

The original documents are located in Box 28, folder “Nixon - Papers Access Regulations (2)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

[June 1975?

THE WHITE HOUSE

TO:

Phil Buchen

FROM: Bill Casselman

Information

per your request.

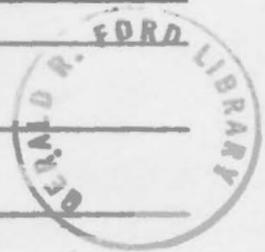
Action:

As appropriate _____

See me _____

Prepare reply _____

Concur and return _____



STATEMENT OF ARTHUR SAMYSON, ADMINISTRATOR,
GENERAL SERVICES ADMINISTRATION, ACCOMPANIED
BY: STEVE GARDINER, TED TRIMMER, LANCE SPANE
AND DR. JAMES E. BOUDRE

Mr. Samyson, Mr. Chairman, and Senator Brock,
it is a pleasure to appear before you today to discuss the
Presidential Recordings and Materials Preservation Act, and
the regulations we have proposed to implement the Act.

In the interest of brevity, I will not summarize
the Act or the regulations we have proposed but will touch
on the major issues they raise.

As I said in the foreword to our report, which we
submitted on March 19, the Act is major legislation. It
places new responsibility on the Government. So our search
for precedents and advice was extensive.

We consulted with the Justice Department, the
Office of the Special Prosecutor, and with close associates
and heirs of former Presidents.

We did extensive research into the deeds and wills
and letters of intent of former Presidents through the
Presidential Library system of the National Archives.

In order to understand our report and proposed
regulations, it is necessary to understand several very
fundamental concerns raised by the Act.

The first concern is the effect of the Act and



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

regulations on individual rights. For example, whether Government custody and processing of the Nixon materials violates the constitutionally-based right of privacy of the former President, members of his family or his associates.

All Presidents preceding Mr. Nixon treated Presidential materials as their personal property. They controlled where their materials would be stored, how they were used, whether they were to be retained or destroyed, and how they were restricted or released to the public. In this way, they were able to protect their individual rights, those of their families, and those of their associates.

Under the Act, former President Nixon does not have custody of his papers. He cannot do what other Presidents have done with their papers. It is up to the Government, therefore, to restrict materials and provide the means for the protection of individual rights.

Providing detailed regulations to accomplish this is an incredibly delicate and sensitive task -- a problem with which the Congress must now grapple in reviewing these regulations.

The second fundamental problem is the question of time. We submitted our report on the day it was called for by the Act. And I hope that both Houses of Congress are giving our regulations thorough and rapid review. But there will be delays in fulfilling the Act that are not with



1 GSA's control and not within control of the Congress.

2 When we submitted our report to Congress two months
3 ago, we were operating under court orders which restrained
4 us from unposting, processing, moving, or releasing to the
5 public any of the materials covered by the Act. Today, we
6 are still bound by these court orders.

7 The three-judge panel, which currently has juris-
8 diction over challenges to the constitutionality of the Act,
9 has ruled that these court orders must be followed until the
10 panel completes its work. So it is not likely that this
11 restriction will be lifted before a year or more goes by,
12 and it could be longer than that.

13 But we are not just concerned with the current
14 restraints. Even after the constitutionality of the Act
15 itself has been tested there may be other court actions to
16 contend with.

17 Actions may be brought to restrict materials based
18 on their confidentiality or privileged nature. Some materials
19 may be sought in related civil or criminal litigation. The
20 application of the regulations by the Administrator could
21 be challenged in individual cases. Such proceedings in the
22 courts would have a direct effect on the ability of GSA to
23 process and release materials.

24 Senator Ribicoff. Mr. Sampson, do you know of any
25 other legal actions that are contemplated even after the



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

constitutional one is decided?

Mr. Sampson. I know of none except those that may be involved in the Special Prosecutor's Office at the present time.

Senator Ribicoff. You do not know about any other particular actions being brought to President Nixon?

Mr. Sampson. Not presently, sir.

Because of this uncertainty, we cannot prepare completely in advance. Once restraints are lifted, we will begin some immediate processing of materials on a small scale. We will begin hiring more archivists to review the materials, and we will build up, over a six-month period, a full-time staff of about 100 people, a staff to handle the Nixon Presidential materials.

Processing will begin with the most sensitive materials first, for example, personal files of the former President and his top staff members, and we will release to the public integral segments of the materials as they are processed.

Senator Ribicoff. Do you contemplate that you will have to have a permanent staff of about 100 people just to handle President Nixon's papers?

Mr. Sampson. Yes. I will speak about that a little further in my statement, sir.

Senator Ribicoff. Is the contemplation just for



1 President Nixon or for future presidents?

2 Mr. Sampson. This is just for President Nixon to
3 satisfy the requirements of the Act passed by the Congress,
4 which is for the timely release of information, particularly
5 in relation to the abuse of Governmental power.

6 Once full-scale processing does begin, and our best
7 guess here is late in 1976, it will take an additional three
8 years to review and release that body of materials defined
9 in the statute as related to abuse of Governmental power.

10 Thus, it will most likely be 1977 before the
11 public has access to many of the well known Watergate
12 materials. Our plans contemplate that virtually all informa-
13 tion relating to abuse of Governmental power will be fully
14 processed by 1980. Continued, though more routine, archival
15 work will go on after that phase is complete on the remain-
16 ing, less sensitive, materials.

17 The question of timing is not fully within our
18 control. Obviously, we must respect present and possible
19 future court orders. Their effect on timing is uncertain.
20 But, beyond that, we have had to make a difficult decision
21 regarding the speed of processing.

22 If we were to process the Nixon Presidential
23 materials at the same rate as former Presidents' materials,
24 with a small staff, it could take us 12 years to review the
25 bulk of Watergate materials. Clearly that is not an acceptable



1 time frame.

2 With a much larger staff, we might be able to do
3 the same task in a year. But only at the risk of abridging
4 individual rights through the premature release of information.

5 Senator Ribicoff. When you talk about abridging
6 individual rights, would you tell us who, for instance, you
7 are thinking about?

8 Mr. Sampson. It is hard to be specific in answer-
9 ing that question, but we would imagine based on past
10 experience that there would be documents or conversations on
11 paper of people who are not even involved in the Governmental
12 process. If we rushed through the processing method and
13 prematurely release information, we could get ourselves into
14 difficulty.

