

The original documents are located in Box 41, folder “Nixon Papers - Disposal” of the Betty Ford White House Papers, 1973-1977 at the Gerald R. Ford Presidential Library.

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October 31, 1974

MEMORANDUM FOR:

MR. BUCHEN

SUBJECT:

Presidential Materials of
the Nixon Administration --
Office of the First Lady

In conformity with your memorandum of October 24, and based upon the reports (attached) from the various elements of the First Lady's staff, I certify that the collection and segregation called for have been completed and that the materials have been sent to the proper repository in the White House.

Bradley H. Patterson, Jr.
Assistant for Staff Coordination



THE WHITE HOUSE

WASHINGTON

Oct. 25, 1974

TO: BRAD PATTERSON
FROM: HELEN SMITH
RE: THE NIXON PAPERS

Helen M^sC. Smith

This is to let your know that all files accumulated during the Nixon Administration in Mrs. Nixon's press office have been removed and taken to the Central White House **depository**. None have been retained in the East Wing.



October 30, 1974

FOR: BRAD PATTERSON
FROM: NANCY LAMMERDING *NY*
SUBJECT: Nixon Administration Files

This is to confirm that to the best of my knowledge all of the Social Secretary's Office files or duplicate files from the Nixon Administration have been sent to Presidential Papers. This was done before I was appointed Social Secretary.

Thank you very much.

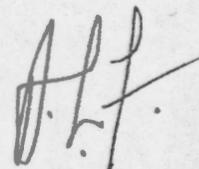


THE WHITE HOUSE

WASHINGTON

MEMORANDUM TO: Brad Patterson

FROM: Sanford L. Fox



All material and records of the Nixon Administration pertaining to the Social Entertainments Office have been forwarded to John Nesbitt, Office of Presidential Papers as of October 30, 1974.



THE WHITE HOUSE

WASHINGTON

October 25, 1974

TO: BRADLEY H. PATTERSON, JR.
FROM: SUSAN PORTER
SUBJECT: Files from Nixon Administration

Immediately following President Nixon's resignation from office, all files in Mrs. Nixon's Appointments Office were boxed up and sent to the central repository headed by Jack Nesbitt. Thus, no "loose" files exist in this office.

Thank you.



THE WHITE HOUSE
WASHINGTON

October 30, 1974

MEMORANDUM TO: Philip W. Buchen

FROM: Mrs. Ford's
Correspondence Section

RE: Presidential Materials of
the Nixon Administration

There are not as of this date, any letters, books, pamphlets, or other printed materials of the Nixon Administration in the possession of the Correspondence Section. To the best of our knowledge, no copies of any materials were made by a member of this staff, nor has any staff member retained any materials.

Marba S. Perrott
Marba S. Perrott
Director of Correspondence
for Mrs. Ford



THE WHITE HOUSE

WASHINGTON

October 24, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF

SUBJECT: Court Order Regarding Presidential
Materials of the Nixon Administration

Attached is a copy of a Supplemental Order of the United States District Court for the District of Columbia, by Judge Charles R. Richey, issued October 22, 1974. The Defendants are: Arthur E. Sampson, Administrator of the General Services Administration; Philip W. Buchen, Counsel to the President; and H. Stuart Knight, Director of the Secret Service.

Please note:

1) The order enjoins "the Defendants, their superiors, agents, and assigns" against certain acts.

2) The order applies to "the materials, including documents, tapes and other papers, known as the 'Presidential materials of the Nixon Administration' that are presently in the custody and control of the Defendants."

3) The order enjoins the persons affected "from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials." The order does not prohibit use of the papers for court, prosecutorial or grand jury matters, or for purposes of current government business.

Although the order by its terms does not apply to all members of the White House staff, all White House staff personnel are expected to act as if they were bound by it. Similarly, all materials and papers prepared during the Administration of President Nixon should be regarded as actually or potentially subject to the order.



Attached also is a copy of an August 9, 1974, memorandum from Jerry H. Jones on the subject of collecting and segregating "papers of the White House Office at the time of President Nixon's resignation as well as those enroute at the time and intended for him."

