agenda for December 3, 1973, meeting
- Agenda for April 1-2, 1974, meeting
- Proposed Joint Resolution

1973

- Feb. 22 letter from President Nixon to Governor Rockefeller
- Feb. 28 memo from ALA to JDE
- May 3 letter from Gov. Rockefeller to President Nixon
- May 12 briefing paper for Nixon/Rockefeller meeting
- May 14 Rockefeller press conference following meeting at WH
- June 14 memo to Kissinger re Commission membership
- June 15 memo to Haig and memo to Kissinger re Commission membership
- July 31 memo for the record on phone call regarding the Joint Resolution
- Aug. 1 memo for the record on funding possibilities for the Commission
- Aug. 2 letter from ALA to Gov. Rockefeller re persons selected for membership on Commission
- Aug. 21 letter from Dick Dunham, Dir. of the Budget for Rockefeller, to ALA re federal funding for Commission projects
- Sept. 20 letter from Ken Towery, USIA, to ALA re Rockefeller's request for funding from USIA
- * Sept. 26 memo from John Moellering (ALA's staff) to ALA re discussion of Towery's letter and how to respond
- * Nov. 5 memo from John Moellering to ALA re Commission funding
- Nov. 16 note from Roger Hooker, Deputy Secretary to Rockefeller, enclosing draft release announcing Commission membership and purposes of Commission
- Dec. 17 memo from ALA to Roy Ash re federal funding of Commission

1974

- Feb. 1 letter from Rockefeller to ALA re Commission panels
- March 26 memo from ALA to Roy Ash re status of federal funding for Commission



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RICHARD M. NIXON :
 :
 Plaintiff :
 :
 v. : C.A. No. 74-1518
 :
 ARTHUR F. SAMPSON, et al., :
 :
 Defendants :
 :
 and :
 :
 THE REPORTERS COMMITTEE FOR FREEDOM :
 OF THE PRESS, et al., :
 :
 Plaintiffs :
 :
 v. : C.A. No. 74-1533
 :
 ARTHUR F. SAMPSON, et al., :
 :
 Defendants :
 :

SUPPLEMENTAL ORDER

Upon consideration of the Temporary Restraining Order issued yesterday, dated October 21, 1974 at 4:20 p.m., and upon consideration of the parties' requests for certain modifications thereof, and it appearing that the parties consent to said modifications and that the same are consistent with the ends of justice, and it appearing that the aforesaid Order as well as this Supplemental Order are necessary to preserve the status quo in the above-entitled litigation, it is by the Court this 22nd day of October, 1974,

ORDERED, that the Court's Order of October 21, 1974, be and the same is hereby amended and supplemented as follows:

ORDERED, that the Motions for a Temporary Restraining Order be, and the same are hereby granted in part and denied in part; and it is



FURTHER ORDERED, that the Defendants, their superiors, agents and assigns are, subject to the conditions hereinafter described in the balance of this Order, hereby enjoined from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials, including documents, tapes and other papers, known as the "Presidential materials of the Nixon Administration", that are presently in the custody and control of the Defendants; and it is

FURTHER ORDERED, that the Defendants are hereby enjoined from effectuating the terms and conditions of the "Agreement" entered into by Richard M. Nixon and Arthur F. Sampson, on or about September 6, 1974, and it is

FURTHER ORDERED, that the injunction shall not serve as a bar to the production of said materials pursuant to a validly-issued subpoena, discovery demand, or court order in any civil or criminal case, either outstanding or while this injunction is extant; or to the production of said materials in regard to the ongoing Watergate criminal trial before United States District Judge John Sirica; or to the production of said material pursuant to requests by the Special Prosecutor, or to a validly issued subpoena by a Grand Jury; or to the use of said materials, with prior notification to counsel for Plaintiff Richard M. Nixon and with the consent of Defendant Philip W. Buchen, for purposes of current government business, and it is

FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor



or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said materials for such use, but ^{he} shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is

FURTHER ORDERED, that any person either now or previously a member of the White House staff shall be afforded access under current access procedures established by Defendants, with or without his/her attorney present, to said materials which comprise or comprised his/her files while a member of the White House staff, and be allowed to take notes regarding the same, but not to make copies thereof, all the above solely for any purposes relating to criminal investigations or prosecutions; and it is

FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure that the search for and copying of said materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; and it is

FURTHER ORDERED, that the Plaintiffs shall not be required to post any bond; and it is

FURTHER ORDERED, that this injunction shall be effective for

ten (10) days and shall be renewed upon proper application of the parties.

United States District Court
for the District of Columbia
A TRUE COPY

JAMES F. ENVOY, CLERK,

Esther E. Crislen

October 22, 1974

Time *2:55 pm*



Charles R. Richey
Charles R. Richey
United States District Judge

November 7, 1974

*Armstrong
letter to
Chairman Rodino*

To: Ken Lazarus

From: Phil Buchen

Please see me about this.



October 31, 1974

Dear Mr. Chairman:

Upon receipt of your letter of October 21 requesting any records of my office relating to communications between myself and Nelson Rockefeller or between members of our respective staffs, I discussed the inquiry with Mr. Philip W. Buchen, Counsel to the President.

Any records in the custody of the White House which would fall within the purview of your request would have originated during the Administration of former President Nixon. Therefore, Mr. Buchen advises me that they would be subject to any restraints imposed in Nixon v. Sampson, C.A. No. 74-1533. As you may know, an order was entered in this case on October 22, 1974, limiting access to all materials of the former President pending a hearing on a preliminary injunction now set for November 4.

Mr. Buchen has advised me to inform you of this fact and to request that any action in response to your inquiry be delayed until after a full hearing is held on the matter on November 4. He would be pleased to discuss the matter with you further.

Sincerely,

Mrs. Tobin Armstrong
Counsellor to the President

Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
U. S. House of Representatives
Washington, D. C. 20515

bcc: Philip W. Buchen



Reagan

THE WHITE HOUSE
WASHINGTON

Anne:

10/30/77

*IF this meets with
your approval, kindly
prepare, sign, &
send with copy to me.*

P.



THE WHITE HOUSE
WASHINGTON

10-29-74

Phil:

Attached is a draft letter from Anne Armstrong to Chairman Rodino which you might want to use later this week.

