

The original documents are located in Box 31, folder “Nixon - Papers House Committee on Government Operations Investigations of Preservation and Security Arrangements” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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*Nixon Tapes
(see Brooks, Jack)*

THE WHITE HOUSE

WASHINGTON

January 5, 1977

Dear Congressman Brooks:

This is in response to your letter of December 22, 1976, concerning the basis for duplication of certain of the so-called Nixon tapes, as referenced in the letter to you from Mr. Richard R. Albrecht, dated October 29, 1976.

We, of course, share your concern regarding compliance with the Order of the United States District Court for the District of Columbia, entered January 7, 1976, in Nixon v. Administrator, et al., C.A. No. 74-1852. I can assure you that this Order and previous Orders pertaining to this matter have been carefully observed at all times.

In order to preserve the original tape recordings, it has been the procedure throughout this Administration to use the original recordings only when essential. When a tape recording has had to be reviewed in accordance with the applicable Court Order, a duplicate of the original was made, and only the duplicate recording was made available for access and review purposes by the designated agent of Mr. Nixon. Otherwise, the access as required by the Court Order, might have posed a risk for the original tapes.

This procedure was brought to the attention of the District Court, not only in conjunction with the above-referenced case, but in several other cases concerning access to the recordings, and we are firmly of the view that the procedure is acceptable to the Court.

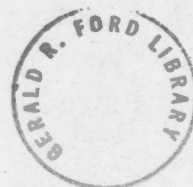
I trust this is responsive to your inquiry.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

The Honorable Jack Brooks
U. S. House of Representatives
Washington, D. C. 20515



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NINETY-FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 Rayburn House Office Building

Washington, D.C. 20515

October 21, 1976

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The Honorable H. Stuart Knight
 Director
 United States Secret Service
 Suite 800
 1800 G Street
 Washington, D. C. 20223

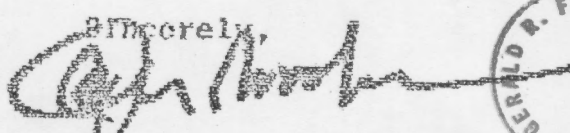
Dear Mr. Knight:

The Committee is in the process of reviewing the status of the preservation practices and security arrangements of the General Services Administration and the Secret Service regarding custody and access to former President Nixon's papers and tapes. In the course of this review, it has been established that GSA has custody of the bulk of these papers, while the Secret Service has custody of the tapes and certain sensitive papers.

It appears that the Secret Service is charged with security of the room in which the tapes are stored and that no one may obtain access to such room unless admitted by an agent or officer of your agency. I understand that the Secret Service maintains a log of all persons who gain access to the tape room and that such log entries are summarized weekly in a report submitted to you or your associates.

I would appreciate your confirming that no one may gain access to the tape room without being admitted by an employee of the Secret Service. In addition, I would appreciate receiving copies of the weekly reports for the months of August, September and October 1976. It would be most helpful if these copies could be delivered to the office of the Committee on Government Operations, 2157 Rayburn House Office Building, by the close of business Monday, October 25.

With best wishes, I am

Sincerely,


JACK BROOKS
Chairman



1. Access to and use of the tapes is controlled by the Order of the District Court of January 7.

2. Brooks is correct that no one may gain access to the tape room without being admitted by an employee of the Secret Service. (Actually, there are two separate locks on the door, EPS has one key, Trudy Fry the other. Both must be present to gain entry. Moreover, only Trudy has the combination to the safes containing the tapes).

3. Whenever original tapes are removed from Safe Zone 128, a representative of Philip Buchen and of the EPS remain present with the tape at all times. The original is removed from Safe Zone 128 only for the purpose of duplication. It is not monitored except to check recording levels before and after duplication. In order to safeguard the original recordings, the originals are not used for review purposes.

4. The only persons having had access to the original recordings during this time period are: Gertrude Fry, as actual custodian of the tapes; Mark O. Decker, Law Clerk, as representative of the Counsel; EPS officers; ^{and} TSD or WHCA technicians who handle the actual duplication of the tape.



THE WHITE HOUSE
WASHINGTON

Please make
file and keep
in outer office.

Also make
copy of Treasury
letter for Barry.
P.

copy of
to Barry
10/28/74



THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

October 28, 1976

Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
2167 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

By letter dated October 21, 1976 addressed to H. Stuart Knight, Director of the United States Secret Service, you advised that your Committee was in the process of reviewing the status of the preservation practices and security arrangements of the General Services Administration and the Secret Service regarding custody and access to former President Nixon's papers and tapes.

Your letter requested Mr. Knight to confirm that no one may gain access to the room in which the tapes are stored without being admitted by an employee of the Secret Service. In addition, you requested copies of the weekly reports for the months of August, September and October 1976 summarizing access to the tape room during that period. You further advised that you wished such copies to be delivered to the Committee offices by the close of business on Monday, October 25.

As you know, Monday was a Federal holiday. Indeed, although a copy of your letter was transmitted via telecopier to the Secret Service office late on Friday, October 22, the original letter had not been received on Monday. Director Knight did respond to your letter by the close of business on Tuesday, October 26, the first business day after he became aware of your request. His letter provided the assurance you sought concerning Secret Service control over access to the original tape recordings made by former President Nixon. His letter also informed you that because control over access to the materials in question was under the jurisdiction of the United States District Court for the District of Columbia, he was forwarding your request to me for appropriate action.



Yesterday forenoon I received a call from Mr. Copenhaver of the Committee staff. He inquired when I might provide a further response to your inquiry. I explained that while I was aware of Mr. Knight's letter and the substance of its contents, I had not yet received a copy. Further, I informed him that when I did receive it I felt an obligation to review carefully the request, the requested documents, and any applicable court order before responding further. He agreed that this was appropriate, expressed the desire that my review be conducted as soon as possible, and indicated your personal interest in seeing that a prompt response be forthcoming. He pointed out that the Committee's concern was for the adequacy of the protection and security arrangements, and that the inquiry was a part of the Committee's continuing responsibilities for overseeing the custody and control of official government documents. Mr. Copenhaver called my office again at about 4:15 yesterday afternoon. I was in a meeting on other matters--as I had been since his earlier call--and he left a message for me to call him. Before I could return his call, he called again about an hour later, found that I was again in a meeting, and left the message that "unless he receives a favorable response by the close of business, the Chairman will issue a press release in the morning accusing you of a cover-up".

Since it was 5:30 p.m. before I received that message, I immediately called Mr. Copenhaver. I told him I had not had an opportunity to review the matter and expressed my dismay that your newly imposed deadline did not afford me an adequate opportunity to carry out my responsibilities as General Counsel of the Treasury Department. I also pointed out to him that as an attorney I am an officer of the court and owe a duty to take no action knowingly that may be inconsistent with a court order of which I am aware. He assured me he knew of no reason why a complete response should not be given promptly, but conceded that I have a responsibility to make such a determination myself.

When I indicated to Mr. Copenhaver that I was unaware of any evidence of inadequate security arrangements that might make this an urgent or emergency matter, he acknowledged that he was unaware of any either. He did say that you were anxious for a response in order to learn the identity of all persons who had access to the tape room during the period in question. We agreed that I would endeavor to complete my review by 10:00 a.m. today, but I informed him I could make no assurances that I would have done so.



I have detailed the foregoing chronology so that you will understand the circumstances under which this response has been prepared. I have now had the opportunity to review briefly the weekly logs you requested, as well as applicable portions of the decision and order of the Court of Appeals on January 7, 1976 in the case of Nixon v. Administrator of General Services, et al. Based on this preliminary review, I believe there is some serious question whether the entire contents of the weekly Secret Service report can be released to anyone without violating the Court's order. I am enclosing a copy of pages 104 and 105 of the Court's decision and call your attention to the second paragraph of the order, in which the Court enjoins the defendants, their agents and superiors, from, among other things, "disclosing" or "transferring" any materials that might fall within the coverage of section 101(2),(b) of the act in question. The order also provides for notice to the litigants and an opportunity to raise in court any objection to certain access by others than representatives of the plaintiff.

I would be pleased to work with your staff in reviewing further the question of any necessary notice to the court or to the litigants as well as any necessary court approval to enable your Committee to carry out its responsibilities. In the meantime, I have concluded that the following information concerning access to the tape room, all of which has been obtained from the records in question, can be released to you without violating the court order. The original tapes are all stored in Safe Zone 128 of the Old Executive Office Building. All entries made into Safe Zone 128 are made in accordance with procedures outlined at 41 CFR 105-63 concerning the preservation and protection of the Nixon Presidential historical materials. A copy of those procedures is enclosed for your information.

The following is a summary of each access to Safe Zone 128 for the months of August, September and October 1976 (through October 27).



