

The original documents are located in Box 20, folder “President - Papers” of the Ron Nessen Papers at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE

WASHINGTON

November 30, 1976

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: PHILIP W. BUCHEN *P.W.B.*
SUBJECT: PRESIDENTIAL PAPERS

The President intends to arrange for the deposit of papers related to his administration as President in a library similar to the libraries for papers of other Presidents. There they will be preserved and made accessible for research and reference purposes, along with his papers that are related to the other public offices he has held and to his political activities. For historical purposes, it is most important that the library collection be complete and comprehensive and that there be no omission or loss of documents which may have historical value.

This memorandum sets forth guidelines for handling the papers and other materials in the custody of various members of the President's staff that apply to the papers of the White House Office, the Domestic Council, the Economic Policy Board, the Energy Resources Council, and the Council on International Economic Policy and to the Presidential files of the National Security Council. The papers of staff members within other offices of the Executive Office of the President, e.g., OMB, CEA, CEQ, STR, OTP, etc., are subject to the requirements of the Federal Records Act and will be handled accordingly. Any questions concerning these guidelines should be raised at the earliest possible time with Barry Roth, Extension 2397.

1. Prior to departure from the President's staff, each staff member should turn over all the papers and other materials in his or her possession to Central Files with the exception of his or her purely personal papers or materials. Official papers classified Secret and higher, including compartmented intelligence documents, should be turned in to the Staff Secretary. Campaign

related materials as well as official materials are to be preserved and deposited in Central Files. To the extent practicable, official and campaign materials should be separated before being sent to Central Files. Papers and materials for Central Files should be placed in storage boxes available for that purpose from Frank Matthews, Ext. 2240, and should be accompanied by an index listing the file folder titles or giving other descriptions of the contents in each box.

Material classified Secret and above being turned in to the Staff Secretary should be placed in boxes or large manila envelopes, securely taped, and accompanied by an unclassified listing of contents on the outside. The box or envelope itself should be clearly marked with the highest level of documents it contains and include the name of the individual or office submitting the material.

2. Purely personal files and materials, including original documents, may be taken by the departing staff member. Such files include correspondence unrelated to any official or campaign duties performed by the staff member; daily appointment records and telephone logs; personal copies of books, pamphlets and periodicals; folders of newspaper or magazine clippings; copies of records of a personal nature relating to a person's employment or service; and personal copies of photographs, proclamations, commissions or similar commemorative items. Personal files do not include any copies, drafts or working papers that relate to official business or the campaign.
3. A staff member may make a copy or may retain an extra copy of a document which embodies original intellectual thought contributed by the staff member or any of his assistants, such as the product of research, the notes or drafts of speeches delivered by the staff member, and drafts of proposed legislation; and the copy of any other document written or signed by the staff member that is included in his or her chronological files, along with a duplicate of each related incoming letter or memorandum, may be retained if the original incoming document remains in the Presidential papers; provided, however, no copies may be retained of any documents which come within any of the following categories:

- (a) Material classified for reasons of the national security under Executive Order 11652;
- (b) Restricted data under the Atomic Energy Act of 1954, as amended;
- (c) Information supplied to the government under statutes which make the disclosure of such information a crime; or
- (d) Memoranda of all types written to the President; other documents that contain recommendations or advice made directly or indirectly to the President; proposed drafts of speeches or statements for the use of the President; schedule proposals to the President; briefing papers used in discussions with the President and records made of such discussions; minutes of meetings of the EPB, ERC, and similar cabinet-level organizations; personnel recommendations or evaluations, and the like.

A staff member who has had access to materials among the Presidential Papers who subsequently needs to inspect them, for his personal use, will be permitted to do so after their accession in the Presidential library, subject to such restrictions as may be generally applicable at the time of the requested inspection.

The cooperation and assistance of each staff member in the collection of such materials is requested. This includes materials not only in your office but those materials pertaining to your official duties which you may have other than at your present office.

In order to assist in the collection of these materials for the President, staff members should begin depositing them in Central Files or with the Staff Secretary, as appropriate, as soon as possible. It is expected that staff offices will deposit all inactive files no later than mid-December and the bulk of any remaining files by January 10. Any offices desiring the assistance of archivists for this purpose should contact Barry Roth who will make the appropriate arrangements.

By way of a reminder, gifts received from a foreign government valued in excess of \$50 are property of the United States Government and must be deposited directly with the Chief of Protocol, along with information concerning the identity of the donor and the circumstances of the gift.



December 14, 1976

#6721

PRESIDENT FORD DEEDS PAPERS TO U.S. ;
LIBRARY, MUSEUM TO BE IN MICHIGAN

President Ford has donated the papers and other historical materials of his years in public life to the Federal Government for preservation in the State of Michigan.