15 Senator Ribicoff. I would hope that we could have
16 a perspective on this whole matter away from the emotions
17 involved and the problems with the President. But we would
18 be acting maturely and protect those people who should be
19 protected without invasion of their privacy.

20 Mr. Sampson. We have taken particular opinions,
21 Mr. Chairman, in the regulations to accomplish that objective.

22 Senator Ribicoff. I am just curious, when you talk
23 about a staff of 100 archivists, are men like that available?

24 Mr. Sampson. We have archivists presently in our
25 staff who are experienced to handle those matters who



1 would be assigned. But we would have to recruit additional
2 archivists. We feel that they are available throughout the
3 country.

4 Senator Ribicoff. How large a staff of archivists
5 do you have in GSA?

6 Mr. Sampson. Perhaps Dr. Rhodes could answer that
7 question. He is the Archivist of the United States. I
8 brought him with me to answer questions.

9 Dr. Rhodes. The total staff of professional
10 archivists throughout our system is approximately 300 as
11 against a total staff of something in the vicinity of 2400.
12 The professional archivists would be approximately 300.

13 Senator Ribicoff. I am just curious -- President
14 Nixon aside -- what is the job of the archivists today in
15 GSA? What do they encompass? What are the archives that
16 are covered by these 300 people?

17 Dr. Rhodes. The typical journeyman archivist is
18 involved in the following functions: in the appraisal of
19 materials to determine what portions of the Government's
20 records must be retained indefinitely and what part may be
21 disposed of after an appropriate period of time. They are
22 involved with the processing of the materials, the arrange-
23 ment, and the description of them so that they can be used
24 more readily by researchers.

25 They are involved in determinations as to what



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

materials are needed -- what kind of repair or preservation measures are to be taken.

They are involved in preparing materials for publication -- people on microfilm or letter press.

The largest part of them, of course, are involved in providing reference assistance to researchers who come in to use the materials.

Senator Ribicoff. How much space do we have to take care of this?

Dr. Rhodes. The National Archives of the United States encompasses approximately 1.2 million cubic feet of the interior. I realize that that is a difficult concept to grasp.

There are about eight cubic feet of material in a typical four drawer file cabinet. So we are talking about maybe 150,000 file cabinets full of material, although we do not store the material in file cabinets.

Mr. Sampson. The archivists, Mr. Chairman, also work in the Presidential Library.

Dr. Rhodes. That is correct.

Mr. Sampson. This is the kind of work we are contemplating for President Nixon's materials because they specialize in sorting, classifying and indexing those materials for researchers to have access to.

Senator Ribicoff. I am just curious, before this



1 because an issue or a problem over President Nixon's papers,
2 were any of you gentlemen here with prior Presidents? Did
3 you have anything to do with prior Presidents?

4 Dr. Rhodes. Yes, sir.

5 Senator Ribicoff. Did you have men or women working
6 at the White House on current Presidential papers?

7 Dr. Rhodes. Beginning, I believe, with the
8 Administration of President Eisenhower, we have had a small
9 staff of a few people who were working at the White House to
10 ready certain kinds of materials in advance with his departure
11 from office.

12 Senator Ribicoff. Do you mean continuously during
13 his term of office?

14 Dr. Rhodes. That is right.

15 Senator Ribicoff. During this period, how would
16 you make the determination which were for the permanent
17 Archives of the United States and which were really personal
18 papers of a President that he or his estate would take away
19 with them when he left office? How would you make that
20 determination?

21 Dr. Rhodes. In prior administrations, Mr. Chairman,
22 our assumption was that the Presidents would donate all, or
23 almost all, of these materials without making this distinction
24 between public or private because they are intermingled and we
25 would protect his interests in private materials by requiring



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that certain materials of that kind be restricted for a period of time.

Senator Ribicoff. I am just curious, how did other Presidents restrict the use of what papers -- after all, the President does not go through every letter he writes or go through every document.

Dr. Rhodes. That is true.

Senator Ribicoff. How is that done? I am just curious. What did President Kennedy do, or President Eisenhower, when they left office?

Dr. Rhodes. The normal practice is that the President would write a letter of intent to the Administrator of General Services indicating that it was his intention to donate his papers to the Government for administration in a Presidential Library bearing his name.

In setting forth in that letter of intent, there were certain rather broad categories of the materials that -- well, providing all the materials must be reviewed and the materials of certain types would be placed under seal until the reason for withholding them was no longer present. These categories roughly correlate to the categories in our proposed regulations and to the caveats that are in the act.

Senator Ribicoff. When these papers go to the Eisenhower Library, or to the Johnson Library, or to the Kennedy Library, are archivists being paid by the Government?



1 Service Administration who work in the libraries of the past
2 Presidents?

3 Dr. Rhodes. Yes, sir.

4 Senator Ribicoff. In other words, there are
5 archivists of all past Presidents whose papers are gathered
6 together who are on the payroll of General Services on a --

7 Dr. Rhodes. Yes, sir, beginning with Herbert
8 Hoover.

9 Senator Ribicoff. -- full-time basis?

10 Dr. Rhodes. Yes, sir.

11 Senator Ribicoff. In other words, regardless of
12 the location of these libraries, you have a General Services
13 Administration archivist there or a number of archivists that
14 are constantly dealing with papers?

15 Dr. Rhodes. That is correct.

16 Senator Ribicoff. Who makes a determination -- let
17 us say you have an historian from Yale, or Harvard, or even
18 the University of Tennessee who might want to look at papers
19 of any President. Does he get in touch with the curator of
20 that library or does he get in touch with the archivists of
21 GSA? How do you get access to them if you are an historian
22 or just a person who has curiosity? How do you do this?

23 Dr. Rhodes. To the extent, Mr. Chairman, that
24 the materials from a --

25 Senator Ribicoff. Excuse me. I am just curious



1 how this stacks up with what you have done with other
2 Presidents of the United States. How was this done?

3 Mr. Sampson. Mr. Chairman, before getting to how
4 the public gets to the papers, I think it is important to
5 put on the record the fact that all prior Presidents at their
6 will could destroy or purge papers that they did not want
7 to be included in history.

