

March 12, 1969

Memorandum for: Mr. John D. Ehrlichman  
The White House

In accordance with our telephone conversation, I am forwarding the enclosed paper for your consideration.

Emil Mosbacher, Jr.



DEPARTMENT OF STATE

Washington, D.C. 20520

GIFTS TO THE PRESIDENT

Two types of foreign gifts to the President should be considered separately -- gifts from foreign governments and gifts from private citizens of foreign countries.

Gifts from Foreign Governments

Article I, section 9 of the Constitution provides that "no person holding any office of profit or trust under [the United States], shall, without consent of the Congress, accept of any present, [or] emolument...of any kind whatever from any king, prince, or foreign state."

In order to regularize procedures for dealing with gifts to U.S. Government officials from foreign governments, Congress in 1966 enacted the Foreign Gifts and Decorations Act. The provisions of that Act are now contained, in slightly modified form, at 5 U.S.C. § 7342 (TAB A).

The foreign gifts and decorations legislation authorizes employees of the Federal Government -- including the President -- to accept and retain gifts of minimal value tendered or received from foreign governments as souvenirs or marks of courtesy. The term "foreign governments" is defined in the statute as including "every official agent or representative thereof". "Gifts of minimal value" are defined by regulation as having a retail value not in excess of \$50.

The statute authorizes employees to accept gifts of more than minimal value from foreign governments when it appears that refusal of the gift would cause offense. However, such gift is deemed to have been accepted on behalf of the United States and "shall be deposited by the donee for use and disposal as the property of the United States under regulations prescribed under this section." (Emphasis added.)

By Executive Order 11320 the President delegated to the Secretary of State authority to prescribe regulations. The regulations issued by the Secretary of State provide that gifts becoming the property of the United States "may be retained for official use by the appropriate agency with the approval of the Chief of Protocol," or may be "forwarded to the General Services Administration by the Chief of Protocol." (TAB B)

The statute and regulations would appear to require coordination by the White House Gift Unit with the Chief of Protocol in the disposition of gifts received by the President from foreign governments and officials. However, it is our understanding that such coordination has not been maintained in the past. This was apparently because the President's receipt of foreign gifts was considered to be outside the scope of the constitutional requirement and of the 1966 statute. A letter signed by the Chief of Protocol in 1957 stated:

"It is pertinent to mention that the President... does not receive or accept gifts from foreign governments or heads of state in his personal or individual capacity. It has been the established practice for a number of years for the President to accept such gifts on behalf of the Government in the name of all the people of the United States. These gifts are subsequently placed in appropriate depositories, including the White House. It will be noted, therefore, that the receipt of a gift by an individual official is personal and comes within the constitutional and statutory prohibitions, whereas the receipt of a gift by a President from a head of foreign state is not considered to be in the same category."

There is some question whether this theory removes gifts to the President from the operation of the present legislation. Under the legislation the acceptance of foreign government gifts of more than minimal value by any Federal employee is deemed to be made on behalf of the United States.

The legislation clearly provides that gifts so accepted must be deposited in accordance with the regulations. The President is specifically mentioned as being an "employee" within the terms of legislation.

In view of this indication that the procedures of the present legislation are intended to apply to gifts received by the President as well as by other federal officials, even though received on behalf of the United States, we suggest that the White House Gift Unit coordinate with the Office of Protocol the disposition of Presidential gifts received from foreign officials. Such coordination could consist of notification to the Protocol Office of each gift received by the President from a foreign government and the disposition proposed to be made of it -- that is, whether it will be retained for specific official use or forwarded to the General Services Administration.

In view of the fact that the Office of Protocol has worked in cooperation with the White House Gift Unit on a regular basis in the past, we believe that the procedure suggested above would not create any significant burden. It would have the advantage of removing any question about whether the statute and regulations were being complied with and would also enable the Office of Protocol to keep complete records of official gifts received from foreign governments.

#### Gifts from Foreign Private Citizens

There is no legal prohibition or restriction on the acceptance by the President of gifts from private persons. However, in view of the problem of storing and transmitting the numerous gifts tendered the President and the potential problem of requests by donors for favors, our Embassies have generally refused to accept gifts for the President from private citizens. State Department regulations provide that diplomatic and consular officers should not accept or transmit gifts which citizens wish to present to the President or Secretary of State unless prior approval is obtained from the Department. In most cases, prospective donors are to be

informed that the presentation must be made privately or through the diplomatic representatives of the donor's government in Washington. (TAB C)

With regard to gifts from foreign citizens received in Washington, particularly when received through the mails, return to the donor is often not feasible or cannot be easily accomplished. Although gifts from private citizens can be accepted by the President for his own possession, it is our understanding that in most cases they are processed by the White House Gift Unit and used for a public purpose.

