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November 15, 1968

The Honorable Bryce Harlow
c/o Headquarters of President-
Elect Nixon
Hotel Pierre
Fifth Avenue and 61st Street
New York, New York

Dear Bryce:

Again, a million congratulations on your appointment. I can sincerely say that nothing could have pleased me more. I had the highest regard for your services to President Eisenhower, and I know that you will do the same for President Nixon.

You will be deluged with advice and special pleadings of one sort or another in the weeks ahead. I have no special pleading, and am not seeking (and could not accept) a job in Washington. However, I have a number of things on my mind, and I will unburden them all at once, even though they are somewhat unrelated.

Then, I would like very much to have lunch or dinner with you some time in the next six weeks, if you find you can spare the time.

1. Conflict-of-Interest Problems.

As you well know, the Eisenhower administration did not come off too well on the subject of conflict-of-interest, although some of the attacks were unjustified. In my opinion it is essential that the Nixon administration establish--and demonstrate that it has established--a high degree of sensitivity to conflict-of-interest problems.

After I left Washington, in the period

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1958-60 I chaired a special committee of the Association of the Bar of the City of New York which made an extensive study of the conflict-of-interest laws and proposed specific revisions designed to make them more realistic and less of a barrier to both full-time (but short-term) and part-time service. Since the confirmation procedures of the committees of the Senate are not statutory, we could of course recommend no legislation, but did express ideas as to guidelines.

President Kennedy picked up our proposed legislation, and Nick Katzenbach and others (including ourselves) pushed it through Congress in a simplified form. I wrote a Harvard Law Review article on the new legislation, a copy of which is enclosed.

The Kennedy-Johnson administration did much better on conflicts-of-interest, with the help of the new statute. The present Assistant Attorney General in charge of the Office of Legal Counsel, Frank Wozencraft, is very alert to, but eminently sensible and practical in connection with solution of, conflict-of-interest problems.

My plea is that you set up a procedure immediately for reviewing prospective appointments from the conflict-of-interest viewpoint and trying to work out problems as early as possible and as quietly as possible. This is important not only from the viewpoint of protecting the new administration against adverse publicity, but also from the viewpoint of aiding in the recruitment of the people you want.

As a starter, I suggest that you discuss this with Frank Wozencraft and see whether you could work out a procedure for him to assist you, perhaps with a legal staff of your own in addition. (Your legal staff could consist of the person who will be Wozencraft's successor, if you knew who that will be. However, you should not await his designation, in my judgment.) I think Frank would be completely nonpolitical in his approach, and the subject is too important to fail in getting the best possible advice. In addition, you may want to consider announcing an interim panel of outside lawyers to review conflict-of-interest matters for the new administration prior to January 20, working in conjunction with the Justice Department.

After the Nixon administration is in office, I strongly urge a very active coordinating and clearing-house type of role for either a White House unit or a unit within the Justice Department, in order to assure that conflict-of-interest problems are being handled effectively and with some degree of uniformity among the Departments and agencies.

2. Appointments to H.E.W.

Of course, the staffing of H.E.W. is crucial from President Nixon's viewpoint, since it will indicate to a large number of people what his basic attitudes will be in these areas. I think that Dick must work very hard to establish the image of warmth and sympathy for the problems of the disadvantaged and sophistication in the approach to solving these problems.

My first suggestion is that Dick offer the Secretaryship of H.E.W. a second time to John Gardner--a matter which I am sure you have all discussed. No one is more qualified, and I still do not understand all the circumstances of his resignation from the Johnson administration. He is a lifelong Republican. While it might strike some people as a grandstand play, the choice of Gardner would be a tremendously meaningful act to everyone in the fields of health, education and welfare. I frankly doubt that John would consider going back to H.E.W., but the President-elect would have won himself hundreds of thousands of "brownie points" from people whose sympathies are not entirely with him at the present time.

Assuming John turned the job down, the effort must still be to get someone of his quality. I have not thought hard enough about who the best people are, but would be glad to participate in a selection search if you need help. Above all, it must not be a Ribicoff-type appointment.

Either as a possible appointee or an advisor, I would hope that you would ring in my immediate successor as Assistant Secretary of H.E.W., Elliot Richardson, who is now the Attorney General of Massachusetts. I recommended Elliot for the job to Marion Folsom and he performed superbly. I am writing Elliot today to elicit his ideas.

