

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	7	N.D.	Other Document	Levittown, PA, dignitaries on platform list. 1 pg.
18	7	N.D.	Other Document	Map of Levittown shopping center. 1 pg.
18	7	N.D.	Other Document	Motorcade list for Saturday, September 21, 1968. 1 pg.
18	7	N.D.	Memo	Memo from Casselman to Ehrlichman RE: Bazaar of All Nations Shopping Center Rally motorcade for September 21, 1968. 2 pgs.
18	7	N.D.	Other Document	Platform Guests list for Paoli Shopping Center. 1 pg.
18	7	N.D.	Other Document	VIP motorcade cars for September 21, 1968 in New Jersey. 1 pg.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
18	7	N.D.	Other Document	Motorcade list for September 21, 1968. 1 pg.
18	7	N.D.	Other Document	Detail Schedule pages 11-12 for September 18, 1968, Salt Lake City. 2 pgs.
18	7	N.D.	Other Document	Detail Schedule pages 20-21 for September 21, 1968, Philadelphia and suburbs. 2 pgs.
18	7	N.D.	Other Document	Detail Schedule page 19. 1 pg.
18	7	N.D.	Other Document	Detail Schedule page 19. 1 pg. (Duplicate - Not Scanned)
18	7	N.D.	Other Document	Message TWX to Olson from Whitaker RE: Congressman Jim Fulton riding to Philadelphia on airplane with memo to Ehrlichman from Cole RE: Philadelphia downtown motorcade September 20. 1 pg.
18	7	12/18/1968	Memo	Memo from Brown to Ehrlichman RE: Observations on John Price Memo of December 16, 1968 Regarding Person to Oversee Civil Rights Policy. 1 pg.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
18	7	N.D.	Other Document	Statement for the Civil Service Journal by RN. 1 pg.
18	7	N.D.	Other Document	Statement for the Civil Service Journal by RN with handwritten revisions. 1 pg.
18	7	N.D.	Other Document	Proposed Civil Service Journal Statement: President Richard M. Nixon Enlists Full Participation of Career Civil Service. 1 pg.
18	7	12/19/1968	Memo	Memo from Keogh to Ehrlichman RE: Proposed piece for the Civil Service Journal drafted by Safire. 1 pg.
18	7	12/16/1968	Memo	Memo from Price to Mitchell RE: An Administration Person to Oversee Civil Rights Policy. 1 pg.
18	7	11/29/1968	Letter	Letter from Hampton to Ehrlichman RE: Suggestions for RN Civil Service Journal Statement. 2 pgs.
18	7	N.D.	Other Document	Document titled "Employee Concerns About the New Administration." 1 pg.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
18	7	11/06/1968	Newspaper	Copy of newspaper article "Remedy Urged for U.S. Employes Not Paid Out of Appropriations." 1 pg.
18	7	11/07/1968	Newspaper	Copy of newspaper article titled "Massive Assaults on Career Jobs By New Administration Unlikely." 1 pg.
18	7	11/08/1968	Newspaper	Copy of newspaper article titled "Nixon's Victory Can't Jeopardize Automatic July 1 Pay Increases." 1 pg.
18	7	11/10/1968	Newspaper	Copy of newspaper article titled "Democratic-Controlled Congress A Shield Against U.S. Job Raids." 1 pg.
18	7	11/13/1968	Newsletter	Copy of newspaper article titled "Only Relative Handful of Jobs Available for Political Patronage." 1 pg.
18	7	11/14/1968	Newsletter	Copy of newspaper article titled "Nixon Is Expected to Reappraise Anti-Bias Policy on Personnel." 1 pg.
18	7	11/20/1968	Newsletter	Copy of newspaper article titled "Strong Union Bargaining Rights Unlikely to Gain Nixon's Support." 1 pg.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
18	7	11/07/1968	Newsletter	Copy of newspaper article titled "What Nixon Win Means to U.S. Workers." 1 pg.
18	7	11/07/1968	Newsletter	Copy of newspaper article titled "Vote Called Setback for Unionists." 1 pg.
18	7	11/10/1968	Newsletter	Copy of newspaper article titled "Decentralizing Steps Are Studied To Carry Out Nixon's Pledge." 1 pg.
18	7	11/13/1968	Newsletter	Copy of newspaper article titled "Nixon Action On FAA Eyed." 1 pg.
18	7	11/14/1968	Newsletter	Copy of newspaper article titled "Office Planned to Boost Efficiency of Agencies." 1 pg.
18	7	11/15/1968	Newsletter	Copy of newspaper article titled "Nixon to Consider Plan for Postal Corporation." 1 pg.
18	7	11/22/1968	Newsletter	Copy of newspaper article titled "Navy Defers Job Cutback." 1 pg.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
18	7	11/24/1968	Newsletter	Copy of newspaper article titled "250,000 Jobs Open This Year." 1 pg.
18	7	11/23/1968	Newsletter	Copy of newspaper article titled "Labor Programs Drafted for Nixon." 1 pg.
18	7	11/27/1968	Newsletter	Copy of newspaper article titled "Nixon's Editing of Employee Speech Buys Hope on Benefits, Unions." 1 pg.
18	7	N.D.	Other Document	National Federation of Federal Employees news release RE: NFFE urging RN to issue a statement reaffirming support of the merit principle in the Federal service. 3 pgs.
18	7	11/18/1968	Memo	Memo from Harlow to Ehrlichman RE: a report on Federal Employees for collective bargaining. 1 pg.
18	7	12/17/1968	Memo	Memo from Ehrlichman to Haldeman RE: Adding an agenda item regarding the importance of staff members and Cabinet not publishing without express permission. 1 pg.
18	7	12/17/1968	Memo	Memo from Ehrlichman to Krogh RE: the availability of a charitable deduction for the donation of historical papers. 1 pg.

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18	7	11/22/1968	Memo	Memo from Timmons to Ehrlichman via Harlow RE: conflict of interest procedure for staff members regarding accepting personal gifts as well as listing their income producing assets. 1 pg.
18	7	01/14/1968	Letter	Letter from Charles E. Stuart to Richard D. Godown RE: Godown's letter and memo regarding conflict of interest. 1 pg.
18	7	01/10/1969	Letter	Letter from Richard D. Godown to Charles Stuart RE: conflict of interest memorandum by the NAM Law Department. 1 pg.
18	7	12/20/1968	Memo	Memo from the NAM Law Department titled "Summary Analysis of Conflict of Interest Statutes and Regulations Concerning Businessmen in Government." 22 pgs.
18	7	12/14/1968	Memo	Memo from Flanigan to Ehrlichman RE: Talent Hunt for the jobs of Assistant Secretary or higher. 2 pgs.
18	7	N.D.	Letter	Letter from Harry S. Flemming to All Republican Members of Congress RE: Federal appointment procedures. 1 pg.
18	7	12/06/1968	Other Document	Primary Assignments of Existing Personnel to Make Recommendations for Various Agencies list. 3 pgs.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
18	7	N.D.	Memo	Memo from Joe Dawson to Ehrlichman RE: Dawson's article in the Washington News. 1 pg.
18	7	01/10/1969	Letter	Letter from Stephanie Wilson to Joseph Dawson RE: Ehrlichman returning Dawson's article. 1 pg.

LEVITTOWN, PA.
BUCKS COUNTY
DIGNITARIES ON PLATFORM

Mr. C. V. Afflerback, GOP County Chairman

Mrs. Lorraine Butch, GOP Assistant County Chairman

Ann Hawkes Hutton, Chairman, United Citizens for Nixon/Agnew

Otto Grupp, III, Vice Chairman, United Citizens for Nixon/Agnew

Marvin V. Keller, State Senator,

Wilmot Fleming, State Assemblyman

John Renninger, State Assemblyman

Honorable Edward G. Biester, Jr., U. S. Congressman

Honorable Marvin D. Weidner, State Assemblyman

Honorable James L. Wright, Jr., State Assemblyman

Mr. Fred J. Straffe, Candidate for State Assembly

Mr. James Clark, Candidate for State Assembly

Mr. Joseph Canby, Bucks County Commissioner

Mr. Charles Meredith, III, Bucks County Commissioner

The Program

Mr. C. V. Afflerback will introduce the traveling VIPS . Mrs. Ann Hawkes Hutton will introduce the Nixons.

