

Richard Nixon Presidential Library
White House Special Files Collection
Folder List

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
18	4	12/14/1968	Memo	Memo from Ehrlichman to Staff of the President-elect RE: Conflict of Interest and Security Investigation. 1 pg.
18	4	N.D.	Form	Blank Security Investigation Data For Sensitive Position form. 4 pages.
18	4	N.D.	Form	Blank Security Investigation Data For Sensitive Position form. 4 pages. (Duplicate - Not Scanned)
18	4	N.D.	Other Document	Discussion RE: Cabinet appointees and conflict of interest regulations. 12 pgs.
18	4	N.D.	Other Document	Photocopy of Chapter V - Executive Office of the President Standards of conduct. 11 pgs.
18	4	03/01/1963	Other Document	Photocopy of the Committee of the Judiciary's print of the Department of Justice Memorandum RE: Conflict of Interest. 24 pgs.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
18	4	N.D.	Other Document	Handwritten itinerary. Author unknown. 1 pg.
18	4	N.D.	Other Document	Handwritten index card itinerary for Sunday and Monday, August 18-19, 1968. 4 pages.
18	4	N.D.	Other Document	Handwritten index card itinerary for Tuesday, August 20, 1968. 2 pages.
18	4	N.D.	Other Document	Detail Staff Schedule for August 18-20, 1968. Marked as "Schedule 1-B." 12 pgs.
18	4	N.D.	Other Document	Springfield Illinois Personal Schedule Staff & Press itinerary for August 18-19. 1 jpg.
18	4	08/18/1968	Other Document	Nixon Staff room assignments at the Springfield, Illinois Ramada Inn. 2 pgs.
18	4	N.D.	Other Document	Springfield Ramada Inn room plan. 2 pgs.

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18	4	N.D.	Other Document	Springfield Ramada Inn room plan. 2 pgs. (Duplicate - Not scanned.)
18	4	N.D.	Other Document	Detail Staff Schedule itinerary for August 20, 1968 with handwritten notations. 3 pages.
18	4	08/15/1968	Memo	Memo from Whitaker to Haldeman et al RE: Tentative RN Intinerary San Diego-Springfield, ILL.-Lansing-Columbus-Harrisburg-NYC. Marked as Schedule 1-A. 4 pgs.
18	4	08/24/1968	Memo	Memo from Whitaker to Cole RE: September 4-8, 1968 itinerary. 5 pgs.
18	4	N.D.	Other Document	Nixon's Schedule for August 18-19, 1968. 1 pg.
18	4	N.D.	Other Document	Nixon Tour passenger manifest. 1 pg.
18	4	N.D.	Other Document	National press manifest. 1 pg.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
18	4	12/03/1968	Letter	Letter from W. Walter Williams of Continental, Inc. to Ehrlichman RE: Request for Inaugural Ball tickets for Gordon S. Clinton. 1 pg.

DECEMBER 14, 1968

TO: Staff of the President-elect

FROM: John D. Ehrlichman

RE: (1) Conflict of Interest
(2) Security Investigation

All non-clerical members of the Staff will be required to return to the Counsel's Office as soon as possible the following forms and agreements:

- (1) Two completed sets of the "Confidential Statement of Employment and Financial Interests" for assessment of a Staff member's potential conflicts of interest.
- (2) Two completed copies of Form 86--"Security Investigation Data for Sensitive Position". Form 86 will be the basis for a full field investigation by the Federal Bureau of Investigation.

An extra copy of each form is enclosed as a work sheet

Clerical staff members must complete and return as soon as possible:

- (1) Item (2), Form 86, as noted above.

For those staff members who have potential conflict of interest problems, the Counsel's office will work with them towards acceptable solutions. Actual drafting, conveyancing, etc., should be done by your own attorney, however.

Included for informational purposes in this packet are:

- (1) A copy of our discussion prepared for the Cabinet on the subject of conflict of interest. Note that White House staff members are subject to an additional regulation-- Executive Office of the President - Standards of Conduct [100 CFR 735-1-735-32]
- (2) A copy of this regulation - Executive Office of the President - Standards of Conduct [100 CFR 735-1-735-32].
- (3) Conflict of Interest memorandum promulgated by the Department of Justice on March 1, 1963.

Please return the forms required of you as soon as you can but in no event later than December 17, 1968. It is necessary that all Staff personnel obtain security clearances and eliminate conflict of interest problems by January 20, 1968 for appointments to become effective on that date.

JDE:rc

John D. Ehrlichman

<p>Standard Form 86 AUGUST 1964 U.S. CIVIL SERVICE COMMISSION (F.P.M. CHAPTER 736) 86-107</p>	<p>SECURITY INVESTIGATION DATA FOR SENSITIVE POSITION</p>	<p>CASE SERIAL NO. (CSC use only)</p>										
<p>INSTRUCTIONS.—Prepare in triplicate, using a typewriter. Fill in all items. If the answer is "No" or "None," so state. If more space is needed for any item, continue under item 28.</p>												
<p>1. FULL NAME</p> <p><i>(Initials and abridgements of full name are not acceptable. If no middle name, show "(NMN)"; if initials only, show "(no given or middle name)"</i></p>	<p>(LAST NAME) (FIRST NAME) (MIDDLE NAME)</p> <p>OTHER NAMES USED. <i>(Maiden name, names by former marriages, former names changed legally or otherwise, aliases, nicknames, etc. Specify which, and show dates used.)</i></p>	<p>2. DATE OF BIRTH</p> <p>3. PLACE OF BIRTH</p> <p>4. <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">5. HEIGHT</td> <td style="width: 25%;">WEIGHT</td> <td style="width: 25%;">COLOR EYES</td> <td style="width: 25%;">COLOR HAIR</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	5. HEIGHT	WEIGHT	COLOR EYES	COLOR HAIR						
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14. HAVE YOU EVER BEEN DISCHARGED FROM THE ARMED FORCES UNDER OTHER THAN HONORABLE CONDITIONS? YES NO.
(If answer is "Yes," give details in item 28.)

15. EMPLOYMENT. (List ALL employment dates starting with your present employment. Give both month and year for all dates. Show ALL dates and addresses when unemployed. Give name under which employed if different from name now used.)

<u>FROM</u>	<u>TO</u>	<u>NAME OF EMPLOYER (Firm or agency) AND SUPERVISOR (Full name, if known)</u>	<u>ADDRESS (Where employed)</u>	<u>TYPE OF WORK</u>	<u>REASON FOR LEAVING</u>
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16. HAVE YOU EVER BEEN DISCHARGED (FIRED) FROM EMPLOYMENT FOR ANY REASON? YES NO.

17. HAVE YOU EVER RESIGNED (QUIT) AFTER BEING INFORMED THAT YOUR EMPLOYER INTENDED TO DISCHARGE (FIRE) YOU FOR ANY REASON? YES NO.
(If your answer to 16 or 17 above is "Yes" give details in item 28. Show the name and address of employer, approximate date, and reasons in each case. This information should agree with the statements made in item 15—EMPLOYMENT.)

18. HAVE YOU EVER BEEN ARRESTED, TAKEN INTO CUSTODY, HELD FOR INVESTIGATION OR QUESTIONING, OR CHARGED BY ANY LAW ENFORCEMENT AUTHORITY?
(You may omit: (1) Traffic violations for which you paid a fine of \$30 or less; and (2) anything that happened before your 16th birthday. All other incidents must be included, even though they were dismissed or you merely forfeited collateral.) YES NO.

IF YOUR ANSWER IS "YES," GIVE FULL DETAILS BELOW:

<u>DATE</u>	<u>CHARGE</u>	<u>PLACE</u>	<u>LAW ENFORCEMENT AUTHORITY</u>	<u>ACTION TAKEN</u>
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(SIGNATURE AND TITLE OF AUTHORIZED AGENCY OFFICIAL)

19. HAVE YOU EVER HAD A NERVOUS BREAKDOWN OR HAVE YOU EVER HAD MEDICAL TREATMENT FOR A MENTAL CONDITION? YES NO.
(If your answer is "Yes," give details in item 28.)

20. FOREIGN COUNTRIES VISITED (SINCE 1930). (Exclusive of military service.)

<u>COUNTRY</u>	<u>DATE LEFT U.S.A.</u>	<u>DATE RETURNED U.S.A.</u>	<u>PURPOSE</u>
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21. ARE YOU NOW, OR HAVE YOU EVER BEEN, A MEMBER OF THE COMMUNIST PARTY, U.S.A., OR ANY COMMUNIST OR FASCIST ORGANIZATION? YES NO.

22. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF ANY FOREIGN OR DOMESTIC ORGANIZATION, ASSOCIATION, MOVEMENT, GROUP, OR COMBINATION OF PERSONS WHICH IS TOTALITARIAN, FASCIST, COMMUNIST, OR SUBVERSIVE, OR WHICH HAS ADOPTED, OR SHOWS, A POLICY OF ADVOCATING OR APPROVING THE COMMISSION OF ACTS OF FORCE OR VIOLENCE TO DENY OTHER PERSONS THEIR RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES, OR WHICH SEEKS TO ALTER THE FORM OF GOVERNMENT OF THE UNITED STATES BY UNCONSTITUTIONAL MEANS? YES NO.

23. IF YOUR ANSWER TO QUESTION 21 OR 22 ABOVE IS "YES," STATE THE NAMES OF ALL SUCH ORGANIZATIONS, ASSOCIATIONS, MOVEMENTS, GROUPS, OR COMBINATIONS OF PERSONS AND DATES OF MEMBERSHIP. IN ITEM 28 OR ON A SEPARATE SHEET TO BE ATTACHED TO AND MADE A PART OF THIS FORM, GIVE COMPLETE DETAILS OF YOUR ACTIVITIES THEREIN AND MAKE ANY EXPLANATION YOU DESIRE REGARDING YOUR MEMBERSHIP OR ACTIVITIES.

<u>NAME IN FULL</u>	<u>ADDRESS</u>	<u>FROM</u>	<u>TO</u>	<u>OFFICE HELD</u>
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24. MEMBERSHIP IN OTHER ORGANIZATIONS. (List all organizations in which you are now a member or have been a member, except those which show religious or political affiliations.) (If none, so state.)

<u>NAME IN FULL</u>	<u>ADDRESS</u>	<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>OFFICE HELD</u>
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25. RELATIVES. (Parents, spouse, divorced spouse, children, brothers, and sisters, living or dead. Name of spouse should include maiden name and any other names by previous marriage. If person is dead, state "dead" after relationship and furnish information for other columns as of time of death.)

<u>RELATION</u>	<u>NAME IN FULL</u>	<u>YEAR OF BIRTH</u>	<u>ADDRESS</u>	<u>COUNTRY OF BIRTH</u>	<u>PRESENT CITIZENSHIP</u>
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26a. REFERENCES. (Name three persons, not relatives or employers, who are aware of your qualifications and fitness.)

<u>NAME IN FULL</u>	<u>HOME ADDRESS</u>	<u>BUSINESS ADDRESS</u>	<u>YEARS KNOWN</u>
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26b. CLOSE PERSONAL ASSOCIATES. (Name three persons, such as friends, schoolmates or colleagues, who know you well.)

<u>NAME IN FULL</u>	<u>HOME ADDRESS</u>	<u>BUSINESS ADDRESS</u>	<u>YEARS KNOWN</u>
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27. TO YOUR KNOWLEDGE, HAVE YOU EVER BEEN THE SUBJECT OF A FULL FIELD OR BACKGROUND PERSONAL INVESTIGATION BY ANY AGENCY OF THE FEDERAL GOVERNMENT? YES NO. (If your answer is "Yes," show in item 28, (1) the name of the investigating agency (2) the approximate date of investigation, and (3) the level of security clearance granted, if known.)

28. SPACE FOR CONTINUING ANSWERS TO OTHER QUESTIONS. (Show item numbers to which answers apply. Attach a separate sheet if there is not enough space here.)

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29. REPORT OF INFORMATION DEVELOPED. (This space reserved for FBI use.)

DATE:

Before signing this form check back over it to make sure you have answered all questions fully and correctly.

CERTIFICATION

I CERTIFY that the statements made by me on this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

False statement on this form is punishable by law.

(DATE)

(SIGNATURE—Sign original and first carbon copy)

INFORMATION TO BE FURNISHED BY AGENCY

INSTRUCTIONS TO AGENCY: See Federal Personnel Manual Chapter 736 and FPM Supplement 296-31, Appendix A, for details on when this form is required and how it is used. If this is a request for investigation before appointment, insert "APPL" in the space for Date of Appointment and show information about the proposed appointment in the other spaces for appointment data. The original and the first carbon copy should be signed by the applicant or appointee. Submit the original and the unsigned carbon copy of the form, Standard Form 87 (Fingerprint Chart), and any investigative information about the person received on voucher forms or otherwise, to the United States Civil Service Commission, Bureau of Personnel Investigations, Washington, D.C., 20415. If this is a request for full field security investigation, submit these forms to the attention of the Division of Reimbursable Investigations; if this is a request for preappointment national agency checks, submit these forms to the attention of the Control Section.

RETAIN THE CARBON COPY OF STANDARD FORM 86 (SIGNED BY THE APPLICANT OR APPOINTEE) FOR YOUR FILES

DATE OF APPOINTMENT	TYPE OF APPOINTMENT <input type="checkbox"/> EXCEPTED <input type="checkbox"/> COMPETITIVE. (Include indefinite and temporary types of competitive appointments.)	CIVIL SERVICE REGULATION NUMBER OR OTHER APPOINTMENT AUTHORITY	TITLE OF POSITION AND GRADE OR SALARY
DEPARTMENT OR AGENCY	DUTY STATION	SEND RESULTS OF PREAPPOINTMENT CHECK TO:	
THIS IS A SENSITIVE POSITION			
(SIGNATURE AND TITLE OF AUTHORIZED AGENCY OFFICIAL)			

Standard Form 86
AUGUST 1964
U.S. CIVIL SERVICE COMMISSION
(F.P.M. CHAPTER 736)
86-107

SECURITY INVESTIGATION DATA FOR SENSITIVE POSITION

CASE SERIAL NO. (CSC use only)

INSTRUCTIONS.—Prepare in triplicate, using a typewriter. Fill in all items. If the answer is "No" or "None," so state. If more space is needed for any item, continue under item 28.

1. FULL NAME <i>(Initials and abridgements of full name are not acceptable. If no middle name, show "(NMN)"; if initials only, show "(no given or middle name)"</i>	(LAST NAME) (FIRST NAME) (MIDDLE NAME) OTHER NAMES USED. <i>(Maiden name, names by former marriages, former names changed legally or otherwise, aliases, nicknames, etc. Specify which, and show dates used.)</i>	2. DATE OF BIRTH	3. PLACE OF BIRTH	
		4. <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		
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<u>FROM</u>	<u>TO</u>	<u>NUMBER AND STREET</u>	<u>CITY</u>	<u>STATE</u>
9. <input type="checkbox"/> U.S. CITIZEN	<input type="checkbox"/> BY BIRTH <input type="checkbox"/> NATURALIZED ALIEN REGISTRATION NO.		DATE, PLACE, AND COURT	
<input type="checkbox"/> ALIEN		CERT. NO. PETITION NO.	<input type="checkbox"/> DERIVED-PARENTS CERT. NO(S)	
REGISTRATION NO.		NATIVE COUNTRY	DATE AND PORT OF ENTRY	
10. EDUCATION. (All schools above elementary.)				
<u>NAME OF SCHOOL</u>	<u>ADDRESS</u>	<u>FROM (Year)</u>	<u>TO (Year)</u>	<u>DEGREES</u>
11. THIS SPACE FOR FBI USE. (See also item 29.)		12. SOCIAL SECURITY NUMBER		
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		SERIAL NO. <i>(If none, give grade or rating at separation)</i>	BRANCH OF SERVICE <i>(Army, Navy, Air Force, etc.)</i>	FROM (Yr.)

14. HAVE YOU EVER BEEN DISCHARGED FROM THE ARMED FORCES UNDER OTHER THAN HONORABLE CONDITIONS? YES NO.
(If answer is "Yes," give details in item 28.)

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<u>NAME IN FULL</u>	<u>ADDRESS</u>	<u>TYPE</u>	<u>FROM</u>	<u>TO</u>	<u>OFFICE HELD</u>
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25. RELATIVES. (Parents, spouse, divorced spouse, children, brothers, and sisters, living or dead. Name of spouse should include maiden name and any other names by previous marriage. If person is dead, state "dead" after relationship and furnish information for other columns as of time of death.)

<u>RELATION</u>	<u>NAME IN FULL</u>	<u>YEAR OF BIRTH</u>	<u>ADDRESS</u>	<u>COUNTRY OF BIRTH</u>	<u>PRESENT CITIZENSHIP</u>
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<u>NAME IN FULL</u>	<u>HOME ADDRESS</u>	<u>BUSINESS ADDRESS</u>	<u>YEARS KNOWN</u>
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26b. CLOSE PERSONAL ASSOCIATES. (Name three persons, such as friends, schoolmates or colleagues, who know you well.)

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29. REPORT OF INFORMATION DEVELOPED. (This space reserved for FBI use.)

DATE:

Before signing this form check back over it to make sure you have answered all questions fully and correctly.

CERTIFICATION

I CERTIFY that the statements made by me on this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

False statement on this form is punishable by law.

(DATE)

(SIGNATURE—Sign original and first carbon copy)

INFORMATION TO BE FURNISHED BY AGENCY

INSTRUCTIONS TO AGENCY: See Federal Personnel Manual Chapter 736 and FPM Supplement 296-31, Appendix A, for details on when this form is required and how it is used. If this is a request for investigation before appointment, insert "APPL" in the space for Date of Appointment and show information about the proposed appointment in the other spaces for appointment data. The original and the first carbon copy should be signed by the applicant or appointee. Submit the original and the unsigned carbon copy of the form, Standard Form 87 (Fingerprint Chart), and any investigative information about the person received on voucher forms or otherwise, to the United States Civil Service Commission, Bureau of Personnel Investigations, Washington, D.C., 20415. If this is a request for full field security investigation, submit these forms to the attention of the Division of Reimbursable Investigations; if this is a request for preappointment national agency checks, submit these forms to the attention of the Control Section.