His letter of gift provides that the papers and related archival materials be housed in a Gerald Ford Library to be built at the University of Michigan in Ann Arbor, and that the memorabilia be exhibited in a museum to be situated in or nearby his home town of Grand Rapids.

The President's offer to convey his "rights, title and interest" in the papers and materials accumulated from the time he first ran for Congress in 1948 until his term as President expires on January 20, 1977, was made in a letter signed Monday and addressed jointly to Archivist of the United States James B. Rhoads and University of Michigan President Robben W. Fleming.

Under terms of the offer, the Federal Government will receive the papers and other materials and is to administer the twin facilities, but the library building is to be constructed and owned by the University of Michigan and "a suitable building" is to be provided for the museum by "an appropriate organization"--possibly The Gerald R. Ford Commemorative Committee.

Rhoads, who heads the National Archives and Records Service of the General Services Administration which administers Presidential libraries as part of the national archival system, accepted the papers and other materials Monday night. He also agreed to the library and museum plan subject to "all legal requirements" of the Presidential Libraries Act. These requirements include laying the detailed offer of such facilities before the Congress for a 60-day period.

Fleming received his copy of the letter this morning in Ann Arbor and accepted the University's role in the arrangement "with the understanding that the University will use its best efforts to raise the necessary funds for, and to accomplish the design and construction of, the contemplated archival facility."

(MORE)

U.S. General Services Administration, Washington, DC 20405 (202) 566-1231

President Ford, first President in the Nation's history to make an outright gift of his Presidential materials while still in office, said in his letter of gift that his choice of "a long-established, diversified and distinguished institution of higher learning" as the site for his Presidential library would make it "readily available to a large resident faculty and student body and to visiting scholars and researchers from throughout this nation and from other countries." He said that "the usefulness of the materials deposited will be enhanced by the availability of many other scholarly resources within the University and by the general stimulation and support for scholarly research and educational activities which the University provides."

The President noted that the selection of the University of Michigan permits use "on a temporary basis" of facilities for his papers and for their processing while completion of a new building is awaited. His Congressional papers already are housed--and have been processed--in the University's Bentley Historical Library.

Rhoads said that the President's action in immediately relinquishing rights, title and interest in his papers "assures unbroken Federal custody of his materials at a time when difficult questions have arisen over the disposition of Presidential papers."

The Archivist said that he was pleased that the President's conveyance plan calls for early processing of the papers to speed public access to them for research purposes. Rhoads called the placing of the proposed library in a university setting "a plus for scholarship."

Standards to be followed for access to the materials are generally those recently adopted by the Society of American Archivists which call for equal terms of access, preparation of finding aids, and reasonable terms of restriction upon access and use. Material under restriction is not to remain closed beyond 13 years except for that protected by law or Executive Order or specifically identified by the library director as requiring longer restrictions.

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THE WHITE HOUSE

WASHINGTON

December 13, 1976

Dear Dr. Rhoads and President Fleming:

This letter is addressed to you, Dr. Rhoads, as the Archivist of the United States (hereinafter referred to as the "Archivist") acting under authority of Chapter 21 of title 44, United States Code, and the authority delegated to you under such statute by and from the Administrator of General Services. This letter is addressed also to you, President Fleming, in your capacity as the duly authorized representative of the Regents of The University of Michigan, a constitutional corporation of the State of Michigan (hereinafter referred to as the "University").

The purposes of this letter are to offer for deposit the materials as described and provided in Annex A attached, to be kept in a Presidential archival depository, and to convey my rights, title and interest in such materials. This letter and accompanying Annexes A and B deal with materials that may have historical, educational or commemorative value because of my life and work:

- (i) as a candidate for election to, and as Member of, the Congress of the United States during the period 1948 to 1973,
- (ii) as Vice President of the United States in 1973 and 1974,
- (iii) as President of the United States from August 9, 1974, until the expiration of my term on January 20, 1977,
- (iv) as candidate for nomination and election to become President for a subsequent term, and
- (v) as participant in a variety of other public and political activities.

This offer of deposit is made to the Archivist for acceptance pursuant to the following pertinent provisions of Chapter 21 of title 44, United States Code:

"When the Administrator of General Services considers it to be in the public interest he may accept for deposit --

"(1) the papers and other historical materials of a President or former President of the United States, or other official or former official of the Government, and other papers relating to and contemporary with a President or former President of the United States, subject to restrictions agreeable to the Administrator as to their use; ..." (44 U.S.C. § 2107)

Concurrently with acceptance of this offer of deposit, I convey to the United States of America all my rights, title and interest in the materials accepted for deposit, including my literary property rights in the unpublished portions of such materials, which deposit and conveyance are subject, however, to:

- (i) the exclusions and reservations in Annex A and to the terms and restrictions that are stated in Annex B, and
- (ii) the condition that in the event the United States does not abide by the aforesaid terms and restrictions, as determined by a court of competent jurisdiction, possession of the materials shall be transferred to, and all my rights, title and interest conveyed hereunder shall vest in, the University, subject to the same terms and restrictions.