Parking Area

Busses

Exit 4

Tavara
Ray Dali
Papery Pride

East
FES
Floor Shop
State Store
Hurley
Ligman
Paint Store
Pro Boys
Hitching P.
Yard Stick
Western
Savings
Shoe Store
Tower Hats

Ball field

Keenover Drive

Parking Area

Kresge
Dual Shoes
Singer
J.C. Penney
Beck Shoes
Eps
Kenney
Mallys
Lerner Shop

Pomeroy's

Parking Area

Parking Area

Parking Area

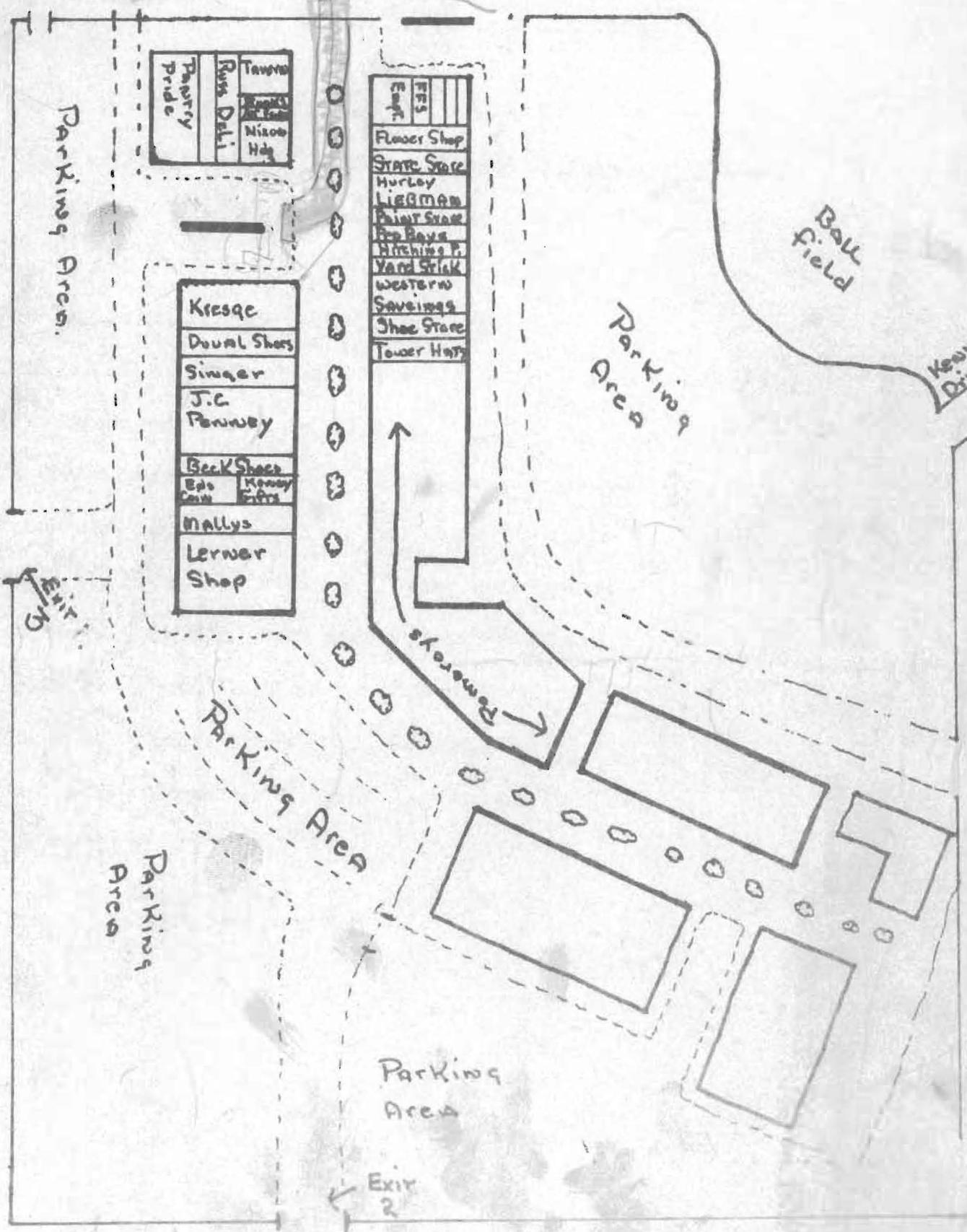
Exit 2

Levittown Parkway South

RT 13 West

Exit 5

Exit 1



MOTORCADE FOR SATURDAY, SEPTEMBER 21, 1968

Pilot Car

Advance Car

Lead Car

Security Car

R.N. - P.N. Car #1

Security Car

Wire Service Car

Photo Car

Photo Car

Car #2 - Will include John Eisenhower, Congressman Sweiker & Lt. Governor Broderick (13th Congressional Candidate Larry Coughlin will replace Congressman Schweiker)

Car #3 - Judge Hannum, Frank Pasquerilla (At King Of Prussia Congressman Beister will replace Mr. Pasquerilla), Congressman Watkins, Congressman Williams?

Press Bus

Press Bus

Staff and VIP Bus

Possible 4th Bus

Backup Security Car

MEMO

To: John Erlichman
From: Bill Casselman
In Re: Bazaar of All Nations Shopping Center Rally, Delaware County
Motorcade, September 21, 1968

Rally:

Platform guests in addition to traveling VIPS:

Lt. General Milton G. Baker & Daughter
(Mrs. Winslow Martin (Ann)
Supt. of Valley Forge Military Academy
Valley Forge Military Academy
Wayne, Pa. 19087

Mr. Edwin S. Hineman & Wife (Anna)
Chairman, Delaware County Republican Executive Committee
Fox Hollow Farm
Chadds Ford, Pennsylvania 19317

Mr. Frank A. Snear, Jr. & Wife (Dorothy)
Chairman, Delaware County Republican Supervisors
201 Providence Road
Media, Pa. 19063

Cong. G. Robert Watkins & Wife (Jane)
United States Congressman - 9th District
West Chester, Pa. 19380

Cong. Lawrence G. Williams & Wife (Margery)
United States Congressman - 7th District
56 S. Brookside Road
Springfield, Pa. 19064

RN to be introduced by Snear giving standard 30 second "Next-
President-of-the-United States" spiel. Chester City Band (75 pieces) to
strike up "Hot Time, etc." Balloons rise from behind platform, 100
Nixonettes, standard press facilities.

Other musical organizations present: Sun Valley H. S. Band;
R&R combo, as yet undetermined.

Bands and Local Color Enroute: (See Attached Map)

- Point A: Upper Darby, 69th Street Terminal
Monseignor Bon ner H. S. Band
Samuel Dickey, Twp. Leader
- Point B: Lansdowne, Lansdowne Avenue & Baltimore Pike
Combo
Joseph Bullen, Twp. Leader
- Point C: Clifton Heights, Baltimore Pike & Springfield Avenue
Combo (in front of local GOP Club)
Fred Duke, Boro Leader
- Point D: Rally site, see above.
- Point E: Springfield, Baltimore Pike and Woodland Avenue
Combo
Larry G. Williams, M. C., Twp. Leader
- Point F: Springfield Shopping Center, Springfield Road
Springfield Twp. H. S. Band
- Point G: Marple, Lawrence Park Shopping Center, Springfield
Road, Marple-Newtown H. S. Band
Walter ReDavid, Twp. Leader
- Point H: Sproul Road and Route 3
Combo
Newtown Twp. citizens to be brought in by
Charles Snyder, Twp. Leader
- Point I: City of Wayne, Radnor Twp., Lancaster Pike and Rt. 282
Radnor H. S. Band
James Merriman, Twp. Leader

PLATFORM GUESTS
AT PAOLI SHOPPING CENTER, CHESTER COUNTY

PLATFORM

Local Dignitaries

Ted Rubino - Republican County Chairman
Ellen Ann Roberts - Republican County Vice Chairman
John Halstead - Republican County Executive ViceChairman
Wilmer Thomson - Chairman, Citizens for Nixon
Congressman Paul Dague
G. O. Carlson - State Committeeman
Dick Schulze - Chairman Nixon Day
Bill Lamb - Vice Chairman Nixon Day

Local Candidates

Congressman G. R. Watkins
State Senator John Ware
Representative Jack Stauffer
Representative Tim Slack
Representative Ben Reynolds
Pat Crawford - Candidate for State Legislature

State Candidates

Congressman Dick Schweiker - Candidate for U. S. Senate
Frank Pasquerilla - State Treasurer
Congressman Watkins
Judge John Hannum, Candidate for Superior Court Judge

Nixon Party

Dick Nixon
Mrs. Nixon
Lt. Governor Ray Broderick
John Eisenhower

Program

Ted Robino - Chester County Chairman will introduce RN as well as travelling VIP Party.

3

VIP MOTORCADE CARS FOR SATURDAY, SEPTEMBER 21, 1968 IN
NEW JERSEY

Car No. 2 - Webb Todd, Republican State Chairman
Senator Clifford P. Case
Congressman William T. Cahill
Congressman John Hunt
James Skidmore, New Jersey Chairman, United Citizens
for Nixon/Agnew

Car No. 3 - Nelson Gross, New Jersey Nixon State Chairman
Joe Intile, Co-Chairman, New Jersey Nixon/Agnew Committee
John Diamond, Co-Chairman, New Jersey Nixon/Agnew Committee
Mrs. Ann Flynn, Co-Chairwoman, New Jersey Nixon/Agnew
Committee

Willingboro Shopping Center

Nelson Gross will introduce Senator Case.
Senator Case will introduce the Nixons

Cherry Hill

Congressman Cahill will introduce New Jersey State Chairman Todd and
Todd will introduce Case and Senator Case will introduce the Nixons.