If the White House preferred not to receive gifts of more than appreciable value from private citizens in foreign countries, we could instruct our posts abroad that any inquiries that may be received on behalf of prospective private foreign donors be answered with the general response that President Nixon prefers not to accept personal gifts of appreciable monetary value. If it is agreeable, American Embassies who request it could be given a general \$50 valuation for guidance in dealing with such questions. This guideline would be flexible, however, since there may sometimes be extenuating circumstances where declining or returning a gift from an influential person or group could adversely affect our foreign relations in a country.

THE WHITE HOUSE  
WASHINGTON

March 14, 1969  
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MEMORANDUM FOR:

AMBASSADOR EMIL MOSBACHER, JR.  
Chief of Protocol

FROM: EDWARD L. MORGAN *ELM*

SUBJECT: GIFTS

I am taking the liberty of replying to your memorandum to John Ehrlichman on the subject of gifts to the President because I have been peripherally involved in some of these matters since before the inauguration. Specifically, I attach for your reference copies of correspondence between the State Department and me involving gifts from a private citizen from Thailand. You will note the resolution of that problem, which I trust you will find in order.

In reading your memorandum entitled "Gifts to the President," I agree with your interpretation of the statutes and regulations which require coordination between the White House Gift Unit and the Chief of Protocol. Further, however, I generally disagree with the prior interpretation of the past administration that the receipt of the President's foreign gifts were outside the scope of the constitutional requirement and 1966 statute.

I concur with your recommendation that the White House Gift Unit coordinate with the Office of Protocol regarding disposition of Presidential gifts received from foreign officials and Presidential gifts received from foreign citizens.

I am advising the White House Gift Unit of this by carbon copy of this memorandum and trust that you will work out the necessary details.

Memorandum to: Ambassador Emil Mosbacher, Jr.  
From: Edward L. Morgan  
page 2 -- March 14, 1969

Subject: Gifts

In light of the specific provision in the statutes which allows for the acceptance of gifts to avoid embarrassment, I am hesitant to change the procedure where by gifts from private foreign citizens may be receipted by the White House Gift Unit and acknowledged, with the condition subsequent that they will be returned should such donor ever attempt to seek Presidential favor as a result thereof. It is my understanding that in the past this situation was handled by simply returning the gift on the ground that it was apparently not given in good faith.

I would appreciate your thinking in this regard in order that we might finalize a procedure that would be workable for the embassies. Since this appears to be the only remaining unresolved question in the gift area, we should, no doubt, make and implement our decision in the very near future.

THE WHITE HOUSE

WASHINGTON

April 10, 1969

MEMORANDUM FOR:

AMBASSADOR EMIL MOSBACHER, JR.  
CHIEF OF PROTOCOL  
STATE DEPARTMENT

From: Edward L. Morgan  
Deputy Counsel to the President

Subject: Foreign Gifts

Your memorandum of March 24 indicates that the White House and State Department are now in accord on the handling of each phase of the foreign gift operation.

Since your staff is working out the details with the White House Gift Unit, the show is clearly on the road and there is nothing further for either of us to do at this time.



*Copy for Mrs. Nease*

THE CHIEF OF PROTOCOL  
DEPARTMENT OF STATE  
WASHINGTON

January 28, 1975

MEMORANDUM TO THE PRESIDENT  
THE WHITE HOUSE

Subject: Gifts for UK Prime Minister  
and Mrs. Wilson

We have been advised that Prime Minister and Mrs. Wilson's gifts for you and Mrs. Ford during their upcoming visit will be under \$50.00 in value and geared to your personal interests/lifestyle. The following recommendations are designed to provide a response in kind.

For the Prime Minister --

An American-made hand-held calculator/computer together with a battery re-charger and a converter. (We were advised he would like one.)

For Mrs. Wilson --

A 32"-square framed color print-on-canvas of a scarf designed by Mrs. Frankie Welch to Mrs. Ford's specifications intended for her exclusive use as a gift. Mrs. Wilson will be advised that, in addition to the print, as soon as the Quiana scarves are ready, one will be forwarded to her in London.

For the Prime Minister and Mrs. Wilson --

A silver-framed color photograph of  
you, Mrs. Ford and the Wilsons at  
their White House Arrival Ceremony  
with the following suggested inscrip-  
tion:

"To The Right Honorable Harold Wilson  
and Mrs. Wilson,

With great pleasure at welcoming  
you to Washington,

Gerald Ford

Betty Ford

January, 1975"

  
Henry B. Catto, Jr.