RETAIN THE CARBON COPY OF STANDARD FORM 86 (SIGNED BY THE APPLICANT OR APPOINTEE) FOR YOUR FILES

DATE OF APPOINTMENT	TYPE OF APPOINTMENT <input type="checkbox"/> EXCEPTED <input type="checkbox"/> COMPETITIVE. (Include indefinite and temporary types of competitive appointments.)	CIVIL SERVICE REGULATION NUMBER OR OTHER APPOINTMENT AUTHORITY	TITLE OF POSITION AND GRADE OR SALARY
DEPARTMENT OR AGENCY	DUTY STATION	SEND RESULTS OF PREAPPOINTMENT CHECK TO:	
THIS IS A SENSITIVE POSITION			
(SIGNATURE AND TITLE OF AUTHORIZED AGENCY OFFICIAL)			

DISCUSSION

Introduction

Cabinet Appointees are subject to two regulations governing conflict of interest: 18 U.S. Code sections 203, 205, 207, 208 and 209 and Executive Order No. 11222. Copies of both the statute and the Executive Order are in the appendix. The White House Staff, in addition to the statute and executive order, is subject to Civil Service Commission Regulations 100 CFR sections 735-1 - 735-32 (1966) pertaining to the Executive Office of the President.

In addition to these regulations, the Civil Service Commission promulgated regulations - 5 CFR section 735.101 - 735.412 (1965) - which set standards for department and agency regulations. The approximately 60 sets of department and agency regulations issued in accordance with the Executive Order and the Civil Service Commission regulations are for the guidance of those appointees and employees below Cabinet level.

This discussion will summarize briefly the requirements of the statute and the Executive Order, and then touch on Senate confirmation procedures and the criteria and standards for financial arrangements to avoid conflicts of interest.

A. 18 U.S. Code sections 201-218.

What follows is a short summary, taken from the Attorney General's Memorandum in the appendix, of the pertinent conflict of interest provisions in the statute.

A regular officer or employee of the Government - that is, one appointed or employed to serve more than 130 days in any period of 365 days - is, in general, subject to the following major prohibitions:

- (1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).
- (2) He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest. (18 U.S.C. 208).
- (3) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government. (18 U.S.C. 207 (a)).
- (4) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207 (b)).
- (5) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government. (18 U.S.C. 209).

Probably the two most important sections from the statute governing conflicts of interest are 18 U.S.C. section 208 and 18 U.S.C. section 209.

The principle underlying 18 U.S.C. section 208 is that a public official must not be in a position of acting for the Government where his private interests are involved. An excellent discussion of the thrust of this section appears in Perkins, "The New Federal Conflict-Of-Interest Law", 76 HARV. L. REV. 1113, 1129-1136 (1963). It should be noted that the private interest involved can include a nonprofit organization.

18 U.S.C. section 209 is aimed at preventing payments from private sources to public officials for the performance of their Governmental duties. 18 U.S.C. section 209 (b) does make exception for certain fringe benefit plans. Thus, section 209 (b) reads:

Nothing herein prevents an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, or of the District of Columbia, from continuing to participate in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer.

A question which often arises is whether a large severance payment from a private enterprise can legitimately be made. The test applied by the Justice Department in answering this question is a factual one: Is the severance payment made for past services performed for the private enterprise? If this can be answered

affirmatively, then there would be little chance of running counter to the statute. Of course, if the severance payment is a normal one and one that would be paid to the departing employee in the same way that it would be paid to any other employee, there is no problem of a violation. The question which Mr. Perkins, author of the article noted above, suggests should be asked by the board of directors of the corporation from which the executive is departing is: "Would we make the same severance payment if the corporate executive were leaving, with no idea of returning, to accept the presidency of a college or of a charitable foundation, or to enter the ministry? If the answer is in the affirmative, it is virtually indisputable that there is a legitimate severance payment."

Important reference material for those setting up an appointee's financial arrangements are:

- (1) Manning, Bayless, FEDERAL CONFLICT OF INTEREST LAW, Harvard University Press, Cambridge, Mass. (1964).
- (2) Hoagland, in The Practical Lawyer, entitled "Counsel, Client and the Federal Conflict of Interest Laws" (Vol. 6, Numbers 4, 5 and 6.)
- (3) Perkins, "The New Federal Conflict-Of-Interest Law", 76 HARV.L.REV. 1113 (1963).
- (4) CONFLICT OF INTEREST AND FEDERAL SERVICE, The Association of the Bar of the City of New York Special Committee on the Federal Conflict of Interest Laws. Harvard University Press, Cambridge, Mass. (1960).

The other regulation which goes into some detail on the standards which must be observed by Cabinet Appointees and Staff members is

Executive Order No. 11222. It will be useful at this point to summarize the important sections in the Executive Order.

B. Executive Order No. 11222 (1965).

On May 8, 1965, President Johnson signed Executive Order No. 11222 which codified the standards of ethical conduct for Executive Branch personnel. The Order, in effect, required all officials appointed by the President and reporting directly to him and certain other Federal officials and employees to sign statements of their financial interests. It also imposes strict requirements on the acceptance of gifts, entertainment, and favors by Executive Branch personnel. The Order also assigns certain responsibilities to the Civil Service Commission for issuing Government-wide regulations implementing the Order and for reviewing supplementary agency regulations covering their special situations.

Under Section 401 of Executive Order No. 11222 Presidential appointees in the Executive Office of the President who are not subordinate to the head of an agency in that office, agency heads and full time members of a committee, board or commission appointed by the President, must submit not later than 30 days after the date of his entrance on duty to the Chairman of the Civil Service Commission a confidential statement of employment and financial interests containing the following information:

(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, non-profit organizations, and educational or other institutions --

(A) with which he is connected as an employee, officer, owner, director, trustee, partner, adviser, or consultant; or

(B) in which he has any continuing financial interests, through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional association; or

(C) in which he has any financial interest through the ownership of stocks, bonds, or other securities.

(2) A list of the names of his creditors, other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses.

(3) A list of his interests in real property or rights in lands, other than property which he occupies as a personal residence.

Each such statement provided by an appointee must be kept updated by submission of amendments or any changes in or additions to the information required to be included in the original statement, on a quarterly basis.

The interest of a spouse, minor child, or other member of his immediate household shall be considered to be an interest of a person required to submit a statement by or pursuant to Executive Order No. 11222.

Section 402 of the Executive Order provides that the Civil Service Commission prescribe regulations to require the submission of statements of financial interests by such employees, subordinate

to the heads of agencies, as the Commission may designate. The Commission shall prescribe the form and content of such statements and the time or times and places for such submission. Such regulations were issued by the Civil Service Commission 5 CFR Part 735 (1965) as amended.

The Chairman of the Civil Service Commission must report to the President any information contained in statements required by Section 401 of top officials discussed above which may indicate a conflict of interest. The Commission must report or by regulation require reporting to the head of the agency concerned any information contained in statements submitted by an employee subordinate to the head of his agency which may indicate a conflict of interest.

The statements and amended statements are held in confidence and no information as to their contents may be disclosed, except by the Chairman of the Civil Service Commission or by the head of the agency for good cause shown.

The remaining parts of Executive Order No. 11222 are concerned with certain delegations of authority to the Civil Service Commission and to agency heads under the conflicts of interest or other laws and under the Executive Order.

Included in the section labeled "FORMS" are four copies of the "Confidential Statement of Employment and Financial Interests" to be submitted to the Counsel's office in lieu of the Chairman of the

Sections 201 through 206 of Executive Order No. 11222 set forth standards governing the conduct of Executive Branch personnel, with specific attention given to the acceptance of gifts, entertainment and favors; outside employment, teaching and writing; and the use of Government information for private or personal gain.

Specifically, Section 201 provides that no employee shall solicit or accept, directly or indirectly, any gift, gratuity, value, from any person, corporation, or group which has certain contacts with the Government. That Section also authorizes agency heads to issue regulations, coordinated and approved by the Civil Service Commission, implementing the above provisions and to provide for appropriate exceptions as may be necessary. It is the intent of Section 201 that employees avoid any action which might result in or create the appearance of using public office for private gain, giving preferential treatment, impeding Government efficiency, losing independence of action, making decisions outside of official channels, or adversely affecting the confidence of the public in the integrity of the Government.

Section 202 prohibits employees engaging in outside employment including teaching, lecturing or writing, which might result in a conflict or an apparent conflict, between the private interests of the employee and his official Government duties and responsibilities.

Section 203 provides that employees may not have direct or indirect financial interests that conflict substantially or appear

to conflict substantially with their responsibilities and duties as Federal employees, or engage in, directly or indirectly, financial transactions as a result of information obtained through their employment.

Section 204 prohibits an employee from using Federal property of any kind for other than officially approved activities.

Section 205 provides that an employee shall not directly or indirectly make use of official information not made available to the general public for the purpose of furthering private interests.

Section 206 provides that an employee must meet all just financial obligations, especially those, such as Federal, state and local taxes, which are imposed by law.

C. Senate Confirmation Procedures

We have not established a general procedure for carrying all Cabinet Appointees through Senate confirmation. The type of information which a Cabinet Appointee must be expected to provide and the nature of the proceedings within the Senate committees depend upon his job and the committee which will confirm him. For example, the Senate Armed Services Committee has always required the fullest disclosure by a Cabinet Appointee, and the hearings have usually been lengthy. Included in the appendix is a transcript of the Senate Armed Services Committee hearings on the nomination of Mr. McNamara to be Secretary of Defense.

A special procedure, tailored to the needs of each Cabinet appointee, will be set up. Participation by the ranking minority Senator on the confirming committee, Senators from the Cabinet Appointee's home state, committee counsel, and certain White House Staff members will usually be required to ensure a smooth confirmation proceeding.

D. Criteria and Standards for Financial Arrangements to Avoid Conflicts of Interest.

It is impossible to state in advance the precise type of arrangement which should be made. As a general proposition it can be said that where ownership of property or a financial interest creates a conflict or an appearance of a conflict, some arrangement should be made to eliminate the conflict. It is worth emphasizing that the appearance of a conflict could be just as embarrassing to the administration and the Cabinet Appointee as an actual conflict. What follows are some arrangements which may be satisfactory.

If a Cabinet Appointee or his spouse, minor child, or another member of his immediate household has financial interests such as stocks, bonds or other securities that are in question, the requirements of Executive Order No. 11222 may be met satisfactorily by vesting management and control of such financial interests legally in a third party trustee - in other words, a formal "no control" trust arrangement.

Cabinet Appointees to some of the more important and sensitive positions, especially in the Department of Defense, have gone beyond the "no control" arrangement, on their own initiative or in connection with Senate confirmation by:

- (1) placing their interest in a "blind" or "ignoramus" trust; this means that the holdings are placed outside the knowledge as well as the control of the appointee;
- (2) providing that the trustee, whether in a "no control" or "blind" arrangement, shall not invest in interests related to the work of the agency, or
- (3) divesting themselves completely of such financial interests through sale of the interests within a reasonable period of time.

Arrangements which have been found not acceptable to the Chairman of the Civil Service Commission are:

- (1) a personal declaration or certification by the appointee that he will disqualify himself from acting in any situation involving a business enterprise in which he has financial interests,
- (2) a personal declaration or certification that he will immobilize financial interests during his period of office; that is, that he will simply make no changes at all in his financial holdings; or
- (3) that he will maintain financial interests in such a diversified manner that his holdings in any one business enterprise will remain so small that there is no possibility of his having a control or influence position with respect to the business or that any official action he might take that would affect the business could be considered as being taken for his personal advantage.

As a general rule, it might be said that where a conflict of interest appears, a legally binding arrangement must be established which will eliminate the conflict. The degree of strictness of that arrangement depends upon the nature of the Cabinet Appointee's holdings and the job to which he has been appointed.

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CHAPTER V—EXECUTIVE OFFICE OF THE PRESIDENT

Part
100 Standards of conduct.

PART 100—STANDARDS OF CONDUCT

Subpart A—General Standards

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100.735-2 Definitions.
100.735-3 Special Government employees.
100.735-4 General standards of conduct.
100.735-5 Responsibilities of employees.
100.735-6 Interpretation and advisory service; counseling.
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100.735-22 Miscellaneous statutory provisions.
100.735-23 Conduct and responsibilities of special Government employees.
100.735-24 Reporting of employment and financial interests—regular employees.
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100.735-26 Reviewing statements of financial interests.

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100.735-27 Supplemental regulations or instructions.

Subpart B—Special Procedures; Counsel to the President

- 100.735-31 Members of part-time committees, boards, and commissions.
100.735-32 Special delegation of authority to the Counsel to the President.

AUTHORITY: The provisions of this Part 100 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp. 5 CFR 735.104.

SOURCE: The provisions of this Part 100 appear at 31 F.R. 5556, June 18, 1966.

Subpart A—General Standards

§ 100.735-1 Purpose and scope.

(a) The maintenance of the highest standards of honesty, integrity, impartiality, and conduct by regular employees and special Government employees is essential to assure the proper performance of Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of regular employees and special Government employees through informed judgment is indispensable to the maintenance of these standards.

(b) This part is intended to foster the foregoing concepts. It is issued in compliance with the requirements of Executive Order No. 11222 of May 8, 1965 (3 CFR, 1965 Supp., p. 130), and is based upon the provisions of that order, the regulations of the Civil Service Commission issued thereunder (5 CFR 735 of this title), and the statutes cited elsewhere in this part.

(c) This part, among other things, reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes contained in this part are designed for informational purposes only and in no way constitute an interpretation or construction thereof that is binding upon the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions or requirements imposed by statutes, Executive orders, regulations or otherwise upon Federal employees and former Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement and any such restriction or requirement, as the case may be, continues to be applicable to employees and former employees in accordance with its own terms. Furthermore, attorneys employed by an agency are subject to the canons of professional ethics of the American Bar Association.

§ 100.735-2 Definitions.

In this subpart:

(a) "Agency" means the following agencies in the Executive Office of the President: The White House Office, the Council of Economic Advisers, the National Security Council, the National Aeronautics and Space Council, the Office of Science and Technology, and the Office of the Special Representative for Trade Negotiations, and any committee, board, commission, or similar group established in the Executive Office of the President.

(b) "Agency head" means the President, the Chairman of the White House Office, the Chairman of the Council of Economic Advisers, the Executive Secretary of the National Security Council, the Executive Secretary of the National Aeronautics and Space Council, the Director of the Office of Science and Technology, and the Special Representative for Trade Negotiations for the Office of the Special Representative for Trade Negotiations, and the Chairman or comparable member of any committee, board, commission, or similar group established by the President.

(c) "Employee" or "regular employee" means an officer or employee of an

agency but does not include a special Government employee.

(d) "Special Government employee" means an officer or employee of an agency who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties, either on a full-time or intermittent basis.

(e) The term "person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

§ 100.735-3 Special Government employees.

Except where specifically provided otherwise, or where limited in terms or by the context to regular employees, all provisions of this subpart relating to employees are applicable also to special Government employees.

§ 100.735-4 General standards of conduct.

(a) All employees shall conduct themselves on the job in such a manner that the work of their agency is efficiently accomplished and courtesy, consideration, and promptness are observed in dealings with the Congress, the public, and other governmental agencies.

(b) All employees shall conduct themselves off the job in such a manner as not to reflect adversely upon their agency or the Federal service.

(c) In all circumstances employees shall conduct themselves so as to exemplify the highest standards of integrity. An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person;
- (3) Impeding Government efficiency or economy;
- (4) Losing complete independence or impartiality;
- (5) Making a Government decision outside official channels; or
- (6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 100.735-5 Responsibilities of employees.

(a) The Executive Clerk for the White House Office and the Counselor for each

other agency shall refer to this subpart to Government employees after the effective date of such regulations, and in the case of a new Government employee the date of such employee's first duty. All Government employees shall conform themselves with this subpart.

(b) Copies of regulations, and § 100.735-1, together with explanatory material, shall be made available for inspection in the Clerk for the White House Office and the Counselor for each agency during the time during which these basic materials are made available to the public in accordance with the provisions of this part.

(c) Attention is directed to House Report 175, 85th Congress, 1st Session, page B12, the "Code of Federal Service", which is a part of Appendix

§ 100.735-6

(a) The Executive Clerk for the White House Office and the Counselor for each agency shall make available to the public, in accordance with the provisions of this part, the regulations promulgated by the Counselor for each agency, which are classified as confidential.

(b) The Counselor for each agency shall notify all employees of such regulations, and shall provide counseling services where such services are necessary after the effective date of such regulations, and periodically thereafter, to new Government employees of such regulations given at the time of their appointment.

§ 100.735-7

(a) A violation of this subpart by an employee may be cause for disciplinary action as prescribed by law, and in cases where such action results in a conflict of interest

other agency shall distribute copies of this subpart to each employee and special Government employee within 30 days after the effective date thereof. In the case of a new employee or special Government employee entering on duty after the date of such distribution, a copy shall be furnished at the time of his entrance on duty. All employees and special Government employees shall familiarize themselves with the contents of this subpart.

(b) Copies of Executive Order 11229, regulations, and statutes referred to in § 100.735-1, together with various explanatory materials, are available for inspection in the office of the Executive Clerk for the White House Office and the Counselor for each other agency at any time during regular business hours. Employees are encouraged to consult these basic materials in any case of doubt as to the proper application or interpretation of the provisions of this subpart.

(c) Attention of all employees is directed to House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service", which is attached to this subpart as Appendix A.

§ 100.735-6 Interpretation and advisory service; counseling.

(a) The agency head shall appoint a Counselor for the agency who shall serve also as the agency's designee to the Civil Service Commission on matters covered by this part. Communication between the Counselor and an employee shall be confidential, except as otherwise determined by the agency head.

(b) The Counselor for the agency shall notify all employees and special Government employees of the availability of counseling services, and of how and where such services are available. Such notification shall be made within 90 days after the effective date of this subpart, and periodically thereafter. In the case of a new employee or special Government employee appointed after the date of such notification, notification shall be given at the time of his entrance on duty.

§ 100.735-7 Disciplinary action.

(a) A violation of any provision of this subpart by an employee may be cause for appropriate disciplinary action which may be in addition to any penalties prescribed by law. (As to remedial action in cases where an employee's financial interests result in a conflict or apparent conflict of interest, see § 100.735-26.)

(b) Any disciplinary or remedial action taken pursuant to this subpart shall be effected in accordance with any applicable laws, Executive orders, and regulations.

§ 100.735-8 Conflicts of interest.

(a) A conflict of interest may exist whenever an employee has a substantial personal or private interest in a matter which involves his duties and responsibilities as an employee. The maintenance of public confidence in Government clearly demands that an employee take no action which would constitute the use of his official position to advance his personal or private interests. It is equally important that each employee avoid becoming involved in situations which present the possibility, or even the appearance, that his official position might be used to his private advantage.