8 Senator Ribicoff. They could be destroyed?

9 Mr. Sampson. Yes. Because it was completely
10 within their control.

11 If you would go back in history, some papers were
12 destroyed way back in history.

13 I think we have been fortunate, since the Hoover
14 Administration, in having a system which encouraged Presidents
15 to donate the vast majority of their papers because they
16 were allowed to establish their own restriction and access
17 to protect confidentiality or privacy of people they felt
18 should have been protected.

19 Under this particular Act, we are changing the
20 ground rules drastically -- very very drastically in this case.
21 That power no longer resides with President Nixon as it did
22 with prior Presidents. This will now be done by the Govern-
23 ment.

24 Senator Ribicoff. And all succeeding Presidents?

25 Mr. Sampson. This Act pertains only to President



1 Nixon.

2 Senator Ribicoff. Do not we have a problem here?
3 You know, President Nixon was a President who had troubles.
4 To me there is a sense of unfairness just to have a proceed-
5 ing that applies to one of the Presidents.

6 If these papers belong to the public domain, should
7 not we be passing a law that applies to future Presidents?
8 I feel uneasy singling out one President to be treated
9 differently than any President in the past or for any
10 President in the future. We cannot do much about the past.

11 Should not we be concerned about the rules about
12 treating our future Presidents the same as for President
13 Nixon?

14 Mr. Sampson. Title II of this Act establishes a
15 commission for that purpose to study this problem and to
16 recommend to the Congress legislation for future Presidents.

17 Senator Ribicoff. But the fact remains that this
18 Act pertains only to --

19 Mr. Sampson. Title I of this Act -- there are
20 actually two acts within this one Act. Title I of this Act
21 pertains only to President Nixon and his papers.

22 Senator Brock. The rules and procedures apply
23 only to Nixon and no one else unless the commission recommends
24 to the Congress and we intend to act on it.

25 Mr. Sampson. Exactly sir.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Senator Ribicoff. How long -- my colleagues feel free to interrupt. I think this is much more important, personally, than just what we do in President Nixon's case.

Senator Percy. I would like to ask this question, Mr. Chairman, Mr. Sampson and his colleagues have been studying this Act very carefully now. We passed it. But I wonder if any of you can give your judgment, individually, as to whether you think this is a good law or how do you feel about your responsibilities in carrying it out? Do you think you are carrying out something that is in retrospect now as to why the law was passed in the first instance, and then lead to the Chairman's question?

If you favor the law, if you feel that it is a good basic principle, should that not apply to all future Presidents, or should we consider legislation to apply to all future Presidents?

Mr. Sampson. We have said, in our reports to the Congress, that this law is administrable in such a way that it could be used as a model for the future.

But I think the test of that can only come in time. Some experts have talked about this subject. For example, if in administering the law, we do not restrict materials in such a way that confidentiality and embarrassment to individuals is not protected, it is likely that future Presidents will not record their confidential conversations.



1 In other words, we take on the risk, with this particular
2 Act, of having a situation in the future where Presidents
3 and their staff will find some other way to communicate
4 rather than enriching the history of the country for the
5 future. We may find ourselves with fewer and fewer documents
6 to record the history of our President.

7 I think that is the major danger that exists. But
8 all of that rests, I think, on how the regulations are final-
9 ly approved and how we in GSA administer those regulations.
10 I think we have to do it with great care, when we speak to
11 this point in the report on the regulations. That we do not
12 do it in such a way that we inhibit future administrations
13 from recording what they do.

14 Senator Ribicoff. Well, what is bothering me is
15 that we are setting a precedent with President Nixon. You
16 can understand the mood of the country in what took place.
17 But now we have the responsibility -- you, and this Committee,
18 and the Congress -- in setting this precedent. We must treat
19 Mr. Nixon just as fairly as we would treat any subsequent
20 President. This is what concerns me personally, as I sense
21 concerns the Committee also.

22 Would there be a great delay to get a permanent
23 law and recommendations of how you treat Presidential papers?
24 I am not only talking about President Nixon, but I am talking
25 about President Ford or whoever may succeed President Ford.



1 Mr. Sampson. I think Title II calls for a report
2 that may be made by the Congress by March 31, 1976.

3 Senator Ribicoff. March 31, 1976.

4 Mr. Sampson. That would be a report to you.

5 Senator Ribicoff. From whom?

6 Mr. Sampson. This was from the commission.

7 Senator Ribicoff. Has that commission been set up?

8 Senator Weicker. Mr. Chairman, this commission
9 consists of a variety of persons along with me and Senator
10 Nelson who have been appointed to sit on the commission.

11 Senator Ribicoff. Senator Weicker, will you tell
12 me who the other members of that commission are?

13 Senator Weicker. They are 17 members.

14 Mr. Sampson. All of the members have not been
15 appointed. It is my understanding that the President is about
16 due to announce his members.

17 Senator Ribicoff. One Member of the House of
18 Representatives appointed by the Speaker of the House upon
19 recommendation made by the majority leader of the House.

20 One Member of the House of Representatives appointed
21 by the Speaker of the House upon recommendation made by the
22 minority leader of the House.

23 One Member of the Senate appointed by the President
24 pro tempore of the Senate upon recommendation made by the
25 majority leader of the Senate; -- that is Senator Nelson.



1 One Member of the Senate appointed by the President
2 pro tempore of the Senate upon recommendation made by the
3 minority leader of the Senate; -- that is you, Senator Waicker.

4 One Justice of the Supreme Court, appointed by the
5 Chief Justice of the United States; -- has he been appointed?

6 Mr. Sampson. Not to my knowledge.

7 Senator Ribicoff. One person employed by the
8 Executive Office of the President or the White House Office,
9 appointed by the President. Has that been done?

10 Mr. Sampson. I do not think so.

11 Senator Ribicoff. Three appointed by the President,
12 by and with the advice and consent of the Senate, from persons
13 who are not officers or employees of any government and who
14 are specially qualified to serve on the Commission by virtue
15 of their education, training or experience. Has that been
16 done?