As you will recall, Rodino's letter requested the records by October 31st.

Ken



DRAFT LETTER FROM MRS. ARMSTRONG TO
CHAIRMAN RODINO

Dear Mr. Chairman:

Upon receipt of your letter of October 21 requesting any records of my office relating to communications between myself and Nelson Rockefeller or between members of our respective staffs, I discussed the inquiry with Mr. Philip W. Buchen, Counsel to the President.

Any records in the custody of the White House which would fall within the purview of your request would have originated during the Administration of former President Nixon. Therefore, Mr. Buchen advises me that they would be subject to any restraints imposed in Nixon v. Sampson, C.A. No. 74-1533. As you may know, an order was entered in this case on October 22, 1974, limiting access to all materials of the former President pending a hearing on a preliminary injunction now set for November 4.

Mr. Buchen has advised me to inform you of this fact and to request that any action in response to your inquiry be delayed until after a full hearing is held on the matter on November 4. He would be pleased to discuss the matter with you further.

Sincerely,

Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
U. S. House of Representatives
Washington, D. C. 20515



THE WHITE HOUSE

WASHINGTON

October 24, 1974

MEMORANDUM FOR: PHIL BUCHEN

FROM: KEN LAZARUS

SUBJECT: Committee Inquiry.

This morning, John Vickerman, Administrative Assistant to Anne Armstrong, came to me with the attached letter to Mrs. Armstrong from Chairman Rodino requesting records of any communications between Nelson Rockefeller and Mrs. Armstrong or members of their respective staffs during the period January 1, 1970 to the present (Tab A).

I have spoken with Jerry Zeifman (225-7709) and Bill Dixon (225-8086) of the committee staff. They advise that the letter was the only one directed to a member of the White House staff and that it was prompted by their awareness of the fact that Mrs. Armstrong has served as White House liaison to Mr. Rockefeller's Commission on Critical Choices since early 1973. The purpose behind the inquiry is to consider whether Mr. Rockefeller might have used his political office or influence for personal gain.

My understanding of the relevant background may be summarized in the following manner. Sometime in March of 1973, Mr. Rockefeller had some contact with the former President and Mrs. Armstrong regarding a N. Y. State Commission on the Quality of Life. The former President expressed interest in the commission and suggested that it be expanded beyond the borders of New York and dubbed the Commission on Critical Choices.

In May of 1973, the new commission was established and shortly after that Mrs. Armstrong was named liaison to the group. Although Mr. Rockefeller attempted on numerous occasions to obtain some government funding for the venture, his efforts went unrewarded and the sole source of funding wound up to be a \$2 million contribution by the Rockefeller family.



Also attached (Tab B) is a list of records which are currently in the possession of Mrs. Armstrong and presumably within the purview of the inquiry from Chairman Rodino. Those materials which contain potentially embarrassing information are marked by an asterisk -- these are generally comments given in confidence with respect to various candidates for appointment to the commission by government personnel.

You will note that all of these records are pre-August 9. Thus, the request from Chairman Rodino would appear to raise three issues for this office to resolve:

- (1) To what extent can we comply with the committee's request and yet not unnecessarily reveal any confidential and potentially embarrassing statements by Mr. Rockefeller or other individuals involved?
- (2) Can the request be squared with Judge Richey's Order in Nixon v. Sampson? (I believe it can -- see p. 2 of the Order at Tab C.)
- (3) Will the former President by Jack Miller approve a turnover of any or all of the material?

In speaking with Jerry Zeifman and Bill Dixon, I got the impression that the committee does not feel particularly aggressive with respect to the request and that they will be sensitive to legitimate concerns. Perhaps the first step is to review these materials in order to evaluate their content. Shall I proceed to do so?



TAB

A



PETER W. RODINO, JR. (N.J.) CHAIRMAN

HAROLD D. DONOHUE, MASS.
 JACK BROOKS, TEX.
 ROBERT W. KASTENMEIER, WIS.
 DON EDWARDS, CALIF.
 WILLIAM L. HUNGATE, MO.
 JOHN CONYERS, JR., MICH.
 JOSHUA EILBERG, PA.
 JEROME R. WALDIE, CALIF.
 WALTER FLOWERS, ALA.
 JAMES R. MANN, S.C.
 PAUL S. SARBANES, MD.
 JOHN F. SEIBERLING, OHIO
 GEORGE E. DANIELSON, CALIF.
 ROBERT F. DRINAN, MASS.
 CHARLES B. RANGEL, N.Y.
 BARBARA JORDAN, TEX.
 RAY THORNTON, ARK.
 ELIZABETH HOLTZMAN, N.Y.
 WAYNE OWENS, UTAH
 EDWARD MEZVINSKY, IOWA

EDWARD HUTCHINSON, MICH.
 ROBERT MC CLORY, ILL.
 HENRY P. SMITH III, N.Y.
 CHARLES W. SANDMAN, JR., N.J.
 TOM RAILSBACK, ILL.
 CHARLES E. WIGGINS, CALIF.
 DAVID W. DENNIS, IND.
 HAMILTON FISH, JR., N.Y.
 WILEY MAYNE, IOWA
 LAWRENCE J. HOGAN, MD.
 M. CALDWELL BUTLER, VA.
 WILLIAM S. COHEN, MAINE
 TRENT LOTT, MISS.
 HAROLD V. FROENLICH, WIS.
 CARLOS J. MOORHEAD, CALIF.
 JOSEPH J. MARAZITI, N.J.
 DELBERT L. LATTA, OHIO

Congress of the United States
 Committee on the Judiciary
 House of Representatives
 Washington, D.C. 20515

GENERAL COUNSEL:
 JEROME M. ZEIFMAN
 ASSOCIATE GENERAL COUNSEL:
 GARNER J. CLINE
 COUNSEL:
 HERBERT FUCHS
 WILLIAM P. SHATTUCK
 H. CHRISTOPHER NOLDE
 ALAN A. PARKER
 JAMES F. FALCO
 MAURICE A. BARBOZA
 ARTHUR P. ENDRES, JR.
 FRANKLIN G. POLK
 THOMAS E. MOONEY
 MICHAEL W. BLOMMER
 ALEXANDER S. COOK
 CONSTANTINE J. GEKAS
 ALAN F. COFFEY, JR.