(b) Neither the pertinent statutes nor the standards of conduct prescribed in this subpart are to be regarded as entirely comprehensive. Each employee must, in each instance involving a personal or private interest in a matter which also involves his duties and responsibilities as an employee, make certain that his actions do not have the effect or the appearance of the use of his official position for the furtherance of his own interests or those of his family or his business associates.

(c) The principal statutory provisions relating to bribery, graft, and conflicts of interest are contained in Chapter 11 of the Criminal Code, 18 U.S.C. 201-224. Severe penalties are provided for violations, including variously fine, imprisonment, dismissal from office, and disqualification from holding any office of honor, trust, or profit under the United States.

§ 100.735-9 Disqualification because of private financial interests.

(a) Unless authorized to do so as provided hereafter in this section, no employee shall participate personally and substantially as a Government employee in a particular matter in which, to his knowledge, he has a financial interest (18 U.S.C. 203).

(1) For the purposes of this section—

(i) An employee participates personally and substantially in a particular matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise;

(ii) A particular matter is a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter; and

(iii) A financial interest is the interest of the employee himself or his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment.

(b) An employee who has a financial interest (other than a financial interest exempted under paragraph (c) of this section) in a particular matter which is within the scope of his official duties shall make a full disclosure of that interest to the Counselor for the agency in writing. He shall not participate in such matter until and until he receives a written determination by the agency head pursuant to section 203 of Title 18, United States Code, that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him. If the agency head does not make such a determination, he shall direct such remedial action as may be appropriate under the provisions of § 100.735-26.

(c) The financial interests described in this paragraph are hereby exempted, pursuant to the provisions of section 203 of Title 18, United States Code, from the restrictions of paragraph (a) of this section and of section 203 of Title 18 as being too remote or inconsequential to affect the integrity of an employee's services in a matter:

(1) Stocks, bonds, policies, properties, or interests in a mutual fund, investment company, trust, bank, or insurance company, as to which the employee has no managerial control or directorship. In the case of a mutual fund or investment company, this exemption applies only where the assets of the fund or company are diversified; it does not apply where the fund or company advertises that it specializes in a particular industry or commodity.

(2) Interest in an investment club, provided that the fair value of the interest involved does not exceed \$5,000, and that the interest does not exceed one-fourth of the total assets of the investment club.

§ 100.735-10 Additional prohibitions—regular employees.

(a) In addition to the disqualification described in § 100.735-9, a regular employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

(2) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(4) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209). (See § 100.735-13.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances. For the method of obtaining such exemptions or exceptions, see paragraph (d) of § 100.735-12.

§ 100.735-11 Additional prohibitions—special Government employees.

(a) In addition to the disqualification described in § 100.735-9, a special Government employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties—

(i) Represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and

substantially for the U.S.C. 203 and 205), or

(ii) Represent anyone pending before his agency if he has served there no more than 1 year since the previous 365 days (18 U.S.C. 205). He is bound by this prohibition in spite of the fact that the matter in which he has ever participated personally and substantially

(2) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances. For the method of obtaining such exemptions or exceptions, see paragraph (d) of § 100.735-12.

§ 100.735-12 Exemptions or exceptions from prohibitions—interest statute.

(a) Nothing in this section is deemed to prohibit an employee from acting, with or without compensation, as an attorney for any party, or as a consultant, or in any other capacity, in connection with the administration of the Government's interest in a particular matter.

(b) Nothing in this section is deemed to prohibit an employee from acting, with or without compensation, as an agent or attorney for a child, or any person, or as a guardian, executor, trustee, or other person, in those matters in which he has participated personally

substantially for the Government (18 U.S.C. 203 and 205), or

(ii) Represent anyone else in a matter pending before his agency unless he served there no more than 60 days during the previous 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

(2) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances; for the method of obtaining such exemptions or exceptions, see paragraph (d) of § 100.735-12.

§ 100.735-12 Exemptions and exceptions from prohibitions of conflict of interest statutes.

(a) Nothing in this subpart shall be deemed to prohibit an employee, if it is not otherwise inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person in a disciplinary, loyalty, or other Federal personnel administration proceeding involving such person.

(b) Nothing in this subpart shall be deemed to prohibit an employee from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary, except in those matters in which he has participated personally and substantially

as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, as defined in section 202(b) of Title 18 of the United States Code, provided that the agency head approves.

(c) Nothing in this subpart shall be deemed to prohibit an employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(d) In addition to the exemptions and exceptions described in this section and in § 100.735-9, the conflict of interest statutes permit certain exemptions and exceptions in specific circumstances. The procedure for effecting such exemptions or exceptions is as follows:

(1) Any regular employee or special Government employee who desires approval or certification of his activities as provided for by section 205 of Title 18, U.S. Code, shall make application therefor in writing to the Counselor for the agency.

(2) A former employee, including a former special Government employee, who desires certification with regard to his activities under section 207 of Title 18, U.S. Code, shall make application therefor in writing to the Counselor for the agency.

(3) The Counselor for the agency shall report promptly to the agency head all matters reported to him under this subpart which require consideration of approvals, certifications, or determinations provided for in sections 205, 207, or 208 of Title 18, U.S. Code.

§ 100.735-13 Salary of employees payable only by United States.

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplementation of salary, as compensation for his services as an employee, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality (18 U.S.C. 209).

(b) Nothing in this subpart shall be deemed to prohibit an employee from continuing to participate in a bona fide pension, retirement, group life, health, or accident insurance, profit-sharing, stock bonus, or other employee welfare

or benefit plan maintained by a former employer, nor from accepting contributions, awards, or other expenses under the terms of the Government Employees Training Act, 5 U.S.C. 2301-2319.

§ 100.735-14 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with his agency;

(2) Conducts operations or activities which are regulated by his agency; or

(3) Has interests which may be substantially affected by the performance or nonperformance of his official duty.

(b) Notwithstanding paragraph (a) of this section, an employee may:

(1) Accept a gift, gratuity, favor, entertainment, loan, or other thing of monetary value from a friend, parent, spouse, child, or other close relative when the circumstances make it clear that the family or personal relationships involved are the motivating factors;

(2) Accept food or refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) Accept loans from banks or other financial institutions on customary terms to finance proper or usual activities of employees, such as home mortgage loans; and

(4) Accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal intrinsic value.

(c) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position (5 U.S.C. 113).

(d) The Constitution (Art. 1, sec. 9, par. 8) prohibits acceptance from foreign governments, except with the consent of Congress, of any emolument, office, or title. The Congress has provided that, except in the case of certain

specified military decorations, all such presents, decorations, and other things shall be tendered to the Department of State to hold pending action by the Congress (5 U.S.C. 114-115a). Any such gift or thing which cannot appropriately be refused shall be submitted to the Counselor for transmittal to the State Department.

§ 100.735-15 Outside employment.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest;

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the agency head gives written authorization for the use of non-public information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of Executive Order No. 11222 of May 8, 1965, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(c) An employee shall not engage in outside employment under a State or local government, except in accordance with applicable regulations of the Civil

Service Commission, 5 U.S.C. 734 of the Code.

(d) This section does not apply to an employee from:

(1) Receipt of expenses for necessary subsistence, travel, and per diem payment of expenses. However, an employee shall not be reimbursed, and no one on his behalf, for living expenses, or other personal expenses;

(2) Participation in national or State activities prescribed by § 100.735-22 (recreational activities);

(3) Participation in acceptance of a public contribution by a charitable, social, fraternal, or recreational organization;

(c) An employee shall not engage in outside employment without the approval, in writing, of his superior. Each approval shall be filed in the personnel folder.

(f) This section does not apply to special Government employees subject to the provisions of § 100.735-16.

§ 100.735-16 Conflicts of interest.

(a) An employee shall not engage in a conflict of interest.

(1) Establishment of a business or private interest which involves his duties as an employee or financial interest prohibited by § 100.735-14, or which is prohibited by § 100.735-14.

(2) Are entered into as a result of his duties, or through his duties.

(3) Resulting from trading (as defined in § 100.735-14) or other trading of bona fide securities conducted on the exchange with the public.

(b) Aside from the restrictions prescribed or otherwise, employees are free to engage in transactions with

Service Commission (Title 5, Ch. I, Pt. 734 of the Code of Federal Regulations).

(d) This section does not preclude an employee from:

(1) Receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with this subpart and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

(2) Participation in the activities of national or State political parties not proscribed by law. (See par. (c) of § 100.735-22 regarding proscribed political activities.)

(3) Participation in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization.

(e) An employee who intends to engage in outside employment shall obtain the approval, through his official superior, of his agency head. A record of each approval under this paragraph shall be filed in the employee's official personnel folder.

(f) This section does not apply to special Government employees, who are subject to the provisions of § 100.735-23.

§ 100.735-16 Financial interests.

(a) An employee may not have financial interests which—

(1) Establish a substantial personal or private interest in a matter which involves his duties and responsibilities as an employee (an employee may not have financial interests, except as permitted by § 100.735-9(c) or authorized pursuant to § 100.735-12(d)); or

(2) Are entered into in reliance upon, or as a result of, information obtained through his employment; or

(3) Result from active and continuous trading (as distinguished from the making of bona fide investments) which is conducted on such a scale as to interfere with the proper performance of his duties.

(b) Aside from the restrictions prescribed or cited in this subpart, employees are free to engage in lawful financial transactions to the same extent as pri-

vate citizens. Employees should be aware that the financial interests of their wives or minor children and blood relatives who are full-time residents of their households may be regarded, for the purposes of this section, as financial interests of the employees themselves.

(c) This section does not apply to special Government employees, who are subject to the provisions of § 100.735-23.

§ 100.735-17 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property including equipment, supplies, and other property entrusted or issued to him.

§ 100.735-18 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in paragraph (b) of § 100.735-15, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 100.735-19 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee, or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which his agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

§ 100.735-20 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 100.735-21 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 100.735-22 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of his agency and of the Government. In particular, attention of employees is directed to the following statutory provisions:

(a) Chapter 11 of Title 18, U.S. Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned (see §§ 100.735-9, 100.735-10, and 100.735-11).

(b) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(c) The prohibitions against disloyalty and striking (5 U.S.C. 118p, 118r).

(d) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(e) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 793, 50 U.S.C. 783) and (2) the disclosure of confidential information (18 U.S.C. 1905).

(f) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 640).

(g) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78(c)).

(h) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(i) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 637).

(j) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(k) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(l) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(m) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in

the possession of an employee by reason of his employment (18 U.S.C. 654).

(n) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(o) The prohibition against proscribed political activities--The Hatch Act (5 U.S.C. 118i), and 18 U.S.C. 602, 603, 607, and 608.

§ 100.735-23 Conduct and responsibilities of special Government employees.

(a) A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person whether by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purposes of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(c) A special Government employee who engages in teaching, lecturing, or writing, whether for or without compensation, shall not for such purposes make use of information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the agency head gives written authorization for the use of nonpublic information on the basis that such use is in the public interest.

(d) A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(e) Except as provided in paragraph (f) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having

business with him value as a gift, payment, or favor for person, particularly one with whom he has family, business, or financial ties.

(f) Notwithstanding this section, a special employee shall be allowed as is authorized in paragraph (e) of this section, to receive from a person having business with him value as a gift, payment, or favor for person, particularly one with whom he has family, business, or financial ties.

(g) Attention of employees is directed to § 100.735-3, making subpart generally applicable to special Government employees.

§ 100.735-24 Requirements and financial disclosures.

(a) Not later than the effective date of this section, a special employee designated in this section shall head a statement, available in the office of the White House Counselor for each year, for the following:

(1) A list of the names of all corporations, companies, business enterprises, partnerships, organizations, and institutions with which the employee, his spouse, minor child, or his immediate family member has a financial interest.

(i) Any contractor, officer, owner, director, partner, adviser, or consultant.

(ii) Any contract through a partner, shared income, or a result of any contract or business association; or

(iii) Any financial interest in the ownership of bonds, securities, or other investments, including trusts.

(2) A list of the names and the credit ratings of all banks and the creditors of the employee, his child or other immediate household member, to whom they may be a party to a mortgage or other security interest, and ordinary household expenses such as telephone, utility, vacation, and

business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(f) Notwithstanding paragraph (c) of this section, a special Government employee shall be allowed the same latitude as is authorized for regular Government employees by paragraph (b) of § 100.735-14.

(g) Attention of special Government employees is directed to the provisions of § 100.735-3, making the provisions of this subpart generally applicable to their activities.

§ 100.735-24 Reporting of employment and financial interests—regular employees.

(a) Not later than 90 days after the effective date of this subpart, an employee designated in paragraph (d) of this section shall submit to his agency head a statement, on a form made available in the office of the Executive Clerk for the White House Office and the Counselor for each other agency, setting forth the following information:

(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with or in which he, his spouse, minor child or other member of his immediate household has—

(i) Any connection as an employee, officer, owner, director, member, trustee, partner, adviser or consultant; or

(ii) Any continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or

(iii) Any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

(2) A list of the names of his creditors and the creditors of his spouse, minor child or other member of his immediate household, other than those creditors to whom they may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom they may be indebted for current and ordinary household and living expenses such as those incurred for household furnishings, an automobile, education, vacations, or the like.

(3) A list of his interests and those of his spouse, minor child or other member of his immediate household in real property or rights in lands, other than property which he occupies as a personal residence.

(b) For the purpose of this section "member of his immediate household" means a full-time resident of the employee's household who is related to him by blood.

(c) Each employee designated in paragraph (d) of this section who enters on duty after the effective date of this subpart shall submit such statement not later than 30 days after the date of his entrance on duty, but not earlier than 90 days after the effective date of this subpart.

(d) Statements of employment and financial interests are required of the following:

(1) Employees listed in the Federal Executive Salary Schedule, except a Presidential appointee required to file a statement of financial interests under section 401 of Executive Order No. 11222 of May 8, 1965.

(2) Employees in classified positions of grade GS-13 or above, or the equivalent thereof.

(e) Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement at the end of the quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes or additions in a quarter, a negative report is not required. However, for the purpose of annual review, a supplementary statement, negative or otherwise, is required as of June 30 each year.

(f) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf.

(g) Paragraph (a) of this section does not require an employee to submit any information relating to his connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a

business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(h) Each agency shall hold each statement of employment and financial interests in confidence. An agency may not disclose information from a statement except as the Civil Service Commission or the agency head may determine for good cause shown.

(i) The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

(j) This section does not apply to special Government employees, who are subject to the provisions of § 100.735-25.

§ 100.735-25 Reporting of employment and financial interests—special Government employees.

(a) A special Government employee shall submit to the agency head a statement of employment and financial interests which reports (1) all current Federal Government employment, (2) the names of all corporations, companies, firms, State or local governmental organizations, research organizations, and educational or other institutions in or for which he is an employee, officer, member, owner, trustee, director, adviser, or consultant, with or without compensation, (3) the names of all corporations in which he holds stocks or bonds, and (4) the names of all partnerships in which he is engaged.

(b) A statement required under this section shall be submitted at the time of employment. Changes in, or additions to, the information contained in such statement (except changes in employment) shall be reported in a supplementary statement at the end of the quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes or additions in a quarter,

a negative report is not required. However, changes in employment shall be reported immediately as they may occur.

§ 100.735-26 Reviewing statements of financial interests.

(a) A designee of the agency head shall review the statements required by §§ 100.735-24 and 100.735-25 to determine whether there exists a conflict, or appearance of conflict, between the interests of the employee or special Government employee concerned and the performance of his service for the Government. If the designee determines that such a conflict or appearance of conflict exists, he shall provide the employee with an opportunity to explain the conflict or appearance of conflict. If he concludes that remedial action should be taken, he shall refer the statement to the agency head, through the Counselor for the agency designated pursuant to § 100.735-6, with his recommendation for such action. The agency head, after consideration of the employee's explanation and such investigation as he deems appropriate, shall direct appropriate remedial action if he deems it necessary.

(b) Remedial action pursuant to paragraph (a) of this section may include, but is not limited to:

- (1) Changes in assigned duties.
- (2) Divestment by the employee of his conflicting interest.
- (3) Disqualification for a particular action.
- (4) Exemption pursuant to paragraph (b) of § 100.735-9 or paragraph (d) of § 100.735-12.
- (5) Disciplinary action.

§ 100.735-27 Supplemental regulations or instructions.

An agency head may issue supplemental and implementing regulations or instructions not inconsistent with this subpart as necessary to carry out the full purpose and intent of Executive Order 11222 and this subpart as may be required by the particular circumstances of his agency. Such regulations or instructions may include, but are not limited to, delegations of any authority allowed by law pertaining to the functions placed upon the agency head by this subpart. Such regulations or instructions must be made available to employees and special Government employees in the same manner as this subpart (see § 100.735-5).

Subpart B—Special Counsel for

§ 100.735-31 Members, committees, commissions, and boards.

(a) This section shall apply to any time member of a commission, appeal board, or other body (referred to in this subpart as "body")

(b) When the Commission determines that the responsibilities of a member of a commission, board, or other body are inconsistent with the policy set forth in Executive Order 11222, the member should submit a statement of employment and financial interests to the Commission. The Commission shall request each Member to submit such a statement to the Civil Service Commission.

(c) A statement of financial interests required by this section shall be submitted to the Commission 30 days after the date of the request therefor, or to the President, if the request therefor is made to date by submission of any changes

**Subpart B—Special Procedures;
Counsel to the President**

§ 100.735-31 Members of part-time committees, boards, and commissions.

(a) This section applies to each part-time member of a committee, board, or commission appointed by the President (referred to in this section as a Member).

(b) When the Counsel to the President determines that the functions and responsibilities of a committee, board, or commission are such that consistent with the policy and purpose of Executive Order 11222 the Members thereof should submit statements of employment and financial interests, he shall request each Member thereof to submit such a statement to the Chairman of the Civil Service Commission.

(c) A statement of employment and financial interests required under this section shall be submitted not later than 30 days after the Member's receipt of the request therefor from the Counsel to the President, and shall be kept up to date by submission of amended statements of any changes in or additions to,

the information required to be included in the original statement, on a quarterly basis. The statement shall be submitted in the format prescribed by the Chairman of the Civil Service Commission.

(d) The Chairman of the Civil Service Commission shall review each statement of employment and financial interests and any amendment thereto submitted under this section and shall report to the Counsel to the President any information contained in a statement which may indicate a conflict between the financial interests of the Member concerned and the performance of his services for the Government.

§ 100.735-32 Special delegation of authority to the Counsel to the President.

The authority of the President under sections 205 and 208(b) of Title 18, United States Code, to permit certain actions by an officer or employee of the Government, including a special Government employee, for appointment to whose position the President is responsible, reserved to the President by section 505 (c) of Executive Order 11222, is delegated to the Counsel to the President.