MOTORCADE FOR SATURDAY, SEPTEMBER 21, 1968

Pilot Car

Advance Car

Lead Car

Security Car

R. N. - P. N. Car #1

Security Car

Wire Service Car

Photo Car

Photo Car

Car #2 - Will include John Eisenhower, Congressman Sweiker & Lt. Governor Broderick (13th Congressional Candidate Larry Coughlin will replace Congressman Schweiker)

Car #3 - Judge Hannum, Frank Pasquerilla (At King Of Prussia Congressman Beister will replace Mr. Pasquerilla), Congressman Watkins, Congressman Williams?

Press Bus

Press Bus

Staff and VIP Bus

Possible 4th Bus

Backup Security Car

WEDNESDAY, SEPTEMBER 18, 1968 - Salt Lake City (continued)

4:50 p.m. Depart airport enroute Utah Hotel
Driving time: :20

5:10 p.m. Arrive Utah Hotel (801) 328-9114, South Temple & Main St., Salt Lake City, Utah
Hotel Manager: Hank Aloia
RN information booth in lobby
Valet service available - pressing only for items turned in by 8:00 p.m.
Room service available 7:00 p.m. til midnight

Working press room - C-38
Press lounge - C-39
Staff lounge on the 7th floor

5:10-7:45 p.m. STAFF TIME 2:35

7:00 - To McKay
7:10 - Return

NOTE:
RN only during staff time. At approximately 7:00 p.m. David L. McKay, son of President McKay will arrive at RN's suite to guide him to President McKay's room in hotel. No photographer arranged for meeting. Not publicized.

NOTE:
Ziegler, Church has no objections to your announcing meeting to press later, after the meeting. Church may provide photographer for pictures.
RN then returns to suite. Total time 10 minutes.

7:45 p.m. Depart hotel enroute Mormon Tabernacle
2 routes are available for departure
1. Walk through underground tunnel used by President McKay to the Tabernacle
2. Drive to west end of Tabernacle

7:50 p.m. Arrive Mormon Tabernacle, Temple Square, Salt Lake City (801) 364-2511

NOTE:
Advise all staff and press that Temple Square is sacred ground. No smoking. Members only are admitted into the Tabernacle.

WEDNESDAY, SEPTEMBER 18, 1968 - Salt Lake City (continued)

Following is program already in progress:

- 7:30 p.m. Welcome by Richard Richards,
GOP State Chairman
- 7:32 p.m. National Anthem by Mormon Choir
and audience
- 7:35 p.m. Pledge of Allegiance by Ron Halverson,
Chairman, Weber County Republican
(will not remain on platform)
- 7:37 p.m. Invocation by Carl A. Buehner
- 7:40 p.m. Introduction of guests
- 7:55 p.m. God Bless America, Mormon Tabernacle
Choir

- 8:00 p.m. RN, PN and Governor Romney walk on without introduction
- 8:05 p.m. This is my Country - Mormon Tabernacle Choir
Introduced as being sung at RN's request

NOTE:

The reason they say "This is My Country" is being sung at Mr. Nixon's request, is because the Choir Director wanted to do a number Mr. Nixon would request, and knowing this was a favorite of Mr. Nixon's, he decided to do it this way.

- 8:09 p.m. Governor Romney introduces Senator Bennett
- 8:10 p.m. Senator Bennett introduces PN and RN
- 8:15 p.m. RN •REMARKS

NOTE:

Local GOP and Church hope that RN's remarks will be political and not moral. Past speakers in the Tabernacle have laid bombs when their comments were limited to morality, etc.

- 8:50 p.m. RN concludes

8:53 p.m. At the end of the applause and without introduction the program will end by the choir singing "The Battle Hymn of the Republic".

SATURDAY, SEPTEMBER 21, 1968 - Philadelphia-Philadelphia/Camden Suburbs

DETAILS FOR SATURDAY, SEPTEMBER 21 ARE TENTATIVE

FOLLOWING IS POSSIBLE SCHEDULE:

(40)

9:00 a.m.
Paul Shirley

Meet with Cardinal Krol at Cardinal's residence

At time of schedule publication, Cardinal has not been contacted.

9:30 a.m.

Depart Cardinal's residence enroute shopping center

9:40 a.m.

ARRIVE PROGRESS PLAZA SHOPPING CENTER"

Broad and Jefferson Streets

Contact: Rev. Leon Sullivan (215) CE 6-5400

This is a "black capitalism" project

At time of schedule publication, Rev. Sullivan had not been contacted

10:00 a.m.
Henry Cashen
(in charge)

Conclude visit of shopping center and commence motorcade of Philadelphia and Camden, New Jersey suburbs

MOTORCADE to continue until 9:00 p.m. A specific detail for this motorcade will be published by Thursday, September 19.

9:00 p.m.

Motorcade departs last stop enroute New York City

10:00 p.m. (approximately)

ARRIVE NEW YORK CITY

Staff and press schedule

10:00 p.m. - Staff and press to 450 Park Avenue. Press to Drake Hotel for overnight

SUNDAY, SEPTEMBER 22, 1968

NO PUBLIC APPEARANCES SCHEDULED

MONDAY, SEPTEMBER 23, 1968 - New York-Milwaukee, Wisconsin

Steuart White

Staff and press schedule

1:55 p. m. - baggage call - all baggage
in front of 450 Park Avenue

2:15 p. m. - Press and staff buses
depart 450 Park Avenue enroute LaGuardia

2:50 p. m. - Arrive LaGuardia - Butler
Terminal and await RN arrival at 3:05 p. m.

2:35 p. m.

RN, PN depart apartment enroute LaGuardia

3:05 p. m.

ARRIVE LaGUARDIA - BUTLER TERMINAL

Board 727 charter - staff already on board

3:20 p. m. EDT

Depart New York City enroute Milwaukee, Wisconsin

Flying time: 2:00

Sandwich snack served on board

TWX TO VERN OLSON FROM WHITAKER

JIM FULTON OF PITTSBURGH (CONGRESSMAN) WILL BE AT THE \$1000 DINNER IN NYC TONIGHT AND WANTS TO RIDE AIRPLANE TO PHIL. TOMORROW AND HE IS REQUESTING ARLIN ADAMS, PRE-MIAMI RN PENNA. CHRM TO FLY TO NYC WITH HIM TODAY SO THAT ADAMS CAN ALSO BE ON PLANE TO PHILA TOMORROW. PRESUME YOU ARE USING ONLY TWO PLANES AND WOULD HAVE TO BUMP NATIONAL PRESS TO ACCOMODATE THIS REQUEST.

PLEASE ADVISE.

DO YOU WANT TO GO BACK TO VOICE NOW?

YES NOW PLS

*9-19 (5:25)
Answer to
Cole: no
seats since
cutting planes
2 @ Q*

MEMORANDUM TO JOHN EHRLICHMAN FROM KEN COLE

RE: PHILADELPHIA, SEPT. 20TH DOWNTOWN MOTORCADE

PAUL SHIRLY ADVISED THAT WE SHOULD NOT DEPART THE PHILADELPHIA AIRPORT BEFORE 12 NOON ENROUTE DOWNTOWN PHILADELPHIA MOTORCADE ON THE 20TH. THIS MEANS A 10 MINUTE DELAY AS WE WERE PREVIOUSLY SCHEDULED TO DEPART PHILADELPHIA AIRPORT AT 11:50 AM. SUGGEST THAT RATHER THAN REVISE DEPARTURE SCHEDULE FROM NEW YORK, THAT AN ADDITIONAL 5 MINUTES OF TIME BE EATEN UP ON DEPARTURE NEW YORK AND ARRIVAL PHILADELPHIA SO THAT MOTORCADE DOESN'T DEPART AIRPORT UNTIL 12 NOON TO ARRIVE DOWNTOWN PHILADELPHIA NO EARLIER THAN 12:20.

ALSO PLAN TO CHANGE RN, PN TO CONVERTIBLE CARS AT INTERSECTION 23RD AND CHESTNUT RATHER THAN 18TH AND CHESTNUT AS INDICATED IN DETAIL SCHEDULE.

To: John D. Ehrlichman

Date: December 18, 1968

From: Bob Brown

Subject: Observations on John Price Memo of December 16, 1968,
Regarding Person to Oversee Civil Rights Policy

I am in full agreement that there will probably be early testing of the 1964, 1965, and 1968 Acts by certain opponents of these measures. At the same time, I think we are all aware of the fact that the major civil rights groups will be watching all of our actions in this area very closely.

In order to delicately balance the political and social implications of this important area of concern, I would suggest that an objective and sound black attorney be selected to head the Civil Rights Division of the Justice Department. To further balance our position, I would suggest that a discreet and effective white person be selected to head the Community Relations Division of the Department with his major responsibility being to coordinate civil rights activity and policy.