<u>Date</u>	<u>Persons Gaining Access</u>
October 1, 1976 1030 to 1226	Gertrude B. Fry Maurice R. Craft Mark O. Decker
October 4 1033 to 1237	Gertrude B. Fry Maurice R. Craft Mark O. Decker
October 6 1038 to 1537	Gertrude B. Fry Maurice R. Craft Mark O. Decker
October 7 1040 to 1234	Gertrude B. Fry Maurice R. Craft Mark O. Decker
October 14 1036 to 1059	Gertrude B. Fry Maurice R. Craft Mark O. Decker

For your information, Ms. Gertrude Fry is an employee on the White House staff, Mr. Maurice R. Craft is an Officer of the White House Division of the Executive Protective Service and Mr. Mark Decker is a member of the staff of Mr. Philip W. Buchen, Counsel to the President. In each instance, the purpose of the entry into Zone 128 by Ms. Fry and Mr. Craft was for the purpose of removing original tapes to be duplicated in the White House Communications Agency (WHCA) after which they were returned to Zone 128. On the occasion of each entry, Mr. Decker witnessed the opening of Safe Zone 128, the removal or return of the original tapes, and the re-securing of Zone 128.

On one occasion, October 14, just as the safe zone was being secured after removal of the tapes, it was learned that the WHCA would not be able to duplicate any tapes on that date. Accordingly, the tapes were replaced without any being duplicated.

All duplication of tapes has been done by the WHCA on equipment for which the recording function had been disabled. No personnel were at any time permitted to monitor or listen to either the original or duplicate recordings. A record was maintained of all persons present during recording of the duplicate tape, and Mr. Decker of Mr. Buchen's staff was present during the recording of each duplicate tape.

The sole purpose of each entry and each duplication of tapes was to comply with the fourth paragraph of the Court's order of January 7, 1976.

I have been assured by the Secret Service that there has been at all times full compliance with the Court's order and that during the time in question no person made entry into Safe Zone 128 except those identified above. I am further advised that, during the time in question, no member of the White House staff or other employee of the Executive Branch had access to or listened to any of the Nixon tapes.

The times indicated above for each entry date represent, respectively, the time of the initial entry on that date and the time that Zone 128 was finally secured after return of the original tapes.

If your Committee has need for additional information, please advise.

Very truly yours,



Richard R. Albrecht
General Counsel

Enclosures



Congress itself has retained a role. But sensitivity to constitutional protections cannot end with the adoption of the Act itself. It must permeate, in both regulation and practice, the effectuation of the Act as well.

Although we hold that the facial constitutionality of the Act requires dismissal of the complaint, we think it appropriate, pending the final disposition of any appeal plaintiff may deem it advisable to take, to enjoin any processing or disclosure of the materials in question except for the very limited purposes hereinafter appearing.

ORDER

In accordance with the foregoing opinion, it is this 7th day of January, 1976,

ORDERED that the preliminary and permanent injunctive relief prayed for by plaintiff is denied and the complaint dismissed as without merit; and, pending the final disposition of any appeal from this decision, it is

FURTHER ORDERED that the defendants, their superiors, agents, and assigns are hereby enjoined from processing, disclosing, inspecting, transferring, or otherwise disposing of any materials, be they documents, papers, tape recordings or other items, which might fall within the coverage of sections 101(a), (b) of the Presidential Recordings and Materials Preservation Act and which are now or may in the future be in their custody, except as is specifically provided hereinafter; and it is

FURTHER ORDERED that this injunction shall not bar production of materials pursuant to any subpoena or other lawful process in accordance with the procedures established in 41 C.F.R. §§ 105-63.201 to .207, .303; and it is



FURTHER ORDERED that Mr. Nixon or his designated agent shall at all times have access to the materials in accordance with 41 C.F.R. §§ 105-63.201 to .207, .301, and shall have the right to obtain photographic reproductions of any documentary material; and it is

FURTHER ORDERED that only the defendants or their agents shall undertake to reproduce any materials, and shall not permit any other person to do so; and it is

FURTHER ORDERED that the injunction shall not bar inspection and photographic reproduction of documentary material when needed for current business of the executive branch of the federal government, pursuant to a request that has been approved by both the head of the agency or department of the executive branch seeking access and by defendant Philip W. Buchen or his successor, although plaintiff shall receive notice of any access requested ten days prior to the grant thereof in order to be able to raise in court any defenses, rights, or privileges that might bar such access, and if such opposition is presented, defendants shall not permit access until the issue has been resolved in court, and any such access granted shall be in accordance with the procedures of 41 C.F.R. §§ 105-63.201 to .207; and it is



The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(e) *Classification review requests.* A request for classification review must describe the document with sufficient particularity to enable the agency to identify it and obtain it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If nonetheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

§ 105-62.203 Declassification of Presidential papers.

The Archivist of the United States has the authority to review and declassify information and material which has been classified by a President, his White House staff, or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential library. Such declassification shall only be undertaken in accord with: (a) The terms of the donor's deed of gift, (b) consultations with the agencies having a primary subject-matter interest, and (c) the provisions of § 105-62.201.

PART 105-63—PRESERVATION AND PROTECTION OF AND ACCESS TO THE PRESIDENTIAL HISTORICAL MATERIALS OF THE NIXON ADMINISTRATION

Sec.

105-63.000 Scope of part.

Subpart 105-63.1—General Provisions

- 105-63.101 Purpose.
- 105-63.102 Application.
- 105-63.103 Legal custody.
- 105-63.104 Definitions. [Reserved]
- 105-63.105 Requests or demands for access.

Subpart 105-63.2—Preservation and Protection

- 105-63.201 Responsibility.
- 105-63.202 Security.
- 105-63.203 Security areas.
- 105-63.204 Work areas.
- 105-63.205 Archival processing.
- 105-63.206 Access procedures.
- 105-63.207 Extraordinary authority during emergencies.

Subpart 105-63.3—Access to Materials by Former President Nixon, Federal Agencies, and for Use in Any Judicial Proceeding

- 105-63.301 Access by former President Nixon.
- 105-63.302 Access by Federal agencies.
- 105-63.302-1 Access by the Special Prosecutor.
- 105-63.303 Access for use in judicial proceedings.

Subpart 105-63.4—Access by the Public [Reserved]

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

SOURCE: 40 FR 2670, Jan. 14, 1975, unless otherwise noted.

EFFECTIVE DATE: This Part 105-63 is effective upon the vacation of Federal court orders preventing the implementation of Title I of the Presidential Recordings and Materials Preservation Act.

§ 105-63.000 Scope of part.

This part sets forth policies and procedures concerning the preservation and protection of and access to the tape recordings, papers, documents, memorandums, transcripts, and other objects and materials which constitute the Presidential historical materials of Richard M. Nixon, covering the period beginning January 20, 1969, and ending August 9, 1974.

Subpart 105-63.1—General Provisions

§ 105-63.101 Purpose.

This Part 105-63 implements the provisions of Title I of the Presidential Recordings and Materials Preservation Act (Public Law 93-526; 88 Stat.). It prescribes policies and procedures by which the General Services Administration will preserve, protect, and provide access to the Presidential historical materials of the Nixon Administration.

§ 105-63.102 Application.

This Part 105-63 applies to all of the Presidential historical materials of the Nixon Administration in the custody of the Administrator of General Services



pursuant to the provisions of Title I of the Presidential Recordings and Materials Preservation Act (Public Law 93-526; 88 Stat. 1695).

§ 105-63.103 Legal custody.

The Administrator of General Services has exclusive legal custody and control of all Presidential historical materials of the Nixon Administration held pursuant to the provisions of the Presidential Recordings and Materials Preservation Act (Public Law 93-526; 88 Stat. 1695).

§ 105-63.104 Definitions. [Reserved]

§ 105-63.105 Requests or demands for access.

Except as provided in § 105-63.302-1, each agency which receives a request or legal demand for access to Presidential historical materials of the Nixon Administration shall immediately forward the request or demand to the Administrator of General Services.

Subpart 105-63.2—Preservation and Protection

§ 105-63.201 Responsibility.

The Administrator of General Services or his designated agent is responsible for the preservation and protection of the Presidential historical materials. He may arrange with other Federal agencies, acting pursuant to appropriate Federal authority, for assistance in their preservation and protection.

§ 105-63.202 Security.

The Administrator of General Services or his designated agent will control access to all areas designated as security areas. That control will include:

(a) Physical possession of all keys that control access to the security areas (A copy of each key will be deposited in locations designated by current fire and/or national security regulations with instructions that these keys may be used only in instances in which the Presidential historical materials or their environs are subject to damage or loss. All such emergency use shall be reported to the Administrator of General Services or his designated agent as soon as possible.); and

(b) Exclusive knowledge of all lock combinations that control access to the security areas. Copies of the combina-

tions will be placed in such locations as are required by current fire and/or national security regulations and with the GSA Security Division (BIS), Office of Administration, in sealed envelopes with instructions that the envelopes may be opened only in instances in which the Presidential historical materials or their environs are subject to damage or loss. All such emergency use shall be reported to the Administrator of General Services or his designated agent as soon as possible.

§ 105-63.203 Security areas.

All Presidential historical materials currently stored in areas secured by Executive Protection Service controlled alarm systems shall continue to be stored in these or equally secure areas unless they are specifically exempted in writing from such security by the Administrator of General Services or his designated agent.

§ 105-63.204 Work areas.

The Administrator of General Services or his designated agent will provide appropriate locations within the Metropolitan Area of the District of Columbia as work areas to be used for the purpose of inventorying, indexing, reviewing, and/or, copying Presidential historical materials in accordance with appropriate authorizations. When such work areas are in use, security shall be equivalent to that in effect in the storage area from which the Presidential historical materials are removed unless the Administrator of General Services or his designated agent waives such equivalent security in writing.

