

11-8-1973

Memorandum to House Speaker Carl Albert

Theodore C. Sorensen

Follow this and additional works at: https://ir.lawnet.fordham.edu/twentyfifth_amendment_watergate_era



Part of the [Law and Politics Commons](#)

Recommended Citation

Sorensen, Theodore C., "Memorandum to House Speaker Carl Albert" (1973). *Watergate Era*. 5.
https://ir.lawnet.fordham.edu/twentyfifth_amendment_watergate_era/5

This Book is brought to you for free and open access by the Twenty-Fifth Amendment Archive at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Watergate Era by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON

345 PARK AVENUE

NEW YORK, N.Y. 10022

TELEPHONE (212) 935-8000

CABLE LONGSIGHT, N. Y.

TELECOPIER (212) 935-8302

TELEX 12-7831

RANDOLPH E. PAUL (1946-1956)
LOUIS S. WEISS (1927-1950)

WASHINGTON OFFICE

1775 K STREET, N.W.

WASHINGTON, D. C. 20006

TELEPHONE (202) 293-6370

CABLE LONGSIGHT WASHINGTON

JOHN F. WHARTON
ROBERT E. SAMUELS
COUNSEL

WRITER'S DIRECT DIAL NUMBER

SIMON H. RIFKIND
LLOYD K. GARRISON
HOWARD A. SEITZ
ADRIAN W. DEWIND
MORRIS B. ABRAM
MORDECAI ROCHLIN
PAUL J. NEWLON
JOSEPH S. ISEMAN
JAMES B. LEWIS
THEODORE C. SORENSEN
MARTIN KLEINBARD
RICHARD H. PAUL
NORMAN ZELENSKO
JOHN E. MASSENGALE
JAY H. TOPKIS
EDWARD N. COSTIKYAN
ROBERT H. MONTGOMERY, JR.
JOHN C. TAYLOR, 3rd
BERNARD H. GREENE
ERNEST RUBENSTEIN
ALLAN B. ECKER
STUART ROBINOWITZ
JAMES L. PURCELL
ARTHUR KALISH
DAVID T. WASHBURN
BERNARD FINKELSTEIN
ARTHUR L. LIMAN
RICHARD R. DAVIDSON
SEYMOUR HERTZ
WALTER F. LEINHARDT
GERALD D. STERN
ANTHONY B. KUKLIN
MARTIN LONDON
DAVID C. BRODHEAD
PETER R. HAJE
LEONARD V. QUIGLEY
ALLAN BLUMSTEIN
NEALE M. ALBERT
JAY GREENFIELD
KEVIN J. O'BRIEN
ALFRED D. YOUNGWOOD
DONALD F. MOORE
JOSEPH E. BROWDY
SIDNEY S. ROSDEITCHER
ROBERT L. LAUFER
ALLEN L. THOMAS

November 8, 1973

PERSONAL & CONFIDENTIAL

The Honorable Carl Albert
Speaker of the House of Representatives
4101 Cathedral Avenue
Washington, D.C. 20016

Dear Mr. Speaker,

Enclosed is a first draft. I would be happy to meet with you to discuss it at your convenience. In the unhappy event that it needs to be implemented, I am at your disposal at the addresses and telephone numbers listed below.

I admire your recognition of the need for advance planning of this kind and am grateful for the confidence you have reposed in me by virtue of this assignment. Please let me know if I can be of assistance to you or the House in any other way.

Sincerely,



Theodore C. Sorensen

Home: 25 Central Park West
New York, N.Y. 10023
(212) 765-0645

Weekends and Holidays:
277 Bennetts Farm Road
Ridgefield, Conn. 06877
(203) 438-9348

Office: My direct line is (212) 935-8790. The 935-8000 number is attended 24 hours a day. If I am unavailable at either of my residences, the office operator will, on request, locate my secretary to determine my whereabouts.