Bob Brown

RB:sw

cc: Bob Haldeman
John Mitchell
Leonard Garment
John R. Price

file
Civil Rights

To: John Mitchell

MEMORANDUM

From: Len Garment DATED: December 16, 1968

TO: John Mitchell, Leonard Garment
FROM: John R. Price JRP
RE: An Administration Person to Oversee Civil Rights Policy

I just attended a two day meeting of the Leadership Conference on Civil Rights, a confederal organization made up of over 100 groups concerned with civil rights, such as the Urban League, Southern Regional Council, AFL-CIO, and others.

There was a strong feeling that there should be in the White House as either a special assistant, a deputy counsel, or a member of Moynihan's staff, a person whose principal responsibility would be the top level supervision of civil rights related questions.

He would be a point of entry to the White House for the civil rights and related groups. He would assist the Justice Department, the Equal Employment Opportunities Commission, Federal Contracts Compliance Officer, and officials at Health, Education & Welfare in coordinating their civil rights related programs.

I recognize that there might be delicate political questions attached to the creation of a "Special Assistant to the President for Civil Rights"; but a less visible person, who has the responsibility would satisfy the civil rights interests. Substance and not form will count with them.

From a prior meeting I had with a number of black and white Southern civil rights activists, I gather there is apprehension about the intentions of the Administration with respect particularly to the enforcement of the 1965 Voting Rights Bill and generally with respect to the impartial administration of justice throughout the South. They anticipate an early testing by opponents of the 1964, 1965 and 1968 Acts of the resolve of the new Administration on their desire to enforce the law.

I feel that the selection of a white, extremely tough, effective litigator, preferably without any long-term identification with "the movement", but committed to the law, for Assistant Attorney General of the Civil Rights Division would be the best approach.

JRP/jaf

STATEMENT FOR THE CIVIL SERVICE JOURNAL

By

Richard Nixon

With every change of administration our governmental process displays a remarkable strength through an orderly transition of power.

New men have been chosen to lead our nation; new programs and policies must be applied to the pressing needs of today and tomorrow.

The new leadership understands a great strength of our system: the dedication of governmental careerists to new policies and new directions.

Teamwork between appointees of the new administration and the men and women in civil service will be established smoothly, because there is a lively appreciation by these appointees of the imagination, experience, professional talents and skills of those who have chosen the public service as a lifelong career.

To the tasks ahead, career employees have already committed their support. I welcome your full participation--I am confident of your best efforts--and I assure you of a constant receptivity to your constructive ideas.

Together we will move our nation on a new road of unity and progress.

STATEMENT FOR THE CIVIL SERVICE JOURNAL

By Richard M. Nixon

a remarkable
With every change of administration, ~~the~~ *our governmental* democratic process displays ~~its basic strength,~~ *through an* the orderly transition of power.

New men have been chosen to lead our nation; new policies *propose and* must be *applied to the present needs* ~~are needed to meet the demands~~ of today and tomorrow.

The leadership ~~these new men~~ understand *a* another great strength of our system: *of governmental executives* the ~~ability and the~~ dedication to new policies and new directions.

Teamwork between appointees of the new administration and the men and women in civil service will be established smoothly, because there is a lively appreciation by the *of* appointees of the imagination, experience, professional talents and skills of those who have chosen *the* public service as a lifelong career.

To the ~~great~~ tasks ahead, career employees have already pledged *committed* their support. I welcome your full participation, *I am confident of* your best efforts, *I assure you of constant receptivity to* and your constructive ideas.

~~Working~~ *T*ogether, we will move our nation ~~forward~~ on a new road of unity and progress.

PRESIDENT RICHARD M. NIXON
ENLISTS FULL PARTICIPATION
OF CAREER CIVIL SERVICE

*Proposed
Civil Service Journal
STATEMENT.*

During my Administration this Nation will reach her decade-long goal of landing on the moon. Important as that is, I would far rather she land on her feet.

Both goals are worthy, both are difficult of attainment--yet both are surely attainable. While reaching upward in the mastery of space, we must also look inward to a mastery of the spirit, to a national unity of conscience and purpose.

Our earthbound problems have not appeared overnight. Neither will our best solutions. The fires of our individual hopes must first be gathered and fed into a single forge. Our emerging goals and expectations for America's future must then be hammered out on a new anvil of good will, mutual trust, and determination. From this anvil will come new and re-structured action programs. To translate policy and program into action at the citizen level, I shall rely heavily on the civil service to respond quickly to new leadership and direction.

Teamwork between my appointees and their career staffs must be established swiftly and smoothly. My own experience has provided a deep appreciation of the imagination, professional talents and skills, and responsiveness of our career people.

I shall look to the young employee for the vigor, idealism, and suggestions born of impatience with the status quo. I shall look to the experienced for the seasoning and the wisdom that must permeate program endeavor. To the task before us, I enlist more than the support of all career employees--I enlist your full participation, your best efforts, and your constructive ideas to help put our Nation's feet firmly on the solid ground of unity, purpose, and progress.

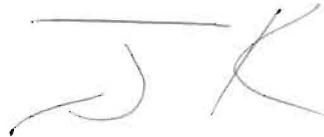
Your participation will be challenging, fulfilling, and rewarding. This I pledge.

s/ Richard M. Nixon

December 19, 1968

TO: John Ehrlichman
FROM: Jim Keogh

Attached is the proposed piece for the Civil Service Journal, drafted by Safire at your request.

Handwritten initials "JK" in a cursive style.



COMMISSIONER

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D. C. 20415

November 29, 1968

Mr. John Ehrlichman
Staff of Richard M. Nixon
450 Park Avenue
New York, N. Y. 10022

Dear John,

The items you requested are attached.

I have listed nine concerns rather than five to give you more selectivity should Mr. Nixon be interested in issuing a statement concerning Federal employees. However, the first five in my opinion are the most talked about.

Also for added background are selected columns (after November 5) by our Washington Civil Service watchers. Two of these Kluttz and Young are syndicated.

Should Mr. Nixon desire to issue a statement containing future policy implications regarding proposed legislation particularly in the labor-management and invasion of privacy areas, I believe it would be helpful if I could brief you on the problems we have been experiencing.

We go to press on the Civil Service Journal next Friday and we would like very much to have a statement by Mr. Nixon for the edition to be published following the Inauguration. We need a statement by December 20 in order to make it page one. Attached  also is a draft for your consideration. We will need an official photograph to go on the same page.

Regret adding to your already heavy burdens by spelling out so many details but we want to get the new President off to a first class start with the career employees.

I hope that we can talk again soon. Would appreciate seeing you if you get down this way.

Let me know whatever you want done. A suggested paragraph for the State of the Union message will follow soon.

Good luck.

Sincerely yours,

A handwritten signature in cursive script that reads "Bob".

Robert E. Hampton
Commissioner

Attachments

EMPLOYEE CONCERNS ABOUT THE NEW ADMINISTRATION

1. Federal pay-- Will pay comparability be achieved on target by July 1, 1969? Will the new Administration fully support maintaining comparability?
2. Fringe Benefits-- Employees are genuinely alarmed by the annual upward adjustment of their share of the costs of their health benefits under the Government-wide program. Will the new President propose or support some form of relief for employees, such as having the Government pay a higher percentage of the premiums? Also, will the new President seek improvements in the funding of the Civil Service Retirement System?
3. Job security-- Will the new Administration manipulate the civil service structure to achieve political aims? Will there be sharp employment reductions within the Federal service?
4. Equal opportunity-- Will the new Administration support equal opportunity for entry into and for advancement within the career service? Will there be employment quotas for minority group members?
5. Employee-management relations-- Will the new Administration fully support the right of Federal employees to organize, to be represented, and to be heard in decisions and actions that affect them? Will the new President support E.O. 10987 and E.O. 10988-- or will he seek legislation? (Established Labor-Management Relations Framework)
6. Will there be more contracting out of Government services customarily performed by Federal workers?
7. What is the view of the new Administration with regard to the controversial question of invasion of employee privacy?
8. Will there be any change in the suitability and security requirements for Federal employment?
9. Will the new Administration object to or support current measures that would relax restrictions on political activity by Federal employees?



NEWS RELEASE

NATIONAL HEADQUARTERS: 1737 H STREET, N.W. • WASHINGTON, D.C. 20006 • TEL. 298-6315

IMMEDIATE RELEASE

President-elect Richard M. Nixon today was strongly urged by the National Federation of Federal Employees to issue a statement reaffirming support of the merit principle in the Federal service and scotching persistent reports of impending efforts to increase the number of Federal positions open to patronage appointment.

In a communication to Mr. Nixon, extending congratulations upon his election and pointing out that the President-elect could be certain that career employees would carry out with faithful dedication all programs and policies regardless of party, NFFE President Nathan T. Wolkomir said that "we are aware and appreciative of your long-time commitment to the merit system and the firm platform pledges on that score.

"We know that this stand represents the firm conviction of the overwhelming majority of the American people who understand so well that merit is the foundation of an efficient public service.

"At the same time, the compilation of lists of so-called 'excepted positions', undertaken by the Civil Service Commission upon request, taken together with unsubstantiated but persistent rumors of impending attempts at spoils 'raids,' not based on fact but upon certain public statements and rumor-fed conjecture in the departments and agencies, has caused a serious morale problem," the NFFE leader declared.