88th Congress }
1st Session }

COMMITTEE PRINT

CONFLICT OF INTEREST

DEPARTMENT OF JUSTICE MEMORANDUM ANALYZING PROVISIONS OF PUBLIC LAW 87-849, "TO STRENGTHEN THE CRIMINAL LAWS RELATING TO BRIBERY, GRAFT, AND CONFLICTS OF INTEREST, AND FOR OTHER PURPOSES"; APPROVED BY THE PRESIDENT OCTOBER 23, 1962, EFFECTIVE AS OF JANUARY 21, 1963

COMPILED BY THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
EIGHTY-EIGHTH CONGRESS
FIRST SESSION



MARCH 1, 1963

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FOREWORD

In the 87th Congress, the Congress enacted, and the President signed, legislation dealing with conflicts of interest and bribery. This comprehensive legislation, insofar as the conflicts of interest laws are concerned, simplified and strengthened existing conflict of interest laws. It, also in the interest of facilitating the Government's recruitment of persons with specialized knowledge and skills for service on a part-time basis, limited the impact of those laws on the persons so employed without depriving the Government of protection against unethical conduct on their part. Further, the legislation consolidated the bribery statutes and brought them up to date.

Because of the changes made in existing law, and its far-reaching effects on Federal employees, both past, present, and prospective, I believe it most important that the new law, together with the Attorney General's memorandum, be available for public information.

JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate.

[PUBLIC LAW 87-849]

[87TH CONGRESS—H.R. 8140]

[October 23, 1962]

AN ACT To strengthen the criminal laws relating to bribery, graft, and conflicts of interest, and for other purposes. 78 Stat. 1119.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) so much of chapter 11 of title 18 of the United States Code as precedes section 214 is amended to read as follows:

Bribery, graft, and conflicts of interest. 18 U.S.C. 201 et seq.

“CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

“Sec.

- “201. Bribery of public officials and witnesses.
- “202. Definitions.
- “203. Compensation of Members of Congress, officers and others, in matters affecting the Government.
- “204. Practice in Court of Claims by Members of Congress.
- “205. Activities of officers and employees in claims against and other matters affecting the Government.
- “206. Exemption of retired officers of the uniformed services.
- “207. Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners.
- “208. Acts affecting a personal financial interest.
- “209. Salary of Government officials and employees payable only by United States.
- “210. Offer to procure appointive public office.
- “211. Acceptance or solicitation to obtain appointive public office.
- “212. Offer of loan or gratuity to bank examiner.
- “213. Acceptance of loan or gratuity by bank examiner.
- “214. Offer for procurement of Federal Reserve bank loan and discount of commercial paper.
- “215. Receipt of commissions or gifts for procuring loans.
- “216. Receipt or charge of commissions or gifts for farm loan, land bank, or small business transactions.
- “217. Acceptance of consideration for adjustment of farm indebtedness.
- “218. Voiding transactions in violation of chapter; recovery by the United States.

“§ 201. Bribery of public officials and witnesses

“(a) For the purpose of this section:

“ ‘public official’ means Member of Congress, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror; and

Definitions.’

CONFLICT OF INTEREST

“‘person who has been selected to be a public official’ means any person who has been nominated or appointed to be a public official, or has been officially informed that he will be so nominated or appointed; and

“‘official act’ means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in his official capacity, or in his place of trust or profit.

“(b) Whoever, directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent—

“(1) to influence any official act; or

“(2) to influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

“(3) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of his lawful duty, or

“(c) Whoever, being a public official or person selected to be a public official, directly or indirectly corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity, in return for:

“(1) being influenced in his performance of any official act; or

“(2) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

“(3) being induced to do or omit to do any act in violation of his official duty; or

“(d) Whoever, directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or offers or promises such person to give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or with intent to influence such person to absent himself therefrom; or

“(e) Whoever, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for

any other person or entity in return for being influenced in his testimony under oath or affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absenting himself therefrom—

“Shall be fined not more than \$20,000 or three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

“(f) Whoever, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official; or

“(g) Whoever, being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of any official act performed or to be performed by him; or

“(h) Whoever, directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or for or because of his absence therefrom; or

“(i) Whoever, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of the testimony under oath or affirmation given or to be given by him as a witness upon any such trial, hearing, or other proceeding, or for or because of his absence therefrom—

“Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

“(j) Subsections (d), (e), (h), and (i) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing, or proceeding, or, in the case of expert witnesses, involving a technical or professional opinion, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

62 Stat. 769.

“(k) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title.

“§ 202. Definitions

“(a) For the purpose of sections 203, 205, 207, 208, and 209 of this title the term ‘special Government employee’ shall mean an officer or employee of the executive or legislative branch of the United States Government, of any independent agency of the United States or of the District of Columbia, who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis, or a part-time United States Commissioner. Notwithstanding the next preceding sentence, every person serving as a part-time local representative or a Member of Congress in the Member’s home district of State shall be classified as a special Government employee. Notwithstanding section 29 (c) and (d) of the Act of August 10, 1956 (70A Stat. 632; 5 U.S.C. 30r (c) and (d)), a Reserve officer of the Armed Forces, or an officer of the National Guard of the United States, unless otherwise an officer or employee of the United States, shall be classified as a special Government employee while on active duty solely for training. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is voluntarily serving a period of extended active duty in excess of one hundred and thirty days shall be classified as an officer of the United States within the meaning of section 203 and sections 205 through 209 and 218. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is serving involuntarily shall be classified as a special Government employee. The terms ‘officer or employee’ and ‘special Government employee’ as used in sections 203, 205, 207 through 209, and 218, shall not include enlisted members of the Armed Forces.

“(b) For the purposes of sections 205 and 207 of this title, the term ‘official responsibility’ means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action.

“§ 203. Compensation to Members of Congress, officers, and others in matters affecting the Government

“(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for any services rendered or to be rendered either by himself or another—

“(1) at a time when he is a Member of Congress’ Member of Congress Elect, Resident Commissioner, or Resident Commissioner Elect; or

“(2) at a time when he is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia,

in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court-martial, officer, or any civil, military, or naval commission, or

“(h) Whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Commissioner, officer, or employee—

“Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

“(c) A special Government employee shall be subject to subsection (a) only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

“§ 204. Practice in Court of Claims by Members of Congress

“Whoever, being a Member of Congress, Member of Congress Elect, Resident Commissioner, or Resident Commissioner Elect, practices in the Court of Claims, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both, and shall be incapable of holding any office of honor, trust, or profit under the United States.

“§ 205. Activities of officers and employees in claims against and other matters affecting the Government

“Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, including the District of Columbia, otherwise than in the proper discharge of his official duties—

“(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, or

“(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest—

“Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both

“A special Government employee shall be subject to the preceding paragraphs only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided*, That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

“Nothing herein prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

“Nothing herein or in section 203 prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, dis-

approval, recommendation, the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, provided that the Government official responsible for appointment to his position approves.

"Nothing herein or in section 203 prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires.

"Such certification shall be published in the Federal Register. Publication in
F.R.

"Nothing herein prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

"§ 206. Exemption of retired officers of the uniformed services

"Sections 203 and 205 of this title shall not apply to a retired officer of the uniformed services of the United States while not on active duty and not otherwise an officer or employee of the United States, or to any person specially excepted by Act of Congress.

"§ 207. Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners

"(a) Whoever, having been an officer or employee of the executive branch of the United States Government of any independent agency of the United States, or of the District of Columbia, including a special Government employee, after his employment has ceased, knowingly acts as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed, or

"(b) Whoever, having been so employed, within one year after his employment has ceased, appears personally before any court or department or agency of the Government as agent, or attorney for, anyone other than the United States in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or

other particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested, and which was under his official responsibility as an officer or employee of the Government at any time within a period of one year prior to the termination of such responsibility—

“Shall be fined not more than \$10,000 or imprisoned for not more than two years, or both: *Provided*, That nothing in subsection (a) of (b) prevents a former officer or employee, including a former special Government employee, with outstanding scientific or technological qualifications from acting as attorney or agent or appearing personally in connection with a particular matter in a scientific or technological field if the head of the department or agency concerned with the matter shall make a certification in writing, published in the Federal Register, that the national interest would be served by such action or appearance by the former officer or employee.

Publication in
F.R.

“(c) Whoever, being a partner of an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, acts as agent or attorney for anyone other than the United States, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest and in which such officer or employee of the Government or special Government employee participates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility—

“Shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

“A partner of a present or former officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia or of a present or former special Government employee shall as such be subject to the provisions of sections 203, 205, and 207 of this title only as expressly provided in subsection (c) of this section.

“§ 208. Acts affecting a personal financial interest

“(a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, including a special Government employee, participates personally and substantially as a Government officer or employee, through decision, approval,

disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest—

“Shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

“(b) Subsection (a) hereof shall not apply (1) if the officer or employee first advises the Government official responsible for appointment to his position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee, or (2), if, by general rule or regulation published in the Federal Register, the financial interest has been exempted from the requirements of clause (1) hereof as being too remote or too inconsequential to affect the integrity of Government officers' or employees' services.

Publication in
F.R.

“§ 209. Salary of Government officials and employees payable only by United States

“(a) Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

“Whoever, whether an individual, partnership, association, corporation, or other organization pays, or makes any contribution to, or in any way supplements the salary of, any such officer or employee under circumstances which would make its receipt a violation of this subsection—

“Shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

“(b) Nothing herein prevents an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States, or of the District of Columbia, from continuing to participate in a bona fide pension, retirement, group life,

health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer.

Exception.

“(c) This section does not apply to a special Government employee or to an officer or employee of the Government serving without compensation, whether or not he is a special Government employee, or to any person paying, contributing to, or supplementing his salary as such.

“(d) This section does not prohibit payment or acceptance of contributions, awards, or other expenses under the terms of the Government Employees Training Act (Public Law 85-507, 72 Stat. 327; 5 U.S.C. 2301-2319, July 7, 1958).”

(b) Sections 214 and 215 of chapter 11 of title 18 of the United States Code are respectively redesignated sections 210 and 211;

Repeal.

(c) Sections 216 and 223 of chapter 11 of title 18 of the United States Code are repealed;

(d) Sections 217, 218, 219, 220, 221, and 222 of chapter 11 of title 18 of the United States Code are respectively redesignated sections 212, 213, 214, 215, 216, and 217;

18 U.S.C. 201
et seq.

(e) Chapter 11 of title 18 of the United States Code is further amended by adding at the end thereof the following new section:

“§ 218. Voiding transactions in violation of chapter; recovery by the United States

“In addition to any other remedies provided by law the President or, under regulations prescribed by him, the head of any department or agency involved, may declare void and rescind any contract, loan, grant, subsidy, license, right, permit, franchise, use, authority, privilege, benefit, certificate, ruling, decision, opinion, or rate schedule awarded, granted, paid, furnished, or published, or the performance of any service or transfer or delivery of any thing to, by or for any agency of the United States or officer or employee of the United States or person acting on behalf thereof, in relation to which there has been a final conviction for any violation of this chapter, and the United States shall be entitled to recover in addition to any penalty prescribed by law or in a contract the amount expended or the thing transferred or delivered on its behalf, or the reasonable value thereof.”

Repeal.

SEC. 2. Sections 281 and 283 (except as they may apply to retired officers of the armed forces of the United States), 282 and 284 of chapter 15 of title 18, section 434 of chapter 23 of title 18, and section 1914 of chapter 93 of title 18 of the United States Code are repealed and will, respectively, be supplanted by sections 203, 205, 204, 207, 208, and 209 of title 18 of the United States Code as set forth in section 1 of this Act. All exemptions

Exemptions.

from the provisions of sections 281, 282, 283, 284, 434, or 1914 of title 18 of the United States Code heretofore created or authorized by statute which are in force on the effective date of this Act shall, on and after that date, be deemed to be exemptions from sections 203, 204, 205, 207, 208, or 209, respectively, of title 18 of the United States Code except to the extent that they affect officers or employees of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, as to whom they are no longer applicable.

SEC. 3. Section 190 of the Revised Statutes (5 U.S.C. 99) is repealed. Repeal.

SEC. 4. This Act shall take effect ninety days after Effective date. the date of its enactment.

Approved October 23, 1962.

**Memorandum re the Conflict of Interest Provisions of
Public Law 87-849, 76 Stat. 1119, Approved October 23,
1962**

INTRODUCTION

Public Law 87-849, which came into force January 21, 1963, affected seven statutes which applied to officers and employees of the Government and were generally spoken of as the "conflict of interest" laws. These included six sections of the criminal code, 18 U.S.C. 216, 281, 283, 284, 434, and 1914, and a statute containing no penalties, section 190 of the Revised Statutes (5 U.S.C. 99). Public Law 87-849 (sometimes referred to hereinafter as "the Act") repealed section 190 and one of the criminal statutes, 18 U.S.C. 216, without replacing them.¹ In addition it repealed and supplanted the other five criminal statutes. It is the purpose of this memorandum to summarize the new law and to describe the principal differences between it and the legislation it has replaced.

The Act accomplished its revisions by enacting new sections 203, 205, 207, 208, and 209 of title 18 of the United States Code and providing that they supplant the above-mentioned sections 281, 283, 284, 434, and 1914 of title 18, respectively.² It will be convenient, therefore, after summarizing the principal provisions of the new sections, to examine each section separately, comparing it with its precursor before passing to the next. First of all, however, it is necessary to describe the background and provisions of the new 18 U.S.C. 202(a), which has no counterpart among the statutes formerly in effect.

SPECIAL GOVERNMENT EMPLOYEES—NEW 18 U.S.C. 202(a)

In the main the prior conflict of interest laws imposed the same restrictions on individuals who serve the Government intermittently or for a short period of time as on those who serve full time. The consequences of this generalized treatment were pointed out in the following paragraph of the Senate Judiciary Committee report on the bill which became Public Law 87-849:³

In considering the application of present law in relation to the Government's utilization of temporary or intermittent consultants and advisers, it must be

¹ Sec. 190 of the Revised Statutes (5 U.S.C. 99), which was repealed by sec. 3 of Public Law 87-849, applied to a former officer or employee of the Government who had served in a department of the executive branch. It prohibited him, for a period of 2 years after his employment had ceased, from representing anyone in the prosecution of a claim against the United States which was pending in that or any other executive department during his period of employment. The subject of postemployment activities of former Government officers and employees was also dealt with in another statute which was repealed, 18 U.S.C. 284, Public Law 87-849 covers the subject in a single section enacted as the new 18 U.S.C. 207.

² 18 U.S.C. 216, which was repealed by sec. 1(c) of Public Law 87-849, prohibited the payment to or acceptance by a Member of Congress or officer or employee of the Government of any money or thing of value for giving or procuring a Government contract. Since this offense is within the scope of the newly enacted 18 U.S.C. 201 and 18 U.S.C. 203, relating to bribery and conflicts of interest, respectively, sec. 216 is no longer necessary.

³ See sec. 2 of Public Law 87-849. 18 U.S.C. 281 and 18 U.S.C. 283 were not completely set aside by sec. 2 but remain in effect to the extent that they apply to retired officers of the Armed Forces (see p. 11, *infra*).

⁴ S. Rept. 2213, 87th Cong., 2d sess., p. 6.

emphasized that most of the existing conflict-of-interest statutes were enacted in the 19th century—that is, at a time when persons outside the Government rarely served it in this way. The laws were therefore directed at activities of regular Government employees, and their present impact on the occasionally needed experts—those whose main work is performed outside the Government—is unduly severe. This harsh impact constitutes an appreciable deterrent to the Government's obtaining needed part-time services.

The recruiting problem noted by the committee generated a major part of the impetus for the enactment of Public Law 87-849. The Act dealt with the problem by creating a category of Government employees termed "special Government employees" and by excepting persons in this category from certain of the prohibitions imposed on ordinary employees. The new 18 U.S.C. 202(a) defines the term "special Government employee" to include, among others, officers and employees of the departments and agencies who are appointed or employed to serve, with or without compensation, for not more than 130 days during any period of 365 consecutive days either on a full-time or intermittent basis.

SUMMARY OF THE MAIN CONFLICT OF INTEREST PROVISIONS OF
PUBLIC LAW 87-849

A regular officer or employee of the Government—that is, one appointed or employed to serve more than 130 days in any period of 365 days—is in general subject to the following major prohibitions (the citations are to the new sections of title 18):

1. He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

2. He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate, or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208).

3. He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

4. He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility⁴ during the last year of his Government service (18 U.S.C. 207(b)). This temporary restraint, of course, gives way to the permanent restraint described in paragraph 3 if the matter is one in which he participated personally and substantially.

5. He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209).

⁴The term "official responsibility" is defined by the new 18 U.S.C. 207(b) to mean "the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action."

A special Government employee is in general subject only to the following major prohibitions:

1. (a) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205).

(b) He may not, except in the discharge of his official duties, represent anyone else in a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

The restrictions described in subparagraphs (a) and (b) apply to both paid and unpaid representation of another. These restrictions in combination are, of course, less extensive than the one described in the corresponding paragraph 1 in the list set forth above with regard to regular employees.

2. He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate, or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208).

3. He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

4. He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). This temporary restraint, of course, gives way to the permanent restriction described in paragraph 3 if the matter is one in which he participated personally and substantially.

It will be seen that paragraphs 2, 3, and 4 for special Government employees are the same as the corresponding paragraphs for regular employees. Paragraph 5 for the latter, describing the bar against the receipt of salary for Government work from a private source, does not apply to special Government employees.

As appears below, there are a number of exceptions to the prohibitions summarized in the two lists.

COMPARISON OF OLD AND NEW CONFLICT OF INTEREST SECTIONS OF
TITLE 18, UNITED STATES CODE

New 18 U.S.C. 203

Subsection (a) of this section in general prohibits a Member of Congress and an officer or employee of the United States in any branch or agency of the Government from soliciting or receiving compensation for services rendered on behalf of another person before a Government department or agency in relation to any particular matter in which the United States is a party or has a direct and substantial interest. The subsection does not preclude compensation for services rendered on behalf of another in court.

Subsection (a) is essentially a rewrite of the repealed portion of 18 U.S.C. 281. However, subsections (b) and (c) have no counterparts in the previous statutes.

Subsection (b) makes it unlawful for anyone to offer or pay compensation the solicitation or receipt of which is barred by subsection (a).