This conveyance to the United States is made for acceptance pursuant to the following pertinent provisions of Chapter 21 of title 44, United States Code:

". . . The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers,

documents, or other historical materials accepted and deposited under section 2107 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in a Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Administrator may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository."

"(d) When the Administrator considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository."
(44 U.S.C. § 2108 (c) and (d) as amended by P. L. 94-575 on October 21, 1976).

Also, this conveyance is made on terms that will allow for additional cooperation with and reliance on the University or other appropriate organization by the Government as may be permitted by law.

This conveyance does not affect the rights or obligations that I may have as President or former President or as former Vice President, or that a President in office may have, to assert and enforce any applicable privilege in respect of confidential Presidential or Vice Presidential portions of the material conveyed; or the rights I may have as a former member of Congress to assert and enforce any applicable privilege in respect of confidential Congressional portions of the materials conveyed.

Following are reasons for this offer of deposit and the conveyance and for the terms and restrictions to which they are subject:

- (a) To enable the United States to maintain and operate an archival facility to be constructed by the University for all the described materials that are of a documentary nature, upon which students, historians and other scholars may draw in order accurately to recount and judge the political history of our times and my participation in the events of that history.
- (b) To have such archival facility embrace the full scope of my materials relating to my entire political and public career in the three different Constitutional offices I have held.
- (c) To permit the establishment and operation of such archival facility in Ann Arbor, Michigan, in connection with a long-established, diversified and distinguished institution of higher learning, where it will be readily available to a large resident faculty and student body and to visiting scholars and researchers from throughout this nation and from other countries, and where the usefulness of the materials deposited will be enhanced by the availability of many other scholarly resources within the University and by the general stimulation and support for scholarly research and educational activities which the University provides.
- (d) To take advantage on a temporary basis of facilities on the campus of the University that will allow archival accession and other processing of the conveyed materials until completion of a new structure which the University is to provide as a permanent archival facility for these materials; and to build upon the extensive work of processing already done by the University at its own expense on virtually all of the documentary materials related to my elections and career as a Member of Congress.

- (e) To enable the United States to maintain and operate a museum in Grand Rapids, Michigan, as another facility of my Presidential archival depository, in a building to be provided by an appropriate organization, for housing and exhibiting the many articles of commemorative and educational value among the conveyed materials, together with tangible gifts received by the United States during and because of my service as President, where they will be readily available for viewing by the people in the area of my home town whom I represented in the Congress for 25 years and by interested visitors, researchers, educators and students from throughout the nation in the manner that similar materials of former Presidents Hoover, Roosevelt, Truman, Eisenhower, and Johnson have become available within their respective home areas for that purpose.
- (f) To express my deep appreciation to the people of the State of Michigan and to the University for their many benefits to me and helpful influences upon my life, and to demonstrate my grateful cooperation with the University, the citizens of my former Congressional district, especially the members and supporters of the present Gerald R. Ford Commemorative Committee, and other interested persons in their plans to raise the funds necessary for the construction of the archival facility and the museum which, when in operation with the materials conveyed, will serve as national resources of historical, commemorative, and educational importance.

Materials similar in nature to those conveyed hereby and suitable to the uses and purposes for which this conveyance is made, including those related to my life and work as former President after January 20, 1977, may hereafter be added to those conveyed hereunder by me, or by any other person having title, right, or interest therein, by intentional delivery to the Archivist for that purpose or by an

instrument of conveyance that makes reference to this letter. Such additional materials, if accepted by the Archivist, shall be subject to the terms and restrictions of Annex B hereto except as otherwise specified by the donor at the time they are conveyed.

Upon acceptance of this letter, along with accompanying annexes, by your respective signatures on all three copies hereof (one of which copies is to be returned to me, and the others of which shall be kept by the two of you, respectively) the offer and acceptance for deposit and the conveyance evidenced by this letter and accompanying annexes shall be effective for all purposes, and the terms thereof shall not be altered or amended except by agreement in writing among the Archivist, the University and me or, after my death, by agreement among the Archivist, the University and my duly appointed and acting executor or executors. In no event, however, shall any amendments to this letter and accompanying annexes revert or restore to me or to my estate any rights of ownership in the conveyed materials.

Sincerely,

The Honorable James B. Rhoads
Archivist of the United States
Washington, D.C. 20408

and

Mr. Robben W. Fleming
President
The University of Michigan
Ann Arbor, Michigan 48104

Attachments

TO THE HONORABLE GERALD R. FORD:

Pursuant to my authority under Chapter 21 of Title 44, United States Code, as delegated to me by the Administrator of General Services, I accept on behalf of the United States of America the deposit of your papers and other historical materials and the conveyance of your rights, title, and interest therein as stated in your letter of December 13, 1976, to be administered in accordance with restrictions as to their use specified in your letter and its accompanying annexes; and I am prepared to maintain and operate the archives and museum in facilities that may later be offered to the United States subject to the consummation of all legal requirements of the above-cited statute.