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1
Succession Theme	2
Basic Posture	4-5
PART I - IMMEDIATE STEPS - PRIORITIES FOR THE FIRST DAY	
1) Taking the Oath of Office	6
2) Physically Taking Over the Office	7
3) Resignation from the House	7
4) Preservation of White House Files	7
5) A "Quick-Fix" on the National Security Situation	8
6) The Outgoing President	8
7) Communications with Existing White House Staff, Cabinet, Agencies	9
8) Congressional Leaders	9
PART II - OTHER EARLY TASKS AND DECISIONS - FIRST WEEK	
1) Your Personal Staff	10-14
-- 6 or 7 slots to fill immediately	
2) Address Congress in Joint Session	15
3) Projecting your Command of the Office to the World	15
-- a series of steps to take	
4) First Presidential Press Conference	16
5) Other Meetings or Phone Calls in First Week	
-- list of categories of bases to touch	16
6) Other Decisions to be made in First Week	
a) The Vice Presidency	17
b) Future political plans	18
c) Succession in Speakership and House	18
7) Personal Arrangements	
a) Health	18
b) Residence	19
c) Financial Arrangements	19
d) Offices	19

MEMORANDUM

TO: THE SPEAKER OF THE HOUSE

FROM: THEODORE C. SORENSEN

November 8, 1973

INTRODUCTION

This Memorandum is for your use in the event that you are suddenly elevated to the Office of President of the United States by an unexpected vacancy in that Office before the confirmation of a new Vice President. Should that vacancy occur as the result of a lengthy and foreseeable process or orderly agreement or arrangement, the additional planning time thereby provided will make unnecessary certain portions of this Memorandum and make possible a more precise elaboration of certain others. Should a new Vice President be confirmed before a vacancy occurs, or should the President serve out his term, this entire Memorandum will become unnecessary and can be destroyed (if you fear that its existence, if discovered, might be misinterpreted as evidence of an improper motivation on your part for the President's ouster).

If, on the other hand, the President should suddenly become incapacitated or die (and either of those contingencies would impose additional concerns not set forth in this Memorandum), or if he should suddenly resign, this Memorandum -- once it has been reviewed, amended as necessary and finalized by you -- is designed to think through in advance the steps you will need to take in those first hours and days of unprecedented pressure.

The intended result of the Memorandum and the theme which should be conveyed in all of your early actions and statements is simply this:

SUCCESSION
THEME

This country cannot afford even a brief interruption in the continuity and functioning of government. Any confusion or instability at this crucial juncture that gives the impression of a rudderless ship would risk serious damage to the national security, economy and spirit. A new President under these unprecedented circumstances must visibly, smoothly and efficiently take charge of the instruments of office in fact as well as name, and without any show of uncertainty, before either the nation, its government servants or its allies lose heart, and before other centers of power in the government, the nation and the world start spinning off in different directions.

A few cautionary reminders, undoubtedly unnecessary, for that first week in the White House:

(1) Beware of men, agencies and nations seeking to take advantage of the pressures, to test you, to commit you or to outmaneuver you. Make no decisions or announcements at the request of others until necessary and until all possibly interested or knowledgeable persons have been consulted. Identify and get rid of any hold-overs undercutting you or forming factions.

(2) Do not let the press or anyone else set artificial deadlines for you. The tasks suggested below will be time-consuming enough without your making other decisions -- particularly on policy and personnel -- with which you will have to live a long time and which can be made later in more considered fashion. This Memorandum contains no suggestions on the process of selecting new Cabinet members or the process of devising new policy initiatives. Both may be required later but not in the first week.

(3) No one else, no matter how much authority he had in your House office, should be allowed to commit you to any action, person or point of view without your specific approval in advance. Every casual statement by you or a member of your staff -- on or off the record -- that was previously a matter of politics or public relations will hereafter be regarded as Presidential and national policy.

(4) Many a new President has had difficulty in shifting roles from legislator to Chief Executive; in realizing that a different perspective and time frame now govern his place in history, that attacks by him on his predecessor accomplish nothing, and that raising questions and pointing with alarm are no longer enough for the man who must have the answers and actually run the show.

(5) You must be your own man, listening to your own common sense, conscience and convictions even when they differ from the experts, the pressure or the majority opinion. You are not required to either follow or revamp the patterns of White House operations established by any of your predecessors.