17 Mr. Sampson. That has not been done.

18 Senator Ribicoff. One representative of the Depart-
19 ment of State, appointed by the Secretary of State.

20 Mr. Sampson. No.

21 Senator Ribicoff. No.

22 One representative of the Department of Defense,
23 appointed by the Secretary of Defense.

24 Mr. Sampson. That has not been done.

25 Senator Ribicoff. One representative of the



1 Department of Justice, appointed by the Attorney General.

2 Mr. Sampson. That has not been done.

3 Senator Ribicoff. The Administrator General
4 Services (or his delegate).

5 Mr. Sampson. That is me.

6 Senator Ribicoff. The Librarian of Congress.

7 One member of the American Historical Association,
8 appointed by the counsel of such Association.

9 Mr. Sampson. That has been done.

10 Senator Ribicoff. That has been done?

11 Mr. Sampson. Yes.

12 Senator Ribicoff. Will you tell me who that is,
13 please?

14 Mr. Sampson. That is William Leuchtenberg,
15 L-e-u-c-h-t-e-n-b-e-r-g.

16 Senator Ribicoff. One member of the Society of
17 American Archivists.

18 Mr. Sampson. Herman Kahn, K-a-h-n.

19 Senator Ribicoff. One member of the Organization
20 of American Historians.

21 Mr. Sampson. Frank Freidel, F-r-e-i-d-e-l.

22 Senator Weicker. This has to be done by March of
23 1976. You have a pretty big job. Do you see any special
24 set of rules covering President Nixon and for future Presidents?

25 Mr. Sampson. Well, I think by the nature of the Act



1 itself, since you have in Section 104(a) certain criteria
2 which relates specifically to President Nixon, and I am
3 talking about A-1 here, the abuse of Governmental power,
4 referred to generically as Watergate, that is a special
5 requirement. It relates just to him.

6 Other criteria, I think, could relate to any
7 President. Again, I think the Act itself, if administered
8 properly, is workable.

9 Senator Brock. The problem is created though,
10 Mr. Sampson, by that particular section singling out a segment
11 of Presidential papers with special treatment. By no means
12 can I envision of how we could write a law no matter what
13 the commission recommends that would make that a premise for
14 the future. How do you presuppose the criteria in which the
15 abuses may occur? The fact is that this relates only to
16 one man and only with the one instance.

17 Mr. Sampson. The other aspect of the Act which is
18 unique and should not pertain to future Presidents is having
19 the custody in Washington, D. C. of material.

20 In the past, we have tried to locate materials
21 near to wherever the former President would be so that he
22 and his staff could work with the archivists in doing the best
23 possible job in preparing materials for history.

24 Incidentally, on Title II I would like to mention
25 that it is not a GSA responsibility to pull this country



1 together.

2 On the other hand, I would also like to note that
3 we have been doing a little spurring because we know the time
4 is of the essence. More time is needed to get this job done.

5 Senator Brock. Mr. Sampson, you did not respond
6 to the Chairman's question as to what would happen if we
7 waited until we have established the criteria for the future
8 Presidents before we applied this situation in this instance.

9 If I understand your testimony correctly, it does
10 not matter because you are in court and will be in court
11 at least until March of next year.

12 Mr. Sampson. We will be in court at least until
13 March and perhaps longer. But I will make an opinion here,
14 and will want general counsel to support me, I think for us
15 to use a different set of criteria for President Nixon you
16 would have to amend or repeal this Act while you are enacting
17 a new one. Is that correct.

18 Mr. Trimmer. The statute, Senator Brock, imposes
19 certain specific rules applicable to the Nixon papers, unless
20 those same rules were adopted with respect to the papers of
21 other future Presidents. You would have inconsistency here.
22 We would still be bound by the provisions of Title I with
23 respect to the Nixon papers.

24 Senator Brock. I think what the problem is with
25 the constitutionality of this Act is singling out an



1 individual. I think that is what the Chairman was reaching
2 for. Could we not write a general applicable rule which will
3 cover the Nixon situation, but would also be applicable for
4 the future. In that way, obviate the court change or intro-
5 duce the seriousness of it.

6 Senator Ribicoff. Senator Weicker, do you have
7 any thoughts on this subject? You have been more intimately
8 involved with it than I. Do you have any thoughts on this?

9 Senator Weicker. Mr. Chairman, I do not have any
10 specific ideas at this time because I have been away in the
11 formulation of this commission. Obviously, there are ongoing
12 matters in the courts as it relates to President Nixon.

13 I must confess though that here we are in May and
14 the commission has not been appointed.

15 Could you give us any reason at all with respect
16 to any -- or could you enlighten us on what is going on in
17 the Executive Branch relative to the commission and to the
18 appointment of the remaining members?

19 Mr. Sampson. I have no personal knowledge of why
20 they have not made the appointments. I do imagine, however,
21 that they are searching for the best possible people to man
22 this mission. That may be the problem. But I have no
23 personal knowledge as to why they have not made the appoint-
24 ments so far.

25 Senator Weicker. Well, the ones that are existing



1 and correct me if I am wrong, are those that are strictly
2 not within the Government departments.

3 I gather the Historical Association has appointed
4 theirs. The archivists have.

5 Mr. Sampson. Right.

6 Senator Weicker. The historians have.

7 Mr. Sampson. Right.

8 Senator Weicker. So really the open appointments
9 are what?

10 Mr. Sampson. The Supreme Court and the Executive
11 Branch.

12 Senator Weicker. Well, I think it would be entire-
13 ly appropriate -- I realize this is not your primary responsi-
14 bility -- but certainly as a member of the Executive Branch,
15 I wonder if you might find out for us exactly what we can
16 expect in the way of the rest of the commission being
17 appointed?

18 Mr. Sampson. I would be happy to make that attempt.

19 Senator Ribicoff. I think probably if it would
20 meet with the general consensus of the Membership, I think
21 Senator Percy and myself ought to address a letter to whic-
22 ever has the responsibility to make an appointment to the
23 commission to raise some of the basic concerns that we have.

24 We would suggest that the other members be appointed
25 as expeditiously as possible.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I wonder if that would be met with the approval of the Members?

Senator Brock. Yes, it certainly would.

Senator Weicker. Yes.

Senator Ribicoff. I think this is our responsibility.

Senator Percy. We have an oversight responsibility and we cannot have this responsibility unless the commission is set up.

Senator Ribicoff. Also, there is a sense of fairness if we are dealing with President Nixon in spite of what the past is of the last few years. Should we be establishing rules that would apply equally as to future Presidents?

