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THE PRESIDENT HAS SEEN... *[Handwritten initials]*

THE WHITE HOUSE

WASHINGTON

December 18, 1974

MEMORANDUM FOR THE PRESIDENT

FROM:

PHILIP BUCHEN

*P.W.B.*

SUBJECT:

Enrolled Bill: S. 4016 -- Nixon Papers and Tapes.

As you know, Friday, December 20, is the last day for action on the referenced bill. However, we have been advised by the joint leadership that the Congress will adjourn sine die on Thursday evening if S. 4016 is enacted. Early adjournment would appear to be in the Administration's best interests, especially in expediting the Rockefeller nomination.

Attached is a draft signing statement which hopefully meets your previously expressed concerns. The draft has been reviewed by Messrs. ~~Rosenfeld~~, Marsh, Friedersdorf, Cole, Nessen, Ebner and Theis, and Deputy Attorney General Silberman.

ACTION

1. To sign S. 4016 on:

Thursday (December 19)

*MR7*

Friday (December 20) \_\_\_\_\_

2. The draft statement is:

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

See Me \_\_\_\_\_

*[Handwritten signature]*

THE WHITE HOUSE

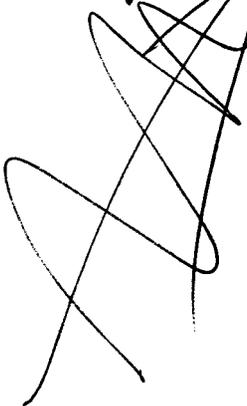
WASHINGTON

December 18, 1974

MR. PRESIDENT:

There are two page 3's attached. The second one adds an ending paragraph.

  
JERRY JONES



Cheney

This revision  
opened by Buchen  
and Hartmann.  
Pres. has not seen  
this revision



11/20

STATEMENT BY THE PRESIDENT  
UPON SIGNING S. 4016, THE  
"PRESIDENTIAL RECORDINGS AND  
MATERIALS PRESERVATION ACT"

I have today signed S. 4016. This measure provides the following:

Title I: governs the possession, security and accessibility of tape recordings and other materials of the former President. Included are virtually all documents produced within the White House during the previous Administration. The Administrator of General Services is charged with obtaining "complete possession and control" of the tape recordings and materials which would be made available immediately, subject to any rights, defenses or privileges which may be asserted, for "subpoena or other legal process."

The Administrator is also directed to issue protective regulations "at the earliest possible date" governing the possession, security and custody of the tapes and materials. Finally, the Administrator shall draft regulations governing general public access to the tapes and materials, taking into account a series of specified needs: (1) to provide the public with the "full truth" on the abuses of governmental power incident to "Watergate"; (2) to make available the tapes and materials for judicial proceedings; (3) to guarantee the integrity of national security information; (4) to protect individual rights to a fair trial; (5) to protect the opportunity to assert available rights and privileges; (6) to provide public access to materials of historical significance; and (7) to provide the former President with tapes or materials in which the public has no interest.

Title I also provides for the expeditious judicial review of challenges to the "legal or constitutional validity" of the statute or of any regulation issued under its authority, and any action or proceeding

involving "the question of title, ownership, custody, possession or control" of any tape recording or other material. In the event it is determined that the former President has been deprived of personal property under the provisions of Title I, "just compensation" shall be paid to him.

Title II: establishes a "Public Documents Commission" to study problems with respect to the control, disposition and preservation of records produced by or on behalf of "Federal officials." These are defined to include elected Federal officials and any officer of the executive, judicial or legislative branch of the Federal Government. The Commission is directed to make specific recommendations for legislation and other recommendations for rules and procedures as may be appropriate regarding the documents of such officials. A final report fulfilling their mandate is to be submitted to the Congress and the President by March 31, 1976.

It has been my consistent policy toward the records of the former President to protect both the records themselves and the legal rights of all parties involved. Following the release of an opinion of the Attorney General of the United States to the effect that the tapes and materials of the former President constituted his personal property, an agreement was entered into by Mr. Nixon and Mr. Sampson, the Administrator of General Services, on September 6, 1974. This agreement was intended to govern the possession, security and accessibility of the tapes and materials and it secured them from destruction or alteration during the periods when they might be needed in court and grand jury proceedings. Since then, a great deal of litigation and public attention have centered on that agreement. Although I believe it would not be appropriate to comment on the various issues, constitutional or otherwise, which are presented by pending cases or by the subject bill, I do want to mention that, by

agreement made November 9, 1974, the interests of the Watergate Special Prosecution Force for access to the tapes and materials were fully accommodated.

It is my understanding of the intent of the Congress that this Act will provide the former President and others with the opportunity to litigate any right or privilege which may be asserted relevant to the tapes or materials.

~~I am certain that~~ the Administrator of General Services will move promptly to obtain complete possession and control of the tapes and materials and to discharge his other duties under the law.

*I will name the*  
~~A search will begin shortly to recruit~~ Presidential appointees to the "Public Documents Commission." <sup>as quickly as possible</sup> I am hopeful that the commission will suggest even-handed and uniform rules governing the documents of all Federal officials.