James B. Rhoads
Archivist of the United States

Date

TO THE HONORABLE GERALD R. FORD:

On behalf of the Regents of The University of Michigan and subject to ratification by the Regents of The University of Michigan, I accept the executory interest and other benefits inuring to the University as stated in your letter of December 13, 1976, for the uses and purposes and subject to the terms and restrictions as stated, with the understanding that the University will use its best efforts to raise the necessary funds for, and to accomplish the design and construction of, the contemplated archival facility.

R. W. Fleming

Date

DESCRIPTION OF MATERIALS CONVEYED

I. General description. Subject to the provisions of paragraphs II and III below, all my documents, papers, correspondence, notes, records, pamphlets, brochures, magazines, newspapers, clippings, books, pictures, prints, photographs, negatives, illustrations, maps, films, vocal or visual recordings, works of art, mementos, souvenirs and the like, including those already placed with the University, that relate to my candidacy for, and election or appointment to, the public offices and positions I have held or still hold, that relate to my life and work in such public offices and positions and to my other political and public activities, and that have been prepared, produced, obtained or received in connection with any of the foregoing.

II. Excluded materials. The following items are not included:

- (1) Household furniture, furnishings, decorations, goods and equipment of mine used or intended to be used to furnish, decorate or equip any home or living quarters of mine or of my immediate family;

- (2) My personal effects and equipment such as wearing apparel, jewelry, pipes and pipe accessories, and skiing, golf, and tennis equipment;
- (3) Correspondence, notes, memoranda, or objects that came to me from my wife or any of my children, from my parents or from my brothers, their wives or their children;
- (4) My personal and family records, correspondence, and other materials related to banking, savings, insurance, tax, employment, compensation, business, professional, income, investment, purchase, sales, payment, property, financial and legal matters; and materials concerning my opportunities and plans for the period after I have left office or related to my future service to my political party;
- (5) Books and retained copies of periodicals in my personal residence library or collection;
- (6) Documentary materials that I refrain from delivering to the Archivist which are merely duplicates or facsimiles of papers or records otherwise included in these conveyances and which I may need for on-going reference purposes;

and, whether or not they fall in any of the above categories, all of the following are excluded from these conveyances:

- (7) My busts of Abraham Lincoln and of Thomas Jefferson as Ambassador to France; framed plates showing Abraham Lincoln, eagles and eaglets; sculpture of an eagle alighting; "Constitution" frigate; mounted sailfish; and my golden plate award;
- (8) My Weidenaar watercolor; my painting of the Friendship Fire Engine Company of Alexandria; and my set of seven wood paintings;
- (9) Utilitarian objects consisting of my desk equipment; a metal cash box; barometers; clocks; and metal serving tray with the seal of Michigan;
- (10) The items in my personal numismatic and philatelic collections, in my respective collections of miniature elephant statuary, of space flight pictures, and of cartoons;
- (11) My collections of photographs made or received over the years that are now in my albums, in my private files or mounted in frames for my use;

- (12) Originals of special letters, notes and photographs of a personal nature, as I have compiled since 1950, in a series of albums separate from my regular or official files;
- (13) Framed original copies of my documented oath as President and my documented oath as Vice President and of President Johnson's letter to me as member of the Warren Commission; and
- (14) Selected gifts to me or my family, which are not among foreign or domestic gifts treated or required to be treated as belonging to the United States, and other articles of mine, which I omit from delivery to the Archivist.

III. Exclusion and reservation of literary property rights.

All literary property rights in any works commercially published prior to this time that I have written or to which I have contributed, including, but not limited to, any statutory copyright or contractual rights therein, are excluded from this conveyance.

Also, I reserve for myself, my heirs, successors or assigns all my literary property rights in any other works I may hereafter write for publication or to which I may hereafter contribute for publication, based in whole or in part on the conveyed materials, including, but not limited to, any statutory copyright or contractual rights in such works and including the right to license any publisher of such works; and I further reserve the nonexclusive right to make any literary use of the conveyed materials.

TERMS OF DEPOSIT AND CONVEYANCE

The following terms and restrictions apply to the deposit of materials and the conveyance of possessory and property rights therein that are evidenced by the accompanying letter from Gerald R. Ford to James B. Rhoads as the Archivist of the United States (hereinafter referred to as the "Archivist") and to Robben W. Fleming for the Regents of The University of Michigan (hereinafter referred to as the "University") and by Annex A to such letter; and this Annex B sets forth the uses and purposes for which the deposit and conveyance are made.