"We believe that a statement reaffirming support of the merit principle, and allaying the understandable fears that a change in Administration will bring renewed efforts to remove large numbers of jobs from civil service and place them in so-called 'excepted' categories, would be very much in the national interest at this time.

"All past experience shows conclusively that regardless of the best of intentions, pledges, and earnest commitment, any change in Administration, regardless of character, brings with it patronage pressures in varying degrees.

"During these recent difficult months of uncertainty, the American people have had a graphic example of the real meaning and value of a public service based solidly on merit ... and in which political pressures are not permitted to dominate. Career Federal employees have been given and have earned very widespread approbation.

"Moreover, the incoming Administration will find in the career service an efficiently functioning instrumentality to carry out programs both new and old.

"Patronage seekers invariably rely on the cliché cry that civil service 'prevents the new Administration from being master in its own house,' and we can expect to hear that from some quarters again before very long.

"But the fact is that career employees do not make policy ... they carry out policy ... and the record over the years proves that in the overwhelming majority of all cases they do not allow personal feelings, one way or another, to influence their actions as public servants.

"That will be true with this incoming Administration as it has been ever since the Federal service became increasingly a merit service. However, the need now, in the interest of better government, is not more patronage jobs -- there are still thousands too many of them -- but a further extension and strengthening of the career service.

"There is cause for satisfaction that, except for a relatively few instances, civil service employees were not an issue in the campaign just concluded. This has been in encouraging contrast with some recent elections when career public employees became whipping boys for purple political oratory. At the same time, we believe the uncertainty which now inevitably attends a change of Administration should be laid to rest by an appropriate and meaningful statement by the President-elect on these vital matters."

Dr. Wolkomir said that the NFFE would seek early action, both in the 91st Congress and administratively, on a series of important issues ... which were included in the platform pledges of the parties in this election.

"These include such vital issues as full pay comparability, an in-depth improvement by legislation in the employee-management cooperation program, a new wage board program, liberalized retirement for employees and annuitants, action to reduce the huge retirement fund deficit caused by Congressional appropriations neglect, elimination of costly, wasteful manpower practices such as use of contractor workers, military personnel, and contracting-out, passage of legislation to protect the rights of employees against invasions of privacy, and many others.

"We shall provide the New Administration, as we have the outgoing one, with factual, detailed evidence that contracting-out of work historically done by career Federal employees is costing the taxpayers millions of dollars, is losing to the service many highly skilled workers, and is depriving various departments and agencies of vital in-house capabilities. Contracting-out is a most serious problem which the new Administration must face forthrightly ... and curb it in the national interest.

"Moreover, action must be taken promptly to reverse the arbitrary slash in funds which has so adversely affected the departments in carrying out their missions ... and which members of the 90th Congress themselves recognized to have been unsound. The NFFE will urge such action very strongly.

"The heavy and expensive turnover rate in the Federal service, sporadic talk of the possibility of strikes, the pervasive uncertainty sweeping the service ... all these underscore the fact that the Government is not a leader but a laggard follower as an employer. This is a situation which cries out for change; for the Government to become if not a model employer at least a more progressive one.

"It is the intention of the NFFE to bring all of these situations in fullest detail to the new Administration at the highest level ... and to every member of the 91st Congress at the earliest possible time.

"It is not too soon to start translating pledges into substantive action. In this area the need is acute and further delay is filled with serious hazard. The NFFE will do all within its power to get action swiftly."

#

11/8/68

MEMORANDUM

TO: John Ehrlichman

DATE: Nov. 18, 1968

FROM: Bryce Harlow

When George Meany was with RN on November 15, he mentioned a report on Federal Employees for collective bargaining -- a report since bottled up by LBJ. He says this report will be before RN in January and that it is very important to the AFL-CIO. A copy of the report can be obtained from Joe Califano, says Meany -- though I should imagine ^{that} there is not the best place to request it! RN asked that the matter be checked into to see what his own position should be.

To: Bob Haldeman
From: John D. Ehrlichman

Date: December 17, 1968

The previous administration has attempted to elicit a written covenant not to publish from its ^{not} staff members and Cabinet.

However, there seems to be an unwritten mandate in the Johnson Administration which has proved effective.

I would suggest you add to the agenda for your upcoming staff meeting a discussion of the importance of not publishing without express permission.

It may mean that you will have to have staff meetings at various levels in order to be sure you get proper distribution of this subject matter.

John D. Ehrlichman

JDE/hg

To: Bud Krogh
From: John D. Ehrlichman

Date: December 17, 1968

I assume that you are asking Mr. Ritzel at the law firm to look into the question of the availability of a charitable deduction for the donation of historical papers either to the government or otherwise.

Since any donation must be made in this tax year to be really effective, we should place a December 24 deadline on this project.

John D. Ehrlichman

JDE/hg

MEMORANDUM

November 22, 1968

TO: John Ehrlichman

THRU: Bryce Harlow ~~BT~~

FROM: Bill Timmons

In light of public criticisms of individuals in previous Administrations, it might be well for your office to accept a procedure for staff members to accept personal gifts (for example, fair market value of up to \$25.00).

In addition, you might want to consider asking policy level appointees to register with you a listing of their stocks, bonds, securities, trusts and other income producing assets -- in order to protect the Administration and them from possible conflict of interest charges.

These are just ideas.

BT

John - For example, I have some unredeemed P&G stock options. What about such as these?

January 14, 1969

Mr. Richard D. Godown
Assistant Counsel
National Association of
Manufacturers
918 Sixteenth Street, N. W.
Washington, D.C. 20006

Dear Mr. Godown:

This will thank you for your kind letter and for the accompanying memo on conflict of interest. I shall pass the letter along to John Ehrlichman.

The lawyers on our staff tell me that the "Reference Booklet on Conflict of Interest" was over-subscribed and is now out of stock. As soon as they fire up the xerox machine for a new batch, I'll see that you get one.

I do look forward to meeting you in Washington and am sure that Father can arrange a get-together sometime in the future.

Thank you again for your interest.

Very truly yours,

Charles E. Stuart
Staff Assistant to the Counsel

NAM

National Association of
Manufacturers

Lambert H. Miller, General Counsel

Assistant Counsel
Fred B. Haught
D. Joseph Hanlon
Richard D. Godown

January 10, 1969

Mr. Charles Stuart
Office of Counsel to
President-Elect
450 Park Avenue
New York, New York 10022

Dear Mr. Stuart:

I was delighted to hear from Bob McCann that you will be working with John Ehrlichman in the White House. When I put in a phone call to congratulate your dad, I found that he was on jury duty. Hence, I will have to defer that pleasure until he gets back in the office.

The Wall Street Journal on December 20, 1968, carried a story on the handling of the conflict of interest problem by the incoming administration and made reference to an 87-page booklet titled "Reference Booklet on Conflict of Interest." On that same day, the NAM Law Department published a legal memorandum titled "Summary Analysis of Conflict of Interest Statutes and Regulations Concerning Businessmen in Government." With the thought that our memorandum might be of interest, we have taken the liberty of enclosing a copy, and wonder whether it would be appropriate to ask if we might obtain a copy of the Booklet earlier referred to.

I would welcome the opportunity to discuss this and other matters of mutual interest and will look forward to making your acquaintance when you come to Washington. Congratulations and all good wishes on your new undertaking.

Very truly yours,



Assistant Counsel

RDG:cam

Memo

NATIONAL ASSOCIATION OF MANUFACTURERS • 918 SIXTEENTH STREET, N.W., WASHINGTON 6, D.C. • REpublic 7-3630

Lambert H. Miller, General Counsel

Assistant Counsel
Fred B. Haught
D. Joseph Harlon
Richard D. Godown

December 20, 1968

**SUMMARY ANALYSIS OF
CONFLICT OF INTEREST
STATUTES AND REGULATIONS
CONCERNING BUSINESSMEN IN GOVERNMENT**

When a businessman comes to Washington to work in the administrative or legislative branch of government financial considerations frequently pose difficult questions of potential conflict of interest which may arise in the course of such employment.

This memorandum seeks to analyze the various statutory provisions, regulations and the Executive Order which deal with conflict of interest for those in the employ of the federal government.

**SALARY AND
COMPENSATION**

Public Law 87-849, hereinafter referred to as the Act, to a large extent codified prior existing conflict of interest statutes bearing on the subject matters dealt with herein and now appears at 18 U.S.C. §201 et. seq. Section 209 of the Act deals directly with the question of salary and fringe benefits accruing from outside services to government officials. Section 209 (a) and (b) and (c) reads as follows:

"(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.

"(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."