October 21, 1974

Mrs. Anne L. Armstrong
 Counsellor to the President
 The White House Office
 Washington, D. C. 20500

Dear Mrs. Armstrong:

On August 20, 1974, President Gerald R. Ford nominated Nelson A. Rockefeller to be Vice President of the United States pursuant to Section 2 of the 25th Amendment of the Constitution of the United States. The President's nomination was referred to the Committee on the Judiciary.

In order to conduct a thorough investigation of Mr. Rockefeller's qualifications for the Office of Vice President, it would be helpful to the Committee if you would furnish us with the following:

Any and all records, correspondence, memoranda, papers, or other documents, including, but not limited to, notes or memoranda of all telephone conversations or meetings between Nelson A. Rockefeller, members of his staff, or persons purporting to act on behalf of, or at the behest of, Mr. Rockefeller and your office from January 1, 1970, to the present.

In addition, please provide the Committee with copies of any communications from your office to third parties prompted by any of the above transactions during the specified time frame.



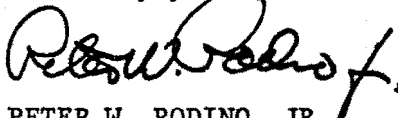
Mrs. Anne L. Armstrong
Page 2
October 21, 1974

Pursuant to H. Res. 74, agreed to by the House of Representatives on February 28, 1973, the Committee is authorized

"to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary."

To assist the Committee in fulfilling its responsibility, it would be appreciated if you would provide the information requested not later than October 31, 1974. If you have any questions concerning this request, please contact Jerome M. Zeifman, General Counsel, at (202) 225-7709. In addition, kindly forward all correspondence on this matter to Mr. Zeifman, at the House Judiciary Committee, Room 2137, Rayburn House Office Building, Washington, D. C. 20515.

Sincerely yours

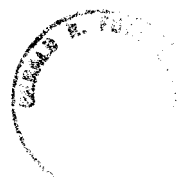


PETER W. RODINO, JR.
Chairman

PWR:tms



TAB
B



Materials on the Commission on Critical Choices for Americans

- Membership of Commission on Critical Choices for Americans
- Agenda for December 3, 1973, meeting
- Agenda for April 1-2, 1974, meeting
- Proposed Joint Resolution

1973

- Feb. 22 letter from President Nixon to Governor Rockefeller
- Feb. 28 memo from ALA to JDE
- May 3 letter from Gov. Rockefeller to President Nixon
- May 12 briefing paper for Nixon/Rockefeller meeting
- May 14 Rockefeller press conference following meeting at WH
- June 14 memo to Kissinger re Commission membership
- June 15 memo to Haig and memo to Kissinger re Commission membership
- July 31 memo for the record on phone call regarding the Joint Resolution
- Aug. 1 memo for the record on funding possibilities for the Commission
- Aug. 2 letter from ALA to Gov. Rockefeller re persons selected for membership on Commission
- Aug. 21 letter from Dick Dunham, Dir. of the Budget for Rockefeller, to ALA re federal funding for Commission projects
- Sept. 20 letter from Ken Towery, USIA, to ALA re Rockefeller's request for funding from USIA
- * Sept. 26 memo from John Moellering (ALA's staff) to ALA re discussion of Towery's letter and how to respond
- * Nov. 5 memo from John Moellering to ALA re Commission funding
- Nov. 16 note from Roger Hooker, Deputy Secretary to Rockefeller, enclosing draft release announcing Commission membership and purposes of Commission
- Dec. 17 memo from ALA to Roy Ash re federal funding of Commission

1974

- Feb. 1 letter from Rockefeller to ALA re Commission panels
- March 26 memo from ALA to Roy Ash re status of federal funding for Commission

* Potentially embarrassing material.

TAB

C



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

November 15, 1974

BY LIAISON

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

Dear Mr. Buchen:

Reference is made to my letter dated November 8, 1974, and prior correspondence which furnished you the results of investigation concerning Nelson Aldrich Rockefeller, former Governor of New York and Vice President-designate.

Clarence Bassett, a reporter with United Press International, Albany, New York, has advised the Albany, New York, Office of the FBI he has received information from a source, whom he declined to identify, that this source does not consider Governor Rockefeller to be qualified for the position of Vice President because he had used "Watergate-type" tactics during the 1960's. He said this source claimed that when the New York State Legislature was dominated by members of the Democratic Party, a group of twenty-six persons was formed under the auspices of the New York State Police by Arthur Cornelius, now deceased, who was then Superintendent of the New York State Police. Mr. Bassett stated this group, which included some New York State Police officers and other individuals without New York State Police backgrounds, was used to determine the actions and whereabouts of certain key legislators, according to this source.

Mr. Bassett advised this source told him that at a meeting held by the Civil Service Employees Association, in Albany, New York, on October 21, 1963, two New York State Police officers stated they spent one-half of their time "spying" on legislators rather than on police work. He furnished the names of several individuals who, according to this source, were present at this meeting.

Honorable Philip W. Buchen

Mr. Bassett stated this source further advised him that at a press conference held on September 14, 1966, by the late Joseph Y. Resnick, then a United States Representative from New York, Representative Resnick recognized one individual who was present as being an undercover agent rather than a newspaperman. He said this individual abruptly left the room in which the press conference was being held when he was challenged by Representative Resnick, leaving his topcoat and the keys to his automobile, which was subsequently identified and traced back to the New York State Police. Mr. Bassett said this source also advised him that Representative Resnick alleged that his telephone had been tapped. He stated, according to this source, Representative Resnick intended to bring this matter before the House Committee on the Judiciary; however, he died before he was able to present the information to that committee.

Mr. Bassett advised he possesses nothing further concerning the aforementioned matters and has no information to indicate Governor Rockefeller was directly involved in these incidents. He stated the source of this information feels his position would be in jeopardy if his identity was made known. He advised, however, he will recontact the source of this information to determine if he is willing to report the information in his possession directly to the FBI. In the meantime, no investigation concerning the information reported by Mr. Bassett is contemplated by this Bureau.

The foregoing is also being furnished to the Attorney General and the Deputy Attorney General.

Sincerely yours,



Clarence M. Kelley
Director



November 21, 1974

Determined to be Administrative Marking

Date 12/20/88 By KBH

~~TOP SECRET~~ --- EYES ONLY ---- URGENT

To: Don Rumsfeld
From: Jack Marsh

The following should be passed only to the President.