Subsection (c) narrows the application of subsection (a) in the case of a person serving as a special Government employee to two, and only two, situations. First, subsection (c) bars him from rendering services before the Government on behalf of others, for compensation, in relation to a matter involving a specific party or parties in which he has participated personally and substantially in the course of his Government duties. And, second, it bars him from such activities in relation to a matter involving a specific party or parties, even though he has not participated in the matter personally and substantially, if it is pending in his department or agency and he has served therein more than 60 days in the immediately preceding period of a year.

New 18 U.S.C. 205

This section contains two major prohibitions. The first prevents an officer or employee of the United States in any branch or agency of the Government from acting as agent or attorney for prosecuting any claim against the United States, including a claim in court, whether for compensation or not. It also prevents him from receiving a gratuity, or a share or interest in any such claim, for assistance in the prosecution thereof. This portion of section 205 is similar to the repealed portion of 18 U.S.C. 283, which dealt only with claims against the United States, but it omits a bar contained in the latter—i.e., a bar against rendering uncompensated aid or assistance in the prosecution or support of a claim against the United States.

The second main prohibition of section 205 is concerned with more than claims. It precludes an officer or employee of the Government from acting as agent or attorney for anyone else before a department, agency, or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest.

Section 205 provides for the same limited application to a special Government employee as section 203. In short, it precludes him from acting as agent or attorney only (1) in a matter involving a specific party or parties in which he has participated personally and substantially in his governmental capacity, and (2) in a matter involving a specific party or parties which is before his department or agency, if he has served therein more than 60 days in the year past.

Since new sections 203 and 205 extend to activities in the same range of matters, they overlap to a greater extent than did their predecessor sections 281 and 280. The following are the few important differences between sections 203 and 205:

1. Section 203 applies to Members of Congress, as well as officers and employees of the Government; section 205 applies only to the latter.
2. Section 203 bars services rendered for compensation solicited or received, but not those rendered without such compensation; section 205 bars both kinds of services.

3. Section 203 bars services rendered before the departments and agencies but not services rendered in court; section 205 bars both.

It will be seen that while section 203 is controlling as to Members of Congress, for all practical purposes section 205 completely overshadows section 203 in respect of officers and employees of the Government.

Section 205 permits a Government officer or employee to represent another person, without compensation, in a disciplinary, loyalty, or other personnel matter. Another provision declares that the section does not prevent an officer or employee from giving testimony under oath or making statements required to be made under penalty for perjury or contempt.⁵

Section 205 also authorizes a limited waiver of its restrictions and those of section 203 for the benefit of an officer or employee, including a special Government employee, who represents his own parents, spouse or child, or a person or estate he serves as a fiduciary. The waiver is available to the officer or employee, whether acting for any such person with or without compensation, but only if approved by the official making appointments to his position. And in no event does the waiver extend to his representation of any such person in matters in which he has participated personally and substantially or which, even in the absence of such participation, are the subject of his official responsibility.

Finally, section 205 gives the head of a department or agency the power, notwithstanding any applicable restrictions in its provisions or those of section 203, to allow a special Government employee to represent his regular employer or other outside organization in the performance of work under a Government grant or contract. However, this action is open to the department or agency head only upon his certification, published in the Federal Register, that the national interest requires it.

New 18 U.S.C. 207

Subsections (a) and (b) of this section contain postemployment prohibitions applicable to persons who have ended service as officers or employees of the executive branch, the independent agencies, or the District of Columbia.⁶ The prohibitions for persons who have served as special Government employees are the same as for persons who have performed regular duties.

The restraint of subsection (a) is against a former officer or employee's acting as agent or attorney for anyone other than the United States in connection with certain matters, whether pending in the courts or elsewhere. The matters are those involving a specific party or parties in which the United States is one of the parties or has a direct and substantial interest and in which the former officer or employee participated personally and substantially while holding a Government position.

⁵ These two provisions of sec. 205 refer to an "officer or employee" and not, as do certain of the other provisions of the Act, to an "officer or employee, including a special Government employee." However, it is plain from the definition in sec. 202(a) that a special Government employee is embraced within the comprehensive term "officer or employee." There would seem to be little doubt, therefore, that the instant provisions of sec. 205 apply to special Government employees even in the absence of an explicit reference to them.

⁶ The prohibitions of the two subsections apply to persons ending service in these areas whether they leave the Government entirely or move to the legislative or judicial branch. As a practical matter, however, the prohibitions would rarely be significant in the latter situation because officers and employees of the legislative and judicial branches are covered by secs. 203 and 205.

Subsection (b) sets forth a 1-year postemployment prohibition in respect of those matters which were within the area of official responsibility of a former officer or employee at any time during the last year of his service but which do not come within subsection (a) because he did not participate in them personally and substantially. More particularly, the prohibition of subsection (b) prevents his personal appearance in such matters before a court or a department or agency of the Government as agent or attorney for anyone other than the United States.⁷ Where, in the year prior to the end of his service, a former officer or employee has changed areas of responsibility by transferring from one agency to another, the period of his postemployment ineligibility as to matters in a particular area ends 1 year after his responsibility for that area ends. For example, if an individual transfers from a supervisory position in the Internal Revenue Service to a supervisory position in the Post Office Department and leaves that Department for private employment 9 months later, he will be free of the restriction of subsection (b) in 3 months insofar as Internal Revenue matters are concerned. He will, of course, be bound by it for a year in respect of Post Office Department matters.

The proviso following subsections (a) and (b) authorizes an agency head, notwithstanding anything to the contrary in their provisions, to permit a former officer or employee with outstanding scientific qualifications to act as attorney or agent or appear personally before the agency for another in a matter in a scientific field. This authority may be exercised by the agency head upon a "national interest" certification published in the Federal Register.

Subsections (a) and (b) describe the activities they forbid as being in connection with "particular matter[s] involving a specific party or parties" in which the former officer or employee had participated. The quoted language does not include general rulemaking, the formulation of general policy or standards, or other similar matters. Thus, past participation in or official responsibility for a matter of this kind on behalf of the Government does not disqualify a former employee from representing another person in a proceeding which is governed by the rule or other result of such matter.

Subsection (a) bars permanently a greater variety of actions than subsection (b) bars temporarily. The conduct made unlawful by the former is *any action as agent or attorney*. While that made unlawful by the latter is a *personal appearance as agent or attorney*. However, neither subsection precludes postemployment activities which may fairly be characterized as no more than aiding or assisting another.⁸ An individual who has left an agency to accept private employment may, for example, immediately perform technical work in his company's plant in relation to a contract for which he had official responsibility—or, for that matter, in relation to one he helped the

⁷ Neither sec. 203 nor sec. 205 prevents a special Government employee, during his period of affiliation with the Government, from representing another person before the Government in a particular matter only because it is within his official responsibility. Therefore the inclusion of a *former* special Government employee within the 1-year postemployment ban of subsec. (b) may subject him to a temporary restraint from which he was free prior to the end of his Government service. However, since special Government employees usually do not have "official responsibility," as that term is defined in sec. 202(b), their inclusion within the 1-year ban will not have a widespread effect.

⁸ Subsec. (a), as it first appeared in H. R. 8149, the bill which became Public Law 87-819, made it unlawful for a former officer or employee to act as agent or attorney for, or *aid or assist*, anyone in a matter in which he had participated. The House Judiciary Committee struck the italicized words, and the bill became law without them. It should be noted also that the repealed provisions of 18 U.S.C. 283 made the distinction between one's acting as agent or attorney for another and his aiding or assisting another.

agency negotiate. On the other hand, he is forbidden for a year, in the first case, to appear personally before the agency as the agent or attorney of his company in connection with a dispute over the terms of the contract. And he may at no time appear personally before the agency or otherwise act as agent or attorney for his company in such dispute if he helped negotiate the contract.

Comparing subsection (a) with the antecedent 18 U.S.C. 284 discloses that it follows the latter in limiting disqualification to cases where a former officer or employee actually participated in a matter for the Government. However, subsection (a) covers all matters in which the United States is a party or has a direct and substantial interest and not merely the "claims against the United States" covered by 18 U.S.C. 284. Subsection (a) also goes further than the latter in imposing a lifetime instead of a 2-year bar. Subsection (b) has no parallel in 18 U.S.C. 284 or any other provision of the former conflict of interest statutes.

It will be seen that subsections (a) and (b) in combination are less restrictive in some respects, and more restrictive in others, than the combination of the prior 18 U.S.C. 284 and 5 U.S.C. 99. Thus, former officers or employees who were outside the Government when the Act came into force on January 21, 1963, will in certain situations be enabled to carry on activities before the Government which were previously barred. For example, the repeal of 5 U.S.C. 99 permits an attorney who left an executive department for private practice a year before to take certain cases against the Government immediately which would be subject to the bar of 5 U.S.C. 99 for another year. On the other hand, former officers or employees became precluded on and after January 21, 1963, from engaging or continuing to engage in activities which were permissible until that date. This result follows from the replacement of the 2-year bar of 18 U.S.C. 284 with the lifetime bar of subsection (a) in comparable situations, from the increase in the variety of matters covered by subsection (a) as compared with 18 U.S.C. 284, and from the introduction of the 1-year bar of subsection (b).

Subsection (c) of section 207 pertains to an individual outside the Government who is in a business or professional partnership with someone serving in the executive branch, an independent agency, or the District of Columbia. The subsection prevents such individual from acting as attorney or agent for anyone other than the United States in any matters, including those in court, in which his partner in the Government is participating or has participated or which are the subject of his partner's official responsibility. Although included in a section dealing largely with postemployment activities, this provision is not directed to the postemployment situation.

The paragraph at the end of section 207 also pertains to individuals in a partnership but sets forth no prohibition. This paragraph, which is of importance mainly to lawyers in private practice, rules out the possibility that an individual will be deemed subject to section 203, 205, 207(a), or 207(b) solely because he has a partner who serves or has served in the Government either as a regular or a special Government employee.

New 18 U.S.C. 208

This section forbids certain actions by an officer or employee of the Government in his role as a servant or representative of the Government. Its thrust is therefore to be distinguished from that of sections 203 and 205 which forbids certain actions in his capacity as a representative of persons outside the Government.

Subsection (a) in substance requires an officer or employee of the executive branch, an independent agency, or the District of Columbia, including a special Government employee, to refrain from participating as such in any matter in which, to his knowledge, he, his spouse, minor child, or partner has a financial interest. He must also remove himself from a matter in which a business or nonprofit organization with which he is connected or is seeking employment has a financial interest.

Subsection (b) permits the agency of an officer or employee to grant him an ad hoc exemption from subsection (a) if the outside financial interest in a matter is deemed not substantial enough to have an effect on the integrity of his services. Financial interests of this kind may also be made nondisqualifying by a general regulation published in the Federal Register.

Section 208 is similar in purpose to the former 18 U.S.C. 434 but prohibits a greater variety of conduct than the "transaction of business with * * * [a] business entity" to which the prohibition of section 434 was limited. In addition, the provision in section 208 including the interests of a spouse and others is new, as is the provision authorizing exemptions for insignificant interests.

New 18 U.S.C. 209

Subsection (a) prevents an officer or employee of the executive branch, an independent agency, or the District of Columbia from receiving, and anyone from paying him, any salary or supplementation of salary from a private source as compensation for his services to the Government. This provision uses much of the language of the former 18 U.S.C. 1914 and does not vary from that statute in substance. The remainder of section 209 is new.

Subsection (b) specifically authorizes an officer or employee covered by subsection (a) to continue his participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer.

Subsection (c) provides that section 209 does not apply to a special Government employee or to anyone serving the Government without compensation, whether or not he is a special Government employee.

Subsection (d) provides that the section does not prohibit the payment or acceptance of contributions, awards, or other expenses under the terms of the Government Employees Training Act (72 Stat. 327, 5 U.S.C. 2301-2319).

STATUTORY EXEMPTIONS FROM CONFLICT OF INTEREST LAWS

Congress has in the past enacted statutes exempting persons in certain positions—usually advisory in nature—from the provisions of some or all of the former conflict of interest laws. Section 2 of the Act grants corresponding exemptions from the new laws with respect to legislative and judicial positions carrying such past exemptions.

However, section 2 excludes positions in the executive branch, an independent agency, and the District of Columbia from this grant. As a consequence, all statutory exemptions for persons serving in these sectors of the Government ended on January 21, 1963.

RETIRED OFFICERS OF THE ARMED FORCES

Public Law 87-849 enacted a new 18 U.S.C. 206 which provides in general that the new sections 203 and 205, replacing 18 U.S.C. 281 and 283, do not apply to retired officers of the Armed Forces and other uniformed services. However, 18 U.S.C. 281 and 283 contain special restrictions applicable to retired officers of the Armed Forces which are left in force by the partial repealer of those statutes set forth in section 2 of the Act.

The former 18 U.S.C. 284, which contained a 2-year disqualification against postemployment activities in connection with claims against the United States, applied by its terms to persons who had served as commissioned officers and whose active service had ceased either by reason of retirement or complete separation. Its replacement, the broader 18 U.S.C. 207, also applies to persons in those circumstances. Section 207, therefore, applies to retired officers of the Armed Forces and overlaps the continuing provisions of 18 U.S.C. 281 and 283 applicable to such officers although to a different extent than did 18 U.S.C. 284.

VOIDING TRANSACTIONS IN VIOLATION OF THE CONFLICT OF INTEREST OR BRIBERY LAWS

Public Law 87-849 enacted a new section, 18 U.S.C. 218, which did not supplant a preexisting section of the criminal code. However, it was modeled on the last sentence of the former 18 U.S.C. 216 authorizing the President to declare a Government contract void which was entered into in violation of that section. It will be recalled that section 216 was one of the two statutes repealed without replacement.

The new 18 U.S.C. 218 grants the President and, under Presidential regulations, an agency head the power to void and rescind any transactions or matter in relation to which there has been a "final conviction" for a violation of the conflict of interest or bribery laws. The section also authorizes the Government's recovery, in addition to any penalty prescribed by law or in a contract, of the amount expended or thing transferred on behalf of the Government.

Section 218 specifically provides that the powers it grants are "in addition to any other remedies provided by law." Accordingly, it would not seem to override the decision in *United States v. Mississippi Valley Generating Co.* (364 U.S. 520 (1961)), a case in which there was no "final conviction."

BIBLIOGRAPHY

Set forth below are the citations to the legislative history of Public Law 87-849 and a list of recent material which is pertinent to a study of the Act. The listed 1960 report of the Association of the Bar of the City of New York is particularly valuable. For a comprehensive

bibliography of earlier material relating to the conflict of interest laws, see 13 Record of the Association of the Bar of the City of New York 323 (May 1958).

Legislative history of Public Law 87-849 (H.R. 8140, 87th Cong.)

1. Hearings of June 1 and 2, 1961, before the Antitrust Subcommittee (Subcommittee No. 5) of the House Judiciary Committee, 87th Congress, 1st session, series 3, on *Federal Conflict of Interest Legislation*.
2. House Report 748, 87th Congress, 1st session.
3. 107 Congressional Record 14774.
4. Hearing of June 21, 1962, before the Senate Judiciary Committee, 87th Congress, 2d session, on *Conflicts of Interest*.
5. Senate Report 2213, 87th Congress, 2d session.
6. 108 Congressional Record 20805 and 21130 (daily edition, October 3 and 4, 1962).

Other material

1. President's special message to Congress, April 27, 1961, and attached draft bill, 107 Congressional Record 6835.
2. President's memorandum of February 9, 1962, to the heads of executive departments and agencies entitled "Preventing Conflicts of Interest on the Part of Advisers and Consultants to the Government," 27 F.R. 1341.
3. 42 Op. A. G. No. 6, January 31, 1962.
4. Memorandum of December 10, 1956, for the Attorney General from the Office of Legal Counsel re conflict of interest statutes, Hearings before the Antitrust Subcommittee (Subcommittee No. 5) of House Judiciary Committee, 86th Congress, 2d session, series 17, part 2, page 619.
5. Staff report of Antitrust Subcommittee (Subcommittee No. 5) of House Judiciary Committee, 85th Congress, 2d session, *Federal Conflict of Interest Legislation* (Committee Print 1958).
6. Report of the Association of the Bar of the City of New York, *Conflict of Interest and Federal Service* (Harvard University Press 1960).

2:10 pm EDT Arrive Lansing

2:45 Arrive Capital Steps

REMARKS BLP RN

3:10 Conclude remarks
Proceed to work

3:15 Arrive Room

MEETING GOV DUNN
(30 min)

Tuesday 8/20

(1)

8²⁵ - Depart hotel -
WALK

8³⁰ Arrive Capitol
Mtg w/ Gov. Rhodes

9³⁰ To ? for press
statement

10⁰⁰ Depart Capitol
Motorcade

10³⁰ Arrive airport

10⁵⁰ Takeoff -

11⁵⁰
EDT Ar. Harrisburg

CHICK
CUDLIP

Darryl
Butcher

12⁰⁵ Depart airport

12³⁰ Arrive Capitol Steps
MIKE

1⁰⁰ Governor's office
2nd floor

1⁴⁰ Wm Scranton

2⁰⁰ To Governor's Reception Rm - 2^d Fl.

2³⁰ Return to Gov. office

2⁵⁰ Depart Cap. Tol

3¹⁰ Arrive airport

3³⁰ Takeoff -

4⁰⁰ Land National A/P

4¹⁵ Staff to Marriott
RN to Walter Reed

6³⁰ RN returns

6⁴⁵ Takeoff

7⁴⁵ Ar LaGuardia

Press Rm - P@Somar Rm
Lounge - Lee Rm

SUNDAY 8-18-68 (1)

3⁴⁰/_P - Depart Hotel

3⁵⁵ - Ar. Airport 4⁰⁵

PDT 4⁰⁵ wheels up 4²⁷

CDT
Bill
Eudlip
Spencer Schedler

9:30 pm Ar Springfield (Gate 6)

10:00 Depart for Ramada
Inn

10³⁰/_P Ar Ramada
(Room 110)

MONDAY AM

(2)

- Baggage Call
8⁴⁵/_A = Depart Ramada

9⁰⁰ Ar. Capital Bldg. -
west (Spring St.) side
up steps (mike avail.)

9³⁰ To Speaker's Suite

9³⁵ To House Chamber
(200 Statewide leaders)

10¹⁰ End meeting
To Speaker's Suite
Ogilvie meeting

10³⁵ To Senate Chamber

10⁴⁰ Press Statement

11¹⁰ Depart

11¹⁵ Ar. Lincoln's Tomb
wresth

(11²⁵) Depart (11⁴⁵) Airport

MONDAY - (PM) (3)

12⁰⁵_{NOON} - Depart Springfield
CDT airport

2¹⁰_P EDT AR. LANSING A/P

ED MORGAN Romney greets

John Brown

2³⁰_P Depart A/P - ADVANCE CAR
RN - Romney

2⁴⁵_P - Arrive Capitol -

To 2 steps above 1st landing
3¹⁰_P (WET: Rotunda) - Mike -

3¹⁵ - 4¹⁵ Mts w/ Romney - his office

4¹⁵ - SENATE CHAMBER - Press -

4⁵⁰_P OR EARLIER - Depart Capitol

5¹⁵_P - AR. Airport

5³⁰ Takeoff -

6⁰⁰_{EDT} Arrive Detroit Metropol.