1. Division of materials into collections for archival facility and for museum. In order to provide for different uses and eventual separate placements of those materials having primary interest to historians and researchers and, secondly, of those materials that are of a more general interest, the materials conveyed shall be appropriately divided into an archival collection and a museum collection. Allocated to the archival collection shall be all papers, records, photographs, illustrations, films, vocal or visual recordings and the like. Allocated to the museum collection shall be all other items and objects of an historical, artistic, educational or commemorative value. However, if the

materials include more than one copy of a documentary or illustrative item, which would otherwise be allocable to the archival collection but which would also be of interest or value for the museum collection, one of the copies may be allocated to the museum collection. In addition, temporary reallocations may be made from one collection to the other as circumstances warrant from time to time.

2. Separate placement of the two collections.

The archival collection is to be located at Ann Arbor, Michigan, in a Presidential archival facility on a campus of the University, space for which is to be provided there temporarily in an existing facility and as soon as practicable on a permanent basis in a suitable new building to be constructed and owned by the University and designated as the Gerald Ford Library. The museum collection is to be located as soon as practicable on a permanent basis within Grand Rapids, Michigan, or its environs after a suitable building for that purpose has been provided by an appropriate organization (such as the Gerald R. Ford Commemorative Committee or other local civic group, a municipality or State agency, the University or another institution of higher learning) which shall be designated as the Gerald Ford Museum. Until such time as the arrangements set forth above can be implemented, materials for either or both collections may be

kept in whole or in part, under appropriate safeguards, at such other locations as the Archivist may from time to time determine, in concurrence with the University, including, if I so request, placement of specific portions of the collections at a designated office that is provided for my use by the United States Government. The use by the United States for the foregoing purposes of land, buildings or equipment owned by the University or other appropriate organization shall be on available terms that the Archivist considers proper; and the respective facilities to be used on a permanent basis for housing and preserving my collections shall together constitute the Presidential archival depository for the historical materials of my Presidency and of the other offices I have held.

3. Integrity of the respective collections. This conveyance has been made comprehensive to include and, except as provided in paragraphs 1 and 2, to keep together on a permanent basis all materials that relate in any way to each of the different offices I have held and each of my political and other public activities over the entire period since 1948. In the protection, care and administration of the materials, as and after they are accessioned, this integrity shall at all times be maintained; provided, however, that no provision of this conveyance shall be construed to preclude:

- (a) Additions to the collections of related materials from any source, on a temporary or permanent basis.
- (b) Temporary loans to other institutions or exhibits of items or objects from the collections under appropriate safeguards and for purposes consistent with the historical, commemorative, and educational value of the collections and the public interest therein.
- (c) Temporary loans to me or to any member of my immediate family of objects from the museum collection or of extra copies from the archival collection.
- (d) Return to me or, as the case may be, to any other rightful owner of items received by the Archivist which were not by the terms of the applicable conveyance intended to be conveyed or which could not under valid existing and applicable law have been conveyed for the uses and purposes stated.
- (e) Disposal in any manner of materials that do not appear to have sufficient administrative, legal, research or historical value to warrant

their further preservation as part of the collections, provided the University shall have the right of first refusal to any of the archival materials the Archivist proposes for disposal.

4. Administration of the collections and operation of the library and museum. The respective collections and facilities in which they are located shall be administered and operated in a manner consistent with the terms and restrictions stated in this Annex and with the uses and purposes for which the deposit and conveyance have been made, including the following particular provisions:

- (a) Each collection and permanent facility shall be under the direction and supervision of a qualified director, or a single such director may serve for both collections and permanent facilities. Such directors are hereinafter referred to respectively as the director of the library and the museum. Each director shall be appointed by the Archivist, and the appointment for the archival collection and facility shall be made only after prior consultation with the University and, insofar as the law permits, with its approval, so that, if at all possible, the director to be appointed

may have or be given faculty status by the University. Each director shall be entitled to act for and in behalf of the Archivist to the extent of the authority delegated to him, subject to any restrictions or qualifications imposed by the Archivist.

- (b) For the archival collection, the University shall appoint a council of not less than five members who shall initially hold office for such staggered terms as the University shall designate at the time of appointment and whose successors shall be appointed by the University for terms equal to the longest of the initial terms or equal to the unexpired portion of a term for which a vacancy may have occurred. For so long as possible, members shall be appointed primarily from among persons who have been identified or associated with my public life. For the museum collection, whenever funds for a suitable building have been provided, the local civic group or other organization by which or under whose auspices the funds have been provided or raised (hereinafter referred to as the "sponsoring organization")

shall appoint a similar council of not less than five members on the same basis and shall similarly appoint or make provisions for appointments of successor members. The council for the archival depository shall advise and make recommendations to the University, which shall seek and receive the same, for the benefit of the administration of the archival collection and facility; and the council for the museum collection shall advise and make recommendations to the sponsoring organization, which shall seek and receive the same, for the benefit of the administration of the museum collection and facility. The Archivist and each director shall seek and receive advice and recommendations from the University or the sponsoring organization on matters of general policy in the administration of the archival collection and facility and the museum collection and facility, respectively, on any arrangements made pursuant to subparagraph (c) below, and on significant questions of interpretation and application of the terms and restrictions of this conveyance.