Following Kelley letter to Buchen as transmitted to Don Rumsfeld on November 19, 1974, Buchen has received from Silberman unsigned summary of results of further special inquiry. It reports that Bassett's source has been identified and interviewed but he had no direct knowledge. The two alleged original sources deny statements attributed to them of their direct involvement and regard charges as fabrications. Bassett's source is disgruntled New York State policeman who was fired by Cornelius for insubordination but reinstated after lengthy court action.

Charges of illegal political wiretapping were publicized by Resnick and Donohue in September 1966 and vigorously denied then by Cornelius, all as reported in Albany newspaper. Check of possibility that allegations were furnished House Judiciary Committee in 1966 is being made, and further interviews are planned by FBI. I doubt that allegations will turn out to have any substance.



FLASH
PRECEDENCE

~~TOP SECRET~~
EYES ONLY
CLASSIFICATION

FOR COMM CENTER USE ONLY

FROM: DICK CHENEY
TO: DON RUMSFELD

DEX _____
DAC 028 _____ GPS _____
LDX _____ PAGES 2 _____
TTY _____ CITE _____

INFO: Determined to be Administrative Marking
Date 12/20/88 By KBH

DTG: 200017Z

RELEASED BY:
ED

TOR: 20 0035Z/KE ICB

SPECIAL INSTRUCTIONS:

CommCtr. Tokyo: Deliver in sealed envelope
marked "Eyes Only" to
Mr. Rumsfeld.

74 NOV 22 PM 7:40
WHITE HOUSE
SITUATION ROOM



November 19, 1974

Determined to be Administrative Marking

Date 12/20/88 By KSH

~~TOP SECRET~~ -- EYES ONLY -- URGENT

To: Don Rumsfeld
From: Dick Cheney

The following should be passed only to the President.

Memorandum for: The President
From: John O. Marsh, Jr.

In reference to the Rockefeller confirmation, predictions here today indicate favorable action in the Senate Rules Committee with the possibility of unanimous vote in Committee.

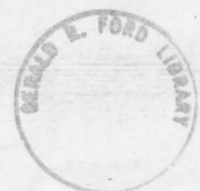
Rodino promises speedy House consideration with hearings completed by December 6 so that final confirmation votes can be completed by December 20.

Tip O'Neill has indicated to John Rhodes a continuing concern about liberal Democrats.

I met today with Rhodes, Arends and Hutchinson in preparation for the House hearings. Les feels that favorable Senate action will greatly improve the House situation and he is encouraged about House prospects and confirmation.

You should be aware of a confidential report (text follows) alleging certain improper actions by a unit organized in the New York State Police, which is alleged to have engaged in certain "political" spying operations in the early 1960s. Efforts thus far have been unable to verify any such charges which are vigorously denied by responsible officials close to Rockefeller who claim that any such charges are absurd and totally unfounded. During this time period a unit of the New York State Police did work actively in the field of organized crime, with emphasis on illegal track gambling and liquor licenses.

The New York State Police matter is highly confidential and is being investigated by the Department of Justice. Phil Buchen and I are working closely together on this. Will keep you informed, but charges may be completely unfounded and there has been no public mention of them.



Reference is made to my letter dated November 8, 1974, and prior correspondence which furnished you the results of investigation concerning Nelson Aldrich Rockefeller, former Governor of New York and Vice President-designate.

Clarence Bassett, a reporter with United Press International, Albany, New York, has advised the Albany, New York, Office of the FBI he has received information from a source, whom he declined to identify, that this source does not consider Governor Rockefeller to be qualified for the position of Vice President because he had used "Watergate-type" tactics during the 1960's. He said this source claimed that when the New York State Legislature was dominated by members of the Democratic Party, a group of twenty-six persons was formed under the auspices of the New York State Police by Arthur Cornelius, now deceased, who was then Superintendent of the New York State Police. Mr. Bassett stated this group, which included some New York State Police officers and other individuals without New York State Police backgrounds, was used to determine the actions and whereabouts of certain key legislators, according to this source.

Mr. Bassett advised this source told him that at a meeting held by the Civil Service Employees Association, in Albany, New York, on October 21, 1963, two New York State Police officers stated they spent one-half of their time "spying" on legislators rather than on police work. He furnished the names of several individuals who, according to this source, were present at this meeting.

Mr. Bassett stated this source further advised him that at a press conference held on September 14, 1966, by the late Joseph Y. Resnick, then a United States Representative from New York, Representative Resnick recognized one individual who was present as being an undercover agent rather than a newspaperman. He said this individual abruptly left the room in which the press conference was being held when he was challenged by Representative Resnick, leaving his topcoat and the keys to his automobile, which was subsequently identified and traced back to the New York State Police. Mr. Bassett said this source also advised him that Representative Resnick alleged that his telephone had been tapped. He stated, according to this source, Representative Resnick intended to bring this matter before the House Committee on the Judiciary; however, he died before he was able to present the information to that committee.

Mr. Bassett advised he possesses nothing further concerning the aforementioned matters and has no information to indicate Governor Rockefeller was directly involved in these incidents. He stated the source of this information feels his position would be in jeopardy if his identity was made known. He advised, however, he will recontact the source of this information to determine if he is willing to report the information in his possession directly to the FBI. In the meantime, no investigation concerning the information reported by Mr. Bassett is contemplated by this Bureau.

The foregoing is also being furnished to the Attorney General and the Deputy Attorney General.

Sincerely yours,

Clarence M. Kelley

Clarence M. Kelley
Director



Dear Jerry

Top Secret - Eyes Only - Urgent

To: Dono Rumsfeld
From: Dick Cheney

The following should be passed only to the President.

Memo For: The President
From: John D. Marsh Jr.

In reference to the Rockefeller.

Rodino - - - -

Tip O'Neill - - - -

I met today - - - -

Determined to be an administrative marking
Cancelled per E.O. 12356, Sec. 1.3 and
Archivist's memo of March 16, 1983

By DUP NARS date 6/29/88



THE WHITE HOUSE
WASHINGTON

November 19, 1974

EYES ONLY

MEMORANDUM TO

THE PRESIDENT

FROM: JOHN O. MARSH, JR.