6¹⁵_P - Depart Airport

over

6⁴⁵_P - Arrive Cobo Hall (4)
To Room for Receptn

7⁰⁰ To Ball Room

7⁴⁵_P - Depart Cobo Hall

8¹⁵_P Arrive Airport -

8³⁰_P Takeoff

9¹⁵_{EDT} Arrive Columbus, O.

HUB ORR
(Geo. Lawrence)

Airport Greeting

9⁴⁵_P - Depart A/P

10¹⁵ - Arrive Sheraton

RN to 2nd floor -
meeting: SATURN RM.
(440 leaders)

10⁴⁵ to room -

DETAIL STAFF SCHEDULE

RICHARD M. NIXON

(for staff use only)

SUNDAY, AUGUST 18 - TUESDAY, AUGUST 20, 1968

SCHEDULE
I-B

SUNDAY, AUGUST 18, 1968 - San Diego, California-Springfield, Illinois

STAFF SCHEDULE

2:00 p.m. Bill Codus Baggage call - Bahia Hotel and Catamaran

2:30 p.m. Baggage departs for airport from Bahia and Catamaran separately

3:00 p.m. Baggage arrives airport

3:15 p.m. Staff departs from Bahia Hotel enroute San Diego Airport

3:45 p.m. Staff arrives airport and boards 727 United Airlines charter
Await RN arrival at 3:55

RN-PRESS SCHEDULE

3:40 p.m. RN and press buses depart Bahia Hotel enroute San Diego airport
ADVANCE CAR with Codus and Ehrlichman
LEAD CAR with SS and Chapin
Car #1 - RN
Car #2 - Security
Car #3 - Wire Service Car
Press buses follow

3:55 p.m. Arrive San Diego airport and board United 727 charter
Staff already on board

4:05 p.m. PDT Depart San Diego enroute Springfield, Illinois
Flying time: 3:25 - dinner served on board

9:30 p.m. CDT Arrive Capitol Airport, Springfield, Illinois - Gate #6
Bill Cudlip Manager: Arthur Quaid (217) 528-7551
Spencer Schedler Assistant manager: James Dunbar

Greeting Committee:
Ray Page, Downstate Illinois Nixon Chairman
Meredith Rule, Page's assistant
Harry Page, Page's brother
Vic Smith, GOP State Chairman

10:00 p.m. Depart airport enroute Ramada Inn
ADVANCE CAR: Marked police car with Ehrlichman and Cudlip
and Schedler
LEAD CAR: Secret Service, Chapin
Car #1 - RN, Vic Smith
Car #2 - Security
Car #3 - Wire Service Car
3 press buses
Follow-up Security Car

AUGUST 18, 1968 (continued) - Springfield, Illinois

10:30 p.m.

Arrive Ramada Inn, Springfield, Illinois
3751 South Sixth Street (217) 529-5511
Manager and contact: Teake Kilmer

Room assignments to be made by Cudlip upon arrival

Working press room: Heritage Room - with phones, TV monitor,
Western Union runner

Staff hospitality room: Gunboat Room

Staff office to be assigned by Cudlip upon arrival

Overnight

Tour office - L. U.'s room
Typewriter -

Rally: Dave Lungren -

7:00-8:15 a.m. Breakfast buffet available for press and staff in Heritage and Gunboat Rooms

8:45 a.m. Depart Ramada Inn enroute State Capitol

NOTE: Baggage/call Press and any staff going to Capitol should have their baggage in the lobby by this time.

Ogilvie to room - ?

ADVANCE CAR: Ehrlichman, Cudlip, Schedler
LEAD CAR: Secret Service, Chapin
Car #1 - RN, Dick Ogilvie, candidate for Governor
Car #2 - Security
Car #3 - Wire Service Car
2 press buses (1 bus remains behind for staff)
Follow-up security car

elav. RN DC Duncan Leffler xc

9:00 a.m. Arrive State Capitol Building, Springfield, Illinois
Contacts: Judy Allen or Eva Dale, Secretaries to House Speaker Ralph Smith
(217) 525-6110 or 525-6610

Intro? RAY PAGE has Mike

Crowd assembled on Spring Street wide (West side) of Capitol. RN ascends steps. Unobtrusive cordless hand mic available should RN wish to make remarks

9:30 a.m. RN proceeds to the House Chamber Speaker's suite (holding room)

RALPH SMITH - speaker of the house - Intro OGILVIE

9:35 a.m. RN meets with 200 statewide Illinois leaders in House Chamber

Intro? -> OGILVIE

Type?

STAFF SCHEDULE - for those not going to State Capitol

10:00 a.m. All baggage must be in the lobby by this time

11:00 a.m. Staff bus departs Ramada Inn enroute airport

11:30 a.m. Staff bus arrives airport - staff boards 727 charter and waits for RN arrival at 11:45 a.m.

Vern Spencer

RN SCHEDULE (continued):

10:10 a.m. RN concludes meeting and returns to House Speaker's suite for meeting with Richard Ogilvie, Republican gubernatorial candidate and other statewide candidates

who? pictures?

10:35 a.m. RN proceeds to the State Senate chamber (other side of hall)

10:40 a.m. Press statement in Senate Chamber Intro?

ZIEGLER: Time will be available here for press to file after RN concludes statement

What does RN do?

DAY, AUGUST 19, 1968 (continued) - Springfield-Lansing, Michigan

11:10 a.m. Depart Senate Chamber enroute Lincoln's Tomb
ADVANCE CAR: Ehrlichman, Cudlip, Schedler
LEAD CAR: Secret Service, Chapin
Car #1 - RN, Bill Rentschler, Ray Page
Car #2 - Security
Car #3 - Wire Service Car
2 press buses
Followup Security Car

11:15 a.m. Arrive Lincoln's Tomb and place wreath on Tomb
Wreath to be provided by Cudlip

11:25 a.m. Depart Lincoln's Tomb enroute Springfield Airport
Car line-up same as leaving Capitol

11:45 a.m. Arrive Springfield airport - Board United 727 charter
Staff already on board

12:05 p.m. CDT Depart Springfield, Illinois enroute Lansing, Michigan
Flying time: 1:05
Lunch served on board

ALONG

Crowd?

MONDAY, AUGUST 19, 1968 (continued) - Springfield--Lansing, Michigan

12:05 p.m. CDT Depart Springfield, Illinois enroute Lansing, Michigan
Flying time: 1:05
Lunch served on board

2:10 p.m. EDT Arrive Capitol Airport, Lansing, Michigan
Ed Morgan Manager: Russell Brown (517) 489-2421
John Brown

Greeting committee:
Governor George Romney (Mrs. Romney if Mrs. N on tour)
Lt. Gov. Bill Milliken
Emil Lockwood, State Senator, Michigan Nixon Chairman
Elly Peterson, GOP State Chairman, National Committeewoman
Charles E. Chamberlain, Congressman, 6th District
No crowd anticipated; some press at airport

MIKE

Morgan will have press phones and Western Union runner available at airport

2:30 p.m. Depart airport enroute State Capitol
ADVANCE CAR: Ehrlichman, Morgan, Brown
LEAD CAR: Secret Service, Chapin
Car #1 - RN, Gov. Romney
Car #2 - Security
Car #3 - VIP car - Lt. Gov. Milliken, Elly Peterson,
Senator Emil Lockwood, Cong. Chamberlain
Car #4 - Wire Service Car
convenient?
2 press buses for press and any staff wishing to go to Capitol
Follow-up Security Car

STAFF SCHEDULE

2:30 p.m. Bus for staff will depart separately at this time enroute Jack Tar Hotel across street from the Capitol

2:45 p.m. Staff bus arrives Jack Tar Hotel, Lansing, Michigan
125 West Michigan Avenue (517) 372-6550
Working staff room: 911-912 with phone
913 - with phone
914 - with three phones
Typewriters and Xerox available

RN SCHEDULE (CONTINUED):

2:45 p.m. Arrive in front of Michigan State Capitol - large crowd expected. RN walks up Capitol steps to one or two steps above the first landing where an unobtrusive cordless hand mic will be available if RN wishes to make remarks to crowd.
BAD WEATHER ALTERNATE: Arrive rear of Capitol, walk into Rotunda and address people gathered - speak from small low riser.

*INTRO?
Romney*

MONDAY, AUGUST 19, 1968 - Lansing-Detroit, Michigan

3:10 p.m. RN concludes remarks

3:15-4:15 p.m. RN and Governor Romney meeting in Governor's Office - 2nd floor (517) 373-3410 (Secretary: Mrs. Little)

4:15 p.m. Depart Governor's Office to Senate Chamber - 2nd floor

4:15-4:45 p.m. RN press statement in Senate Chamber lounge
Working press room in Senate Chamber lounge with phones, TV monitor, Western Union runner available (Morgan will have holding room available for RN in the event it is necessary for press to file)

4:00
4:00
4:30
Romney?
along?
4:30 Board

NO FILING
DELAY

STAFF SCHEDULE:

4:25 p.m. Advance man will escort staff from Jack Tar Hotel to bus already lined up in motorcade for trip to airport
Await departure of motorcade to airport

EARLIER
ZIEGLER

RN SCHEDULE (continued):

4:30 Deadline
4:50 p.m. Depart State Capitol enroute Lansing Airport
ADVANCE CAR: Ehrlichman, Morgan, Brown
LEAD CAR: Secret Service, Chapin
Car #1 - RN (Romney if he returns to airport with RN party)
Car #2 - Security
Car #3 - Wire Service car
Press buses
Follow-up security car
3 sta wagons

5:15 p.m. Arrive Capitol Airport, Lansing, Michigan
Board United 727 charter

5:30 p.m. EDT Depart Lansing, Michigan enroute Detroit, Michigan
Flying time: :30
Possibility Governor Romney may wish to accompany RN

6:00 p.m. EDT Arrive Detroit Metropolitan Airport, Detroit, Michigan
(no advance man assigned yet - will probably be Henry Cashen)

6:15 p.m. Depart Metropolitan airport enroute Cobo Hall
ADVANCE CAR: Ehrlichman
LEAD CAR: Secret Service, Chapin
Car #1 - RN, Governor Romney (if with tour)
Car #2 - Security
Car #3 - Wire Service Car
Press buses
Follow-up security car
3 sta wagons

HUDE
Is driving
time correct?
30"

STAFF
EAT
Somewhere
?

MONDAY, AUGUST 19, 1968 (continued) - Detroit, Michigan-Columbus, Ohio

- 6:45 p.m. Arrive Cobo Hall - head table reception which will include
General Westmoreland (chief banquet speaker)
Timothy Murphy, Past Commander in Chief, VFW
Julien Dickenson, Adjutant General, VFW
- 7:00 p.m. Reception group to Head Table for VFW National Convention banquet
MC instructed to introduce RN and say that he has to
continue on to Columbus, Ohio, and would he make a
few remarks
- 7:45 p.m. Depart Cobo Hall enroute Metropolitan airport
Same car line-up as upon arrival
- 8:15 p.m. Arrive Metropolitan Airport - board United Airlines 727 charter
- 8:30 p.m. EDT Depart Detroit, Michigan, enroute Columbus, Ohio
Flying time: :45
- 9:15 p.m. EDT Arrive Columbus, Ohio, International Airport
Hub Orr Assistant manager: John Clifford (614) 237-3721
George Lawrence Dock aircraft at Gate C-4 (south end of terminal)

MONDAY, AUGUST 19, 1968 - Detroit, Michigan-Columbus, Ohio

8:30 p.m. EDT Depart Detroit, Michigan enroute Columbus, Ohio
Flying time: :50

¹⁰
9:15 p.m. EDT Arrive Columbus, Ohio, International Airport
Hub Orr Assistant manager: John Clifford (614) 237-3721
George Lawrence Dock aircraft at Gate C-4 (south end of terminal)

Large crowd expected with jazz band (name unknown at this time),
Republican Glee Club of Columbus and possibly the "Up
With People" group

NOTE: In case of inclement weather aircraft should dock two
buildings West of Gate C-4 - crowd will be there.

Unobtrusive hand mic (cordless) in either situation should
RN wish to make remarks

Greeting Committee:

Governor James Rhodes
John Andrews, GOP State Chairman
John Brown, Lt. Governor
Cong. Sam Devine, 12th District
Cong. Chalmers Wylie, 15th District
Roger Cloud, State Auditor
John Herbert, State Treasurer
Ted Brown, Secretary of State
William Saxbe, Attorney General, GOP candidate for U.S. Senate
H. Richard Niehoff, State Finance Chairman
William Schneider, Franklin County Chairman
Bob Hughes, Cuyahoga County Chairman
Earl Barnes, Hamilton County Chairman
Miss Martha Moore, State Vice Chairman and National Committeewoman
Francis Dale, RN Ohio State Chairman
Golda Mae Edmonston, Franklin County Chairwoman
Former Governor John Bricker

ZIEGLER: Jim Durk, Governor Rhodes' p.r. man will meet you and
assist in moving staff and press to hotel

9:45 p.m. Depart airport enroute Sheraton-Columbus Motor Hotel
ADVANCE CAR: Ehrlichman, Orr, Lawrence
LEAD CAR: Security, Chapin
Car #1 - RN, Gov. Rhodes, John Andrews
Car #2 - Security'
Car #3 - Wire Service car
3 press buses for press and staff
Follow-up security car

3 station wagons

MONDAY, AUGUST 19, 1968 (continued) - Columbus, Ohio

10:15 p.m. Arrive Sheraton-Columbus Motor Hotel, Columbus, Ohio
50 North Third Street (614) 228-6060
Resident Manager: Art Quisling
Orr will have room assignments available upon arrival

Working staff room and lounge: 1814-1815

Working press room: Oceanic Room (2nd floor) -
with phones, TV monitor, Western Union runner

RN proceed to Saturn Room for private meeting with 400 Ohio County
(2nd floor) Chairmen and 40 state finance chairmen

(As of this time the press has not been invited and it
has been agreed that they will not be invited)

Stand-up mic will be available should RN wish to say a few words

10:45 p.m. RN returns to suite for overnight

NOTE: Dining room on 21st floor open until 11:00 p.m.
Valet service available for pressing only until 10 p.m.
(one hour service)

TUESDAY, AUGUST 20, 1968 - Columbus, Ohio-Harrisburg, Pa.-New York, New York

8:25 a.m. RN departs hotel for meeting with Governor Rhodes
in Ohio State Capitol Building
(within walking distance and present plans call for a
walk to Capitol which has been OKayed by Secret Service)

8:30 a.m. Arrive Capitol Building to meet with Governor Rhodes
No crowd expected

BAGGAGE SCHEDULE:

8:15 a.m. All press and staff baggage should be in the lobby
by this time. Each person should take his/her own
luggage to lobby

RN SCHEDULE (continued):

9:30 a.m. RN proceeds to room adjacent to Governor's office
for press statement
Press room with phones, Western Union runner set up in
small conference room located adjacent to the Governor's office
(first door to the left after entering his office)

10:00 a.m. Depart State Capitol enroute Columbus airport
ADVANCE CAR: Ehrlichman, Orr, Lawrence
LEAD CAR: Secret Service, Chapin
Car #1 - RN (Gov. Rhodes if he goes to airport)
Car #2 - Security
Car #3 - Wire Service car
Press buses follow
Follow-up security car

STAFF SCHEDULE:

9:45 a.m. Advance man takes staff to bus already lined up in motorcade
in front of Capitol Building

9:50 a.m. Staff arrives buses and waits for RN arrival at 10:00 a.m.

RN SCHEDULE (continued):

10:30 a.m. Arrive Columbus, Ohio, International Airport
Board United 727 charter

10:50 a.m. EDT Depart Columbus, Ohio enroute Harrisburg, Pennsylvania
Flying time: 1:00
Coffee and rolls on board

No FILING

3 station wagon

1:05 p.m. Arrive Governor's office (2nd floor) for meeting with Gov. Shafer
Sandwiches and refreshments available for press during this time in Capitol Cloak Room

1:40 p.m. Former Governor William Scranton joins meeting with Gov. Shafer and RN

2:00 p.m. RN press statement in Governor's Reception room - 2nd floor
Press facilities available in Capitol Building outside of Capitol News Room - Phones, Western Union runner available.

2:30 p.m. Return to Governor's office - press filing time

STAFF SCHEDULE:

2:30 p.m. Staff bus departs from Holiday Inn Town enroute Olmstead Airport

2:50 p.m. Arrive Olmstead airport - board United 727 charter
Await RN arrival at 3:10 p.m.

RN SCHEDULE (continued):

2:50 p.m. Depart Capitol enroute Olmstead airport
ADVANCE CAR: Ehrlichman, Cudlip, Butcher
LEAD CAR: Secret Service, Chapin
Car #1 - RN
Car #2 - Security
Car #3 - Wire Service car
Press buses
Follow-up security car

3:10 p.m. Arrive Olmstead airport - board United 727 charter
Staff already on board

3:30 p.m. EDT Depart Olmstead airport, Harrisburg, Pa. enroute New York City
Flying time: :45

4:15 Arrive DC Natl - Ruge Airways gate 32

4:30 RN + pool press car leave for Walter Reed
(hold press + staff at airport)

5:15 Arrive Walter Reed.

5:45 Leave Walter Reed

6:20 Arrive airport

6:35 Take off for New York (1 hour)

7:35 Arrive La Guardia

7:50 Leave for apartment

8:15 Arrive 810 Fifth Ave

Advance Man - Jim Hamilton

Schedule for everyone

4:15 p.m. - Arrive Washington National Airport - Page Airways - Military Gate 32
(202) 783-5488
United 707 #7582

Schedule for RN & others specifically designated

4:30 p.m. - Depart Page Airways
Car #1 Lead Car - SS & Chapin
2 RN
3 Follow Car
4 Limo for those specifically designated (max. 7)

5:15 p.m. - Arrive at site of meeting
6825 - 16th Street, N. W., Washington, D. C.
SS Advance (Fred Maura) to arrange details.