- (c) Notwithstanding any other provisions of this annex, to the extent provisions of Federal law may allow for administration and operation by

the University or other appropriate organization of the collections and of the respective facilities in which they are located, under contract, subsidy or other arrangement with or from the Federal Government, then on terms the Archivist considers proper, the University or other appropriate organization may succeed to the authority and responsibility otherwise to be exercised by the Archivist.

5. Access to materials in the archival collection.

- (a) Processing of materials. For purposes of this Annex B and related documents, the term "processed materials" refers to those materials belonging to a coherent segment that in its entirety has been physically readied for research use, has been described in the form of finding aids, and has been reviewed for the purpose of identifying materials subject to any of the restrictions specified in subparagraph (c) below. Materials shall be processed as soon as possible. Also, in order to comply in any particular instance with subparagraphs (d), (e) or (f), those particular materials to which access is required, if not already processed materials, shall be

processed promptly to whatever minimum extent will serve that purpose only and will assure compliance with the other terms and restrictions of this Annex.

- (b) General standards for access to processed materials. Paragraphs 1 through 6 of the "Standards for Access to Research Materials in Archival and Manuscript Repositories" adopted by the Society of American Archivists on December 29, 1973, (copy of which is attached) shall be applicable to all processed materials insofar as practicable, subject, however, to application of restrictions upon access, as contemplated by paragraph 7 of such standards, that are stated below.
- (c) Restricted materials. Except for access by qualified persons employed and engaged in the performance of normal archival work on the materials and except as otherwise provided in subparagraphs (d), (e) and (f), no materials coming within any of the following categories shall be made available for inspection, reading, copying, or other use, whether or not processed:

- (i) Material relating to my personal, family, and confidential business affairs or to those of other persons in their communications to me (although it is not my present intention to include material of this nature in the archival collection).
- (ii) Material relating to investigations of individuals and organizations, to proposed appointments to office, or to personnel matters.
- (iii) Material involving communications made in confidence to me or between my advisors for the purpose of assisting or advising me in my duties and responsibilities as a Member of Congress or as Vice President or President.
- (iv) Material containing information or statements that might be used to harass or injure any living person or to interfere with a person's right of privacy or right of association.
- (v) Material containing information or statements where disclosure is prohibited by statute.
- (vi) Material containing statements or information, the divulgence of which might prejudice the conduct of foreign relations of the United States of America or which would adversely affect the security of the United States of America.
- (vii) Materials that are security-classified pursuant to law or Executive Order.

Except as required by law or Executive Order, and subject to the other provisions hereof, material originally falling within any of the foregoing categories, shall not continue to be restricted beyond January 20, 1990, unless and to the extent the director of the library determines otherwise, and then only for such additional period or periods for particular materials in any category as may be reasonable under the then existing circumstances. Except with regard to materials restricted under categories (v), (vi), or (vii), above, particular materials originally restricted may be sooner made available when in the judgment of the director of the library the reasons for having restricted such materials no longer exist. Materials originally restricted under categories (v), (vi) or (vii) may be made available at any time only when in the judgment of an appropriate Federal official or committee the reasons for having restricted them no longer exist.

- (d) My access and that of former appointees or staff members. I or any designated agent of mine, during my lifetime, shall have the full

right of access to all materials, including restricted materials, for purposes of inspection, reading and copying. Also, the same right of access shall be afforded, with my written permission and on such terms as I may set (or in the event of my disability or after my death, by permission of the director on such terms as he may set) to any former Presidential appointee who served in my Administration or former member of my Congressional, Vice Presidential or Presidential staffs in respect of materials authored or prepared by such person or by any of his assistants and not otherwise available to such person. In addition, I or any member of my immediate family shall be entitled to receive temporary loans of existing duplicates in the collection of materials that are not restricted, upon consent of the director and on such terms and under such safeguards as he may determine.

- (e) Access for current official business of the White House Office of the President. The director of the library shall make available for reading or copying otherwise restricted materials relating to my official duties as

President, while I held office, upon written request in each instance from the Counsel to the President, with a copy to me or my designated agent, describing with specificity the materials required, stating that the information they contain is needed for current official business of the White House Office of the President, and is not otherwise available, and undertaking to protect the restrictions set forth herein and to deliver to the director all copies received or made of restricted materials.