Senator Weicker. I think the Chairman states the case very well for all of us. I think this is the concern in all of our minds.

Senator Percy. I think the main thing would be also, as Senator Weicker has pointed out, as to who is the chairman. There was no chairman designated. I think if the President appoints a chairman -- he is to designate three members and one of them should be the chairman. If we get the chairman, we might get this moved along.

I think that is our main problem. We have no leadership designated for it.

Mr. Chairman, I wonder if I could ask just a few



1 questions that relate to the immediate implementation of this
2 Act?

3 Mr. Sampson. Mr. Chairman, I had not finished my
4 statement. I can make it a part of the record.

5 Senator Ribicoff. Why don't you make the statement
6 a part of the record? Every Member of the Committee will
7 have an opportunity to ask questions in writing.

8 Senator Brock. Mr. Chairman, I would like for it
9 to be part of the record, but it is a very good statement.
10 Maybe he could summarize it very quickly about the points.

11 Mr. Sampson. If I could summarize two or three
12 points, I think it might be helpful to the discussion.

13 Senator Ribicoff. All right. It will be inserted
14 in the record.

15 (INSERT IS AS FOLLOWS:)
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Mr. Sampson. I left off in the statement about staffing. What we tried to do is to draw a balance on staff where we could meet your requirements for releasing as soon as possible the information on abuse of governmental power without taking the risk of inviting court orders by releasing information prematurely or erroneously. And also without taking the risk of not really organizing the materials in such a way that they are effective for research.

I talk about money in my statement. This is going to cost a great deal of money. We are talking about \$7 million to fulfill the objectives of the Act.

Senator Ribicoff. Just for President Nixon?

Mr. Sampson. Right. Between 30 and 40 percent of that is unique to President Nixon because it involves the processing of the tapes -- the so-called White House tapes.

In any event, this money would have to be spent perhaps over a longer period of time. But this is the amount of money we are estimating for. It is a very rough estimate with this particular task.

I talk next about -- I think this is very important to consider -- we spent many many hours, I cannot describe how many, going over the process of having an effective processing of the materials -- materials here include both tapes and documents and other matters. To be sure that in processing the materials we could show that there was objectivity.



1 We did two things: we are going to rely on the
 2 professionalism of archivists to do almost all of the work.
 3 We have an appeal procedure for difficult decisions up through
 4 an archival panel of senior archivists. The most sensitive
 5 decisions will be reviewed by a Presidential Material Review
 6 Board.

7 We have put distance between the Administrator of
 8 GSA, whoever he may be, in his involvement with all of the
 9 initial processing of papers. His involvement is strictly on
 10 a very high level appeal. His decision-making process will
 11 be one that only the very sensitive matters will come to his
 12 attention. I would estimate that anywhere from 1, 2 or 3
 13 percent of the total material would come to his attention.

14 But we strive very hard to make the decision-making
 15 process that insures objectivity in processing the materials.

16 Senator Brock. Fine. That is a fundamental point.
 17 I want to compliment you on the thoroughness with which you
 18 approach that. I think it is fair. I think you have done a
 19 superb job, at least in the outset, of setting up a process
 20 for objectivity and equity.

21 Mr. Sampson. Thank you, sir.

22 I did close with a quote that I would like to read
 23 because I think it responds to the point that was made by
 24 the Chairman and others earlier. This is actually a quote
 25 from Arthur Schlesinger's article in the Wall Street Journal of



1 February 26th.

2 He said, "The real interest of the historian is
3 in a rich, honest and revealing record rather than in instant
4 access; and the more he pushes for instant access, the more
5 he will impoverish the record."

6 Mr. Schlesinger goes on to quote John Eisenhower,
7 "A president, will find ways of doing his communicating
8 other than by official presidential papers if he knows that
9 his papers will soon be public." The certainty of immediate
10 disclosure would have a chilling effect; and the result would
11 be the degeneration of the research quality of documentary
12 evidence."

13 That is the end of his quote.

14 Senator Ribicoff. Do you foresee the misuse of
15 the missing papers in such a way that it would have a bad
16 effect on future Presidential papers?

17 Mr. Sampson. If we can agree on a regulation close
18 to what we have presented -- we think we have found a system
19 where we will prevent that from happening. If the Congress,
20 however, in reviewing these regulations, tends to want to
21 open up the papers -- make them more public than what they
22 should be -- then I think you take on this risk. It is a very
23 strong risk.

24 I think the key element here is protecting the
25 individual in terms of their not being embarrassed or harassed



1 or damaged while they are alive. I think all past Presidents
 2 that have been involved in this have been careful to restrict
 3 records in that manner. But there may be a tendency on the
 4 part of some Members of Congress, or the public, to want to
 5 open up everything right away. I think if you do that then
 6 you will impoverish the records of the future.

7 Incidentally, this is my general counsel, Ted Trimmer.

8 Next to him is Steve Garfinckel, who was the main attorney
 9 for the preparation of this report. On my left is Lance Swann
 10 who headed up my task force, who did all of the research
 11 and work of this report.

12 We do realize that in following the Act, that when
 13 you are talking about the abuse of power information, it will
 14 have fewer restrictions on all other information. That is
 15 to meet the mandate of the Act. We are very clear about that
 16 in the regulations.

17 Senator Ribicoff. Have you found it personally
 18 embarrassing with the charge of your duties -- I believe you
 19 were a Nixon appointee, were you not?

20 Mr. Sampson. Yes, sir.

21 Senator Ribicoff. I assume you have considerable
 22 contact with him from time to time. Have you found this
 23 embarrassing for you?

24 Mr. Sampson. No, I have not. In my position, I
 25 would have minimum contact with President Nixon because of



1 the nature of GSA.

2 During his Administration, my contact with him
3 was minimal.

4 Senator Ribicoff. Do you think in administering
5 this Act, again, I am talking generally for the future, not
6 just now, should it be someone who is a Presidential appointee
7 or should it be someone from somewhere else?

8 Mr. Sampson. I think it definitely should be a
9 Presidential appointee. I would oppose any idea that any
10 head of an agency or a department should not be a Presidential
11 appointee.

12 Senator Ribicoff. Well, I am not talking about the
13 head of GSA, but the person responsible for Presidential
14 papers of any President. Should it be a person who was an
15 appointee of that President or should it be someone else?
16 I have no preconceived idea. I just wanted to get your
17 reaction.