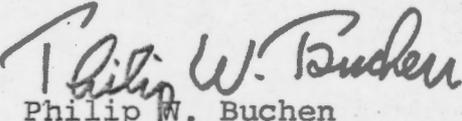
Based on the August 9, 1974, memorandum and the printed attachment to it, and in accordance with Judge Richey's order, I have notified counsel to Mr. Nixon and hereby give my consent that:

(i) The remaining papers in the files of the White House Office which have not yet been segregated and placed in storage may be used to complete implementing the August 9, 1974, memorandum.

(ii) Papers necessary for purposes of current government business shall be used for such purposes if practicable in the form of duplicated files as provided in the memorandum, and a listing of any files so duplicated shall be supplied to me.

Implementation of the August 9 memorandum shall be completed by November 1, 1974, except that no papers will be prepared, as provided in that memorandum, "for shipment." To this end, each member of the White House staff subject to the August 9 memorandum shall certify in writing to this office, by November 1, that the collection and segregation called for have been completed, and that the materials have been stored within the White House complex as designated by the Office of Presidential Papers.

John Nesbitt, supervisory archivist of the Office of Presidential Papers (Extension 2545) and his staff will be calling on you and will be available for assistance.


Philip W. Buchen
Counsel to the President

Enclosures



THE WHITE HOUSE

WASHINGTON

August 9, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF:

By custom and tradition, the files of the White House Office belong to the President in whose Administration they are accumulated. It has been the invariable practice, at the end of an Administration, for the outgoing President or his estate to authorize the depository or disposition to be made of such files.

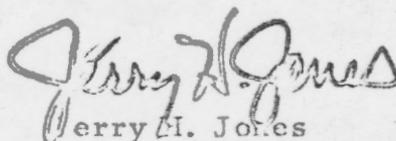
President Taft in his book "Our Chief Magistrate and his Powers," made the following reference to this practice:

"The retiring President takes with him all the correspondence, original and copies, which he carried on during his Administration. . . ."

In the interest of continuing this practice, it has been directed that, so long as President Nixon's files remain in the White House Office, there is to be no intermingling of the files of the two Administrations. This applies of course both to the Central Files and the files in the offices of the various members of the staff.

Papers of the White House Office at the time of President Nixon's resignation as well as those enroute at that time and intended for him shall be considered as belonging to the Nixon Administration files. Of course, some Nixon Administration files may be needed for future reference. These files should be duplicated and placed with all other papers accumulated after noon today which constitute a new set of files for President Ford.

Specifically, please expedite the return of all withdrawals you have made from Central Files. On Monday, August 12, archivists under the supervision of John R. Nesbitt, Office of Presidential Papers, will be available to assist in the collection and segregation of President Nixon's papers for shipment. Meanwhile, please read the attached instructions.


Jerry H. Jones

Special Assistant to the President



WHITE HOUSE OFFICE PAPERS

By custom and tradition, all White House Office papers are regarded as the personal property of the President and subject to such control and disposition as he may determine. At the close of the Administration, the entire collection of papers now being created may be expected to be deposited in a Presidential library similar to the libraries that preserve the papers of the last six Presidents. To provide the President with a complete and accurate record of his tenure in office, the White House staff must oversee the preservation of the papers it generates.

The procedures set forth in this document represent the collective thinking of many members of the staff as to how best to preserve papers and documents for the President. Compliance with these procedures is an expression of loyalty by the staff to the President. For these procedures to be effective, it will require cooperation and assistance of every staff member.

The security classification of each document prepared in the White House is determined by the individual staff member writing it in accordance with Executive Order 10501—or other applicable Executive Orders. He is responsible for insuring that the classification assigned to his work reflects the sensitivity of the material concerned, and also for making certain that this classification is not excessively restrictive.

White House Office Papers: Filing with Central Files

1. *It is requested that the maximum possible use be made of Central Files, and the procedures listed below be followed. This will aid in the faster and more complete retrieval of current information, eliminate unnecessary duplication of files, prevent excessive xeroxing, and maximize preservation of White House papers.*

2. *Each staff member shall maintain his personal files separate from any working files he may keep on official business and clearly designate them as such. Personal files include correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders*

of newspapers or magazine clippings; and copies of records of a personnel nature relating to a person's employment or service. Personal files should not include any copies, drafts or working papers that relate to official business or any documents or records, whether or not adopted, made or received in the course of official business.