Guidelines for acceptance of gifts by or on behalf of the Vice President

General

1. All gifts shall be immediately recorded by the Administration and Services Division on the attached form (Tab A). Any gifts received on behalf of the Vice President by members of his staff shall be transmitted promptly to the Administration and Services Division for processing.

2. The acknowledgment and acceptance of gifts generally shall be undertaken by the Administration and Services Division in accordance with the guidelines set forth in the following sections. Letters of acknowledgment normally shall be prepared for signature by the Vice President unless the gift is to be returned to the donor.

3. Any questions regarding the propriety or legality of accepting a gift shall be referred to the Legal Counsel to the Vice President for determination. Those gifts for which acceptance would not be proper shall be acknowledged by the Legal Counsel to the Vice President and returned through the Administration and Services Division.

4. Under no circumstances shall gifts to the Vice President be solicited.

Gifts and Decorations from Foreign Governments

1. Gifts of less than \$50 retail value in the United States may be accepted by the Vice President or resident relations of his household. Although such gifts may be treated as personal property, it is recommended that they be considered for display or storage in a suitable archives or museum as a record of his service in office.

2. Gifts in excess of \$50 retail value in the United States may be accepted by the Vice President or resident relations of his household, only on behalf of the United States. If a gift is to be retained for official use, information concerning the gift shall be transmitted to the Chief of Protocol, Department of State, by the Administration and Services Division and permission obtained to maintain the gift within the Office of the Vice President. It is recommended that general authorization be sought from the Chief of Protocol for this purpose, as well as to permit the eventual transfer, donation, or disposal of such gifts for purposes of display or storage to an archives or museum acceptable to the Chief of Protocol.

3. Decorations, regardless of value, may be accepted with the concurrence of the Chief of Protocol. Although such gifts may be treated as personal property, it is recommended that they be considered for display or storage in a suitable archives or museum.

Other Gifts

1. Unsolicited gifts from persons or organizations the acceptance of which would not affect, or appear to affect, the official conduct of the Vice President may be accepted by him and treated as personal property. In making such a determination, standards which may be applied are whether the donor does, or seeks to do, business with any department or agency of the United States, conducts activities that are the subject of regulation by any department or agency, or has interests that may be substantially affected by the performance or non-performance of the Vice President's official duties.
2. Any gifts conditioned upon the express or implied endorsement of a commercial product shall be refused.
3. In the case of consumables, appropriate acknowledgement shall be made by the Administration and Services Division and disposal effected pursuant to the attached memorandum from the United States Secret Service (Tab B).

REC'D:

BY:

ACK'D:

DISPOSITION:

DATE:

13-71730-2 GPO

REC'D:

BY:

ACK'D:

DISPOSITION:

DATE:

13-71730-2 GPO

UNITED STATES SECRET SERVICE

Technical Security Division

MEMORANDUM

All consumables addressed to the President, Vice President or other Secret Service protectee which are received in the White House Mail Reception Unit are routinely destroyed upon the advice of the Secret Service. This is true of both food and cosmetics, including perfumes, powders, etc.

Regardless of the integrity or reputation of the donors of the consumables, it is the Secret Service position that any item which is addressed to the President is subject to the possibility of contamination between the point of origin and the destination. The manner of contamination could be obvious or quite subtle. The subtle methods include deadly poisons and other chemical biological or radiological methods which can only be detected by lengthy laboratory analysis which destroys the consumable.

Accordingly, the position of the Secret Service remains as previously stated. All consumables addressed to the President should be destroyed. They should not be used by any other person.

Any person who insists upon accepting and consuming any consumable addressed to the President is hereby notified that he does so at his own risk and against the express advice and wishes of the Secret Service. Under no circumstance should these regulations be circumvented to permit any of these items to reach the President or other protectee.

Louis D. Sims  
Special Agent in Charge



## White House List of Gifts to Fords

The White House has made public a list of all gifts given to President Ford and his family by "kings, princes and foreign states" during his first months in office. All such gifts are by law the property of the U.S. government if they are worth more than \$50. The following gifts appear to be in that category. Not listed are less valuable items, such as framed photographs. Also not listed are gifts from his recent trips to Japan and Vladivostok, which are still being "processed."

• A black lacquered spice chest inlaid with mother-of-pearl to the President from Keung-Moon Koh, Member of the National Assembly of the Republic of Korea.

• A pair of carved ivory candlesticks mounted on a natural wooden base to the President from William R. Tolbert, President of the Republic of Liberia.

• An electric microscope to the President; a petit point embroidered evening bag to Mrs. Ford; a black wool short cape to Susan Ford from Dr. Bruno Kreisky, Federal Chancellor of the Republic of Austria, and his wife.