*5:45 p.m. - Depart site of meeting
Same car line up

*6:20 p.m. - Arrive Page Airways - Military Gate 32

Schedule for press/staff not accompanying RN

4:30 p.m. - Depart Page Airways
2 buses

4:45 p.m. - Arrive Marriott Motor Hotel - Twin Bridges US#1 - Washington, D. C. 20001
(202) NA 8-4200
Bob Hughes - Catering Manager
Potomac Room - working press room with 12 phones and 6 typewriters
Lee Room - Staff/press R & R room - bar - set up with hors d'oeuvres

*5:45 p.m. - Depart Marriott Motor Hotel

*6:00 p.m. - Arrive Page Airways Gate 32

*Schedule for everyone

*6:30 p.m. - Depart Page Airways for LaGuardia
Fly time 1:00

*7:30 p.m. - Arrive NYC LaGuardia - Butler terminal
(212) 478-1000

* these times are tentative and will be confirmed or changed - for staff/press not accompanying RN, announcement will be in Lee Room of Marriott Motor Hotel by 5:45 p.m.

5

SPRINGFIELD ILLINOIS PERSONAL SCHEDULE STAFF & PRESS

SUNDAY, AUGUST 18 - 10:30 P.m. Arrive Ramada Inn

All arrivals are pre registered. Keys in doors. You can claim your luggage & proceed to your room as assigned on the attached sheet. Baggage Assistance will be provided. Sandwiches & Coffee will be available in the Heritage Room & Gunboat room. The Red Slipper Lounge adjacent to the lobby will remain open until 1:00 a.m.

MONDAY, AUGUST 19 - 7 a.m. -

- 8:15 a.m. A breakfast buffet will be served in the Heritage and Gunboat room.
- 8:15 a.m. Those departing for the Capitol should move their luggage to the lobby prior to their departure for the Capitol.
- 8:30 a.m. Buses depart for the State Capitol Building, West entrance.
- 10:00 a.m. STAFF remaining in the motel should have their luggage in the lobby by 10:00 a.m.
- 10:30 a.m. Baggage truck departs Ramada Inn for Capital Airport
- 11:00 a.m. Bus arrives at the Ramada Inn to pick up staff
- 11:15 a.m. Bus departs for Airport Gate 6
- 11:45 a.m. Bus Arrives Airport
- 12:05 p.m. Wheels up for Lansing, Michigan

Staff checked out. Press please check yourselves out upon your departure.

Thank you. W.J.C.

Nixon Staff Assignments
 Ramada Inn
 Springfield, Illinois
August 18, 1968

<u>By Name</u>	<u>Room No.</u>
Anderson, Martin	<u>207</u>
Buchanan, Pat	<u>136</u>
Buchheit,	<u>209</u>
Buckley, Christina	<u>131</u>
Chapin,	<u>105</u>
**Cudlip, W.	<u>155</u>
Davies, John	<u>110</u>
Ellsworth, Bob	<u>202</u>
Ebrlichman, John	<u>102</u>
Flannagin, Peter	<u>205</u>
Haiderman, R.	<u>112</u>
Higbie, Larry	<u>109</u>
Keogh, Jim	<u>211</u>
Klein, Herb	<u>212</u>
Lerner, Genette	<u>101</u>
Letney, Bill	<u>213</u>
**	<u>210</u>
Horton, David	
Mc <u>Horter</u> , Charlie	<u>204</u>
McDaniels, Ed	<u>111</u>
Mitchell, John	<u>113</u>
Monroe, Mike	<u>114</u>
Olsen, Werr	<u>217</u>
Oller, Bob	<u>152</u>

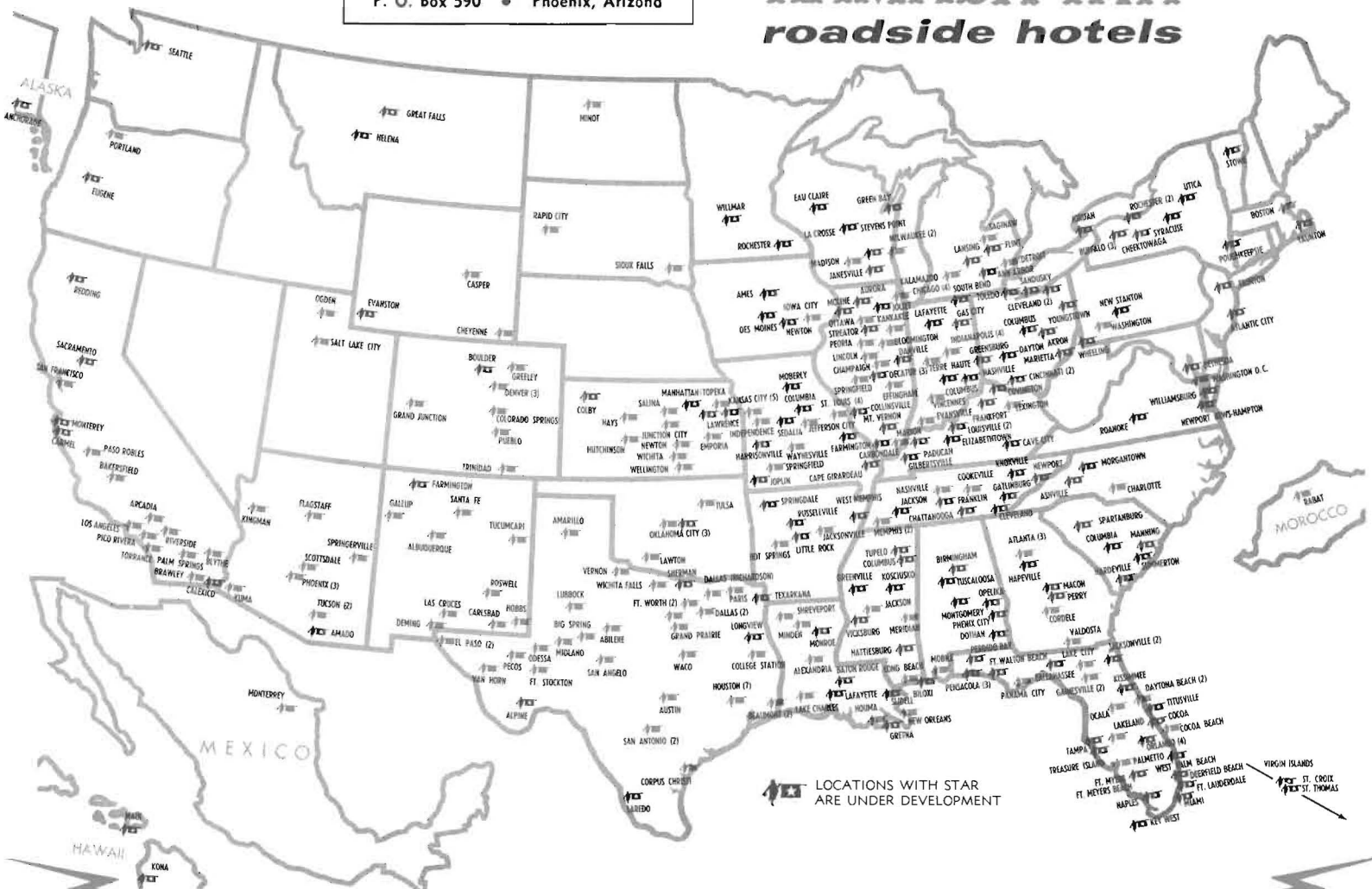
Nixon Staff Assignments
 Ramada Inn
 Springfield, Illinois
August 18, 1968

<u>By Name</u>	<u>Room No.</u>
Price, Ray	<u>134</u>
 Rumsfeld, Don (Congr.)	 <u>205</u>
 Scarney, Shelly	 <u>110</u>
** Schedler, S.J.	<u>149</u>
Snow, Marilyn	<u>249</u>
 Underwood, Linda	 <u>133</u>
Williams, Rob	<u>165</u>
Whelan, Bruce	<u>235</u>
Woods, Rosemary	<u>138</u>
 Ziegler, Ron	 <u>231, 233</u>
 <u>Others</u>	
American Express	<u>137</u>
<hr/>	
Extra Rooms:	
1. _____	<u>257</u>
2. _____	<u>156</u>
3. _____	<u>268</u>
4. _____	<u>261 TU</u>
5. _____	<u>262 TD</u>
6. _____	<u>260 TD</u>
7. _____	<u>258</u>
8. _____	<u>242</u>
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____

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 P. O. Box 590 • Phoenix, Arizona

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If you require a rental car at your destination, she'll have one waiting for you.

She can reserve theatre tickets and give you information on local churches and shopping areas.

Take your questions to Miss Ramada. She has all the answers.



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to **SPRINGFIELD**
and the . . .

"America's Finest Roadside Hotels"
RAMADA® INN

3751 SOUTH SIXTH STREET

- SWIMMING POOL
- MISS RAMADA SERVICE
- COFFEE SHOP
- DINING ROOM
- BANQUET FACILITIES
- COCKTAIL LOUNGE
- AIRPORT COURTESY CAR
- PLAYGROUND
- BED BOARDS
- ROLLAWAY BEDS
- BABY SITTERS
- IRON AND IRONING BOARDS
- BABY BEDS

P A R K I N G

LIN.	LIN.	LIN.	200
201	101	102	202
203	103	104	204
205	105	106	206
207	107	108	208
209	109	110	210
211	111	112	212

ICE

NAME _____

YOUR ROOM NO. _____

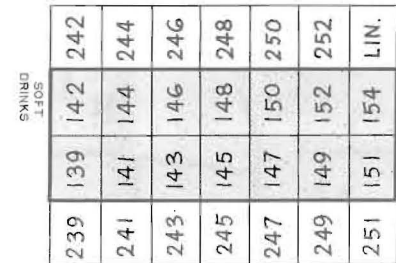
YOUR RATE _____



268	168	165	265
266	166	163	263
264	164	161	261
262	162	159	259
260	160	157	257
258	158	155	255
256	156	153	253

ICE

P A R K I N G



P A R K I N G

U. S. H I G H W A Y 6 6



24 hour "Luxury for Less" service at all Ramada Inn Roadside Hotels
See other side for locations

. . . and for your added convenience

AN AIRPORT COURTESY CAR
to and from the Airport

Wherever you're going, there's another Ramada Inn on your route. Fill out the form below and we will make free teletype reservations.

Please make free teletype reservation for me at your hotel in City _____

I'll arrive Time _____ Date _____ I want a Single ,
Double , Twin , Suite There will be _____ in my party.
Number _____

Need Crib? Yes No Roll-Away Bed? Yes No

My Name _____

Home Address _____ City _____

Room No. Here _____ Charge Card No. _____

(If you would like the convenience of a Ramada Charge Card just ask for an application at the front desk.)



Welcome
to **SPRINGFIELD**
and the . . .

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- SWIMMING POOL
- MISS RAMADA SERVICE
- COFFEE SHOP
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- AIRPORT COURTESY CAR
- PLAYGROUND
- BED BOARDS
- ROLLAWAY BEDS
- BABY SITTERS
- IRON AND IRONING BOARDS
- BABY BEDS

PARKING

LIN.	LIN.	LIN.	200
201	101	102	202
203	103	104	204
205	105	106	206
207	107	108	208
209	109	110	210
211	111	112	212

ICE

NAME _____

YOUR ROOM NO. _____

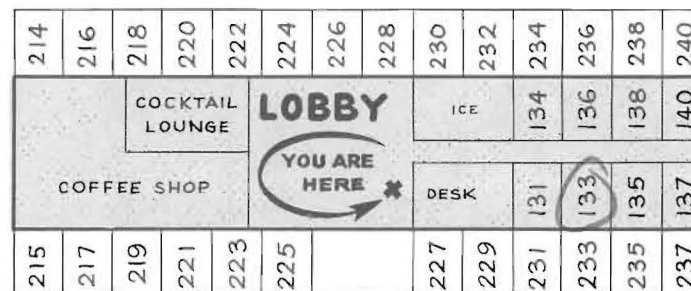
YOUR RATE _____



268	168	165	265
266	166	163	263
264	164	161	261
262	162	159	259
260	160	157	257
258	158	155	255
256	156	153	253

ICE

PARKING



PARKING

239	241	243	245	247	249	251
139	141	143	145	147	149	151
142	144	146	148	150	152	154
242	244	246	248	250	252	LIN.

FRONTAGE ROAD

PARKING

U. S. HIGHWAY 66



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. . . and for your added convenience

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to and from the Airport

Wherever you're going, there's another Ramada Inn on your route. Fill out the form below and we will make free teletype reservations.

Please make free teletype reservation for me at your hotel in City _____
I'll arrive Time _____ Date _____ I want a Single ,
Double , Twin , Suite There will be _____ in my party.
Number
Need Crib? Yes No Roll-Away Bed? Yes No

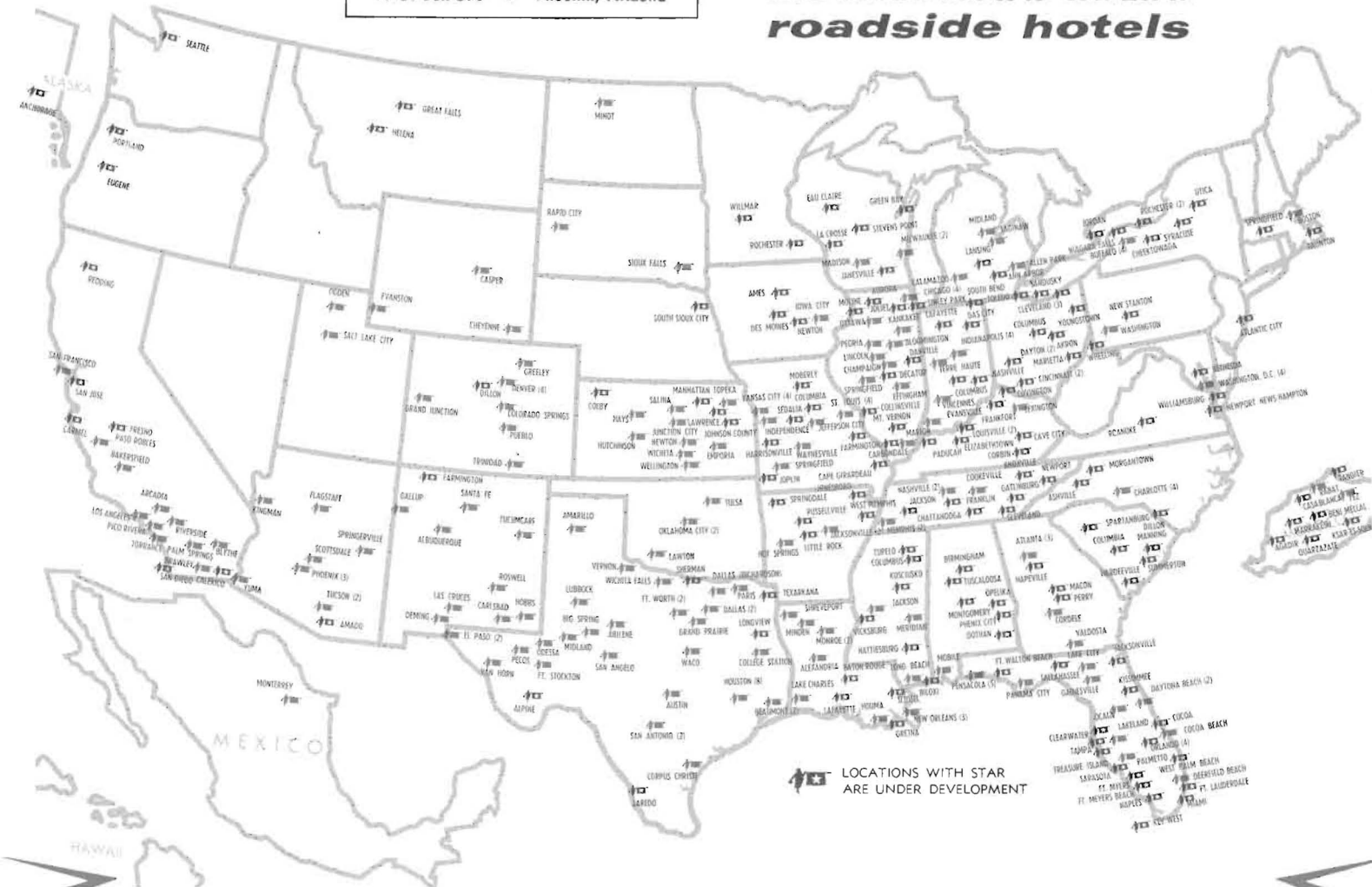
My Name _____
Home Address _____ City _____
Room No. Here _____ Charge Card No. _____
(If you would like the convenience of a Ramada Charge Card just ask for an application at the front desk.)

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"Friends By the Side of the Road"

WE SMILE MORE PUT YOURSELF IN OUR PLACE... **RAMADA INNS** COAST TO COAST

TUESDAY, AUGUST 20, 1968 (continued) - Harrisburg, Pa.

10:50 a.m. EDT Depart Columbus, Ohio enroute Harrisburg, Pennsylvania
Flying time: 1:00
Coffee and rolls served on board

11:50 a.m. EDT Arrive Harrisburg, Pennsylvania - Olmstead State Airport
Chick Cudlip (Middletown-Harrisburg airport)
Darryl Butcher Field manager: Colonel William Crombie (717) 787-7700

Plane will park near building 127 adjacent to Allegheny Gate #1
No crowd expected but Cudlip will have press phones and
Western Union runner available in Building 127

Met by Governor Raymond P. Shafer

and **ARLIN ADAMS**

12:05 p.m. Depart Olmstead State Airport enroute Capitol Building
ADVANCE CAR: Ehrlichman, Cudlip
LEAD CAR: Secret Service, Chapin
Car #1 - RN, Governor Shafer
Car #2 - Security
Car #3 - Wire Service Car
2 press buses
Follow-up security car

STAFF SCHEDULE (for those not going to Capitol)

12:05 p.m. Staff bus departs airport enroute Holiday Inn Town
Darryl Butcher Darryl Butcher will accompany staff

12:30 p.m. Arrive Holiday Inn Town, Second and Chestnut Streets
Harrisburg, Pa. (717) 234-5021

Working staff room: Parlor A (mezzanine)
with Xerox, 5 phones and lounge area
Parlors 518 and 537 available for staff personal use

12:45-1:30 p.m. Buffet luncheon available for all staff in Parlor B

RN SCHEDULE (continued)

ZIEGLER: Tony Curtis of Shafer's staff will be available to
assist you at all times

12:30 p.m. RN arrives Capitol steps
Met by Governor's Cabinet and local Party officials - Cudlip
will have list available for Chapin upon arrival at airport
Large crowd expected
RN ascends steps and cordless unobtrusive hand mic available
in event RN wishes to make remarks

1:00 p.m. Depart Capitol steps enroute Governor's office

TUESDAY, AUGUST 20, 1968 (continued) - Harrisburg, Pa.-NYC

- 1:05 p.m. Arrive Governor's office (2nd floor) for meeting with Gov. Shafer
Sandwiches and refreshments available for press during this time in Capitol Cloak Room
- 1:40 p.m. Former Governor William Scranton joins meeting with Gov. Shafer and RN
- 2:00 p.m. RN press statement in Governor's Reception room - 2nd floor
Press facilities available in Capitol Building outside of Capitol News Room - Phones, Western Union runner available
- 2:30 p.m. Return to Governor's office - press filing time

STAFF SCHEDULE:

- 2:30 p.m. Staff bus departs from Holiday Inn Town enroute Olmstead Airport
- 2:50 p.m. Arrive Olmstead airport - board United 727 charter
Await RN arrival at 3:10 p.m.