Access for reading of any such materials or receiving or reading any copies thereof as provided under the terms of this subparagraph, shall be limited to the President himself, the Counsel to the President, and such other responsible and qualified staff member of the White House Office of the President as shall have been named and authorized in the written request to read the materials or to receive a copy thereof and who makes in writing the same undertaking that the Counsel to the President has made.

- (f) Access for compliance with subpoena or other lawful process. Subject to any rights, defenses, or privileges which the Federal Government or

any other organization or person may invoke, the materials, whether or not processed, shall be subject to subpoena or other lawful process. The director of the library shall develop procedures for providing notice to the Federal Government, to me, and, within practical limits, to any other organization or person who may invoke such rights, defenses, or privileges in particular instances covered by this subparagraph.

- (g) Security-classified information. All access to the materials is subject to the requirement that information which is security-classified or protected from divulgence pursuant to law or Executive Order shall be made available and shall be used only in accordance with procedures established by law or Executive Order governing the availability and use of such information.

6. Access to materials in the museum collection. Materials in the museum shall be temporarily or permanently displayed or exhibited for public viewing on a selective basis as the museum director may from time to time determine. I, or any member of my immediate family, shall have full right of access to any of the materials in the museum for the purpose of inspecting, photographing, or duplicating them.

Temporary loans to me or to any member of my family of specific materials may be requested, and they shall be granted upon consent of the director and on such terms and under such safeguards as he may determine.

Other uses of, and access by researchers, educators, and students to, museum materials shall be in accordance with such generally applicable rules or policies as the museum director shall from time to time promulgate.

7. Availability and use of materials for remainder of my Presidential term. Notwithstanding any other provisions hereof, such of the conveyed materials as are now available to me or staff members of the White House Office or Executive Office of the President within the White House and related facilities shall continue to be so available to me and to such staff members and their permittees for use in the conduct of Government business during the remainder of my Presidential term.

8. Interim provisions. Pending a further appointment, the director of both the library and museum and the depositories in which the conveyed materials are temporarily placed shall be the Archivist. He shall have the full authority granted the library and museum director or directors under the terms of this conveyance and the right or power to delegate all or any portion of such

authority from time to time as he determines. Pending implementation of provisions herein for appointment of a library council or of a museum council, requirements hereunder for seeking and receiving advice and recommendations from the applicable council may be complied with by consulting with me or with any other person whom I shall have designated to serve for me in such consultative capacity.

"STANDARDS FOR ACCESS TO RESEARCH MATERIALS
IN ARCHIVAL AND MANUSCRIPT REPOSITORIES"
Adopted By The Society of American Archivists
on December 29, 1973

1. It is the responsibility of an archival and manuscript repository to make available research materials in its possession to researchers on equal terms of access. Since the accessibility of material depends on knowing of its existence, it is the responsibility of a repository to inform researchers of the collections and archival groups in its custody. This may be accomplished through a card catalog, inventories, and other internal finding aids, a published guide and reports to NUCMC where appropriate, and the freely offered assistance of staff members.

2. To protect and insure the continued availability of the material in his custody, the archivist may impose several conditions. (a) The archivist may limit the use of fragile or unusually valuable materials so long as suitable reproductions are made available for the use of all researchers. (b) All materials must be used in accordance with the rules of and under the supervision of the repository. Each repository should publish and furnish to potential researchers its rules governing access and use. Such rules must be equally applied and enforced. (c) The archivist may refuse access to unprocessed materials, so long as such refusal is applied to all researchers. (d) Normally, a repository will not send research materials for use outside its building or jurisdiction. Under special circumstances a collection or a portion of it may be loaned or placed on deposit with another institution. (e) The archivist may refuse access to an individual researcher who has demonstrated such carelessness or deliberate destructiveness as to endanger the safety of the material.

3. Each repository should publish a suggested form of citation crediting the repository and identifying items within the collection for later reference. Citations to copies of which the originals are in other repositories should include the location of the originals.

4. A repository should advise the researcher that he and his publisher have the sole responsibility for securing permission to publish beyond fair use from unpublished manuscripts in which literary property rights are retained or from materials protected by statutory copyrights, or to publish extensive quotation (beyond fair use) from copyrighted works. A repository should, to the best of its ability, inform the researcher about known retention of literary rights.

5. A repository should not grant privileged or exclusive use of any body of material from any person or persons, or conceal the existence of any body of material from any researcher unless required to do so by law, donor, or purchase stipulations.

6. A repository should, whenever possible, inform the researcher of parallel research by other individuals using the same papers. It may supply names upon request with the prior permission of the researcher.