§ 105-63.205 Archival processing.

When authorized by the Administrator of General Services or his designated agent, archivists may enter the security and work areas for the purposes of performing necessary archival processes on the Presidential historical materials. Access for archival processing shall follow the procedures of paragraphs (a), (b), (c), (g), (h), and (i) of § 105-63.206.

§ 105-63.206 Access procedures.

(a) The Administrator of General Services or his designated agent will receive and/or prepare appropriate documentary authorization before each ac-

cess authorized under under this Part 105-63.

(b) The Administrator of General Services or his designated agent shall determine that each access is thoroughly documented. Each documentation shall include:

- (1) Reasons for the access;
- (2) Time of the access;
- (3) Individuals involved in the access, including each individual's degree of security clearance;
- (4) Record of all activities during the access;
- (5) Record of all Presidential historical materials removed, if any; and
- (6) Time of the completion of the access.

(c) The Administrator of General Services or his designated agent will determine that each individual having access to the Presidential historical materials has a security clearance equivalent to the highest degree of national security classification that may be applicable to any of the materials examined.

(d) Prior to each access which may result in the examination of Presidential historical materials that relate to matters of national security, the Administrator of General Services or his designated agent shall notify the Counsel to the President who shall be given the opportunity to examine these materials and raise any objections, defenses, or privileges to prevent or limit the proposed access.

(e) The Administrator of General Services or his designated agent will provide former President Nixon or his designated attorney or agent prior notice of, and allow him to be present during, each authorized access.

(f) Each access to the security areas shall occur only in the presence of the Administrator of General Services or his designated agent. At least two persons shall be present at all times that the security areas are occupied.

(g) All security areas which currently require the presence of the U.S. Secret Service during access and such other security areas as are designated by the Administrator of General Services or his designated agent shall continue to require the presence of one or more representatives of the U.S. Secret Service or such other Federal security agency as is designated by the Administrator of General Services or his designated agent.

(h) If any of the materials now located in security areas requiring the presence of U.S. Secret Service during access are moved to other locations, access to such new locations shall also require the presence of security agents as provided in paragraph (g) of this section, unless their presence is specifically exempted in writing by the Administrator of General Services of his designated agent.

(i) Whenever possible, a copy, which shall be certified upon request, instead of the original documentary Presidential historical material shall be provided to comply with a subpoena or other lawful process or request. Whenever the original documentary material is removed, a certified copy of the material shall be inserted in the proper file until the return of the original.

§ 105-63.207 Extraordinary authority during emergencies.

In the event of an emergency that threatens the physical preservation of the Presidential historical materials or their environs, the Administrator of General Services or his designated agent will take such steps as may be necessary, including removal of the materials to temporary locations outside the Metropolitan Area of the District of Columbia, to preserve and protect the materials.

Subpart 105-63.3—Access to Materials by Former President Nixon, Federal Agencies, and for Use in Any Judicial Proceeding

§ 105-63.301 Access by former President Nixon.

In accordance with the provisions of Subpart 105-53.2, former President Richard M. Nixon or his designated agent shall at all times have access to the Presidential historical materials in the custody and control of the Administrator of General Services.

§ 105-63.302 Access by Federal agencies.

In accordance with the provisions of Subpart 105-63.2 any Federal agency or department in the executive branch shall at all times have access for lawful Government use to the Presidential historical materials in the custody and control of the Administrator of General Services.

§ 105-63.302-1 Access by the Special Prosecutor.

Pursuant to § 105-63.302, the Special Prosecutor or his designated agent shall



at all times have priority access to the Presidential historical materials relevant and important to ongoing criminal investigations and prosecutions within his jurisdiction in accordance with the agreement of November 9, 1974, among the Special Prosecutor, the Counsel to the President, the Director of the Secret Service, and the Administrator General Services. The Administrator of General Services shall provide access pursuant to this subsection after the Counsel to the President has determined that the access is in accordance with the agreement of November 9, 1974, and has transmitted the Special Prosecutor's request for access to the Administrator of General Services for his determination that the access is authorized under this part. The agreement reads as follows:

Whereas, Gerald R. Ford, President of the United States, has determined and informed his Counsel that the due administration of justice and the public interest require that the Special Prosecutor have prompt and effective use of those Presidential materials of the Nixon Administration now located in the White House complex that are relevant and important to ongoing criminal investigations and prosecutions within the Special Prosecutor's jurisdiction; and

Whereas, this Agreement, if implemented, would accommodate the needs of the Special Prosecutor with respect to such materials;

Now, therefore, the undersigned have agreed as follows:

1. Upon letters from the Special Prosecutor to Counsel to the President specifying those materials that he has reason to believe are relevant to specified criminal investigations or prosecutions within the Special Prosecutor's jurisdiction and explaining why access to such materials is important to a full and fair resolution of those investigations and prosecutions, the Special Prosecutor or his designees shall be afforded access to the materials under the following procedures:

a. *Documents.* 1. Where files are organized by subject matter, only those files may be examined which, because of their titles, may contain documents relevant to these specified investigations and prosecutions.

2. Where files are organized chronologically, only that portion of the file covering the time period relevant to the request may be examined.

3. Where no chronological or subject label is on a file, the file may be examined to determine whether the file contains relevant materials.

4. In order to assist in these searches, the members of the archival staff assigned to the Special Prosecutor may request the assistance of the White House in making a list of file titles or other index.

b. *Tape Recordings.* Only the tape recordings of conversations specified by letters ac-

ording to the above procedures may be listened to.

2. The Special Prosecutor shall be allowed to make copies of only those tapes of conversations and documents that he determines are relevant to criminal investigations or prosecutions within his jurisdiction. Prior to the Special Prosecutor receiving such copies, Counsel to the President may review the copies to determine whether they may not be disclosed for reasons of national security. The originals of any tapes and documents, copies of which are provided to the Special Prosecutor, shall be retained and, if necessary for a criminal proceeding, will be given to the Special Prosecutor for such proceeding in exchange for the copies.

3. Richard M. Nixon or his attorney or designated agent shall be given notice of, and may be present during, searches pursuant to this Agreement. Also, Mr. Nixon or his attorney or designated agent, shall be afforded access to and/or copies of those tapes of conversation and documents for which the Special Prosecutor is allowed copies. The Counsel to the President also may designate individuals to be present during these searches.

4. No Presidential materials shall be removed to locations in Washington, D.C. other than the White House complex without the approval of the Special Prosecutor and no portions of such materials shall be removed to locations outside of the District of Columbia without an indication from the Special Prosecutor that he has no further need for such portions, except upon court order.

5. The parties to this Agreement shall move jointly to modify, if necessary, the temporary restraining order as now outstanding in Civil Action No. 74-1518 and in consolidated cases in the United States District Court for the District of Columbia to permit implementation of this Agreement.

Philip W. Buchen,
Counsel to the President.

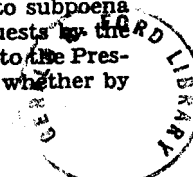
Arthur F. Sampson,
Administrator of General Services.

H. Stuart Knight,
Director, U.S. Secret Service.

Henry S. Ruth, Jr.,
Special Prosecutor,
Watergate Special Prosecution Force.

§ 105-63.303 Access for use in judicial proceedings.

In accordance with the provisions of Subpart 105-63.2, and subject to any rights, defenses, or privileges which the Federal Government or any person may invoke, the Presidential historical materials in the custody and control of the Administrator of General Services will be made available for use in any judicial proceeding, and are subject to subpoena or other lawful process. Requests by the Special Prosecutor for access to the Presidential historical materials, whether by



court subpoena or other lawful process, including access pursuant to § 105-63.302-1 shall at all times have priority over any other request for the materials.

Subpart 105-63.4—Access by the Public [Reserved]

PART 105-65—NATIONAL HISTORICAL PUBLICATIONS COMMISSION [RESERVED]

PART 105-66—NATIONAL ARCHIVES TRUST FUND BOARD [RESERVED]

PART 105-735—STANDARDS OF CONDUCT

Subpart 105-735.1—General

Sec.	Purpose.
105-735.101	Purpose.
105-735.102	Definitions.
105-735.103	Responsibilities.
105-735.103-1	Heads of Services and Staff Offices and Regional Administrators.
105-735.103-2	Supervisors.
105-735.103-3	Personnel Division.
105-735.103-4	Employees and special Government employees.
105-735.104	Interpretation and advisory service.
105-735.105	Periodic reminders to employees.
105-735.106	Disciplinary or other remedial action.
105-735.107	Approval and publication of regulations.
Subpart 105-735.2—Standards of Conduct for Employees	
105-735.201	General conduct on the job.
105-735.202	Gifts, entertainment, and favors.
105-735.202-1	Gifts from outside sources.
105-735.202-2	Gifts to superiors.
105-735.202-3	Gifts from foreign governments.
105-735.203	Outside employment.
105-735.203-1	Incompatible activities.
105-735.203-2	Source of salary for Government service.
105-735.203-3	Teaching, lecturing, and writing.
105-735.203-4	[Reserved]
105-735.203-5	Some acceptable activities.
105-735.203-6	Prior approval of outside employment.
105-735.203-7	Prior approval while on sick leave.
105-735.204	Financial interests.
105-735.205	Use of Government property.
105-735.206	Misuse of information.
105-735.207	Indebtedness.
105-735.208	Gambling, betting, and lotteries.
105-735.209	Prejudicial conduct.