- 1 In reference to the Rockefeller confirmation, predictions here today indicate favorable action in the Senate Rules Committee with the possibility of unanimous vote in Committee.
- 2 Rodino promises speedy House consideration with hearings completed by December 6 so that final confirmation votes can be completed by December 20.
- 3 Tip O'Neill has indicated to John Rhodes a continuing concern about liberal Democrats.

(part follows)

5 You should be aware of a confidential report alleging certain improper actions by a unit organized in the New York State Police, which is alleged to have engaged in certain "political" spying operations in the early 1960s. Efforts thus far have been unable to verify any such charges which are vigorously denied by responsible officials close to Rockefeller who claim that any such charges are absurd and totally unfounded. During this time period a unit of the New York State Police did work actively in the field of organized crime, with emphasis on illegal track gambling and liquor licenses.



Memorandum to the President, cont'd
November 19, 1974
Page Two

U I met today with Rhodes, Arends and Hutchinson in preparation for the House hearings. Les feels that favorable Senate action will greatly improve the House situation and he is encouraged about House prospects and confirmation.

6 Last
The New York State Police matter is highly confidential and is being investigated by the Department of Justice. Phil Buchen and I are working closely together on this. ~~Will~~

~~Keep you informed This may be~~
~~just another~~ Will keep you informed.



BY DAN THOMASSON AND CARL WEST
SCRIPPS-HOWARD STAFF WRITERS

WASHINGTON, NOV. 22--THE FBI IS INVESTIGATING WHETHER NELSON A. ROCKEFELLER ORDERED WIRETAPS ON TELEPHONES OF STATE LEGISLATORS IN THE MID-1960S WHILE HE WAS NEW YORK GOVERNOR.

A SPOKESMAN FOR THE VICE PRESIDENT DESIGNATE BRANDED THE ALLEGATION AS "PREPOSTEROUS" BUT CONFIRMED HAVING BEEN QUESTIONED ABOUT IT BY THE FBI YESTERDAY (THURSDAY) MORNING.

THE SPOKESMAN ROBERT DOUGLASS, A NEW YORK ATTORNEY ASSISTING ROCKEFELLER DURING HIS CONGRESSIONAL CONFIRMATION PROCESS, SAID HE CHECKED WITH THE FORMER GOVERNOR WHO DISMISSED THE REPORT AS "RIDICULOUS."

DOUGLASS, WHO SERVED AS ROCKEFELLER'S COUNSEL FOR LEGISLATION FROM 1965 THROUGH 1971, SAID IF ANY WIRETAPPING HAD TAKEN PLACE HE WOULD HAVE HEARD ABOUT IT. HE SAID HE CHECKED WITH HIS PREDECESSORS IN THE JOB AND THEY ALSO DENIED IT.

"WE JUST DIDN'T OPERATE THAT WAY," DOUGLASS TOLD SCRIPPS-HOWARD NEWSPAPERS LAST NIGHT. "I WOULD DOUBT SERIOUSLY IF THERE IS ANY SHRED OF TRUTH TO IT."

BUT SOURCES CLOSE TO THE HOUSE JUDICIARY COMMITTEE, WHICH IS INVESTIGATING ROCKEFELLER'S FITNESS TO SERVE AS VICE PRESIDENT, SAID THE FBI APPARENTLY IS INQUIRING INTO A REPORTED AFFIDAVIT FROM A NEW YORK STATE POLICE OFFICER.

THE AFFIDAVIT REPORTEDLY DETAILED AN ALLEGED WIRETAP OPERATION ON LEGISLATORS' PHONES AT A TIME WHEN THE THEN GOVERNOR WAS HAVING DIFFICULTY WITH HIS LEGISLATIVE PROGRAM.

REP. DON EDWARDS, D-CALIF., CHAIRMAN OF A JUDICIARY SUBCOMMITTEE CHARGED WITH OVERSEEING THE FBI'S ROCKEFELLER INVESTIGATION, SAID HE HAD RECEIVED A PRESS INQUIRY ABOUT THE WIRETAP REPORTS.

EDWARDS SAID HE DID NOT KNOW ANYTHING ABOUT THE ALLEGATIONS, BUT HE ADDED HE WAS CHECKING WITH THE FBI.

DOUGLASS SAID HE HAD NO IDEA WHERE THE ALLEGATIONS ORIGINATED, BUT HE SPECULATED THAT THE SOURCE MIGHT HAVE BEEN A DISGRUNTLED STATE POLICEMAN STILL UNHAPPY ABOUT ROCKEFELLER'S APPOINTMENT OF THE LATE ARTHUR CORNELIUS AS SUPERINTENDENT OF STATE POLICE.

DOUGLASS EXPLAINED THAT CORNELIUS HAD MADE A NUMBER OF ORGANIZATIONAL CHANGES IN THE STATE POLICE FORCE THAT WERE UNPOPULAR WITH SOME OFFICERS.



DOUGLASS SAID NEW YORK LAW DOES NOT PERMIT THE GOVERNOR TO MAKE APPLICATION FOR WIRETAPS. HE SAID THIS MUST BE DONE BY THE STATE ATTORNEY GENERAL OR DISTRICT ATTORNEYS AND A JUDGE MUST APPROVE ANY TAP BEFORE IT CAN BE PUT INTO EFFECT.

HE SAID THAT ROCKEFELLER HAD RECEIVED REPORTS ON ORGANIZED CRIME WHICH INCLUDED WIRETAP INFORMATION, BUT THAT IN ALL HIS YEARS AS LEGISLATIVE COUNSEL NONE OF THE TAPS INVOLVED STATE LEGISLATORS.

"I CAN'T IMAGINE ANYTHING MORE UNLIKELY OCCURRING," HE SAID.

DOUGLASS OBVIOUSLY WAS CONCERNED ABOUT THE WIRETAP REPORT BECAUSE IT COULD CAUSE NEW PROBLEMS FOR THE ROCKEFELLER NOMINATION AT A TIME WHEN CONGRESSIONAL APPROVAL APPEARS LIKELY BEFORE CHRISTMAS.