• A carved mahogany baby seal to

the President, and a blue-and-black carved box containing a pink, black and white mantilla and a small fan to Mrs. Ford from Luiz Echeverria Alvarez, President of the United States of Mexico, and his wife.

• An oil painting of Father Kino (founder of missions in Sonora, Mexico and the United States) to the President from Carlos Armando Biebrich, Governor of Sonora, Mexico.

• Two tan lampkin jackets with white lambs wool lining seamed with rawhide strips—one each for the President and Mrs. Ford—from Alicia Tejada Pavlovitch, Mayor of Magdalena de Kino, Sonora, Mexico.

• A silver tray with handles and fluted edges and a Mayan circle design in the center to the President from Mrs. Sara Rodriguez Ornelas, General Secretary, National Confederation of Vendors of National Lottery Tickets, Mexico.

• A large presentation box of all-over hand hammered silver decorated on top with a cut-out and applied silver Polish Eagle to the President; a 45" long necklace of amber, cut and polished in irregular natural forms to Mrs. Ford; a neutral color wool shawl printed with a floral design contained in a small wooden chest with folk art designs burned into the wood and outlined with inlaid copper and brass wires and 2.5 meters of silk to Susan Ford from Edward Gierak, First Secretary of the Central Committee of the Polish United Workers' Party, and his wife.

• A bronze wall plaque with silver and brass etched designs to the President from Abdul Halim Khaddam, Deputy Prime Minister and Minister of Foreign Affairs of the Syrian Arab Republic.

• A Pakex box to Mrs. Ford, and

10 bottles of vodka and 10 containers of Russian caviar to the President from Andrei Andreyevich Gromyko, Minister for Foreign Affairs of the Union of Soviet Socialist Republics.

• Four silver coins struck to commemorate the 1976 Olympic Games to be held in Canada to the President from Marcel Cadieux, Ambassador of Canada.

• A large size Kente (traditionally a fabric woven for royalty) and a pair of black thong sandals for the President, and a Kente stole to Mrs. Ford from Col. Ignatius Kuku Acheampong, Chairman of the National Redemption

Council of the Republic of Ghana.

• A sculptured sterling silver figure of David slaying Goliath mounted upon a base of rough-cut black marble and yellow granite inset with two silver plaques and a handwrought 18-karat gold stylized scarab "beetle" pendant, inset with an antique rose-cut diamond, suspended from an 18-karat gold wire necklace by Israeli artist Bayla Wore to Mrs. Ford from Yitzhak Rabin, Prime Minister of Israel, and his wife.

• Four cans of caviar flown in from Iran to Mrs. Ford from Ardeshir Zahedi, Ambassador of Iran.

• An Etruscan "Bucchero" dating

back to 500/550 B.C. found in Vulci, Italy on Feb. 19, 1962 at an excavation and a set of six handmade pipes and pipe rack from Cantu, Italy to the President; an ivory colored all leather eye clasp made by Gucci contained in a Gucci tote bag to Mrs. Ford and a brown grain leather tote bag by Gucci to Susan from Giovanni Leone, President of the Italian Republic, and his wife.

• A large abstract oil painting to the President from Professor Mauro Leone, son of President and Mrs. Leone.

GIFTS TO THE PRESIDENT FROM  
FOREIGN GOVERNMENTS

Q: What is the law on who owns these gifts?

A: 1966 law is pretty clear that any gift from foreign governments over \$50 belongs to the government. However, the law almost provides that these gifts can be put on display at various places such as the White House.

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Q: Where are all the gifts that the Nixons received?

A: I understand that the GSA has about 1100 boxes of gifts the Nixons received. About 100 of these are believed to contain gifts from foreign governments.

The last time I checked, although I am not sure now -- there was one box of gifts still in the White House Gift Office.

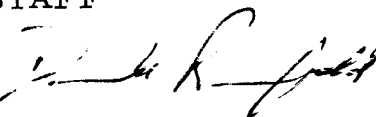
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THE WHITE HOUSE

WASHINGTON

October 28, 1974

MEMORANDUM FOR: THE WHITE HOUSE STAFF  
FROM: DONALD RUMSFELD   
SUBJECT: Receipt of Gifts by the President  
and His Family from White  
House Staff Members

On occasion, staff members are inclined to give gifts to the President or his family. Such gifts are given with the purest intentions in an atmosphere of friendship and fellowship. Unfortunately, they might sometimes be misconstrued. In general, government regulations place restrictions and/or prohibitions on the presentation of gifts to officials by their subordinates. Moreover, your presence on the staff and your efforts on behalf of our country are themselves a fine contribution to the Nation, and a most sufficient gift to the President and his family.