Sec.	
105-735.210	Place of business.
105-735.211	Intermediaries.
105-735.212	Lending or borrowing money.
105-735.213	Political activity.
105-735.214	Reporting irregularities.
105-735.215	Purchase of Government property.
105-735.216	Purchase of real estate.
105-735.217	Use of intoxicants.
105-735.218	Use of Government vehicles.
105-735.219	Use of long-distance telephone.
105-735.220	False statements.
105-735.221	Care of official records and documents.

Subpart 105-735.3—Standards of Conduct for Special Government Employees

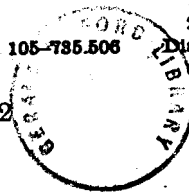
Sec.	
105-735.301	General.
105-735.302	Use of Government employment.
105-735.303	Use of inside information.
105-735.304	Coercion.
105-735.305	Gifts, entertainment, and favors.
105-735.306	Political activity.

Subpart 105-735.4—Statements of Employment and Financial Interests

Sec.	
105-735.401	General.
105-735.402	Criteria for selection of positions subject to filing requirement.
105-735.403	Identification of positions and incumbents.
105-735.404	Supplementary statements.
105-735.405	Interests of relatives.
105-735.406	Information not known by employee.
105-735.407	Information prohibited.
105-735.408	Confidentiality of statements.
105-735.409	Effect of statements on other requirements.
105-735.410	Responsibility for review of employment and financial interests statements.
105-735.411	Procedure in obtaining statements.
105-735.412	Resolving conflicts of interest.
105-735.413	Employee complaint against filing requirement.

Subpart 105-735.5—Other Statutes on Conduct

Sec.	
105-735.501	General.
105-735.502	Code of Ethics for Government Service (H. Con. Res. 175, 85th Cong., 2d Sess., 72 Stat. B12).
105-735.503	Bribery of public officials and witnesses (18 U.S.C. 201).
105-735.504	Compensation in matters affecting the Government (18 U.S.C. 203).
105-735.505	Activities in claims against the Government (18 U.S.C. 205).
105-735.506	Disqualification of former employees (18 U.S.C. 207).



October 26, 1975

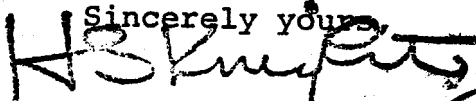
Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
2167 Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

This is in response to your letter dated October 21, 1976. A telecopy of your letter was received in this office late on Friday, October 22 and therefore we were unable to respond as you requested by the close of business, Monday, October 25, that day being a legal holiday.

I can confirm that no one may gain access to the original tape recordings made by former President Nixon without being admitted by an employee of the Secret Service. Control of that access is, however, under the jurisdiction of the United States District Court for the District of Columbia. In the case of Nixon v. Sampson, et al., C.A. 74-1518, in which I am a defendant, the Court has exercised supervisory jurisdiction over the records, materials and tape recordings of former President Nixon. Since the matter is in the courts, I have forwarded your request to the General Counsel of the Treasury, Richard R. Albrecht, for whatever action he deems appropriate.

Sincerely yours,



H. S. Knight
Director



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NINETY-FOURTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 Rayburn House Office Building

Washington, D.C. 20515

October 29, 1976

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MAJORITY--225-5051
 MINORITY--225-3074

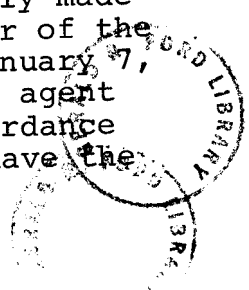
Philip W. Buchen, Esquire
 Counsel to the President
 The White House
 Washington, D. C. 20500

Dear Mr. Buchen:

Considerable controversy has arisen in recent weeks involving allegations of events that occurred during the Administration of former President Nixon. Key aspects of this controversy revolve around issues that were discussed or may have been discussed on tapes of conversations originating in the White House during that period.

In pursuing the current status of the preservation and protection of these tapes, I have been informed that you have been designated custodian of the tapes under court order, that such tapes are stored under lock in Safe Zone 128 of the Old Executive Office Building, and that the U. S. Secret Service maintains the security of that storage area -- keeping a record of those who have access to the tapes and the tapes that are removed. Further, I understand that since August 1, 1976, access to Safe Zone 128 has occurred on five occasions, all in October. These entries have been on October 1, 4, 6, 7, and 14. On each occasion, access was made by Ms. Gertrude B. Fry, employed in the files section of the White House; Mr. Maurice R. Craft, an officer of the White House Division of the Executive Protective Service; and, Mr. Mark Decker, a member of your staff.

According to Mr. Richard Albrecht, General Counsel of the Treasury Department, in each instance entry was for the purpose of removing tapes to be duplicated by the White House Communications Agency. Removal and duplication were purportedly made under the authority of the fourth paragraph of the order of the U. S. District Court for the District of Columbia of January 7, 1976, which provides: "that Mr. Nixon or his designated agent shall at all times have access to the materials in accordance with 41 CFR Secs. 105-63.201 to .207, .301, and shall have the



Philip W. Buchen
Page Two
October 29, 1976

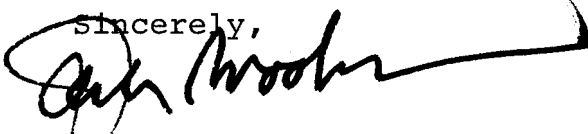
right to obtain photographic reproductions of any documentary material."

This sequence of events raises certain additional questions concerning the preservation and protection of the tapes on which I would appreciate clarification:

1. Which specific tapes, according to the designation on their containers, were removed on each of the five occasions in October?
2. Under what specific authority and at whose request and whose direction were the tapes removed from Safe Zone 128?
3. For what purposes were the tapes removed?
4. Under what specific authority were duplicate copies of the tapes made?
5. To whom were the duplicate copies of the tapes delivered and who presently has custody of such duplicate tapes?

Your prompt response to this request will be appreciated.

sincerely,



Jack Brooks
Chairman



U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON GOVERNMENT OPERATIONS

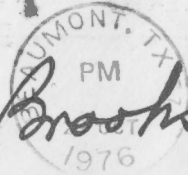
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AIR MAIL

Philip W. Buchen, Esquire
Counsel to the President
The White House
Washington, D. C. 20500

John Brooks



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NINETY-FOURTH CONGRESS
 Congress of the United States
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COMMITTEE ON GOVERNMENT OPERATIONS

2157 Rayburn House Office Building

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October 29, 1976

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 MINORITY-225-2895

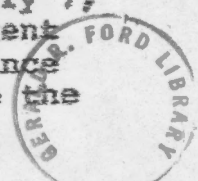
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Philip W. Buchen
Page Two
October 29, 1976

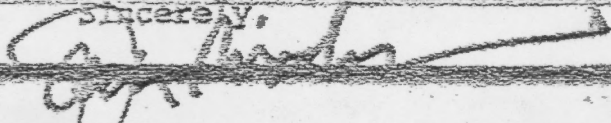
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Sincerely,



JACK BROOKS
Chairman



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NINETY-FOURTH CONGRESS

Congress of the United States

House of Representatives

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 MINORITY—225-3074

NEWS RELEASE

FOR IMMEDIATE RELEASE
 October 29, 1976

Rep. Jack Brooks, D-Tex., chairman of the House Government Operations Committee, said today he has been informed that White House personnel have duplicated some of former President Nixon's tapes in recent weeks.

Brooks said the duplication of the tapes began October 1 and continued at intervals for the next two weeks.

"This appears to coincide with the period during which certain questions were raised in Congress and the news media concerning any role President Ford might have played in blocking a congressional investigation of Watergate before the 1972 election," said Brooks.

In a letter to White House counsel Philip W. Buchen, Brooks asked for an explanation of why the tapes were copied, which ones were copied, and where the copies are now.

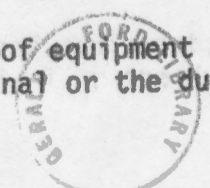
"Access to these tapes is strictly controlled by a court order," said Brooks. "In view of their importance both to the court and to the nation, I think an explanation is called for."

The information about the tapes came to light in the course of a committee inquiry concerning the preservation of the tapes and the security arrangements controlling access to them. Brooks asked specifically for any records of access during August, September and October.

In reply, he was told that no one was granted access to the locked storage room in the Executive Office Building next to the White House during August and September, but that entries were made on Oct. 1, Oct. 4, Oct. 6, Oct. 7 and Oct. 14. In each case those entering were identified as a member of the White House staff, a member of Buchen's staff and an officer of the Executive Protective Service.

Richard R. Albrecht, general counsel of the Treasury Department, told Brooks the entries were made "for the purpose of removing original tapes to be duplicated in the White House Communications Agency, after which they were returned. . ."

Albrecht said the duplications had been made with erasure-proof equipment and that no one was permitted to monitor or listen to either the original or the duplicate recordings.