Finally, you will need from the start -- both for private peace of mind and for public use -- a "Basic Posture" regarding your service in the Presidency, an approach which will govern your attitude and actions in undertaking both the early agenda set forth below and your subsequent conduct of the office. This "Basic Posture" should also be the basis of your earliest public statements as President; and, although this involves highly personal decisions on your part that we have not yet had an opportunity to discuss, I am suggesting such a posture in the form of a first-person statement as the most helpful way of setting it forth for your consideration:

At no time did I seek this awesome burden; but I cannot shrink from my responsibility. Under the statute long ago considered with care and lawfully enacted by the representatives of the people convened in Congress, my election by the House of Representatives as Speaker placed me next in line for the high office to which I have now succeeded. Between now and January 20, 1977,* I intend to fulfill the obligations of that office to the best of my ability. I shall not be a candidate for the Presidency in 1976 or at any other time.*

BASIC
POSTURE

Our principal task now is to heal the wounds which have sorely divided and troubled our country and to renew our national spirit. To this end, I pledge a non-partisan administration of national reconciliation and unity. I intend to retain and appoint in my Cabinet and Administration the best men and women in the country available for the job, regardless of party.*

BASIC
POSTURE

To the Congress, to the news media, to those now serving the Executive Branch and to the American people, I pledge my unceasing efforts to work with you for the achievement of our national goals; and from you I request your patient understanding and cooperation. With your help, and with God's help, we shall not fail.

*For discussion of important possible changes, see Part II, Sec. 6, paragraphs (a) and (b) and accompanying Note, all on pp. 17-18.

PART I - IMMEDIATE STEPS -- PRIORITIES FOR THE FIRST DAY

1) Taking the Oath of Office. For both legal and practical reasons consistent with the need for no hiatus in the functioning of government, you should be sworn in as President as soon as possible, within a matter of hours after the vacancy occurs.

Where? The East Room of the White House is preferable to any Capitol Hill location as a symbol of the transfer of power. An outdoor ceremony or a large auditorium would be inappropriate.

Who Administers the Oath? The Chief Justice is the best symbol of non-partisan continuity, although any Federal judicial officer will do if you have a strong preference. A family Bible should be on hand.

Who Attends? Numbers are limited by both the size of the room and the fact that a small, quiet ceremony is the most appropriate. Invite your family, close friends and aides, leaders of the House and Senate from both parties, members of the Cabinet and Supreme Court, and a pool of correspondents and photographers. In keeping with the need for visibly demonstrating to the world a calm and purposeful take-over, television cameras on a pool basis should be allowed. It should be a somber occasion -- no music or refreshments.

What Statement? A full-scale inaugural address would be inappropriate. After taking the oath, you can read and/or have your aides distribute a very short statement along the lines of the "Basic Posture" suggested above on pp. 4-5, possibly combining with it some thoughts

from the "Succession Theme" set forth on p. 2. From the moment you learn of the vacancy until the issuance of this "Statement Upon Taking the Oath of Office," no other statement to the press or public is necessary or desirable.

2) Physically Taking Over the Office. To show continuity, to assert command and to obtain the maximum use of the indispensable and unequalled White House communications and transportation network, and for your own security, you should move your base of operations away from Capitol Hill and to the White House/Executive Offices complex as quickly as possible. If time is required for a removal of your predecessor's personal belongings from the Oval Office, another office can be used temporarily. Arrangements should also be made to move your own aides, their secretaries and your secretary into temporary offices near yours as quickly as possible, even if doubling up is required, until more permanent staff arrangements can be made when everyone's situation (and loyalties) are better known. Career personnel, military aides and the Secret Service can brief you regarding the facilities and services now at your disposal.

3) Resignation from the House. By such letters as the Parliamentarian suggests, you should promptly resign from the Speakership and from the House.