THE NEW FBI INQUIRY CAME AS ROCKEFELLER APPEARED BEFORE THE JUDICIARY COMMITTEE ON THE OPENING DAY OF A SCHEDULED EIGHT DAYS OF HEARINGS ON HIS NOMINATION. THE SENATE RULES COMMITTEE JUST COMPLETED ITS ROCKEFELLER HEARINGS AND IS EXPECTED TO VOTE TODAY TO SEND THE COMMITTEE TO THE SENATE FLOOR.

THE FBI CLEARLY WAS MOVING AS FAST AS POSSIBLE TO DETERMINE THE SUBSTANCE OF THE ALLEGATIONS, REALIZING THE IMPACT IT MIGHT HAVE ON THE NOMINATION.

THERE IS INTENSE CONGRESSIONAL CONCERN ON WIRETAPPING IN LIGHT OF THE NIXON ADMINISTRATION'S ABUSES OF THE PRACTICE REVEALED IN THE WATERGATE CASE.

SOURCES SAID THE ALLEGATIONS WERE THAT THE WIRETAPS WERE AIMED AT GETTING POLITICAL INFORMATION TO USE IN THE LEGISLATIVE REGIME.

DOUGLASS SCOFFED AT THIS, CONTENDING THAT ROCKEFELLER DID NOT "COUNT NOSES" OR RUN A LARGE LOBBYING OPERATION IN DEALING WITH THE LEGISLATURE.

"IF THE LEADERS SAID THE VOTES WERE THERE, THAT'S WHAT ALL THE CHECKING WE DID," SAID.

DH1010P



November 22, 1974



Phil Buchen, by courier, received an urgent letter from Kelley of the FBI late this evening. The substance of this letter raises a question as to statements made by Rockefeller to the FBI investigator who interviewed him concerning the Goldberg book. The FBI report of the interview indicates the Governor stated he did not recall the book, which statement he later retracted publicly. It is now alleged by representatives of the Governor that he did make some slight reference to knowledge of the book to the agent and they have requested the FBI to so advise certain key hearing figures as Senator Williams, who charged that the Governor had lied to the FBI. The Bureau have reviewed the matter, including the notes of the interview and they stand on their version of the event and have so advised Governor Rockefeller. Detailed press stories are expected on this point which takes on special significance in light of the U. S. Code, which makes it a criminal violation to make a false statement to an FBI agent. At this time, it is impossible to determine which way this matter might go but it could have significant adverse consequences.

Rockefeller

Friday 11/22/74

11:50 Mr. Marsh has talked to Silberman.
Silberman has cleared advising Rockefeller on
the New York State police matter.



Hold

Friday 12/6/74

6:45 Mr. Marsh:

Mr. Buchen is ill and has gone home.

I'm sure you were aware he might be getting a call from Henry Ruth and would then be alerting you, Ron Nessen and Bob Douglas (of Rockefeller's office) to certain information.

I have checked with Henry Ruth's office and the Committee has decided not to sit tomorrow -- so I checked with Mrs. Buchen and she asked Mr. Buchen if it would be all right for us to put the EYES ONLY memo addressed to you/^{and} Ron Nessen (with a copy to Rumsfeld) into the safe for the weekend.

He agreed that would be fine.

In any case, wanted you to know that Bob Douglas will be at a dinner at the Plaza Hotel in New York (firm of Milbank, Tweed and Hope) if you have to reach him this evening for anything.

(212) 759-3000

Bob Douglas will be at his country home over the weekend.

(203) 661-0355

If you have any questions or need anything, please don't hesitate to call. The White House operators have my number.

Eva



Friday 12/6/74

5:30 Mr. Marsh:

Mr. Buchen is ill and has gone on home.

As you will see from the attached EYES ONLY memorandum, he expected a call from the Special Prosecutor -- if and when he would be introducing the tape of a February 1973 conversation between Ehrlichman and the former President.

At that time, he would alert Rockefeller's people and you and Ron Nessen.

6:30 I have called Henry Ruth's office and have been advised that the Committee has decided not to sit tomorrow -- so there will be no need to make the phone calls Mr. Buchen had suggested might be necessary.

393-2300

FYI -- in case you might get any calls, Bob Douglas (in Governor Rockefeller's office) was going to be away this afternoon -- but would be going to a 6 o'clock dinner at the Plaza Hotel in New York -- firm of Milbank, Tweed and Hope -----

(212) 759-3000

(In the meantime, Sam Gillespie can take messages

(212) Circle 7-3700

Bob Douglas will be at his country home over the weekend

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HOLD —

Copies to go
when Mr Buchen
is ready to
release ~~them~~.

THE WHITE HOUSE

WASHINGTON

December 6, 1974

EYES ONLY

MEMORANDUM FOR: Jack Marsh
Ron Nessen

FROM: Phil Buchen

The Special Prosecutor in the Mitchell trial may be introducing in evidence today or tomorrow a heretofore unpublished tape of a February 1973 conversation between John Ehrlichman and the former President. In the recorded conversation, John Ehrlichman offers to ask John Mitchell to contact Governor Rockefeller for the purpose of obtaining \$500,000 to provide additional payments to the Watergate burglary defendants. The purpose of introducing this evidence would be to impeach any testimony by Ehrlichman that he was not involved in the raising of funds for this purpose.

The Special Prosecutor will, for the record in the pending case, preface his introduction of the tape with a statement that it does not constitute any evidence relative to Governor Rockefeller's involvement and that before the Senate Rules Committee Governor Rockefeller has already testified that he was not in fact ever contacted either in 1972 or 1973 with respect to furnishing money in connection with the Watergate coverup activities. (See attached copy of Senate hearing transcript pp. 359, et seq.) Representatives of Governor Rockefeller have been advised of this development and the Special Prosecutor has indicated he will alert me as to the exact time when this evidence may be introduced, at which time I will notify the Rockefeller people, as well as you, Ron. With this information, it should be easy to respond to any questions from the press -- if and when this heretofore undisclosed tape is made public. In the meantime, of course, this information should be kept very confidential.

cc: Don Rumsfeld

Attachment



dm17 1 shortsighted enough to lose this man's talents at this
2 particular moment in history.

3 Senator Allen. Well, you have full confidence in him
4 and you would express that opinion to the President?

5 Mr. Rockefeller. Absolutely, sir.

6 Senator Allen. Thank you very much.

7 I yield back.

8 The Chairman. Mr. Rockefeller, in the years 1972 and
9 1973 were you ever contacted by Mr. John Mitchell, Mr. Bob
10 Haldeman, Mr. John Ehrlichman or Mr. John Dean or any of those
11 named persons or any other persons with respect to furnishing
12 money in connection with Watergate cover up activities?