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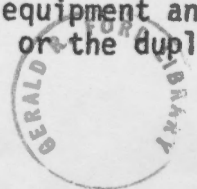
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THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

October 29, 1976

Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
2167 Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

Because the Secret Service, an agency of this Department, controls access to the original tape recordings made by former President Nixon, I did not want a day to go by without correcting the false and misleading inferences contained in the press release issued by your office late this afternoon.

During the period August-October 1976 referred to in your press release:

- There had been no access by President Ford or anyone on his behalf.
- The court order governing access to the tapes has been scrupulously observed at all times.
- The court order requires duplication of tapes upon the request of, and for use by, Mr. Nixon's designated agents.
- Tapes removed for duplication for Mr. Nixon's agents, at their request and as required by the court order, covered only conversations prior to July 22, 1972, which was well before the House Banking and Currency Committee had proposed the investigation which you have referred to in your press release.
- No other access has occurred.

Sincerely,

Richard R. Albrecht
General Counsel



DRAFT 10/29/76 ES

Dear Mr. Chairman:

Because the Secret Service, an agency of this Department, controls access to the original tape recordings made by former President Nixon, Mr. Buchen has referred to me your teleprint letter to him dated October 29. This is to supplement my letter to you of October 28.

In your recent letter, you asked five questions. As to your first question:

- . The court order governing access to the tapes has been scrupulously observed.
- . The court order requires duplication of tapes upon the request of Mr. Nixon's representatives.
- . Tapes removed for duplication for Mr. Nixon's representatives covered only conversations prior to July 22, 1972.
- . No other access has occurred.
- . No tapes were reviewed by any government personnel.

Your other questions were answered in my October 28 letter.

Sincerely,



DRAFT 10/29/76

Dear Mr. Chairman:

~~Because~~ ^{the} The Secret Service, an agency of this Department, controls access to the original tape recordings made by former President Nixon. Mr. Buchen has referred to me your teleprint letter to him dated October 29. This is to supplement my letter to you of October 28.

In your recent letter, you asked five questions. As to your first question, namely "the specific tapes, according to the designation on their containers, were removed on each of the five occasions in October"? This question refers to tapes removed as I stated in my previous letter pursuant to the fourth paragraph of the court order requiring access by Mr. Nixon's representatives. ~~Because~~ The designation on the tape containers appears to be part of the materials covered by the court order which restrains disclosure, *ICM*
Tell you that I can only say that ~~no~~ ^{most} tapes which were removed relate to any period after July 20, 1972, and ~~no~~ ^{most} tapes were reviewed by any government personnel ~~of the~~ ^{employee of the federal government} ~~of the~~ ^{of the} ~~Office of~~ ^{Office of} ~~the~~ ^{of the} ~~Attorney General~~ ^{Attorney General}.
Your other questions were answered in my October 28 letter.

Sincerely,



Friday 10/29/76

- 4:00 I had requested a messenger to pick the envelope up from Mr. Copenhaver at 2:45 -- just checked and the messenger has not yet returned -- they will send it over as soon as it arrives.
- 4:16 After getting the call from Schwab, I called again and it still hasn't arrived at the White House -- they will have it delivered direct.

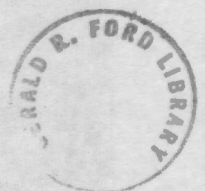
4:30 received



Friday 10/29/76

4:15 Robert Schwab of Cox Newspapers - Washington office - would like to talk with you. 331-0900

He said that just 10 minutes ago Congressman Brooks' office put out a press release saying that White House personnel had duplicated some of the Nixon tapes -- and he wants to ask some questions about why the tapes were duplicated, where they are now, etc.



AD Burke - Protective Research

October 8, 1976

ASAIC Ready - Liaison Division

CO-1-23,206

CO-1-23,208

Protection of White House Files and Tapes

Reference is made to the attached carbon copy memorandum of Mr. Philip W. Buchen, Counsel to the President, to Director H. S. Knight, dated October 1, 1976.

This memorandum authorized Mrs. Gertrude Fry to enter Safe Zone 128 for the purpose of removing the tapes identified in the attached request from Mr. R. Stan Mortenson, dated September 24, 1976, and having them duplicated by the White House Communications Agency under Mr. Buchen's normal operating procedures.

Attached to this memorandum are reports of EPS Officer Maurice R. Craft, dated October 4, October 6, and October 7, 1976, pertaining to the procedures in the removal and returning to Safe Zone 128, and duplication of tapes referred to in Mr. Buchen's memorandum to Director H. S. Knight, dated October 1, 1976.

Attached to Officer Craft's reports are properly executed receipts by Mrs. Gertrude Fry and Officer Craft, witnessed by Mark O. Decker, of Mr. Buchen's staff, dated October 4, October 6, and October 7, 1976.

Attached to Officer Craft's October 4, 1976, report are four properly completed duplication forms, dated October 4, 1976. Although seven original tapes were removed from Safe Zone 128, numbers 5, 6, and 7, as listed on the attached receipt, were returned without being duplicated.

Also attached to Officer Craft's October 6, 1976, report are ten duplication forms, properly completed and dated October 6, 1976.



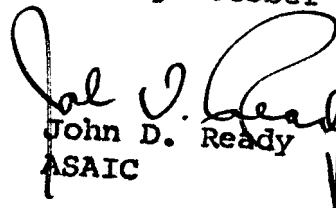
Attached to Officer Craft's October 7, 1976, report are three properly completed duplication forms, dated October 7, 1976.

There is outstanding Mr. Buchen's memorandum to Director H. S. Knight, dated February 19, 1975, pertaining to the search for, and duplication of, certain files of the Nixon Administration, located in Room 84 and Room 522, OEOB, and will remain so until the project's completion.

Also outstanding is Mr. Buchen's memorandum to Director H. S. Knight, dated June 25, 1976, which authorizes Mr. R. Stan Mortenson (Counsel for Mr. Nixon) to enter Room 522 or the vault in Room 84 at such times as he requests.

Outstanding also is Mr. Buchen's memorandum to Director H. S. Knight, dated July 9, 1976, which authorizes Ms. Marge Acker, as duly appointed agent for Mr. Nixon, to enter Room 522 or the vault in Room 84, OEOB, at such times as she requests.

There were no new authorizations issued by Mr. Buchen for Director H. S. Knight for the week ending October 8, 1976.


John D. Ready
ASAIC

cc: Legal Counsel w/a



THE WHITE HOUSE

WASHINGTON

October 1, 1976

MEMORANDUM FOR:

H.S. KNIGHT
Director
United States Secret Service

In accordance with the attached request from Mr. R. Stan Mortenson, dated September 24, 1976, this is to authorize entry into Safe Zone 128 by Gertrude Fry for the purpose of removing the tapes identified in that request and having them duplicated by the White House Communications Agency under our normal operating procedures. Mr. Mark Decker of this office and a representative of the Executive Protective Service are to remain present with the original recordings at all times. Following duplication, the original recordings should be returned to the vault and the duplicates provided to Barry Roth of my staff.

Thank you for your assistance.



Philip W. Buchen
Counsel to the President

cc: Gertrude Fry
Bill Gulley



LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN
2555 M STREET, N.W. - SUITE 500
WASHINGTON, D. C. 20037

AREA CODE 202
TELEPHONE 293-6400

HERBERT J. MILLER, JR.
JOHN JOSEPH CASSIDY
RAYMOND G. LARROCA
NATHAN LEWIN
MARTIN D. MINSKER
WILLIAM H. JEFFRESS, JR.
R. STAN MORTENSON
THOMAS B. CARR
WILLIAM C. BRYSON
JAMIE S. GORELICK

JOSEPH S. MCCARTHY
COURTNEY A. EVANS
ANDREW F. OEHMAN
OF COUNSEL

September 24, 1976

Mr. Barry Roth
Assistant Counsel
to the President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Barry:

In connection with our representation of former President Nixon I hereby request access to copies of the tape recordings which correspond to the enclosed list.

Sincerely,



R. Stan Mortenson

RSM/tc
Enclosure



EOB

June 20, 1972-a.m. & p.m.

June 21, 1972-p.m.

June 22, 1972-a.m.

June 26, 1972-p.m.

June 27, 1972-p.m.

June 28, 1972-a.m. & p.m.

June 29, 1972-p.m.

June 30, 1972-p.m.

July 19, 1972-p.m.

July 20, 1972-p.m.

OVAL

June 21, 1972-a.m. & p.m.

June 22, 1972-p.m.

June 26, 1972-a.m. & p.m.

June 27, 1972-a.m. & p.m.

June 30, 1972-a.m. & p.m.

July 1, 1972-a.m. & p.m.

July 19, 1972-a.m. & p.m.

July 20, 1972-a.m. & p.m.



TELE TAPES

June 20, 1972-p.m. EOB & residence
June 21, 1972-p.m. OVAL & residence
June 22, 1972-p.m. EOB & residence
June 24, 1972-a.m. & p.m. Camp David
June 25, 1972-p.m. Cabin
June 26, 1972-p.m. Residence
June 27, 1972-p.m. EOB
June 28, 1972-p.m. EOB & residence & Camp David
June 29, 1972-p.m. Camp David & Residence
June 30, 1972-p.m. Residence
July 18, 1972-p.m. Residence
July 19, 1972-p.m. OVAL & EOB
July 20, 1972-a.m. & p.m. Residence



UNITED STATES GOVERNMENT

Memorandum

TO : ASAIC John Ready

DATE: October 4, 1976

FROM : Officer Maurice R. Craft

SUBJECT: Entry into Safe-Zone #128

At 1033 hours this date Ms. Fry and myself entered safe-zone #128 for the purpose of removing certain tapes. Seven (7) tapes were removed and receipted for in the usual manner by Ms. Fry and myself and witnessed by Mark O. Decker. All times were verified with the Control Center by Officer H.A. Sloan who was present outside the Safe-Zone.