18 Mr. Sampson. To give you a personal observation,
19 I feel that it should be a political appointee -- a Presidential
20 appointee, but that you have to build into the system safe-
21 guards that his participation is such that it is sort of a
22 penultimate process or a decision that he makes. He is an
23 appeal person. But he should be ultimately responsible.

24 The other thing that I think we should consider is
25 the fact that any current administrator is probably going to



1 be working with some prior President's papers.

2 Senator Ribicoff. But is it not sort of embarrassing
3 to have a staff in a position to overrule their laws?

4 Mr. Sampson. My staff has difficulty doing that,
5 Mr. Chairman.

6 However, I think that in working, for example, for
7 the Archives -- let's forget for the moment this particular
8 Act. I have been extraordinarily careful not to interfere with
9 the professionalism that exists in that operation, because
10 I think it is important for the future of this country that
11 the history and records be preserved, categorized and
12 analyzed in such a way that they are considered to be done
13 objectively.

14 Senator Ribicoff. What concerns me sometimes is
15 that a person with responsibility bends over backwards in
16 making a decision, that if he did not have that feeling of
17 potential conflict, or a monetary conflict, or an emotional
18 conflict, or a personal conflict --

19 Senator Percy. To be put in that position. For
20 instance, if the three members of the Review Board were split
21 on a question -- or it was 2 to 1 -- and the administrator
22 casts a vote with the minority person creating a tie vote,
23 is it desirable for the administrator to be in a position to
24 overrule in effect or negate the actions of a majority of
25 the professionals on the Review Board?



1 Mr. Sampson. The system of the Act calls for the
2 Review Board to come to a decision and make a recommendation
3 to the administrator. He does not vote as a member of the
4 board.

5 If he disagrees with the majority's recommendation,
6 and rules otherwise, he will state his reasons in writing to
7 do so. Again, we put that in to be sure that someone just
8 could not willy-nilly make decisions on that basis.

9 I feel, having had experience in the Federal Govern-
10 ment and seven years in state government, that ultimately
11 the head of an agency should be involved in these difficult
12 decisions no matter how difficult they are, because he above
13 any other in the agency knows more about what is going on,
14 you know, in this country and around the world. I think
15 there are some decisions that have to go to the head of the
16 agency. In those instances, it seems to me, that it should
17 be a political appointee -- a Presidential appointee --
18 confirmed by the Senate, a man who has been through the
19 political process and who understands what is going on in
20 the world.

21 I think it is a mistake to have those decisions
22 made by someone who is just a career person in the Federal
23 Government.

24 Senator Perry. There is no lawyer on the Review
25 Board and yet, as you have mentioned, legal cases are popping



1 on the Act. There are many legal questions involved. And
2 each request may involve minimum difficult fact situations
3 involving individuals or claims of privilege.

4 With no lawyer on the Review Board, does the
5 regulation provide for easy access to a legal opinion, or to
6 help interpret legal decisions, or to advise on legal problems?
7 Should that advice come from within the legal Department of
8 GSA or should it come from outside GSA?

9 Mr. Sampson. I will have my general counsel
10 respond.

11 Mr. Trimmer. We do not specifically provide for
12 the source of that legal advice in the regulations, Senator
13 Percy. It is contemplated that there would be staff advice
14 available from the Office of General Counsel in GSA should
15 the Presidential Materials Review Board choose to utilize
16 that advice. But they are also authorized under the regula-
17 tions to consult with other Federal agencies. Here we have
18 in mind the Department of Justice, if they felt that would
19 be the appropriate avenue to pursue.

20 Senator Brock. I just wanted to make the point
21 that this whole conversation, I think, illustrated the
22 difficulty of debating two essentially different issues. One
23 is the issue of the present bill, which relates to one
24 individual, the past President. And in broader concept of
25 what we might do in terms of establishing a process or



1 procedure for future Presidential papers. I think that is
 2 what his commission is going to have to address. I am not
 3 at all sure that once you set up a procedure for future
 4 Presidents that you are not going to have a somewhat different
 5 view of the situation.

6 Our whole debate is colored by a personal reaction
 7 to the Nixon situation. I do not know whether this is
 8 analogous or not. I think we ought to look at the broadest
 9 context of what kind of system we are going to establish for
 10 the future. If we leave it in the hands of the future
 11 Presidents in terms of ownership, as we have done in the past,
 12 this is an entirely different situation from what you have
 13 here in this situation.

14 Mr. Trimmer. A large part of our regulations,
 15 Senator, go to performing those functions, which as you
 16 suggest a President would ordinarily perform if he had custody
 17 and control over those papers. That is the thrust of the
 18 major part of our regulations.

19 Mr. Sampson. The other thing that is being done
 20 under this Act by virtue of the fact that it was enacted is
 21 that we are now defining, or trying to define, what a
 22 Presidential historical document is or what a material is,
 23 which has never been done before.

24 We are trying to find what the personal and private
 25 materials are, which do not belong to the Government, and would



1 go out of our control of this Act.

2 Senator Ribicoff. It seems to me there is
3 definitely an interrelationship between Part I and Part II or
4 Title I and Title II here.

5 Mr. Sampson. There is no question about that,
6 Mr. Chairman.

7 Senator Ribicoff. Once you get a commission that
8 is made of competent men and women, they are going to see
9 the historical perspective. They are going to see it in the
10 relationship that we cannot divorce, the relationship between
11 the future and the past, and say you are going to have one
12 set of rules applying to Mr. Nixon and another set of rules
13 for all future Presidents. The historical group that you
14 will appoint to make a set of recommendations will be influenced
15 with what happens with Mr. Nixon. I think what they decide
16 might have a bearing on what you ought to do with Mr. Nixon's
17 papers.

18 I think this is what is worrying us here. Do I
19 speak correctly?

20 Senator Brock. You do very well for me.

21 Senator Ribicoff. I wonder, Senator Nelson, if you
22 would come here for a minute? We have a problem. You are
23 the author of this thing.

24 Senator Brock. The author of the problem?

25 (Laughter)



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Senator Ribicoff. What has been bothering us is that can you really separate what you do with President Nixon's papers with what procedures and methods you use for future Presidents in Title I and Title II of the Act. And, of course, outside of you and Senator Weicker and just a few other appointees of the 17-man commission, very few appointments have been made. What effect would their recommendations and their meaning have upon what to do with President Nixon and the future historians. I wonder what is your thinking on this?