If you do not have any particular ideas as to personnel for H.E.W., you might consider convening an interested group to make up a list of names and see what could be flushed out. (Even the present Secretary, Wilbur Cohen, might contribute some good ideas. As you know, he is a very able and perceptive professional who knows many people.)

3. Department of Transportation.

I am sure you are fully familiar with the background of the Department of Transportation. It was proposed many years ago by Nelson Rockefeller to President Eisenhower when the former was Chairman of the President's Committee on Government Organization ("PACGO").

A new Republican administration ought to embrace the Department of Transportation with enthusiasm. I am inclined to think that the present Secretary, Alan Boyd, is good, and that he should be fully consulted. The field of transportation was woefully neglected for many years, except possibly for roads. Moreover, the Eisenhower road construction program tended to unbalance the situation with respect to other modes of transportation.

The problem of mass transportation around the cities is by far the most important aspect of the whole picture, and how to help the ailing railroads is the next most important. Airport construction is the third.

I wrote John Lindsay's "white paper" on transportation for his campaign for the Mayoralty, which was well received, and served as Chairman of a Transportation Task Force for him for several months after his election. Also, I have had a chance to observe some facets of railroad matters in my law practice. Accordingly, my interest in the area is great, although I am no expert. I will be glad to try to help from time to time if it would be of any use.

4. Executive Interchange Program.

As you may know, the Johnson administration appointed a committee to work out a program for exchange of young executives between government and industry, for

periods of two-years or less. This committee includes representatives of business, such as Leonard F. McCollum of Continental Oil, Donald Cook of American Electric Power, T. Roland Berner of Curtiss-Wright, former Secretary of Commerce Alexander Trowbridge and others. I am also a member of this committee. The draft report, I think, is a good one, and I think that the program should be adopted by a new administration.

I understand from Sandy Trowbridge that efforts are afoot to revamp the committee so as to change the auspices and make it more of a Nixon-developed program. This is fine, but the main thing is not to let the ball drop.

John Macy is one of the spearheads of this effort, as is Frank Wozencraft whom I mentioned above. I would suggest that, in due course, you discuss its status with John Macy.

5. Reconstruction and Economic Development Program for Vietnam.

I believe that one of the most useful things the new President could do in his inaugural address or State of the Union message would be to state in strong and fresh terms a theme enunciated by President Johnson in a speech at Johns Hopkins University nearly two years ago, namely, putting the United States behind a major reconstruction and economic development program for Southeast Asia (and, in particular, South Vietnam) as soon as the war can be brought to an end. This positive note would have the tremendous advantage of setting everybody's sights ahead of and above the present morass, and hopefully would serve to give impetus to the peace talks.

I would personally recommend that the President-elect follow up such a policy statement with the designation of a committee of both government and nongovernment personnel to work out a blueprint for a "Marshall Plan" for Southeast Asia. I suspect that a tremendous amount has been done in this direction already, but it has not been publicized--and perhaps for very good reasons. Hopefully, the reasons (if any) for relative silence as to post-war reconstruction planning can be overcome.

Since Johnson has (so far as I know) said virtually nothing about this subject since his Johns Hopkins speech, Nixon could pick up the ball without undue fear of being tagged as "me too." And even if people do remember the Johns Hopkins speech, they will nevertheless applaud Nixon for moving in this direction so promptly.

6. Governor John Chafee.

As a Harvard Law School contemporary and friend of John Chafee, and also a summer resident of Rhode Island, I was deeply chagrined over John's loss. As you may know, it followed the death of his daughter from an accident with her horse, which put a virtual stopper to John's campaigning. The whole thing is deeply tragic.

I hope that you will find a way to call John to New York in the near future, and would also find a high place for him in the administration. (For all I know, this has already been done.) It seems to me that he would be useful in a number of jobs, since he has a very broad experience--including (I believe) the Marine Corps. I think he would serve well in the Defense Department or the Department of Commerce.

* * *

I was greatly encouraged by the public statement emanating from the Nixon headquarters between the election and your designation to the effect that Dick's appointments would be on the basis of "excellence." I regard his first staff appointment as a clear manifestation of this standard. I hope and pray that you will continue, as an administration, to match this standard. Political debts can be paid in a million ways--but service to the people, and hence to Dick's own success and his place in history--can be achieved only by an uncompromising quest for quality.

The Honorable Bryce Harlow

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With best wishes, and please give me a call if you can spare time for a chat about the foregoing matters and others.

Sincerely yours,



Roswell B. Perkins

Enclosure

P.S. Do you know Henry Kissinger personally? If not, I am most anxious to get you together.