Section 209(a) embodies the principle that a government employee should not be paid by anyone but the government for doing his government job and that to allow discretionary payment from a non-government source would create a situation wherein the independent judgment of the employee might be influenced in favor of those advancing the payment. The second paragraph under (a) makes it clear that the prohibition against paying, contributing towards or supplementing a government employee's salary is not limited to would-be donors who are regulated by or have dealings

with the particular agency wherein the employee serves; rather it is a general prohibition.^{1/}

SEVERANCE PAY Under the terms of Section 209(a) then it would be unlawful for a company to make up the difference between the amount an employee was presently earning and his future government salary. Severance pay, on the other hand, would not violate the "as compensation for" language of the statute if it were paid in accordance with existing company policy, whether in lump sum or spread over part or all of the government service, since it would represent funds which had accrued prior to that service and have no connection with it. A special severance payment, however, according to an unpublished Justice Department memorandum:

"of more than nominal amount made to an employee in anticipation of his working for the Government, and whether paid at once or spread, would in all likelihood be objectionable. There seems to be no distinction between a benefit of this kind and the clearly proscribed continuation of ordinary private salary payments to maintain the level of the employee's income while employed by the Government."^{2/}

^{1/} Note: Coverage under the separate sections of P.L. 87-849 varies. Sections 203 and 205 of the Act expressly apply to all officers and employees "in the executive, legislative, or judicial branches of the Government, or in any agency of the United States, including the District of Columbia." Sections 207, 208 and 209 apply only to officers and employees "of the executive branch of the United States Government, of any independent agency or of the District of Columbia."

^{2/} Justice Dept. memo titled Conflicts of Interest Questions Arising from Stock Options, Pension Rights and Other Executive Benefits of Individuals Entering Government Employment from Private Business. Quoted in a footnote at 76 Harv. L.Rev. 1139 (1963).

Roswell B. Perkins, writing in the Harvard Law Review, suggests that this interpretation is unnecessarily stern and that "the sole test should be, we submit, the factual one whether the payment is made in consideration of past services."^{3/}

FRINGE
BENEFITS

Paragraph (b) of Section 209 contains new language and bears most directly on the considerations enumerated at the outset of this memorandum. In drafting this portion of the Act it was the intent of Congress to encourage additional qualified people to undertake government service. Fringe benefits derived from company plans oftentimes represent the bulk of an individual's basic economic security and under the prior statute, former 18 U.S.C. §1914, it was the general view that any employer contribution to a benefit plan which thereby transferred value to a government employee during the course of his government employment was barred. The new language of 209(b) is broad and the only qualification is that a pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan be "bona fide." Application of a plan to a broad class of employees and its established existence prior to the time an individual began to consider the possibility of becoming a government employee would probably be sufficient to meet this test. The rationale for this change lies in the fact that company plans are established for the entire group and cannot readily be changed to bring about special benefits for any particular individual.

^{3/} Perkins, The New Federal Conflict-of Interest Law, 76 Harv.L.Rev. 1113, 1139 (1963).

STOCK
OPTIONS

Although stock options are not specifically mentioned in Section 209, the law pertaining thereto was not changed by the Act.^{4/} The Justice Department memorandum earlier referred to (see footnote 2) contains this statement about stock options:

"Where shares have already been acquired through the exercise of options prior to government service and such options were granted in relation to past services under a standing company plan, section 1914 /new 18 U.S.C. 209/ presents no obstacle to their retention. Similarly, the section would not seem to proscribe the vesting and exercise of options after government employment begins as long as they were originally granted pursuant to a standing plan. On the other hand, an ad hominem grant of an option upon the employee's leaving his company to enter the government might contravene the statute."^{5/}

ADDITIONAL
CONSIDERATIONS

These additional considerations should be mentioned in connection with 209(b). The aim of this section is to prohibit the transfer of anything of value from the private sector to the government employee as compensation for his federal service. On this basis an individual's own continued contribution to a participatory plan maintained by a former employer would not seem to be proscribed.

The words "former employer" in 209(b) raise the question of whether an individual on a leave of absence or with a contractual right

^{4/} Memorandum of Attorney General Regarding Conflict of Interest Provisions of Public Law 87-849, January 28, 1963, at p. 13, states:

"This provision /SECTION 209/ uses much of the language of the former 18 U.S.C. 1914 and does not vary from that statute in substance."

^{5/} Quote taken from footnote at 76 Harv.L.Rev. 1141 (1963).

to return to his original employment would qualify for the exemptions set forth in this section. The answer, according to the Justice Department, is in the affirmative.^{6/}

Further, it should be noted with regard to 209(b), government employees who continue participation in non-government employer sponsored benefit plans quite clearly have a personal "financial interest" as outlined in 18 U.S.C. 208 and in Executive Order 11222 discussed below. As a result they are under obligation to report this fact and may find they are disqualified from dealing with particular matters which could affect their former employer.

GOVERNMENT
PENSION PLAN

One final consideration: Participation in the federal government's pension plan, The Civil Service Retirement Fund, is mandatory for all jobs covered by the civil service system. Although rights in the Fund do not vest until the end of the fifth year, employee contributions of 6½ percent of annual salary are automatically deducted from the first day of employment. Should one leave the government before the five-year period has run, contributions to the Fund would be returned in a lump sum. Most jobs within the executive department are covered, but for exceptions see 5 CFR §831.201. Legislative branch employees may elect to be covered, but it is not

^{6/} The question is discussed and the conclusion here reported reached in an unpublished letter from Assistant Attorney General Wozencraft to Commissioner of Internal Revenue Sheldon Cohen, dated January 12, 1968, dealing with the federal government's Interchange Program.

mandatory that they do so. (See 5 U.S.C. §8331.) Participation in life insurance and health benefit programs is voluntary for all government employees.

PERSONAL FINANCIAL INTERESTS

18 U.S.C. §208 having to do with acts affecting a personal financial interest reads as follows:^{7/}

"(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

^{7/} Note: Public Law 87-849 also deals with Special Government Employees. This classification includes 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. Notwithstanding the foregoing, every person serving as a part-time local representative of a member of Congress in the Member's home district or state is classified as a Special Government Employee. In general, a lesser array of prohibitions is imposed on individuals who fit this category. Since it is the purpose of this analysis to treat the subject of Conflict of Interest with regard to full-time employees, Special Government Employees will not be further mentioned.

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."

The philosophy underlying Section 208 is that public office should not be used for private gain; that governmental proceedings should be characterized by impartiality and fairness and that private considerations should not be allowed to influence public decisions.

To produce this desired end, 208(a) lays down a wide ranging prohibition. A government employee may not participate "personally and substantially" in his governmental capacity in any matter in which, to his knowledge, he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a "financial interest."

Personal and substantial participation may be taken to mean more than the performance of purely ministerial or procedural acts. Through the delineation of a broad range of activity within the statute itself, it becomes obvious that coverage extends beyond the one or more officials acting directly as officers or agents of the United States in a given matter. Government activity participated in outside one's own department is covered as well.

"Financial interest" is not defined nor does the legislative history supply any guidance as to the intended meaning of this term. Agency regulations promulgated under 18 U.S.C. §208(b), however, in describing a "nondisqualifying financial interest," have partially defined the term by explaining what it is not.

"The indirect interests in business entities which the holder of shares in a widely held diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is hereby exempted from the provisions of 18 U.S.C. 208(a) in accordance with the provisions of 18 U.S.C. 208(b)(2) as being too remote or inconsequential to affect the integrity of the government officer's or employee's services."^{8/}

Justice Department regulations allow individual holdings in a bank or insurance company as well as in a mutual fund or investment company so long as the "fair value of such stock or bond holding does not exceed 1 percent of the value of the reported assets of the mutual fund, investment company or bank."^{9/} While other agencies have regulations in this area the two examples cited are illustrative of the attitude of two major government departments.

Inclusion in the statute of the element of knowledge in order to establish a breach provides a needed safeguard and also suggests, through the use of special trust provisions, ways in which substantial holdings may be dealt with during periods of government service.

^{8/} Department of Defense, Standards of Conduct, 32 CFR §40.735-15(a)(3).

^{9/} Department of Justice, Standards of Conduct, 28 CFR §45.735-5(b).

STOCK &
OTHER INTERESTS

Whether or not one must sell or otherwise isolate one's stock or other interests would seem to depend upon the amount owned. If the interest is significant, the answer is a probable yes. If holdings are relatively small, then the opposite answer seems likely. The decision is not automatic and is to be worked out between the individual, his agency head, the Civil Service Commission, or perhaps the President.

EXEMPTIONS

Section 208(b) provides two exemptions from the restrictions of 208(a). One, already touched upon, comes about by agency publication of the class or kind of financial interest held to be inconsequential. The second, establishes a means for the government employee to report a potential conflict of interest situation to the official responsible for his appointment and in turn allowing the latter to determine, on a case-by-case basis, whether any conflict is likely to result. This puts the burden on the individual and at the same time protects the government. Should a new appointee be in doubt, he has only to clear with his appointing official. As a practical matter, however, the necessity to disqualify oneself repeatedly could become embarrassing to the individual and burdensome to his superiors. It may be on this basis that having decided to accept appointment to a government job the advice one is most likely to receive is, "sever all connections." It further appears that the higher the appointive office, the more literal this must be taken.