Senator Nelson. Of course, this specific statute applies specifically to the situation. But it contains paragraphs establishing the commission to deal with future papers. Assuming that what is done here is only binding in this situation. But that there will be court cases and all of that. There may be some constitutional questions which may be settled. But I am assuming that the Presidential commission dealing with future papers, will come to some conclusion and make a recommendation, and Congress will act on the recommendation.

But what happens here may serve as some kind of a guideline to that commission but not binding on it by any means.

There is a court case right now that is unresolved. It is a challenge to the constitutionality of the statute.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The argument is that they are his papers. Are those papers public or private papers? The challenge is that they are private papers. The court will have to decide that.

The next challenge we will be making is that even if they were public papers, there are private papers involved there. Somebody has to do the classification. The process of classifying these papers as to what is private and what is public -- it can be an invasion of my privacy and a violation of my constitutional rights. The court will have to solve that.

So the whole thing is going to weigh on the resolution of the constitutionality.

I think the administrator has done a tremendous amount of work. He has done a good job.

Senator Ribicoff. With the court cases, I think what has been bothering all of us is that the commission is supposed to report by March 31, 1976, and with these court cases before the determination of the Title I will probably drag too long past March 31, 1976.

The importance of the commission is that some of its recommendations are going to have to involve President Nixon no matter what you do. I mean whatever the decisions you make, how do you preserve the integrity of the historical balance for future Presidents? Should we be making separate rules and separate regulations for President Nixon or against



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the future Presidents? This is the problem we have.

Mr. Sampson. Mr. Chairman, I think the point is best illustrated by the task we went through to define what a Presidential historical material was. Our definition is X. The commission could make it Y. Then everything we have done would be different than what is being treated in the future. We do not know the answer to that. We are not sure our definition is correct. There is controversy right now about the definition.

We have said, for example, Presidential historical material relates to his constitutional, statutory and political duties. Arthur Schlesinger disagrees with that. He said political duties should not be included in history. The statement that you have from the American Society of Archivists disagrees with that. They say political duties should not be in the Presidential historical field.

So we could end up with a schism here which is very significant in terms of treating this President differently than others irrespective of the Watergate issue.

Senator Ribicoff. I would like to know how you separate political duties from this constitutional --

Mr. Sampson. Well, we have recommended to you, in our regulations, that Presidential historical materials include his political duties. But I am saying to you that there are other experts in the country who disagree with that



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

point. I think that is going to be one point that might be different between what we do and what the commission might recommend.

Senator Percy. I would hope what we are going to come up with for past procedures that all Presidents -- if it does not work badly -- we will look at the complexity and suddenly the Government taking over and doing this on a bureaucratic -- and I mean that in the best sense of the term basis -- and the tremendous cost involved.

I hope that the commission is going to recommend that all future Presidents -- certainly we hope not many of them will be involved in the kind of impeachment proceedings, abuse of power, lawsuits and all of that, will establish a procedure at the outset of the Presidency, so that things can be sifted and sorted, and what is personal and private. We are changing our rules.

I hope this lesson will prove how difficult it is for us to move in and kind of take over the papers and try to make these decisions on a fair and impartial basis.

I have one last question, Mr. Sampson, and I would like to put it on terms of the average citizen, because I think a part of the value of these hearings will be to answer questions for a great many people who through idle curiosity or whatever it might be for access. From the standpoint of a person if they want access to a document or a paper



1 Nixon paper -- and say it involves an abuse of power. What
2 do they do now? What will they go through? How long is it
3 going to take them to get that document? When can they make
4 application for it? How long is it likely before that
5 application is approved?

6 Mr. Sampson. Let's take the question in two parts.
7 There is a time span that we will have to allow to pass which
8 is in the courts, and out of our control. We estimate a year
9 or a little more than a year before we can even touch the
10 records. Right after that, we will start processing the
11 records. We will make what we call interval segments avail-
12 able, in other words, something which fits together, available
13 as soon as we can. So you might anticipate early in 1977
14 that these materials will be available to reach such a small
15 portion. It will take us three years to complete all of the
16 work.

17 As to how someone will have access, I will ask
18 Dr. Rhodes to answer that part of the question.

19 Dr. Rhodes. Senator Perry, once the material has
20 been processed and a determination has been made that
21 restriction need not be applied to a given document or a given
22 body of material. The process is very simple. The citizen
23 coming off the street can come to the repository where the
24 Nixon papers will be. He will fill in a brief form identify-
25 ing himself. This is not an application requesting



1 to use the material. It is a matter of identification of
2 who is requesting the material. He will be permitted to
3 peruse it and note from it.

4 Mr. Sampson. He can listen to a tape.

5 Senator Percy. If he wants a copy of it, is there
6 a provision for the cost to have a copy made?

7 Dr. Rhodes. With regard to the papers? Yes, sir.

8 Senator Percy. Do you know when it would be
9 possible, in your judgment, in the future for a person to
10 come in and say this is a document I want.

11 Mr. Sampson. We said early 1977.

12 Senator Percy. Or he can say, I want to see the
13 document where Haldeman said that the Chicago Tribune should
14 start eating out Senator Percy.

15 Mr. Sampson. I do not think we can specify what
16 will be available, because we will not know until we take
17 full possession of the records and what we can work with
18 first.

19 We did say in the report and in the regulations
20 that we will work with the most sensible materials first
21 from a mandate in the Act to try and reveal as soon as
22 possible the abuse of Governmental power materials.

23 Senator Percy. Thank you, Mr. Chairman.

24 Senator Ribicoff. Senator Nelson, do you want to
25 make any comments?



1 official says yes, that is what the court says -- the Supreme
2 Court upheld it -- but I have personal papers here. Then
3 you go to court. The court has to make a ruling on these
4 personal papers.

5 So through a series of court proceedings, you could
6 end up with what this statute has directed the Administrator
7 to do such as a set of precedents to guide in determining
8 what are private and public papers.

9 This statute is simply going on the assumption that
10 they are public papers and that there is public interest in
11 them. It is directing the Administrator to do what you could
12 end up with in a series of court actions.