RN SCHEDULE (continued):

- 2:50 p.m. Depart Capitol enroute ~~Olmstead~~ airport
ADVANCE CAR: Ehrlichman, Cudlip, Butcher
LEAD CAR: Secret Service, Chapin
Car #1 - RN
Car #2 - Security
Car #3 - Wire Service car
Press buses *convert. bus*
Follow-up security car
3 station wagons
- 3:10 p.m. Arrive Olmstead airport - board United 727 charter
Staff already on board
- 3:30 p.m. EDT Depart Olmstead airport, Harrisburg, Pa. enroute ~~New York City~~
Flying time: :45 *Wash DC*

4pm - Wash DC Dep't

4:15 Depart Staff to *↘*

5:00 RN arrives Marriott Hotel

5:45 Lr. Walter Reed Press Rm Potomac Rm. - lower level

6:30 Arr A/Port 2 buses

6:45 Take off Staff - Lee Rm - Lower level

7:45 Arr LaGuardia Lounge

TUESDAY, AUGUST 20, 1968 (continued) - New York City

3:30 p.m. EDT Depart Olmstead airport, Harrisburg, Pa., enroute New York City
Flying time: :45

4:15 p.m. EDT Arrive New York, LaGuardia, Butler Terminal (212) 478-1000
Jack Carley No crowd or greeting committee anticipated
Ned Sullivan

4:35 p.m. Depart Butler Terminal enroute RN apartment
ADVANCE CAR: Ehrlichman, Carley, Sullivan
LEAD CAR: Secret Service, Chapin
Car #1 - RN
Car #2 - Security
Car #3 - Wire Service car
3 press buses with press and staff
Follow-up security car

3 Secret Service wagons

NOTE: Baggage truck will take press and staff baggage to 450 Park Avenue and await arrival of press and staff upon conclusion of Welcome Home rally at 510 Fifth Avenue

5:10 p.m. Arrive RN apartment for Welcome Home Rally
Crowd expected - unobtrusive cordless hand mic available if RN wishes to make remarks

5:40 p.m. Press and staff buses depart RN apartment enroute 450 Park Avenue

5:45 p.m. Press and staff buses arrive 450 Park Avenue
Press and staff claim luggage at this time.

* * *

MEMORANDUM

AUGUST 15, 1968

SCHEDULE
1-A

TO: BOB HALDEMAN
CC: JOHN EHRLICHMAN ✓
DWIGHT CHAPIN
BILL DUNCAN
KEN COLE
HERB KLEIN
BILL LETNEY - BOB PASSWATERS

FROM: JOHN WHITAKER

RE: TENTATIVE RN ITINERARY
SAN DIEGO-SPRINGFIELD, ILL.-LANSING-COLUMBUS-HARRISBURG-NYC

SUNDAY, AUGUST 18

2:00 p.m. Bill Codus Baggage call - Bahia Hotel and Catamaran
 2:30 p.m. Baggage departs for airport from Bahia and Catamaran separately
 3:00 p.m. Baggage arrives airport
 3:15 p.m. Staff departs from hotel for airport
 3:45 p.m. Arrive airport and board 727 United jet charter
 (if 55 press accompany RN, Haldeman should
 restrict staff to no more than 35 and hopefully
 much less if possible) PLUS SS ?

90 →

RN-PRESS SCHEDULE

3:40 p.m. Depart hotel enroute airport
 3:55 p.m. Arrive airport
 4:05 p.m. PDT Depart San Diego enroute Springfield, Illinois
 Flying time: 3:20
 Meals will be served on board
 9:30 p.m. CDT Arrive Springfield, Illinois
 Bill Cudlip
 Spencer Schedler
 9:50 p.m. Depart airport enroute hotel
 10:20 p.m. Arrive hotel

1A

MONDAY, AUGUST 19

9:00 a.m. Crowd greeting RN on Springfield Courthouse steps

9:30 a.m. RN meets 200 political leaders in State Capitol - House Chamber

10:00 a.m. RN meets with statewide candidates on Republican ticket

10:45 a.m. RN statement to the press

11:15 a.m. Depart for airport

11:45 a.m. Arrive airport

12:05 p.m. CDT Depart Springfield enroute Lansing
Flying time: 1:05'
Light lunch served on board

2:10 p.m. EDT Arrive Lansing - United Airlines terminal
Ed Morgan
John Brown

2:25 p.m. Depart airport

2:45 p.m. Lansing Capitol steps to greet crowd

3:15 p.m. RN and Governor Romney meet

4:15 p.m. RN statement to the press

4:45 p.m. Depart for airport

5:15 p.m. Arrive airport

5:30 p.m. EDT Depart Lansing enroute Columbus, Ohio
Flying time: :50

6:20 p.m. EDT Arrive Columbus, Ohio and greet crowd
Hub Orr
Darryl Butcher

6:50 p.m. Depart airport

7:20 p.m. Arrive hotel in Columbus for overnight

TUESDAY, AUGUST 20

8:30 a.m. RN, Gov. Rhodes private meeting at Capitol

9:30 a.m. RN statement to the press

10:00 a.m. Depart Capitol

10:30 a.m. Arrive Columbus airport

Staff.
remains
at A/P

JA

TUESDAY, AUGUST 20 (continued)

10:50 a.m. EDT Depart Columbus from United Airlines terminal
enroute Harrisburg, Pa. Flying time: 1:00
Lunch will be served on board

11:50 a.m. EDT Arrive Harrisburg-York Airport - United Airlines terminal
Chick Cudlip
Walter Corcoran

12:05 p.m. Depart airport enroute Capitol

12:30 p.m. Arrive Capitol and meet crowd

1:00 p.m. RN-Gov. Shafer meeting

2:00 p.m. RN statement to the press

2:30 p.m. Depart Capitol

2:55 p.m. Arrive Harrisburg airport - United Airlines terminal

3:15 p.m. EDT Depart Harrisburg enroute New York City - LaGuardia
Flying time: :45

4:00 p.m. EDT Arrive LaGuardia - Butler Terminal

4:15 p.m. Depart Butler

5:00 p.m. RN arrives apartment to be greeted by crowd

Staff
remains
at A/P

* * *

1A

CONTACT SHEET:

Springfield: Harry Page (217) 546-8201
Vic Smith (618) 544-2174 GOP State Chairman
Ray Page (217) 525-2221 RN State Chairman
Bill Rentschler (312) 236-2535 (RN Hq)

Lansing: Mrs. Little (517) 373-3410 (office) Gov. Romney's secretary
(517) 372-5170 (home)
Emil Lockwood (517) 373-2420 RN State Chairman
(517) 681-2464
Elly Peterson (517) 487-5413 GOP State Chairman

Columbus: John Andrews (614) 228-2481
Bill Schneider (614) 224-3461
(614) 228-2481

Harrisburg: Jack Jordan (717) CE 4-4901
(717) 761-3216
Orville Leach (717) 234-4901 (Assistant to Jordan)
Bob Bloom (717) 787-2500 (Shafer's staff)

MEMORANDUM

AUGUST 24, 1968

TO: KEN COLE
FROM: JOHN WHITAKER
RE: RN continuing campaign

Mrs. Nixon and Tricia will arrive Chicago Tuesday night September 3 after Los Angeles Women's Federation luncheon. Commercial flight - suggest United #112, departing Los Angeles at 4:35 p.m., arriving Chicago (O'Hare) at 10:10 p.m.

WEDNESDAY, SEPTEMBER 4, 1968

10:40 a.m. EDT
(approximately) Depart Butler, LaGuardia, enroute Chicago
Flying time: 2:00 - light lunch served on board
All times below must be precisely keyed to arriving in the Loop at 12:15 p.m. or the time that the advance man recommends for the greatest crowd during the Noon break.

11:40 a.m. CDT
(approximately)
John Nidecker
Jack Carley Arrive Midway - Butler terminal
Very small greeting committee consisting of
Gubernatorial candidate Richard Ogilvie
Candidate for Lt. Gov. - Bob Dwyer
Other statewide candidates

11:55 a.m.
(approximately) Depart Midway (Butler)
Change from closed car to open car just as enter Loop area
ONLY RN, Mrs. N and Tricia in car

12:15-12:30 p.m. Motorcade in Chicago Loop for 3-4 blocks

12:30 p.m. Arrive Blackstone Hotel for staff time

1:30-2:00 p.m. Press conference
Absolutely nothing else during the day
(No Mrs. N, Tricia meeting with the ladies of the press - she just did it a while ago)

8:30 p.m. or whenever TV people tell us
Arrive WBEM-TV (CBS-Channel 2), 630 North McClurg Court
Roger Ailes in charge
Local program manager: Charles Hinds

9:00-10:00 p.m. Live one hour Illinois statewide RN broadcast

10:15 p.m. Depart studio enroute Blackstone

10:30 p.m. Arrive Blackstone Hotel for overnight

FRIDAY, SEPTEMBER 6, 1968

? Baggage call

? Staff departs for airport

? RN and press depart for airport

10:35 a.m. RN and press arrive airport and board charter

10:55 a.m. PDT Depart San Francisco enroute Houston
Flying time: 3:20; full lunch will be served on board

3:15 p.m. CDT Arrive Houston, Texas airport
Ed Morgan Greeting committee and crowd at airport
Dick Whitney

4:00 p.m. Arrive Houston hotel

5:00-5:30 p.m. Press conference - Houston hotel
Mrs. N, Tricia meeting with ladies of the press OK -
in their suite with coffee set-up

? Depart hotel enroute rally

8:30-9:15 p.m. Rally (probably) in Jones Hall, capacity 3000

9:15 p.m. Depart Jones Hall enroute hotel
? Arrive hotel for overnight

SATURDAY, SEPTEMBER 7, 1968

Oklahoma party of Henry Bellmon, former Governor and candidate for United States Senate and former Chairman of Nixon for President Committee; Governor Dewey Bartlett; Congressional candidate Smith (the river basin in his district) and perhaps Congressman Page Belcher arrive in Houston so that they can be on the RN plane for the tour of the Arkansas River on the way to Oklahoma City this morning.

Restricted pool of Oklahoma press - Ziegler talk to Cole on this point.

? Baggage call for staff

? Staff departs hotel for airport

? RN and press depart for airport

10:30 a.m. RN and press arrive Houston airport

10:50 a.m. CDT Depart Houston enroute Oklahoma City (coffee and rolls)
Flying time: 1:10 direct route (Houston-Oklahoma City)
but 1:40 is allowed for RN plane to take ½ hour tour with
Governor Bartlett and Henry Bellmon, etc., and Oklahoma pool
press circling the Arkansas River Drainage for discussion of
lake development in the Arkansas River drainage for
recreation and industrial development of Oklahoma. On
board will be a restricted pool of Oklahoma press. Bellmon
and I have agreed on 5 Oklahoma press seats on RN's plane from
Houston-Oklahoma City. These will be one reporter from Tulsa
Journal, one from Tulsa World (The Arkansas River Basin
strictly a Tulsa story) and 3 TV men - probably camera, a
technician, a commentator who will pool their film to all
three networks in Oklahoma of an RN-Bartlett-Bellmon discussion from the plane
looking down on the Arkansas Basin. Bellmon specifically asked that we stay
completely out of it and he will deliver on 5 press seats.

SATURDAY, SEPTEMBER 7, 1968 (continued)

12:30 p.m. CDT Chick Cudlip Bob Baker	Arrive Oklahoma City airport for airport rally and refueling of planes if required by United Airlines
1:30 p.m. CDT	Depart Houston enroute Pittsburgh Flying time: 2:30
5:00 p.m. EDT Paul Shirley Ron Walker	Arrive Pittsburgh airport for airport rally
Evening	Tape well-rated local show but not to be shown that night. Shakespeare arranging.

SUNDAY, SEPTEMBER 8, 1968

	Cut 5-minute TV spots - Shakespeare arranging
	Shakespeare will have answers next Wednesday (overseas Sunday-Tuesday)
P.M.	Fly New York or Montauk - HALDEMAN - which?

* * *

CONTACT SHEET - SEPTEMBER 4-7, 1968

CHICAGO

Bill Rentschler, Up-state Nixon Chairman
(312) 236-2535 (Nixon headquarters - Chicago)
(312) 722-0600 (home)

Courtesy calls

Vic Smith

Senator Dirksen

Senator Percy

Ray Page, down-state Nixon Chairman (217) 525-2221

National Committeeman Bob Stuart (312) 527-0600

National Committeewoman Audrey Peak (217) 522-6871

SAN FRANCISCO

Advance team should advise Loie Gaunt in Bob Finch's office
(916) 445-7579 - on Monday and tell her what time on Tuesday (around Noon)
their commercial flight will arrive in San Francisco. They will
have a car there to drive the advance team to Sacramento
for a briefing from Lt. Gov. Finch

Putnam Livermore - San Francisco County Chairman - for
the motorcade and the St. Francis set-up and set-up at the
San Francisco airport
(415-421-3430)

SANTA CLARA

Mrs. Margaret Leet, County Chairman, Saratoga, California
(408) 253-4670

State Chairman Jim Halley (415) 982-9036

National Committeewoman Mrs. John (Ann) Bowler (213) GE 8-1753

National Committeeman Gardiner Johnson (415) YU 1-3211

Lyn Nofziger or Tom Reed - Governor Reagan's office - (916) 445-4711

HOUSTON

John Hurd, Nixon State Chairman - (512) 723-3676

Peter O'Donnell, GOP State Chairman (214) RJ 2-7211

Congressman George Bush - Jack Steel or Sarah Gee - (713) 227-1489

National Committeewoman Anne Armstrong (512) Armstrong Toll Station

National Committeeman Albert Fay (713) CA 7-0511

At this writing there is no Harris County RN Chairman with a
struggle going on between Republican Associates on the moderate side
and the Harris County Regular GOPs - conservative and pro Reagan
at the Convention. Hurd must give the advance man guidance. A
potential selectee for the job is Harris County Chairman Bob Mossbacker

OKLAHOMA

State Chairman Bud Stewart (405) JA 8-3501; (405) BR 3-7451 (home)

Henry Bellmon (405) 525-9494 (ofc); (405) RA 5-3411 (home)

Dewey Bartlett (Governor) - (405) 521-2011

Congressman Page Belcher (202) 224-3121

Congressman Jim Smith (202) 224-3121

NIXON'S SCHEDULE

SUNDAY, AUGUST 18, 1968

9:30 p.m. (CDT)	Arrive Capital Airport to Plane Gate 6. Airport manager Arthur Quaid, Assistant to Airport Manager James Dunbar - Phone 528-7551
10:00 p.m.	Leave for Ramada Inn, 3751 So. 6th St. - Manager Teake Kilmer, phone 529-5511.
10:30 p.m.	Arrive Ramada Inn.
<u>MONDAY, AUGUST 19th</u>	
7:00 am to 8:15 a.m.	Buffet breakfast available in the Heritage and Gunboat Room.
8:00 a.m.	Buses arrive Ramada Inn.
8:45 a.m.	Buses and caravan depart for State Capitol Building, west side entrance.
9:00 a.m.	Rally, west side entrance, State Capitol Bldg.
9:30 a.m.	Leave for Speakers office, Ralph T. Smith.
9:45 to 10:15 a.m.	Talk to 200 Illinois Republican leaders in House Chambers.
10:15 to 10:45 a.m.	Return to Speaker's Office for private conference with Dick Ogilvie, et al.
10:50 to 11:15 a.m.	Press statement in State Senate Chambers.
11:15 a.m.	Depart for Lincoln's Tomb
11:25 a.m.	Arrive Lincoln's Tomb. Place wreath.
11:35 a.m.	Depart Lincoln's Tomb. Leave for Airport.
11:55 a.m.	Arrive airport.
12:05 p.m.	Wheels up for Lansing, Michigan.

36 SAN/SP1 TOUR
36 SP1/NYC TOUR

NIXON/SAN/SP1/LAN/DTW/CMA/
HAR/LSA TOUR

59 PLANNED
SAN/SP1

Passenger Manifest NIXON TOUR

NIXON PERSONAL STAFF

Richard Nixon
— Bob Haldeman
— Dwight Chapin
— Larry Higby
— Rose Woods
Shelley Scamey
Jennette Lerner

ADDS

FACILITIES

John Ehrlichman
— John Davies
— Linda Underwood
— V. Olsen
— Bill Lettney
— Ben Folmer
Bob Williams
(?) Secret Service

POLITICAL

— Bob Ellsworth
— Charles McWhorter
John Mitchell
P. Flanigan (Springfield NY only)

PRESS

Herb Klein
— Ron Ziegler
— Bruce Wheelahan
Cris Buckley
Tinia Buchiet
Mary Ann Snow
Mike Monroe

(National Press attached)

WRITER/RESEARCH

— Jim Keogh
— Pat Buchanan
— RAY ~~Price~~ Price
— Martin Anderson

Don Rumsfeld (To Springfield only)

NATIONAL PRESS MANIFEST

23 SAN/SPI TOUR

SAN DIEGO THROUGH COMPLETE TOUR

Herb Kaplow
Paul Levy
Bruce Morton
Steve Nordlinger
Gene Pell
Dan Rappoport
Frank Van Riper
Art Schatz
Bob Semple
Dave Snell
Dick Keener
Richard Benda
Robert Jennings
Bill Boyarsky
Jane Brunley
Henry Burroughs
Marge Byers
Gary Axelson
John Elmer
Sim Fentress
Dirk Halstead
Don Irwin
Tom Joyce

28 SPI/NYC TOUR

SPRINGFIELD TO NEW YORK

Jim Hartz
Joe Palletta
Joe Oakley
Tom Eagen
D. Haun

ADDS