POST
EMPLOYMENT

Post employment prohibitions are dealt with in 18 U.S.C. 207. Under the terms of subsection (a),

a former government officer or employee is forever estopped from acting as agent or attorney for anyone other than the United States in connection with a matter in which the U.S. is a party or has a substantial interest and in which he participated personally and substantially for the government. Section 207(c) prohibits a non-government partner from acting as agent or attorney for a private party in a matter of this kind while his partner is in the government service; those with outstanding scientific or technical qualifications are exempted from these restrictions by subsection 207(b).

This same subsection (b) prohibits for one year after an individual's government employment has ended, a personal appearance on behalf of anyone other than the U.S. in connection with any matter in which the U.S. is a party or has an interest and which was within the boundaries of the individual's official responsibilities during his last year of government service.

EXEMPTIONS
TO SEC. 207

Neither the language of subsections (a) nor (b) contemplates any prohibitions as a result of activity involving general rulemaking, the formulation of general policy or standards, or other like matters. Similarly, a former government employee would not be prevented from performing technical work in his company's plant on a contract he helped to negotiate nor would he be proscribed from becoming an official of that company. He simply could not personally act as the agent or attorney of the company in dealing with matters

covered under Section 207(a) and (b).^{10/} It is of particular significance that no ban exists with regard to immediate appearance before any government agency in connection with new matters, i.e., those arising the day after he leaves.

OTHER SECTIONS The remaining sections of the Act deal with conflicts of interest arising out of bribery (Sec. 201); solicitation or acceptance of compensation for services rendered by Congressmen, Commissioners or employees of the executive, legislative or judicial branch (Sec. 203); and the representation by current government employees of any party except the government before a court or government agency in a matter in which the U.S. is a party or has an interest. (Sec. 205).

E.O. 11222 Following passage of Public Law 87-849 in 1963, the apparent need to supply more detailed guidance coupled with widely publicized conflict of interest investigation in Washington, gave rise to Executive Order 11222, published May 8, 1965. The underlying premise of this Order, signed by President Johnson, is that every citizen is entitled to have complete confidence in the integrity of his government. To promote this end a series of stringent regulations are set forth designed to avoid the appearance as well as the actual existence of any situation which might give rise to a conflict of interest on the part of officers or employees of the executive department, independent agencies and government corporations.

^{10/} See generally, Appendix B, Digest of Conflict of Interest Laws, Part B, 32 CFR §40-735.16.

Specifically employees are cautioned against using public office for private gain, giving preferential treatment, impeding government efficiency or economy, losing complete independence or impartiality of action, making governmental decisions outside official channels or adversely affecting the public confidence (Sec. 201).

While outside teaching, lecturing and writing are encouraged, such activity is prohibited if it would result in a conflict or an apparent conflict of interest (Sec. 202).

Sec. 203 dealing with financial interests and transactions is reproduced in full:

"Employees may not (a) have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties as Federal employees, or (b) engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through their employment. Aside from these restrictions, employees are free to engage in lawful financial transactions to the same extent as private citizens. Agencies may, however, further restrict such transactions in the light of the special circumstances of their individual missions."

Civil Service Commission regulations "amplifying" Section 203 simply repeat its language almost verbatim.^{11/}

Additional prohibitions forbid the private use of federal property (Sec. 204) and the use for private gain of official information not made available to the public (Sec. 205). Section 206 recites the expectation

^{11/} See section titled Financial Interests, 5 CFR §735.204.

that government employees will meet all just financial obligations imposed by law, especially Federal, State and local taxes.

REPORTING
REGULATION

Part IV of the Executive Order is perhaps of most interest for purposes of this memorandum in that it deals with reporting of financial interests. Cabinet officers and other high ranking officials, i.e., Presidential appointees in the Executive Office of the President, not subordinate to an agency head, and full-time Board, Committee or Commission members, are called upon to submit financial statements directly to the Chairman of the Civil Service Commission. Other employees, generally those classified at GS-13 or above^{12/} with decision making responsibility which may impact on any non-federal enterprise, report to their agency head.

Statements must be submitted within 30 days after entering government service and must contain at a minimum the following information set forth at Section 401(a)(1):

"(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit 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

^{12/} See 5 CFR §735.403 for specific details. E.O. 11222, Sec. 401(a).

"(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."

Information is to be kept up to date on a quarterly basis. Of particular importance is the stipulation under Section 403(a) that "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 this part." If any requested information is not known, then someone who does know is to be requested by the individual having the reporting responsibility to submit such information on his behalf. An individual need not report his financial interest or other connection with any professional society, or charitable, religious, social, fraternal, educational, public service, civic or political organization or other similar organization which is not conducted as a business enterprise and which neither owns or conducts a business enterprise (Sec. 403(c)). The Chairman of the Civil Service Commission is given the task of determining, from the information submitted, whether a conflict may exist between "the financial interests of the official concerned and the performance of his services for the government." (Sec. 404). If a senior official is concerned, the Chairman reports the fact directly to the President; otherwise he informs the agency head concerned. At this point the provisions of 18 U.S.C. 208(b), earlier analyzed, come in to play.

AFFIRMATIVE
DUTY

The statute calls upon the individual to inform the official who appointed him when he becomes aware of a possible conflict of interest. Nothing in the Executive Order would seem to obviate this affirmative duty of coming forward, although disclosure to an agency head, not the appointing official would seem to satisfy the requirement of 208(b) in view of the delegation of powers contained in Part V of the Executive Order. Put another way, a strict reading of 208(b) would seem to indicate that a government employee may not simply file a statement of financial interest in accordance with the Executive Order and in lieu of any notification directly or indirectly from the Civil Service Commission, assume that he may proceed with his government work without fear of involvement in any conflict of interest situation. Rather, as the work year progresses he must remain vigilant and under the terms of the Executive Order avoid both actual conflict and the appearance of conflict. Should he become aware of such a situation it is incumbent upon him to notify his agency head.

It should be added that the determination envisioned in 18 U.S.C. 208(b) of whether "the integrity of the services which the government may expect" is jeopardized by a disclosed financial interest is reserved to the President in the case of Executive Branch agency or department heads, Presidential appointees in the Executive Office of the President not responsible to agency heads and appointees to Presidential Committees, Board and Commissions.

SENATE
CONFIRMATION

Finally, concerning Presidential appointees it must be recognized that when confirmation depends upon

the advice and consent of the Senate, the interested Committee is free to fashion demands which go beyond the letter of applicable law and regulation in order to assure itself that future conflict of interest will not arise.

Both Houses of Congress have responded to repeated calls for more strictly enforced rules of conduct for Members and employees of the Legislative Branch although it is still accurate to state that the Executive Branch is far more closely regulated in this respect.

HOUSE CODE By adoption of H.Res. 1099, on April 3, 1968, the House of Representatives established for itself a "Code of Official Conduct" now embodied in House Rule XLIII. In part this Code calls upon Members, officers and employees of the House: 1) to conduct themselves in a manner which reflects credit on the House, 2) to obey in spirit and letter both House and Committee rules, 3) to receive no compensation nor permit any to accrue to their beneficial interest, the receipt of which would occur by virtue of influence improperly exerted from their positions in the Congress, 4) to accept no gift of substantial value from any person, organization or company having a direct interest in legislation before Congress, and 5) to accept no honorarium in excess of customary value.

House Rule XLIV, titled Financial Disclosure, was also adopted as part of H.Res. 1099. This new rule calls upon Members, officers, principal assistants to members and officers and professional staff members of Committees to file, by April 30 of each year, with the House

Committee on Standards of Official Conduct a two-part statement covering personal financial interests and those constructively controlled by the person reporting.

Part A of the required report, which is to be open to public inspection, is to contain first, a listing of business entities doing "a substantial business with the Federal Government," in which the person reporting has a degree of ownership which exceeds \$5,000 or if he derived income of \$1,000 or more from this source during the preceding calendar year. Secondly, if an individual or his spouse received \$1,000 or more in the last year from any professional organization for being a partner or serving as an officer or director or advisor, this source must be reported. Third, the source (but not the amount) of the following is to be revealed: any income for services rendered (other than from the U.S. Government) exceeding \$5,000, any capital gain from a single source exceeding \$5,000 other than from sale of a residence occupied by the personal reporting, and reimbursement for expenditures, other than from the U.S. Government, exceeding \$1,000 in each instance.

A parenthetical note at this point -- the subject of Legislative Branch employees' continued participation in various fringe benefit programs maintained by a former employer (see 18 U.S.C. §209(b)) is nowhere specifically dealt with. In view of the legislative history covering both House and Senate rules in this area, it would seem a fair assumption that, subject to the desires of the supervising Member and the Committees on Standards of Official Conduct in both Houses, there

are no restrictions against such continued participation. Whether this would occasion the necessity for financial disclosure would depend upon the facts in a given situation.

Part B of the report will be held confidential -- sealed by the person filing -- and is to contain the amount of income derived from the second and third sources outlined in the preceding paragraph. The vote of seven members of the Committee is necessary to break the seal, and thereafter the same number must agree in a second vote that the public interest would be served by making all or part of the information public.