4) Preservation of White House Files. Depending upon the circumstances creating the vacancy, a possibly unpleasant but obligatory task, which if ignored might open you to charges of dereliction and on which the advice and assistance

of the Attorney General and/or Special Prosecutor and/or Senate Watergate Committee Counsel will be required, is to immediately take such steps and issue such orders (implemented by the FBI) as may be necessary to prevent the destruction or dispersal of any files or tapes until an orderly decision on their future can be made by the appropriate legal authorities.

5) A "Quick Fix" on the National Security Situation.

An immediate briefing from the Director of the CIA, a briefing from the existing White House military aide regarding the "buttons", the courier who follows you about and the emergency facilities at your disposal, and a brief meeting with the National Security Council can all be limited the first day to ascertaining the answers to two questions:

(a) are there any crises or danger spots likely to explode this week, or likely to be exploited by those wishing to take advantage of this country's preoccupation with the change-over; and what should be planned by way of deterrent or response; and

(b) What are the procedures to be followed that will assure your knowing of all developments in the national security area before any commitments or responses are made in your name?

6) The Outgoing President. Assuming the vacancy has not been caused by the death or disability of the outgoing President, you should meet with him to pledge an orderly and efficient transfer of authority, and an administration of national unity; to request his cooperation and advice; and to discuss practical problems of his moving out and your moving in to the Residence and Oval Office.

7) Communications With Existing White House Staff, Cabinet Members and Other Agency Heads.

By telephone or in group meetings (a Cabinet meeting is desirable if time permits during the first day), with such exceptions if any that the circumstances of the take-over make obvious, you should ask each of them to stay at least until you get to know them and their work and can discuss their future with them in calmer fashion. Ask each one to prepare a confidential report to you on major issues, problems or tasks facing him at this time, and his recommendations for your future decisions in his area of responsibility in particular. Direct a top-to-bottom freeze on all new jobs, promotions and replacements until you and your people can examine the need therefor (to avoid any last-minute partisan moves to create sinecures for friends, etc.)

8) Congressional Leaders, including key Committee chairmen and ranking members, both Houses, both parties. Invite to oath-taking ceremony, and meet immediately thereafter.

PART II - OTHER EARLY TASKS AND DECISIONS - FIRST WEEK

1) Your Personal Staff. If the change-over is sudden, your Capitol Hill staff will have to suffice during that first day. But you will not be able to function effectively for very long in the White House without a top-flight team personally loyal to you. Select only those individuals in whom you personally have supreme confidence and who will perform precise duties that you now know you will need. It will be easier to add new bodies later after experience demonstrates their need than to transfer those you have already appointed, although some reshuffling during the first year is inevitable. Keep the numbers down, avoid personality clashes and rivalries, and keep titles to a bare minimum. The following are basic (use of "he" means "he or she"). (Each of these senior positions [the first six listed] may be paid salaries up to Level II, which is subCabinet rank; and the first spot, if filled, could receive Cabinet pay.):

(a) Chief of Staff -- You can fill this role yourself as JFK sought to do; or you can seek a true alter ego, a deputy President, an Executive Assistant with even broader responsibilities than Haldeman or Marvin Watson (but not, like Sherman Adams, to the exclusion of everyone else). Consider this with care, forgetting about imagery.

(b) Program and Policy Aide -- The focus here is on legislation, executive orders, the Budget,

and policy pronouncements, with the emphasis on domestic policy primarily but not exclusively. He should become plugged-in promptly to the Budgetary process, inasmuch as work on the Budget you are to present next January is begun many months ahead. He should also ascertain immediately from OMB and the Executive Clerk the status of all bills enacted by the Congress and awaiting the President's signature or veto within the prescribed period of time. He and you can decide later whether the formal Domestic Council apparatus erected under Ehrlichman should remain and how many assistants to cover the various departments he should have. He need not be a lawyer; but if he is, he can be called Special Counsel -- a once honorable title. Making maximum use of OMB can drastically cut the number of White House aides reporting to him. Speech-writing should be handled by this aide and those reporting to him, if speech-making is to be reintegrated with policy-making.