The tapes were taken to room 85, OEOB and given to WHCA technicians T.L. Morris and W.J. Pajunen for duplicating. The duplicates were given to Mark O. Decker. The originals were returned to the safe-zone and were receipted for in the usual manner by Ms. Fry and myself at 1237 hours this date. All times were verified with the Control Center by Officer H.A. Sloan who was present outside the safe-zone.

Attached are the duplication forms and the receipt.

Maurice R. Craft

Maurice R. Craft
Officer
White House Division
Executive Protective Service



RECEIPT

Box containing one tape, having written on the outside the following inscription:

- ① Oval office 6-26-72 to 5:20 PM REEL 2200
- ② Oval office 6-27-72
- ③ Oval office 6-30-72 REEL #1 to 4:15 PM
- ④ Oval office 6-30-72 REEL #2 START 4:15 PM
- ⑤ Oval office 7-1-72 to 1710
- ⑥ Oval office 7/19/72 Removed 3 PM (to 1792)
- ⑦ Oval office 7/20/72

RECEIVED:

DELIVERED BY:

DATE/TIME

Maurice R. Craft	Hertrude Brown-Judy	10/4/76	1033 hrs
Hertrude Brown-Judy	Maurice R. Craft	10/4/76	1237 hours

WITNESSED BY:

Mark D. Becker



DATE: 409 76

TIME: St 1057 Fin 1120

Footage: Orig St ___ Fin ___
Dup St 1000 Fin 1090

Recorder, Type _____, Star # _____ Ser No. _____ Original

Recorder, Type TE/FY 300 Star # _____ Ser No. _____ Duplicate

Recorder for Original: Record function disabled: Yes ___ No ___

Speed: Original ___ IPS
Duplicate Recorded at 15/16 IPS

Original Tape Marked: Oval Office
6-26-76 to 5:30 PM
Reel 3800

Original Checked prior to Recording yes by Mark O. Decker Int MCD

Original Checked after Recording yes by Mark O. Decker Int MCD

Duplicate Checked by Mark O. Decker Int MCD

Persons present during recording: William J Pajunen Int WJP
TERENCE L. MORRIS Int TLM
Mark O. Decker Int MCD
MAURICE R. CRAFT Int MRC
Int _____

Signed Terence L. Morris Title _____



Did personnel monitor or listen to original or duplicate recordings? Yes ___
No ✓

DATE: TIME: St 1120 Fin 1150 Footage: Orig St ___ Fin ___
Dup St 000 Fin 970

Recorder, Type _____ Star # _____ Ser No. _____ Original

Recorder, Type TELEX 300 Star # _____ Ser No. _____ Duplicate

Recorder for Original: Record function disabled: Yes ___ No ___

Speed: Original ___ IPS
Duplicate Recorded at 5/4 IPS

Original Tape Marked: Oval office 6-27-72

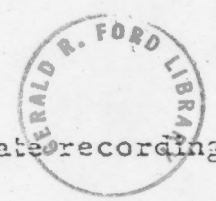
Original Checked prior to Recording yes by Mark V. Decker Int MVD

Original Checked after Recording yes by Mark R. Decker Int MVD

Duplicate Checked by Mark R. Decker Int MVD

Persons present during recording: William J Pajunen Int WJP
TERENCE L MORRIS Int TLM
Mark R. Decker Int MVD
MAURICE R. CRAFT Int MRC
_____ Int _____

Signed Terence L Morris Title _____



Did personnel monitor or listen to original or duplicate recordings? Yes ___
No ✓

DATE:

TIME: St 1158 Pin 1210

Footage: Orig St _____
Dup St 20

Recorder, Type _____ Star # _____ Ser No. _____ Original
Recorder, Type Telex 300 Star # _____ Ser No. _____ Duplicate

Recorder for Original: Record function disabled: Yes _____ No _____

Speed: Original _____ IPS
Duplicate Recorded at _____ IPS

Original Tape Marked: Oval office
6-30-72 Reel # 1
to 4:12 PM

Original Checked prior to Recording yes by Mark O. Decker Int ma

Original Checked after Recording yes by Mark O. Decker Int ma

Duplicate Checked by Mark O. Decker Int ma

Persons present during recording:
TERENCE L. MORRE Int ma
William J. Pajunen Int WJ P
Mark O. Decker Int ma
Maurice R. Craft Int ma

Signed Terence L. Morris Title _____



Did personnel monitor or listen to original or duplicate recordings? Yes _____

UNITED STATES GOVERNMENT

Memorandum

TO :ASAIC John Ready

DATE: October 6, 1976

FROM :Officer Maurice R. Craft

SUBJECT:Entry into Safe-Zone #128

At 1038 hours this date Ms. Fry and myself entered the safe-zone for the purpose of removing certain tapes for duplicating. Ten (10) tapes were removed and were receipted for in the usual manner by Ms. Fry and myself and witnessed by Mark O. Decker. The time being verified with the Control Center by Officer Panikowski who was outside the safe-zone.

The tapes, in the presence of Mark O. Decker, were taken to room #79 and given to WHCA technician T.L. Morris for duplicating. The duplicates were given to Mark O. Decker. The originals were returned to the safe-zone and were receipted for in the usual manner by Ms. Fry and myself at 1537 hours this date. The time being verified with the Control Center by Officer Transou who was present outside the safe-zone.

Attached are the duplication forms and the receipt.

Maurice R. Craft

Maurice R. Craft
Officer
White House Division
Executive Protective Service



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RECEIPT

Box containing one tape, having written on the outside the following inscription:

- ① OVAL OFFICE 7-1-72 To 1710
- ② OVAL OFFICE 7/19/72 REMOVED 3 PM (TC 1792)
- ③ OVAL OFFICE 7/20/72
- ④ EOB OFFICE START 6-20-72 3:45 PM 6-20-72 3:03 6-22-72(1145)-3:35 PM 6-27-72(699) 5 PM END 3/4 REEL
- ⑤ EOB OFFICE START 5 PM 6/27/72 6-29-72(821) END
- ⑥ EOB OFFICE START 3:05 PM 6/26/72 6/29/72 9 AM 1378 END 3/4

Received:

Delivered By:

Time & Date:

Maurice R. Lipt

Hester D. B. Gray

1038/10-6-76

Hester D. B. Gray

Maurice R. Lipt

1537/10-6-76

Witnessed By: Mark O. Becker



192

RECEIPT

Box containing one tape, having written on the outside the following inscription:

- ① OVAL OFFICE 7-1-72 To 1710
- ② OVAL OFFICE 7/19/72 REMOVED 3 PM (TC 1792)
- ③ OVAL OFFICE 7/20/72
- ④ EOB OFFICE START 6-20-72 345 PM 6-20-72 303 6-22-72(1145)-3 35 PM 6-27-72(699) 5 PM END 3/4 REEL
- ⑤ EOB OFFICE START 5 PM 6/27/72 6-29-72(821) END
- ⑥ EOB OFFICE START 3⁰⁵ PM 6/26/72 6/29/72 9 AM 1378 END 3/4

Received:

Delivered By:

Time & Date:

Maurice R. Lipt

Hester D. Boy

1038/10-6-70

Hester D. Boy

Maurice R. Lipt

1537/10-6-76

Witnessed By: Mark O. Decker



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RECEIPT

Box containing one tape, having written on the outside the following inscription:

① EOB OFFICE

START JULY 5, 1972
JULY 20 (8AM) END 11 77 (2ND)
FULL REEL

② EOB OFFICE

START JULY 6, 1972
JULY 21, 1972 REMOVED 3/4 REEL

③ EOB OFFICE

START 6:30 72 (9AM)
END 6:50 72 (407)

Copy #1 ITEM II A

④

Duplicate 7/29/74 DCS

EOB OFFICE

START 5:22 72

6-12-72 (107)

6-12-72 (230)

6-21-72 (740)

8 AM 6-26-72 (524)

3:52 PM 6-26-72 (1500) 3/4 REEL

Received:

Delivered By:

Time & Date:

Maurice R. Leapt

Arthur B. King

1038/10-6-76

Arthur B. King

Maurice R. Leapt

1537/10-6-76

Witnessed By: _____



DUPLICATION FORM

DATE: 6 Oct 74 TIME: ST 1320 FIN _____ FOOTAGE: ORIG ST _____ FIN _____
DUPL ST 000 FIN 700

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type TELEX 300 STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: _____ Record duplicate of original: YES

SPEED: Original _____ IPS
Duplicate recorded at 5/14 IPS

Original Tape Marked: EOB office
Start July 6, 1972
July 21, 1972 removed (3/4 Reel)