The rationale for this disclosure procedure is seemingly best illustrated by a quote from the House Report:

"The legitimate objectives of financial disclosure, then, are to serve as a deterrent reminder to the person filing and to acquaint the voters with the areas in which it is possible for a conflict of interest to occur."^{13/}

The Senate also set about dealing with the problems of conflict of interest and by adoption of S.Res. 266 on March 22, 1968, added three new rules to The Standing Rules of the Senate.

Rule XLI forbids any officer or employee "whose salary is paid by the Senate" to engage in outside business or professional activity or employment unless there is no conflict with "the conscientious performance of his official duties," and unless he submits by May 15 of

^{13/} House Rept.No. 1176, 90th Cong., 2d Sess., 24 (1968).

each year a written report of such activity to his supervisor and subsequently receives approval. It does not, however, forbid outside economic activity per se.

Some examples, taken from the Senate Report, of activity which must be reported are consulting for a fee, writing, selling real estate and serving as a director for a fee. Of particular significance is the fact that in adopting Rule XLI the Senate deleted "financial activity" from its coverage, contrary to Committee recommendation. Holding stocks, bonds or other types of real or personal property interests for gain would not seem to contravene this Rule. Similarly, the receipt of retirement income, disability compensation, annuity benefits, gifts and distributions from family or private trusts beyond the control of the distributee would also appear permissible.^{14/}

Senate Rule XLIV, Disclosure of Financial Interest, calls upon each Senate officer or employee with an annual salary of \$15,000 and above to file annually by May 15 with the Comptroller General: a) a copy of his tax return, b) the source and amount of each fee of \$1,000 or more during the preceding year from a client, c) the name and address of each business or professional corporation, firm or enterprise from which he received compensation, and the amount he received for acting as an officer, director, partner, proprietor or employee, d) the identity of each interest in real or personal property having a value of \$10,000

^{14/} Senate Rept. No. 1015, 90th Cong., 2d Sess., 8 (1968).

connection" through employment, ownership, receipt of benefits or other means, may raise a question of potential conflict of interest. Full disclosure to one's superior and a written grant of permission to proceed would seem to constitute the only sure safeguards. Personal discretion plays a major part throughout and acting with a high degree of caution is better than having one's conduct brought into question through remaining silent.

Of necessity, this summary analysis can only suggest the various considerations which need to be kept in mind when an individual contemplates entering government service. The facts in any particular case would have to be examined in the light of controlling statutory and Executive Order provisions and, where legislative employment is involved, with a view to the rules of the House and Senate.

The Office of General Counsel serving each federal department and agency is available to answer questions of possible conflict of interest and may be helpful in determining the applicability of restrictions in particular cases.

December 14, 1968

*John - Is this
done when you can lead -
what you can lead -
(you have the list attached)
returned to me*

TO: John Ehrlichman

RE: Talent Hunt

The New York office is responsible for assembling good candidates for the jobs of Assistant Secretary or equivalent on up. There are 317 of these jobs. The New York office is, in addition, responsible for assembling the names of foreign service officers to fill the posts of ambassadors. (Attached hereto is a list of these jobs.)

The first portion of this responsibility is to assemble the names of candidates. Names have been solicited from the following sources:

- a. Republican Senators and Congressmen
- b. Republican Governors
- c. Republican State Officials
- d. Membership of various institutions such as (i) universities, (ii) private organizations such as the Carnegie Foundation, (iii) business organizations such as NAM, U.S. Chamber and NIOB.
- e. Groups of knowledgeable people with expertise in the field of the job being considered.
- f. Individuals responding to Mr. Nixon's call for talent who write in to offer their services.

g - who's who list -
These names are sorted for applicability to the levels being considered in this office with the inapplicable names being sent to the Washington operation. Then sufficient information is gathered either through resumes originally sent, public sources, or resumes requested on the remaining names. A second selection effort is then made to assign ⁽¹⁾ these individuals to the one or more jobs which would seem to fit their abilities. These names, with a precis of their resumes are included in a book, one for each department and two others covering the remaining agencies. Behind the name in each book is a file folder including additional information.

-2-

A third screening effort is made with the senior members of the Nixon staff in an attempt to list the individuals shown for any job in the order of their desirability. Where possible, several acceptable candidates will be shown for each job. (3)

The book containing the recommendations and the brief summaries is then reviewed with the Cabinet officer in order that he may be given all the assistance possible in making his selection.

The name of the individual recommending each candidate is prominently shown on all of the material relating to the candidate. Obviously, the recommender is one of the key factors considered in determining an order of priority between the candidates.

PMF

(To All Republican Members of Congress)

Dear Senator:
Congressman:

Undoubtedly you have received inquiries from many of your constituents concerning procedures to be followed by those considering Federal appointments in the new administration. There are many important positions to be filled in the immediate future and you are assured that any recommendations you submit will receive careful consideration.

The reviewing procedures will be facilitated if you will have the candidate complete the green resume and you will use the red form for your recommendation. If you cannot reach me, then ask for Bob Mardian, Dick Herman or Brad Hays. They may be reached at 395-6915.

I am certain that you will want to assist in our search for the best possible talent and that you will submit recommendations of persons you deem qualified for appointment to positions of trust and responsibility in the new administration.

Very truly yours,

Harry S. Fleming

PRIMARY ASSIGNMENTS OF EXISTING PERSONNEL
TO MAKE RECOMMENDATIONS FOR VARIOUS AGENCIES:

I
JOHN WARNER

EXECUTIVE OFFICE OF THE PRESIDENT

Bureau of the Budget
Council of Economic Advisors
National Advisory Council on Economic Opportunity
National Security Council
Office of Emergency Planning
Office of the Special Representative for Trade Negotiations

DEPARTMENT OF THE TREASURY

DEPARTMENT OF DEFENSE

DEPARTMENT OF JUSTICE

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF TRANSPORTATION

INDEPENDENT AGENCIES

Advisory Commission on Intergovernmental Relations
Administrative Conference of the United States
Civil Aeronautics Board
Commission of Fine Arts
District of Columbia Government
Export-Import Bank of the United States
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
Federal Reserve System Board of Governors
Federal Trade Commission
Foreign Claims Settlement Commission
Interstate Commerce Commission
National Capital Housing Authority
National Commission on Reform of Federal Criminal Laws
National Foundation on the Arts and the Humanities
Public Land Law Review Commission
The Renegotiation Board
Securities and Exchange Commission
Selective Service System
Smithsonian Institute
Subversive Activities Control Board
Tax Court of the United States
United States Civil Service Commission
Veterans Administration

JOHN C. WHITTAKER

EXECUTIVE OFFICE OF THE PRESIDENT

National Council on Marine Resources and Engineering Development
National Aeronautics and Space Council
Office of Science and Technology
Office of Economic Opportunity

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

DEPARTMENT OF STATE

United States Advisory Commission on International Educational
and Cultural Affairs
Agency for International Development
Peace Corps
Foreign Service

DEPARTMENT OF THE INTERIOR

INDEPENDENT AGENCIES

Atomic Energy Commission
Atlantic-Pacific Interoceanic Canal Study Commission
Canal Zone Government
Commission of Marine Science, Engineering and Resources
Federal Coal Mine and Safety Board
National Aeronautics and Space Administration
National Science Foundation
Tennessee Valley Authority
Arms Control and Disarmament Agency
Railroad Retirement Board
United States Information Agency
Water Resources Council

GEORGE NEVECOMB

EXECUTIVE OFFICE OF THE PRESIDENT

President's Council on Youth Opportunity
President's Committee on Consumer Interests
President's Commission on Income Maintenance Program

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF THE POST OFFICE

DEPARTMENT OF COMMERCE

DEPARTMENT OF LABOR

INDEPENDENT AGENCIES

Appalachian Regional Commission
Commission on Obsenity and Pornography
Equal Employment Opportunity Commission
Farm Credit Administration
Federal Commerce Commission
Federal Maritime Commission
Federal Mediation and Conciliation Service
Federal Power Commission
Government Services Administration
Indian Claims Commission
National Labor Relations Board
National Mediation Board
Small Business Administration

GEORGE REVERCOMB, CONTD.

INDEPENDENT AGENCIES

Commission on Civil Rights

United States Tariff Commission

McGRAW-HILL

WASHINGTON NEWS BUREAU

To: John Erlichman

From: Joe Dawson

John --

Thanks for the help on the story. I asked Ralph if I could send ~~my~~ my copy to a member of the new team. He said he would be delighted. I think you'll find the references to the Dixon ~~purge~~ purge of the Republican staff members very interesting.

Could you send me this back when you are through or have a copy made?

regards,



Joe Dawson

ROOM 400, NATIONAL PRESS BUILDING

WASHINGTON, D. C. 20004

REpublic 7-6630

January 10, 1969

Mr. Joseph Dawson
McGraw-Hill
Room 400
National Press Building
Washington, D. C. 20004

Dear Mr. Dawson:

Mr. Ehrlichman has requested me to return the attached
to you with his thanks.

A copy has been made for our files.

Very truly yours,

(Miss) Stephanie Wilson

Attachment a/s