(c) National Security Aide. This individual will not have the power, staff or role of a Kissinger; but as Commander-in-Chief receiving conflicting advice from the Secretaries of State and Defense, the CIA, the Congress and foreign officials, you will need someone to refine and define the issues, keep track

of the "buttons" and budgets and coordinate this part of your effort. He and the Secretaries of State and Defense should be compatible and acceptable to each other. He should meet promptly with all officials involved to ascertain what decisions by you in this area will soon be required and what is going on in various negotiations and problem areas. You and he can later decide how large a staff he requires.

(d) Press Aide. This role is clear. In addition, consider in a later decision whether to retain the Nixon system separating the White House "press spokesman" from the "Director of Communications" who is concerned with strategy, overall administration press policy, and advancing the Administration's image. Your appointees in this area of activity should also decide with you after things settle down on their staff needs and whether to retain in the White House or return to Commerce the Office of Telecommunications Policy.

(e) Administrative Aide -- sometimes called appointments secretary. Not to be confused with the across-the-board deputy listed first. This one handles your appointments, schedule and travel, oversees the clerical and non-professional White House

personnel, and supervises other logistical and housekeeping arrangements. He will need assistants, one of whom oversees the flow of correspondence and makes certain every letter gets the right answer.

(f) Congressional Relations Aide. --

another clear role. Must work closely with program-policy aide to "deliver" packages prepared by latter. Needs at least one assistant for Senate and three for House. All must know Hill, be liked there, and be willing to spend considerable time in sheer palaver and hand-holding.

(g) Personal Secretary.

-- These 7 slots (six if there is to be no chief-of-staff) must be filled promptly, and are necessarily so personal in their relationship to you that hold-overs from your predecessor's White House would not be appropriate. Give some thought in advance as to whether your present staff can adequately fill each of the above posts and whom else you might draft if and when the unpredictable happens.

These key people can be supplemented in time by a variety of assistants plus the following other posts which may require your own man:

(h) Director, OMB -- a crucial policy as well as administrative and fiscal position.

(i) Personnel and Patronage Aide.

(j) White House Physician -- can be military, but wholly up to you and your wife.

(k) First Lady's Aides. Two or three principal aides, serving as Social Secretary, Press Secretary and Personal Aide; in addition, both the President and the First Lady should decide on a Chief of Protocol for the State Department and whether to change the Executive Housekeeper and Chefs.

That is all that is required. Indeed, these plus their assistants and the career people on the staff now are all that the White House requires. A small, lean staff is desirable. The functions of a "staff secretary," "cabinet secretary" and "counsellor" can all be absorbed in the above. Roving, free-wheeling administrative assistants are undesirable. You can decide later whether one of the above, or someone on their staffs, or additional special assistants, should be utilized for narcotics, youth, aging, minorities, Indians, ethnics, women, liaison with the National Committee, liaison with NASA and the Space Council, and relations with state and local governments. An International Economic Affairs Aide, a Science Advisor, a Consumer Affairs adviser, the Council of Economic Advisers, the Council on Environmental Quality and the Directors of OEO and OEP, are all less personal, work out of the Executive Offices buildings and should report through your aides primarily.

Bear in mind that you will also undoubtedly be needing some top talent for your Cabinet later on, and should not move people in and out of the White House staff too quickly or

foreclose a desirable Cabinet appointment by putting the man or woman in question on your White House staff.

All in all, these are potentially the most important decisions you will make as President. Do not overlook talent already in the Executive Branch; and scrupulously avoid any conflict-of-interest problems. In selecting both aides at the start and Cabinet and other appointees later, the most careful check is required (as the Eagleton and Agnew experiences demonstrate) inasmuch as most well-known figures are rarely equal to their reputations and those whom you do not know will often seem more attractive than those friends whose limitations you do know.

2) Address Congress in Joint Session -- within a week of your taking office at most -- possibly the most important step in reassuring the government, the public and the world that you are on top of the situation. This will be largely a personal statement of your hopes, themes and plans and cannot be written in advance.

3) Projecting Your Command of the Office to the World.

(a) Work with USIA on material to be broadcast and distributed abroad.

(b) Work with State on cables to principal heads of state and heads of government, reassuring in particular Israel, Japan, Western Europe, China and USSR.