Original checked prior to Recording yes by Mark O. Decker INT MOD

Original checked after Recording yes by Mark O. Decker INT MOD

Duplicate checked by Mark O. Decker INT MOD

PERSONS PRESENT DURING RECORDING: TERENCE L. MORRIS INT JLM

MAURICE R. CRAFT INT MRC

MARK O. DECKER INT MOD

Glenn M. Allen INT GMA

_____ INT _____

TECHNICIAN MAKING THE RECORDING TERENCE L. MORRIS SIGN SP5 TITLE _____

DID personnel monitor or listen to original or duplicate recordings? YES _____



DUPLICATION FORM

DATE: 6 Oct 76 TIME: ST 1250 FIN 1315 FOOTAGE: ORIG ST _____ FIN _____
DUPL ST 000 FIN 194

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type TELEY 300 STAR # _____ SER NO. _____ ORIGINAL

Recorder not original: Record function disabled: YES NO _____

SPEED: Original _____ IPS
Duplicate recorded at 15/16 IPS

Original Tape Marked: EOB Office
Start July 5, 1972
July 20 (8 AM) End 1177 (end)
Full Reel

Original checked prior to Recording yes by Mark O. Decker INT MOD

Original checked after Recording yes by Mark O. Decker INT MOD

Duplicate checked by Mark O. Decker INT MOD

PERSONS PRESENT DURING RECORDING: TERENCE L. MORRIS INT JLSM

MAURICE R. CRAFT INT MRC

Mark O. Decker INT MOD

Glenn M. Allen INT GMA

_____ INT _____

TECHNICIAN MAKING THE RECORDING Terence L. Morris SIGN SPS TITLE _____

Did personnel monitor or listen to original or duplicate recordings? YES NO _____



DRAFT 10/29/76

Dear Mr. Chairman:

Mr. Buchen has referred to me your teleprint letter to him dated October 29. This is to supplement my letter to you of September 28.

In your recent letter, you asked five questions. As to your first question, namely "the specific tapes, according to the designation on their containers were removed on each of the five occasions in October"?. Because the designation on the tape containers appears to be part of the materials covered by the court order which restrains disclosure, I can only say that no tapes which were copied relate to any period after August 1, 1972.

Your other questions were answered in my September 28 letter.

Sincerely,



Dear Mr. Chairman:

At the request of Mr. Buchen, I am supplementing my letter to you of September 28. Mr. Buchen advises that you have sent a teleprint letter to him dated October 29 and have put out a press release concerning my letter to you and your letter to Philip Buchen.

In your recent letter, you asked five questions, even though I had previously answered all but the first. In particular, I cited to you the fact that each of the entries reported to you was made for the purpose of duplicating tapes to comply with the fourth paragraph of the Court Order of January , 1976. This portion of the Order, as you may know, conforms to Section 102(c) of ^{the} this statute enacted by Congress in 1974 which is entitled, "Preservation of Presidential Recordings and Materials."

As to your other question, namely "the specific tapes, according to the designation on their container were removed on each of the five occasions in October"?, I can state the following: because the designation on the tape containers appear to be part of the materials covered by the Court Order which restrains disclosure, I can only say that no tapes which were copied relate to any period after August 1, 1972.

Sincerely,



DUPLICATION FORM

DATE: 6 Oct 76 TIME: ST 1435 FIN _____ FOOTAGE: ORIG ST _____ FIN _____
DUPL ST 000 FIN 724

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type TELEX STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: Record function disabled: YES NO _____

SPEED: Original _____ IPS
Duplicate recorded at 15/16 IPS

Original Tape Marked: Dual office 7-1-72
To 1710

Original checked prior to Recording yes by Mark O. Decker INT MOD

Original checked after Recording yes by Mark O. Decker INT MOD

Duplicate checked by Mark O. Decker INT MOD

PERSONS PRESENT DURING RECORDING: TERENCE L. MERRIS INT TLM
MAURICE R. CRAFT INT MRC
MARK O. DECKER INT MOD
DONALD A. WALL INT DW
_____ INT _____

OPERATION MAKING THE RECORDING James A. Howard SIGN SPS TITLE _____

DID personnel monitor or listen to original or duplicate recordings? YES _____



DUPLICATION FORM

DATE: 6 Oct 76 TIME: ST 1400 FIN 1415 FOOTAGE: ORIG ST _____ FIN _____
DUPL ST 1400 FIN 1415

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type Tape 30" STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: Record function disabled: YES NO _____

SPEED: Original _____ IPS
Duplicate recorded at 1 1/2 IPS

Original Tape Marked: EOB Office
Start 3⁰⁵ PM 6/26/72
6-29-72 9 AM 1378 END 3/4

Original checked prior to Recording yes by Mark D. Decker INT MOD

Original checked after Recording yes by Mark D. Decker INT MOD

Duplicate checked by Mark D. Decker INT MOD

PERSONS PRESENT DURING RECORDING: TERENCE L. MORRIS INT TLM

MAURICE R. CRAFT INT MRC

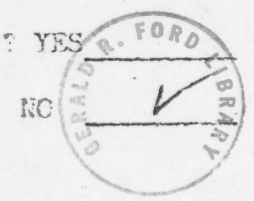
MARK D. DECKER INT MOD

DENNIS A. WALK INT DAW

INT _____

OPERATOR MAKING THE RECORDING Terence L. Morris SIGN SP5 TITLE _____

DID personnel monitor or listen to original or duplicate recordings? YES



DUPLICATION FORM

DATE: 6 Oct 76 TIME: ST 14 20 FIN 135

FOOTAGE: ORIG ST _____ FJR _____
DUPL ST 000 FIN 000

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type 1/2" 30 STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: _____ Record function disabled: YES NO _____

SPEED: Original _____ IPS
Duplicate recorded at 1/2 IPS

Original Tape Marked: EOR OFFICE
Start SPD - 6/27/72
6-29-72 (821) END

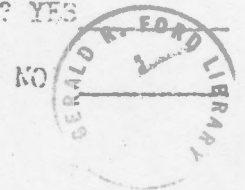
Original checked prior to Recording by Mark O. Decker INT msd
Original checked after Recording by Mark O. Decker INT msd
Duplicate checked by Mark O. Decker INT msd

PERSONS PRESENT DURING RECORDING: TERENCE L. MORRIS INT TTM
MAURICE R. CRAFT INT MRC
Mark O. Decker INT msd
Donald R. Wall INT DRL

INT _____

TECHNICIAN MAKING THE RECORDING Terence L. Morris SIGN TS/SPS TITLE _____

DID personnel monitor or listen to original or duplicate recordings? YES



DATE: 6 Oct 76 TIME: ST 12 25 FIN 1250 FOOTAGE: ORIG ST _____ FIN _____
DUPL. ST 000 FIN 250

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type TELETYPE STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: Record function disabled: YES NO _____

SPEED: Original _____ IPS
Duplicate recorded at 15/16 IPS

Original Tape Marked: EOB OFFICE
clerk 6-20-72 3³⁵ PM
6-20-72 3³³
6-22-72 (1135) - 3³⁵ PM
6-27-72 (699) 5 PM End 3/4 Reel

Original checked prior to Recording ya by Mark O. Becker INT MOB

Original checked after Recording in by Mark O. Becker INT MOB

Duplicate checked by Mark O. Becker INT MOB

PERSONS PRESENT DURING RECORDING: TERENCE L. MORRIS INT TRM
DORIS A. WALL INT DACW
Mark O. Becker INT MOB
MAURICE R. CRAFT INT MRC
Glenn M. Allen INT GMA

TECHNICIAN MAKING THE RECORDING Dorcas A. Morris SIGN SP5 TITLE _____

DID personnel monitor or listen to original or duplicate recordings? YES



DRAFT 10/29/76

Dear Mr. Chairman:

Because the Secret Service, an agency of this Department, controls access to the original tape recordings made by former President Nixon, Mr. Buchen has referred to me your teleprint letter to him dated October 29. This is to supplement my letter to you of October 28.

In your recent letter, you asked five questions. As to your first question, namely "the specific tapes, according to the designation on their containers, were removed on each of the five occasions in October"? This question refers to tapes removed, as I stated in my previous letter, pursuant to the fourth paragraph of the court order requiring access by Mr. Nixon's representatives. Because the designation on the tape containers appears to be part of the materials covered by the court order which restrains disclosure, I can only say that no tapes which were removed relate to any period after July 20, 1972; and no tapes were reviewed by any ogvernment personnel.

Your other questions were answered in my October 28 letter.