3. *Each staff office shall forward regularly to Central Files three copies of all outgoing official business consisting of correspondence and memoranda. One copy of all other outgoing related materials should also be filed.*

4. *Each staff office shall forward regularly to Central Files any incoming official business from sources other than White House staff offices after action, if any, has been taken. Each staff office, if it so desires, may keep a copy of such incoming official business for its own working files.*

5. *Each staff office shall forward regularly to Central Files any originals of incoming official business from other White House staff offices after action, if any, has been taken and if such originals were not intended to be returned to the sender. If desired, a copy may be kept for the staff's working files.*

6. *Each staff office shall forward to Central Files at such times as it determines to be appropriate all working files of official business which are inactive and no longer needed. These files will be stored by office as well as listed by subject matter. They will, of course, always be available for later reference.*

7. *Each staff office at its own discretion may segregate any materials that it believes to be particularly sensitive and which should not be filed by subject matter. Such sensitive materials should be forwarded to the Staff Secretary on the same basis as outlined in paragraphs 3 through 6 in an envelope marked SENSITIVE RECORDS FOR STORAGE with the office or individual from which they are sent marked on the outside and (as appropriate) a list of inventory in general terms attached. This list of inventory should also be sent to Central Files so that notations can be made in subject files that certain material is missing from the file. These materials will be filed in locked containers and will only be made available to the in-*



dividual or office from whom they were received.

8. No defense material classified under Executive Order No. 10501 with a classification of TOP SECRET or Restricted Data under the Atomic Energy Act of 1954 should be forwarded to Central Files. All such material should be forwarded to the Staff Secretary for storage.

9. No exceptions to the above shall be made without the express consent of the Counsel to the President. Additional advice on the operation of Central Files may be obtained from Frank Matthews, Chief of Central Files (Ext. 2240).

White House Office Papers: Disposition of Papers Upon Leaving Staff

1. Upon termination of employment with the staff, each staff member will turn over his entire files to Central Files with the exception of any personal files he might have maintained.

2. Personal files include: correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders of newspaper or magazine clippings; and copies of records of a personal nature relating to a person's employment or service. Personal files should not include any copies, drafts, or working papers that relate to official business; or any documents or records, whether or not adopted, made or received in the course of official business. The White House Office of Presidential Papers, staffed by representatives of the National Archives, is available to assist staff members in the determination of what are personal files. Any question in this regard should be resolved with their assistance by contacting John Nesbitt, supervisory archivist of the Office of Presidential Papers (Ext. 2545).

3. A staff member, upon termination of employment, may at his discretion make copies for his personal use of a carefully chosen selection of the following types of documents within his files:

(A) Documents which embody original intellectual thought contributed by the staff member, such as research work and draftsmanship of speeches and legislation.

(B) Documents which might be needed in future related work by the individual.

4. No staff members shall make copies as permitted in paragraph three of any documents which contain defense material classified as CONFIDENTIAL, SECRET OR TOP SECRET under Executive Order No. 10501, Restricted Data under the Atomic Energy Act of 1954, or information supplied to the government under statutes which make the disclosure of such information a crime.

5. Each staff member who decides to make copies of such documents described in paragraph three shall leave a list of all such documents copied with Central Files. This will enable retrieval of a document in the event that all other copies of it and the original should be later lost.

6. The discretionary authority granted in paragraph three is expected to be exercised sparingly and not abused. All White House Office papers, including copies thereof, are the personal property of the President and should be respected as such. Any copies retained by a staff member should be stored in a secure manner and maintained confidentially.

7. All confidential and sensitive materials will be protected from premature disclosure by specific provisions of the Presidential Libraries Act of 1955 (44 U.S.C. 2108).



COPY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

SUPPLEMENTAL ORDER

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

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

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



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

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

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

FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said materials for such use, but he shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is



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

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

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

FURTHER ORDERED, that this injunction shall be effective for ten (10) days and shall be renewed upon proper application of the parties.

/s/ CHARLES R. RICHEY
Charles R. Richey
United States District Judge

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

JAMES F. DAVEY, CLERK,

By /s/ ESTHER E. CREIDEN
October 22, 1974
Time 2:35 p.m.