7. Repositories are committed to preserving manuscript and archival materials and to making them available for research as soon as possible. At the same time, it is recognized that every public agency has certain obligations to guard against invasion of privacy and to protect confidentiality in its records in accordance with law and that every private donor has the right to impose reasonable restrictions upon his papers to protect confidentiality for a reasonable period of time. (a) It is the responsibility of the archivist to inform researchers of the restrictions which apply to individual collections or record groups. (b) The archivist should discourage donors from imposing unreasonable restrictions. (c) The archivist should, whenever possible, require a specific time limit on all restrictions. (d) The repository should periodically reevaluate restricted records and work toward providing access to material no longer harmful to individuals or to national interest.

THE WHITE HOUSE

WASHINGTON

November 30, 1976

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: PHILIP W. BUCHEN *P.W.B.*
SUBJECT: PRESIDENTIAL PAPERS

The President intends to arrange for the deposit of papers related to his administration as President in a library similar to the libraries for papers of other Presidents. There they will be preserved and made accessible for research and reference purposes, along with his papers that are related to the other public offices he has held and to his political activities. For historical purposes, it is most important that the library collection be complete and comprehensive and that there be no omission or loss of documents which may have historical value.

This memorandum sets forth guidelines for handling the papers and other materials in the custody of various members of the President's staff that apply to the papers of the White House Office, the Domestic Council, the Economic Policy Board, the Energy Resources Council, and the Council on International Economic Policy and to the Presidential files of the National Security Council. The papers of staff members within other offices of the Executive Office of the President, e.g., OMB, CEA, CEQ, STR, OTP, etc., are subject to the requirements of the Federal Records Act and will be handled accordingly. Any questions concerning these guidelines should be raised at the earliest possible time with Barry Roth, Extension 2397.

1. Prior to departure from the President's staff, each staff member should turn over all the papers and other materials in his or her possession to Central Files with the exception of his or her purely personal papers or materials. Official papers classified Secret and higher, including compartmented intelligence documents, should be turned in to the Staff Secretary. Campaign

related materials as well as official materials are to be preserved and deposited in Central Files. To the extent practicable, official and campaign materials should be separated before being sent to Central Files. Papers and materials for Central Files should be placed in storage boxes available for that purpose from Frank Matthews, Ext. 2240, and should be accompanied by an index listing the file folder titles or giving other descriptions of the contents in each box.

Material classified Secret and above being turned in to the Staff Secretary should be placed in boxes or large manila envelopes, securely taped, and accompanied by an unclassified listing of contents on the outside. The box or envelope itself should be clearly marked with the highest level of documents it contains and include the name of the individual or office submitting the material.

2. Purely personal files and materials, including original documents, may be taken by the departing staff member. Such files include correspondence unrelated to any official or campaign duties performed by the staff member; daily appointment records and telephone logs; personal copies of books, pamphlets and periodicals; folders of newspaper or magazine clippings; copies of records of a personal nature relating to a person's employment or service; and personal copies of photographs, proclamations, commissions or similar commemorative items. Personal files do not include any copies, drafts or working papers that relate to official business or the campaign.
3. A staff member may make a copy or may retain an extra copy of a document which embodies original intellectual thought contributed by the staff member or any of his assistants, such as the product of research, the notes or drafts of speeches delivered by the staff member, and drafts of proposed legislation; and the copy of any other document written or signed by the staff member that is included in his or her chronological files, along with a duplicate of each related incoming letter or memorandum, may be retained if the original incoming document remains in the Presidential papers; provided, however, no copies may be retained of any documents which come within any of the following categories:

- (a) Material classified for reasons of the national security under Executive Order 11652;
- (b) Restricted data under the Atomic Energy Act of 1954, as amended;
- (c) Information supplied to the government under statutes which make the disclosure of such information a crime; or
- (d) Memoranda of all types written to the President; other documents that contain recommendations or advice made directly or indirectly to the President; proposed drafts of speeches or statements for the use of the President; schedule proposals to the President; briefing papers used in discussions with the President and records made of such discussions; minutes of meetings of the EPB, ERC, and similar cabinet-level organizations; personnel recommendations or evaluations, and the like.

A staff member who has had access to materials among the Presidential Papers who subsequently needs to inspect them, for his personal use, will be permitted to do so after their accession in the Presidential library, subject to such restrictions as may be generally applicable at the time of the requested inspection.

The cooperation and assistance of each staff member in the collection of such materials is requested. This includes materials not only in your office but those materials pertaining to your official duties which you may have other than at your present office.

In order to assist in the collection of these materials for the President, staff members should begin depositing them in Central Files or with the Staff Secretary, as appropriate, as soon as possible. It is expected that staff offices will deposit all inactive files no later than mid-December and the bulk of any remaining files by January 10. Any offices desiring the assistance of archivists for this purpose should contact Barry Roth who will make the appropriate arrangements.

By way of a reminder, gifts received from a foreign government valued in excess of \$50 are property of the United States Government and must be deposited directly with the Chief of Protocol, along with information concerning the identity of the donor and the circumstances of the gift.