Sincerely,



DUPLICATION FORM

DATE: 6 Oct 71 TIME: ST 1210 FINI 1225 FOOTAGE: ORIG ST _____ FIN _____
DUPL ST 200 FIN 275

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type TELEX 30 STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: Record function disabled: YES NO _____

SPEED: Original _____ IPS
Duplicate recorded at 5/6 IPS

Original Tape Marked: Dual office 7/20/72

Original checked prior to Recording yes by Mark D. Becker INT meo

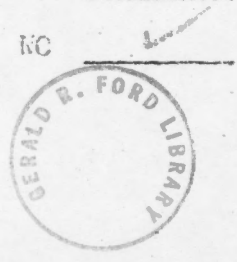
Original checked after Recording yes by Mark D. Becker INT meo

Duplicate checked by Mark D. Becker INT meo

PERSONS PRESENT DURING RECORDING:
TERENCE L. Morris INT JLM
Rubens E. Jeter INT RET
Mark D. Becker INT meo
MAURICE R. Craft INT MRC
Glenn M. Allen INT GMA

TECHNICIAN MAKING THE RECORDING James J. White SIGN 805 TITLE _____

DID personnel monitor or listen to original or duplicate recordings? YES _____



DUPLICATION FORM

DATE: 6 OCT 74 TIME: ST 11 50 FIN 12 10

FOOTAGE: ORIG ST _____ FIN _____
DUPL ST 11 50 FIN 12 10

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type Tele 30 STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: Record function disabled: YES NO _____

SPEED: Original _____ IPS
Duplicate recorded at 1/2 IPS

Original Tape Marked: MAIL OFFICE 7/19/72
Removed 3 PM (to 1792)

Original checked prior to Recording yes by Walt O. Becker INT 1150

Original checked after Recording yes by Walt O. Becker INT 1150

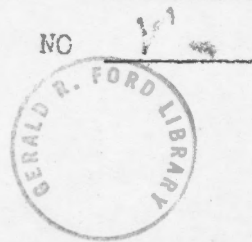
Duplicate checked by Walt O. Becker INT 1150

PERSONS PRESENT DURING RECORDING: TERENCE L. MORRIS INT J 231
MAURICE R. CRIST INT MRC
Walt O. Becker INT 1150
Glenn M. Allen INT GMA

INT _____

TECHNICIAN MAKING THE RECORDING James D. Brown SIGN S.P.S. TITLE _____

DID personnel monitor or listen to original or duplicate recordings? YES _____



DUPLICATION FORM

DATE: 6 Oct 74 TIME: ST 1112 FIN 1124 FOOTAGE: ORIG ST _____ FIN _____
DUPL ST 200 FIN 300

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type TELETYPE STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: Record function disabled: YES NO _____

SPEED: Original _____ IPS
Duplicate recorded at 15/2 IPS

Original Tape Marked: Duplicate 7/29/74 D65 3/4 reel

EOB OFFICE

START 5-22-72 6-21-72 (740)

6-12-72 - (107) 8^{PM} 6-26-72 (924)

6-12-72 (230 3^{PM} 6-26-72 (1500)

Original checked prior to Recording yes by Mark D. Decker INT MOD

Original checked after Recording yes by Mark D. Decker INT MOD

Duplicate checked by Mark D. Decker INT MOD

PERSONS PRESENT DURING RECORDING: TERENCE L. MORRIS INT JLM

MAURICE R. CRAFT INT MRC

Mark D. Decker INT MOD

Glenn M. Allen INT GMA

_____ INT _____

TECHNICIAN MAKING THE RECORDING: Terence L. Morris SIGN SP 5 TITLE

DID personnel monitor or listen to original or duplicate recordings? YES _____



DUPLICATION FORM

DATE: 6/27/76 TIME: ST 1135 FIN 1150 FOOTAGE: ORIC ST _____ FIN _____
DUPL ST 000 FIN 400

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type Telco 30 STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: Record function disabled:

SPEED: Original _____ IPS
Duplicate recorded at 15/16 IPS

Original Tape Marked: EOB OFFICE

START 6-30-72 (9 AM)
END 6-30-72 (407)

(c)
Copy #1 Item III A

Original checked prior to Recording yes by Mark O. Decker INT MOD

Original checked after Recording yes by Mark O. Decker INT MOD

Duplicate checked by Mark O. Decker INT MOD

PERSONS PRESENT DURING RECORDING: TERENCE L. MORRIS INT TLM

MAURICE R. CRAFT INT MRC

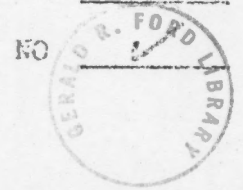
MARK O. DECKER INT MOD

Glenn M. Allen INT GMA

INT _____

TECHNICIAN MAKING THE RECORDING: Terence L. Morris SIGN SAS TITLE _____

DID personnel monitor or listen to original or duplicate recordings? YES _____



UNITED STATES GOVERNMENT

Memorandum

TO : ASAIC John Ready

DATE: October 7, 1976

FROM : Officer Maurice R. Craft

SUBJECT: Entry into Safe-Zone #128

At 1040 hours this date Ms. Fry and myself entered safe-zone #128 this date for the purpose of removing certain tapes. Three (3) tapes were removed and were receipted for in the usual manner by Ms. Fry and myself and witnessed by Mark O. Decker.

The tapes, in the presence of Mark Decker, were taken to room #79 and given to WHCA technician T.L. Morris for duplicating. The duplicates were given to Mark O. Decker. The originals were returned to the safe-zone and were receipted for in the usual manner by Ms. Fry and myself. The Safe-Zone was secured at 1234 hours this date with all times verified with the Control Center by Officer L.J. King who was outside the Safe-Zone at all times.

Attached are thr duplication forms and the receipt.

Maurice R. Craft

Maurice R. Craft
Officer
White House Division
Executive Protective Service



RECEIPT

Box containing one tape, having written on the outside the following inscription:

① WH TELEPHONE
START 2⁵⁵ AM 6/23/72
6/29-72 (161)
6/30-72 (1260) 12:30 PM
7/1/72 (1430)

② STUDY TABLE SPEED 15/16
6/23/72 .000- 2:30 PM
6/25/72 -105- 6:30 PM

③ WH TELEPHONE START
5/25-72 (2 PM)

6-23-72 (2⁵⁰ PM) (892) complete
Copy #1

RECEIVED BY:

Maurice R. Leapt
Hertrude B. Bay

DELIVERED BY:

Hertrude B. Bay
Maurice R. Leapt

DATE/TIME:

10-7-76 / 1040 hrs
10-7-76 / 1228 hrs

PREPARED BY: Mark D. Becker



DUPLICATION FORM

DATE: 7 04 74 TIME: ST 11:15 FIN 11:35

FOOTAGE: ORIG ST _____ FJN _____
DUPL ST (100) FJN 1147

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type TELEX 300 STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: _____ _____

SPEED: Original _____ IPS
Duplicate recorded at 5/16 IPS

Original Tape Marked: W. H. Telephone Start 5-25-72 (28M)
6-23-72 (250 (892))
complete

Original checked prior to Recording yes by Mark O. Decker INT MOD

Original checked after Recording yes by Mark O. Decker INT MOD

Duplicate checked by Mark O. Decker INT MOD

PERSONS PRESENT DURING RECORDING: FERENCE L. MORRIS INT JZM

MAURICE R. CRAFT INT MRC

MARK O. DECKER INT MOD

Charles L. Blackshear INT CLB

_____ INT _____

PERSON MAKING THE RECORDING James J. Morris SIGN SAS TITLE _____

DID personnel monitor or listen to original or duplicate recordings? YES

NO



DUPLICATION FORM

DATE: 7 Oct 72 TIME: ST 1140 FIN 1155 FOOTAGE: ORIG ST _____ FIN _____
DUPL ST 000 FIN 270

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type TELEX 300 STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: Record function disabled: ~~YES~~ NO

SPEED: Original _____ IPS
Duplicate recorded at 5/16 IPS

Original Tape Marked: _____ Speed 5/16
Study Table
6/23/72 - 000 - 2:30 PM
6/25/72 - 105 - 6:30 PM

Original checked prior to Recording yes by Mark O. Decha INT MOD

Original checked after Recording yes by Mark O. Decha INT MOD

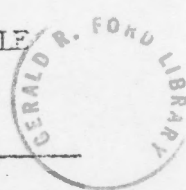
Duplicate checked by Mark O. Decha INT MOD

PERSONS PRESENT DURING RECORDING: TERENCE L. MORRIS INT JFM
MAURICE R. CRAFT INT MRC
Mark O. Decha INT MOD
Charles L. Blackshear INT CLB

INT _____

TECHNICIAN MAKING THE RECORDING: Terence L. Morris SIGN SPS TITLE _____

DID personnel monitor or listen to original or duplicate recordings? YES _____
NO ✓



DUPLICATION FORM

DATE: 7 Oct 74 TIME: ST 1200 FIN 1220 FOOTAGE: ORIG ST _____ FIN _____
DUPL ST 000 FIN 900

Recorder, Type _____ STAR # _____ SER NO. _____ ORIGINAL

Recorder, Type TELEX 300 STAR # _____ SER NO. _____ ORIGINAL

Recorder for original: Record function disturbed: YES NO

SPEED: Original _____ IPS
Duplicate recorded at 15/14 IPS

Original Tape Marked: WH Telephone
start 2⁵⁵ PM 6/23/72
6/29-72 (~~161~~)
6/30-72 (1260) 12³⁰ PM
7-1-72 (1430)

Original checked prior to Recording yes by MARK O. Decker INT MOD

Original checked after Recording yes by Mark O. Decker INT MOD

Duplicate checked by Mark O. Decker INT MOD

PERSONS PRESENT DURING RECORDING: TERENCE L. Morris INT JLM

INT _____
Mark O. Decker INT MOD

Charles L. Blackshear INT CLB

MAURICE R. Craft INT MRC

TECHNICIAN MAKING THE RECORDING Terence L. Morris SIGN SP5 TITLE

DID personnel monitor or listen to original or duplicate recordings? YES _____

NO _____
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