13 Mr. Rockefeller. No, sir.

14 The Chairman. Did you furnish any money to any of these
15 people or any other people for those purposes during that
16 period?

17 Mr. Rockefeller. No, sir.

18 The Chairman. It has been rumored that you furnished
19 funds to help finance the disruption of the 1972 Democratic
20 Convention. Is that true?

21 Mr. Rockefeller. It is not true, sir, and I am very
22 grateful to President Ford for having caused an investigation
23 to be made immediately when that rumor was brought to the
24 White House when he was considering his nomination and turned
25 it over to Mr. Jaworski and the FBI and they came back with



1 a totally negative answer.

2 The Chairman. Well, I am sure that you recognize that it
3 is our obligation to the public to lay these matters out on the
4 record and set them to rest.

5 Mr. Rockefeller. And I appreciate them, sir.

6 The Chairman. Were you ever contacted by any person to
7 furnish funds for any purpose connected with any of the problems
8 of the former Vice President Agnew?

9 Mr. Rockefeller. Before or after his retirement?

10 The Chairman. Either.

11 Mr. Rockefeller. After, yes.

12 The Chairman. What was the nature of that contact?

13 Mr. Rockefeller. An inquiry by Mr. Agnew himself.

14 The Chairman. And did you, in fact, furnish funds for any
15 purpose?

16 Mr. Rockefeller. It wasn't funds. It was the opportunity
17 to sponsor or the help in connection with the book and I did
18 not.

19 The Chairman. You did not help?

20 Mr. Rockefeller. No, sir.

21 The Chairman. So that while you have been contacted you
22 have not furnished funds for any purpose connected with any of
23 the problems of the former Vice President Agnew?

24 Mr. Rockefeller. Well, I do not think it would be fair
25 to leave this that he asked for funds. What he was really



dm 19

1 asking for was for someone to sponsor or finance the money on
2 a book.

3 The Chairman. But you neither gave assistance nor gave
4 funds for that purpose?

5 Mr. Rockefeller. No.

6 I have had two letters, I think, from Mr. Ehrlichman
7 asking me to contribute to his defense.

8 The Chairman. What was your response?

9 Mr. Rockefeller. Well, in a sense from a human point
10 of view I am embarrassed to say that I did not answer the
11 letters.

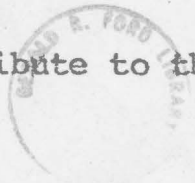
12 The Chairman. So that you did not contribute to those
13 funds for those purposes?

14 Mr. Rockefeller. No, sir, although I knew him during
15 the years he was working for the President. I worked closely
16 with him in connection with the problems in the State of New
17 York and these from a human point of view these things are
18 very sad.

19 The Chairman. Now, between 1964 and 1973 you and your
20 wife reported a total of gifts and donations of something in
21 excess of \$25 million.

22 Now, will you explain how much of that total was given
23 for charitable purposes and how much might have been distri-
24 bution of family-type gifts?

25 Mr. Rockefeller. I can answer it very easily. It would



THE WHITE HOUSE
WASHINGTON

12/6/74-9:50

copy sent
special
to Henry Ruth

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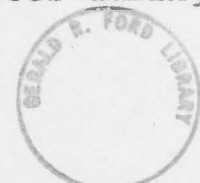
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Rockefeller
B.S.

Thursday 12/19/74

2:10 Mrs. Buchen called to ask if we knew anything more about the swearing-in for Governor Rockefeller. (((The most we can find out is 6 to 8 p.m. -- somewhere in that time frame.)))

She needs to know the time so she can plan on whether to go to the cocktail buffet alone, how to get your ticket for the theater to you (((I assume they could leave it at the entrance for you to pick up when you arrive at the theater))), etc. She needs to call some people and make arrangements.



THE WHITE HOUSE
WASHINGTON

August 22, 1975

*Rockefeller,
Nelson*

MEMORANDUM FOR: JANE DANNENHAUER
FROM: EVA DAUGHTREY
SUBJECT: FBI files on Nelson Rockefeller

On October 1, 1974, Jay French and Skip Williams brought to you seven volumes and one index of the Investigative Reports of Nelson Rockefeller by the FBI.

I am sending you Part VIII, along with additional letters as follows for your files:

9/15/66 Item from the Albany Times Union
9/3/74 Letter from Clarence Kelley to General Haig
9/4/74 Letter from Philip Lacovara (Watergate Special Prosecution Force
to Philip Buchen
9/19/74 Letter from Philip Lacovara to Philip Buchen
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9/20/74 Letter from Clarence Kelley to General Haig
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10/21/74 Letter from Clarence Kelley to Philip Buchen
10/22/74 Letter from Clarence Kelley to Philip Buchen
11/8/74 Letter from Clarence Kelley to Philip Buchen
11/15/74 Letter from Clarence Kelley to Philip Buchen
11/21/74 Paper sent by Mr. Silberman re UPI Reporter Clarence Bassett's
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11/22/74 Paper by Dan Thomasson and Carl West (Scripps-Howard)
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11/21/74 Memo to Don Rumsfeld from Jack Marsh
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12/4/74 Letter from Clarence Kelley to Philip Buchen
12/11/74 Letter from Clarence Kelley to Philip Buchen
12/12/74 Letter from Clarence Kelley to Philip Buchen
12/18/74 Letter from Clarence Kelley to Philip Buchen



THE WHITE HOUSE
WASHINGTON

copy

To: Jane
From: Eva

Sorry I didn't
have this in total
chron order —
but people kept
interrupting.
This should make
your file complete. I think.

THE WHITE HOUSE

WASHINGTON

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THE WHITE HOUSE
WASHINGTON

10/1/74

Received of
Messrs. Jay French
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seven volumes and
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Investigative Reports
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— Jane Deanebauer



9/18/74

THE WHITE HOUSE

Arco &

Buzhardt are
handling this &
they have enclosure.

Keep this in safe
for record purposes
P.