(c) Plan an early address to the UN.

(d) Plan an early reception for the Washington diplomatic corps.

(e) Schedule a series of reviews with our Ambassadors abroad.

(f) Meet with the UN Secretary-General.

(g) Meet with the NSC again, and with the Secretary of State, Joint Chiefs, Secretary of Defense, and CIA Director separately, and with the Chairmen and ranking members of the Senate and House Committees on Foreign Relations and Affairs.

(h) However, travel abroad would be unwise and unnecessary.

4) First Presidential Press Conference -- not until after your address to the Congress -- schedule in advance for prime time television as part of the effort to accustom the public to you as President; also to show a desire to accommodate all media to the extent possible. Be careful of exclusive interviews in the meantime unless you know the interviewer, subject and ground rules thoroughly.

5) Other Meetings or Phone Calls in First Week and then in subsequent weeks:

(a) Key Governors, Mayors, political leaders, Senators and Congressmen of both parties;

(b) Key publishers, editors, and leaders of all the various interest groups; labor, business, farm, racial, ethnic, religious, lawyers, college presidents, etc. Lists of each of these can be constructed;

(c) the Special Prosecutor et al.;

(d) Pentagon employees, State Department employees, heads of government employee organizations;

(e) Various wise men, elder statesmen and others now in private life not likely to serve on a full-time basis in your Cabinet but able to offer useful advice on the Presidency, the country and potential appointees. To the extent that they are Establishment figures, this also helps reassure the business community. (Possible examples: Earl Warren, John Gardner, Averell Harriman, Robert McNamara, Elliot Richardson, Archibald Cox, George Ball, Clark Clifford, David Rockefeller, McGeorge Bundy, Arthur Goldberg, Tom Clark, Andre Meyer, Eugene Black, J. Irwin Miller, Ralph Nader, Simon Rifkind, John McCloy, Ros Gilpatric, Arthur Dean, Douglas Dillon, Wilbur Cohen, Paul Samuelson, Jerry Wiesner, possibly George Wallace, and many other possibilities.

(f) The Chief Justice;

(g) Comptroller General Staats -- a useful source of advice and information;

(h) The Cabinet.

6) Other Decisions to be made in the First Week.

(a) You should have a Vice President soon. If as a part of your non-partisan approach you want Gerry Ford and that is still appropriate, you could

include that in your Statement upon Taking the Oath of Office. If not, you can seek suggestions and discuss possibilities in the series of meetings outlined above.

NOTE: I question whether it is either necessary or desirable to commit yourself to resigning in favor of a Republican Vice President. That would only heighten the impression of political instability in our government. You are the legitimately chosen successor selected by our most representative body under a long-standing plan adopted by the Legislative Branch. This is stressed along with the non-partisan nature of your Administration in the Oath-taking Statement, which speaks in terms of your remaining until January 20, 1977; and to that I recommend adding your selection of a Republican Vice President.

(b) Do you intend to run for office again? You need not decide that now; but whichever way you do decide, if you do, that plan could also be included in the Oath-taking Statement.

(c) Do you want to influence the choice of your successor as Speaker? Do you want to influence the choice of your successor in your House seat? If so, you will want to take quiet steps promptly.

7) Personal Arrangements.

(a) Health. Get a thorough physical check-up, and consider making the results public.

(b) Residence. Allow Nixon family adequate time to move. Decide which if any other residence you want to keep and dispose of the rest. Your wife should tour the mansion and discuss plans and staff needs with the Head Usher and Chief Gardener. See Camp David. It is essential that your family and the Secret Service fully understand each other's wishes. Indicate your preferences for those to serve on White House detail.

(c) Financial Arrangements. Exchange for government bonds or place in blind trust any remaining securities you and your family own; resign any directorships or memberships, and sell any property, that could conceivably prove embarrassing. Your salary will be \$200,000 plus a \$50,000 personal allowance.

(d) Offices. As staff situation settles, decide on whose desks and offices will be where. Your House office files and belongings must be transferred or stored, and all the personnel in that office appropriately placed.