13 I think this method is better than waiting for
14 challenges in court to do all of these things even though
15 some of these regulations or their classifications under the
16 regulations are going to be challenged no doubt. Then you
17 will go to court and settle whether or not the regulations
18 are valid or invalid, and whether or not their interpretations
19 are valid and their classifications are valid.

20 Mr. Sampson. Mr. Chairman, I think that Senator
21 Nelson in his assumptions would be correct if we could assume
22 that the commission under Title IX will adopt everything we
23 recommended.

24 But I do think, Senator, there are some very
25 controversial issues in this particular regulation.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

not be agreed to by a national commission. That until they meet and say that they agree or disagree you cannot really judge whether or not what we are doing is just for one President and not for future Presidents.

Senator Ribicoff. This is what bothers me. I personally think there is a definite interrelationship. That is why I think it is incumbent upon everyone who has a responsibility to appoint their designee, because there is that interrelationship. I am sure whatever is done generally to Mr. Nixon or with one another will coordinate what we are going to do in the future with Mr. Nixon. This is just my feeling. Perhaps Senator Nelson was not here when I expressed this concern.

Senator Brock. I personally favor a good part of this Bill. I am much impressed by the -- as I said earlier -- balance approach of drawing the regulations. I think Mr. Sampson and his staff worked long and with great effect to provide equity and objectivity in this very difficult process in identifying the criteria. But we simply cannot make that prejudgment on future Presidents. This is a one-on-one situation. This is really what I was concerned with here.

I am disturbed in our current inability to even to grips with the question that was raised by Arthur Schlesinger and others as to how best we can enhance an historical record of whether or not, you know, this procedure is and of itself



1 generally speaking is going to be good or bad. I do not
 2 know if we have enough discussion on that. The commission
 3 is going to have to deal with it and so are we ultimately.
 4 We are going to have to lay out the rules and regulation
 5 guidelines of which we operate or you are going to run
 6 the risk of one man ultimately making entire decisions to
 7 a previous administrator. That I think is a touchy situation.
 8 We are going to have to live with this for awhile; Senator
 9 Nelson will have to live with it longer.

10 Mr. Sampson, I do not know whether you will be
 11 around to implement or supplement. But we do appreciate
 12 the hard work that you and your staff have given to this
 13 problem, because I think that while it started with President
 14 Nixon, it becomes very obvious that it goes far beyond you
 15 making the determinations that will be affecting future
 16 Presidents and the ways of the future.

17 Senator Ribicoff. Is there anything else you want
 18 to say, Senator Nelson?

19 Senator Nelson. I have some comments about my
 20 statement.

21 Senator Ribicoff. Sure. Maybe you would want to
 22 stay for his statement?

23 Mr. Sampson. I would like, if I could, with the
 24 Senator's permission and the Chairman to make some comments
 25 about his statement. Is that is permissible?



1 security exemption from the disclosure requirement: applies
2 only to materials which are properly classified. This
3 exemption makes sense. It should be incorporated in the
4 regulations.

5 Senator Ribicoff. Thank you very much, Mr. Sampson
6 and Senator Nelson. It is obvious that we have a very com-
7 plex problem here. We will be in touch with both of you and
8 your staff in the near future.

9 Mr. Sampson. Could I just make two or three points
10 on his statement, Mr. Chairman?

11 Senator Ribicoff. Surely.

12 Mr. Sampson. On two of his points, I think, we
13 basically have a semantic difficulty rather than a subsequent
14 difference.

15 Senator Nelson. I think that is correct.

16 Mr. Sampson. On the abuse of power information,
17 we feel our regulations are very strong in saying in those
18 instances we will not restrict materials simply because they
19 embarrass or harass people. If the semantic difference can
20 be straightened out in the record, I think in that case we
21 would be able to clear up that point.

22 On the national security item, I think, again we
23 have difficulty in the language. We track our language from
24 the Freedom of Information Act, an Executive Order 11652.

25 I would hope again in the record we could straighten



Terry 1 out our differences or reconcile our differences on that
Vilkerson 2 point.

3 As far as the administrator is concerned, I would
4 like to make two comments as to what I made earlier. We have
5 tried to insulate the administrator so he makes the minimum
6 number of decisions relating to restrictions or to return
7 materials to people who should own them.

8 We also feel that the law places the responsibility
9 upon the administrator. We know of no way for me to delegate
10 that particular responsibility to a body such as the
11 Presidential Materials Review Board.

12 Senator Ribicoff. Thank you very much, gentlemen.
13 We will be in touch with you both.

14 The hearing stands adjourned.

15 (Whereupon, at 12:10 p.m., the Committee recessed,
16 to reconvene subject to the call of the Chair.)
17
18
19
20
21
22
23
24
25



THE WHITE HOUSE

WASHINGTON

October 1, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: DICK CHENEY 

Phil, Art Sampson contacted me somewhat concerned over regulations governing the control over the Nixon tapes and papers.

Evidentially, the Senate or the Congress shot down previous regulations he'd issued and the Administration has ninety days in which to put together a new package.

Sampson's resignation will be effective October 15th, and the question of handling papers and tapes is likely to come up in connection with confirming a new Administrator for GSA.

Art is willing to either hold off and let the new man submit a new set of regulations, or go ahead and send up some himself.

I told him I would contact you and have you call Art personally to figure out how that ought to be handled.

You might also want to touch base with Bennett on the confirmation problem.



THE WHITE HOUSE
WASHINGTON

October 2, 1975

Barry,

Mr. Buchen would like
a quick turn-around
on this please.

shirley



file

THE WHITE HOUSE
WASHINGTON

October 1, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: DICK CHENEY *D*

Phil, Art Sampson contacted me somewhat concerned over regulations governing the control over the Nixon tapes and papers.

Evidentially, the Senate or the Congress shot down previous regulations he'd issued and the Administration has ninety days in which to put together a new package.

Sampson's resignation will be effective October 15th, and the question of handling papers and tapes is likely to come up in connection with confirming a new Administrator for GSA.

Art is willing to either hold off and let the new man submit a new set of regulations, or go ahead and send up some himself.

I told him I would contact you and have you call Art personally to figure out how that ought to be handled.

You might also want to touch base with Bennett on the confirmation problem.

Called Art 10/3 to get draft prepared pronto