THE WHITE HOUSE

read
9/4/74
cy to Bushardt 9/15
Reopened 9/12 + sealed
opened 9/13 by E

Brooks
B

Rockefeller

Eyes
Only



Mr B

Saturday 11/8/75

12:45 I ran across the attached materials dated August 19, 1974, and wondered if you would want to take another look.

Should they be maintained in our files?

Or should they be in Jane Dannenhauer's files?

11/12/75

Burnsfield
and Bush
taken to
Jane Dannenhauer
Mr. Buchen said
to keep
Nelson Rockefeller's
file here.



NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 01303

REASON FOR WITHDRAWAL Donor restriction
TYPE OF MATERIAL Memorandum
CREATOR'S NAME Clarence Kelley
RECEIVER'S NAME Alexander Haig
DESCRIPTION investigative report re Nelson
Rockefeller (A sanitized version of
this document appears in the file.
Portions of page 3 have been
excised.)
CREATION DATE 08/19/1974
COLLECTION/SERIES/FOLDER ID . 001900330
COLLECTION TITLE PHILIP W. BUCHEN FILES
DATE WITHDRAWN 06/27/1988
WITHDRAWING ARCHIVIST WHM

—

"Eyes Only"



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

August 19, 1974

BY LIAISON

General Alexander M. Haig, Jr.
The White House
Washington, D. C.

Dear General Haig:

In accordance with a request received on August 16, 1974, limited inquiries have been conducted concerning Nelson Aldrich Rockefeller, former Governor of New York. The information set forth hereinafter contains the results of those limited inquiries as well as a summary of the results of applicant-type investigations conducted concerning Governor Rockefeller in 1950, 1952, and 1969.

Governor Rockefeller was born on July 8, 1908, in Bar Harbor, Maine. He was graduated cum laude from Dartmouth College, Hanover, New Hampshire, in 1930, receiving an A. B. degree. He and Mary Todhunter Clark were married in 1930. She was granted a divorce from him on March 16, 1962, on grounds of extreme mental cruelty. Governor Rockefeller and his present wife, the former Margaretta Fitler Murphy, were married in May, 1963.

For many years Governor Rockefeller held various offices in Rockefeller Center, Incorporated, New York, New York, including that of President. He served as Coordinator of the Institute of Inter-American Affairs, Washington, D. C., from 1940 to 1945, and was later an Assistant Secretary of State and Under Secretary of the Department of Health, Education, and Welfare. Governor Rockefeller was a Special Assistant to the President during 1954 and 1955. He was Governor of New York from January, 1959, to December, 1973, when he resigned to devote his time to the Commission on Critical Choices for America, an organization of which he was one of the founders. Governor Rockefeller is presently Chairman of the National Study Commission on Federal Water Pollution.

General Alexander M. Haig, Jr.

Applicant-type investigations were conducted concerning Governor Rockefeller in 1950, 1952, and 1969. During those investigations more than 100 persons, including Governor Rockefeller's professional associates and social acquaintances, were interviewed. They commented favorably concerning his character, loyalty, reputation, and associates, and described him as an outstanding administrator and astute businessman who is intelligent, conscientious, hardworking, and capable. He was further described as a man of unquestioned integrity and great vision, and a dedicated public servant. Governor Rockefeller was said to have extensive holdings in Venezuela and he was described as an expert on Latin American affairs.

During the 1952 investigation of Governor Rockefeller, one individual, a former United States Ambassador who requested anonymity, advised he had known Governor Rockefeller, principally as a business associate, since 1939. He described Governor Rockefeller as a ruthless and ambitious person and said, when his ambitions were thwarted by anyone, he had no hesitancy in attempting to ruin that individual's career. He added that, in his opinion, Governor Rockefeller had no organizational ability, was a difficult man to work for, and was a demanding egocentric. During the 1969 investigation, the same individual advised that, although Governor Rockefeller had the reputation of being an expert on South American matters, he felt Governor Rockefeller did not really know what was going on in South America. This individual declined to recommend Governor Rockefeller for a position of responsibility with the Government.

All other persons interviewed during the investigations of Governor Rockefeller recommended him for a position of trust and confidence.

The Watergate Special Prosecution Force (WSPF) and Office of Counsel to the President furnished information to this Bureau on August 11 and 13, 1974, respectively, alleging that one Hal O'Brien of Washington, D. C., possessed knowledge of information detrimental to Governor Rockefeller.

General Alexander M. Haig, Jr.

Harold Johnson O'Brien, who was identified and located by the FBI, related to the WSPF on August 12, 1974, that Roy Sheppard told O'Brien [REDACTED] and that he had secreted in a safe deposit box in Pulaski, Virginia, under his sister's name, certain documents which belong to E. Howard Hunt. These documents allegedly stated Governor Rockefeller contributed funds to the McGovern Campaign and had hired thugs to disrupt the Democratic Convention if McGovern was not nominated.

[REDACTED]

FBI investigation identified the seven brothers and sisters of Sheppard's and located two safe deposit boxes which are rented to members of Sheppard's family. Roy Sheppard and the safe deposit box holders denied knowledge of any such papers and a consent search of the boxes disclosed nothing beyond personal papers.

The WSPF is in possession of all details of the aforementioned matter and is currently deciding what, if any, further grand jury or investigative action is warranted.

During the current limited inquiries, twenty-one established sources of the New York City and Albany, New York, offices of the FBI were contacted. They furnished favorable comments concerning Governor Rockefeller and advised they are aware of nothing which should preclude his appointment to a position of responsibility with the Government.

One established source, who advised he is not personally well acquainted with Governor Rockefeller, said he has heard rumors concerning Governor Rockefeller's "extramarital affairs," but feels they are unfounded. He stated he is of the opinion Governor Rockefeller would be an excellent Vice President due to his proven administrative abilities and the work he has done for New York State. This individual advised the only reservation he has concerning Governor Rockefeller is his own personal preference for a person like Barry Goldwater, United States Senator from Arizona, who "made it in politics on his own and was not born with a silver spoon in his mouth."

General Alexander M. Haig, Jr.

The central files of the FBI, including the files of the Identification Division, contain no additional pertinent information concerning Governor Rockefeller.

The limited inquiries currently conducted consisted of discreet contacts with established sources and do not constitute a full field investigation.

Sincerely yours,

Clarence M. Kelley
Clarence M. Kelley
Director