The original documents are located in Box 29, folder "Nixon - Papers Court Cases - Nixon v. Sampson (1)" of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Copyright Notice

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 Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections.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

<u>COPY</u> Digitized from <u>Short</u> Party Short Party	n Box 29 of the Philip Buchen Files at th UNITED STATES DIS FOR THE DISTRICT	TRICT COURT	al Library
RICHARD M. NIXON		:	
. · · ·	Plaintiff	•	•
V.		: C.A.	No. 74-1518

ARTHUR F. SAMPSON, et al.,

Defendants

and

THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, et al.,

Plaintiffs

ARTHUR F. SAMPSON, et al.,

Same forma

Defendants

SUPPLEMENTAL ORDER

Upon consideration of the Temporary Restraining Order issued yesterday, dated October 21, 1974 at 4:20 p.m., and upon consideration of the parties' requests for certain modifications thereof, and it appearing that the parties consent to said modifications and that the same are consistent with the ends of justice, and it appearing that the aforesaid Order as well as this Supplemental Order are necessary to preserve the status quo in the above-entitled litigation, it is by the Court this $\frac{72}{2}$ M day of October, 1974, ORDERED, that the Court's Order of October 21, 1974, be and the same is hereby amended and supplemented as follows: ORDERED, that the Motions for a Temporary Restraining Order be, and the same are hereby granted in part and denied in part; and it is

C.A. No. 74-1533

FURTHER ORDERED, that the Defendants, their superiors, agents and assigns are, subject to the conditions hereinafter described in the balance of this Order, hereby enjoined from disclosing,. transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials, including documents, tapes and other papers, known as the "Presidential materials of the Nixon Administration", that are presently in the custody and control of the Defendants; and it is

FURTHER ORDERED, that the Defendants are hereby enjoined from effectuating the terms and conditions of the "Agreement" entered into by Richard M. Nixon and Arthur F. Sampson, on or about September 6, 1974, and it is

FURTHER ORDERED, that the injunction shall not serve as a bar to the production of said materials pursuant to a validly-issued subpoena, discovery demand, or court order in any civil or criminal case, either outstanding or while this injunction is extant; or to the production of said materials in regard to the ongoing Watergate criminal trial before United States District Judge John Sirica; or to the production of said material pursuant to requests by the Special Prosecutor, or to a validly issued subpoena by a Grand Jury; or to the use of said materials, with prior notification to counsel for Plaintiff Richard M. Nixon and with the consent of Defendant Philip W. Buchen, for purposes of current government business, and it is

FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecute or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said he materials for such use, but/shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is

- 3 -

FURTHER ORDERED, that any person either now or previously a member of the White House staff shall be afforded access under current access procedures established by Defendants, with or without his/her attorney present, to said materials which comprise or comprised his/her files while a member of the White House staff, and be allowed to take notes regarding the same, but not to make copies thereof, all the above solely for any purposes relating to criminal investigations or prosecutions; and it is

FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure that the search for and copying of said materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; and it is FURTHER ORDERED, that the Plaintiffs shall not be required to post any bond; and it is

FURTHER ORDERED, that this injunction shall be effective for ten (10) days and shall be renewed upon proper application of the parties. United States District Courf

for the District of Columbia A TIUE COPY

JAMES F. DAVEY, CLERK,

October 22: 1974

en

Time 1.35

c.c. heley Charles R. Richey

United States District Judge

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA 67 1 1 1

FOR

alter in Long in the RICHARD M. NIXON Plaintiff C.A. No. 74-1518 . ARTHUR F. SAMPSON, et al., Defendants and THE REPORTERS COMMITTEE FOR FREEDOM -OF THE PRESS, et al., . Plaintiffs . C.A. No. 74-1533 v. . ARTHUR F. SAMPSON, et al., Defendants

SUPPLEMENTAL ORDER

Upon consideration of the Temporary Restraining Order issued yesterday, dated October 21, 1974 at 4:20 p.m., and upon consideration of the parties' requests for certain modifications thereof, and it appearing that the parties consent to said modifications and that the same are consistent with the ends of justice, and it appearing that the aforesaid Order as well as this Supplemental Order are necessary to preserve the status quo in the above-entitled litigation, it is by the Court this 22 M/day of October, 1974,

.

ORDERED, that the Court's Order of October 21, 1974, be and the same is hereby amended and supplemented as follows:

ORDERED, that the Motions for a Temporary Restraining Order be, and the same are hereby granted in part and denied in part; and it is FURTHER ORDERED, that the Defendants, their superiors, agents and assigns are, subject to the conditions hereinafter described in the balance of this Order, hereby enjoined from disclosing,. transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials, including documents, tapes and other papers, known as the "Presidential materials of the Nixon Administration", that are presently in the custody and control of the Defendants; and it is

FURTHER ORDERED, that the Defendants are hereby enjoined from effectuating the terms and conditions of the "Agreement" entered into by Richard M. Nixon and Arthur F. Sampson, on or about September 6, 1974, and it is

FURTHER ORDERED, that the injunction shall not serve as a bar to the production of said materials pursuant to a validly-issued subpoena, discovery demand, or court order in any civil or criminal case, either outstanding or while this injunction is extant; or to the production of said materials in regard to the ongoing Watergate criminal trial before United States District Judge John Sirica; or to the production of said material pursuant to requests by the Special Prosecutor, or to a validly issued subpoena by a Grand Jury; or to the use of said materials, with prior notification to counsel for Plaintiff Richard M. Nixon and with the consent of Defendant Philip W. Buchen, for purposes of current government business, and it is

FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor

-2-

or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said he materials for such use, but/shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is

FURTHER ORDERED, that any person either now or previously a member of the White House staff shall be afforded access under current access procedures established by Defendants, with or without his/her attorney present, to said materials which comprise or comprised his/her files while a member of the White House staff, and be allowed to take notes regarding the same, but not to make copies thereof, all the above solely for any purposes relating to criminal investigations or prosecutions; and it is

FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure that the search for and copying of said materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; and it is

FURTHER ORDERED, that the Plaintiffs shall not be required to post any bond; and it is

FURTHER ORDERED, that this injunction shall be effective for ten (10) days and shall be renewed upon proper application of the parties. United States District Court for the District of Columbia

Time 1.36 provide the second sec

JAMES F. DAVEY, CLI By Gother & Crer Octoberv 22 A 1974

A TRUE COPY

Charles R. Richey J United States District Judge

- 3 -

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

COPY

RICHARD M. NIXON				
Plaintiff	:			
v.	:	C.A.	No.	74-1518
ARTHUR F. SAMPSON, et al.,	:			
Defendants	:			
and	:			
THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, et al.,	:			
Plaintiffs	:			
v.	•	C.A.	No.	74-1533
ARTHUR F. SAMPSON, et al.,	•			
Defendants	:			
	:			

SUPPLEMENTAL ORDER

Upon consideration of the Temporary Restraining Order issued yesterday, dated October 21, 1974 at 4:20 p.m., and upon consideration of the parties' requests for certain modifications thereof, and it appearing that the parties consent to said modifications and that the same are consistent with the ends of justice, and it appearing that the aforesaid Order as well as this Supplemental Order are necessary to preserve the status quo in the above-entitled litigation, it is by the Court this 22nd day of October, 1974,

ORDERED, that the Court's Order of October 21, 1974, be and the same is hereby amended and supplemented as follows:

ORDERED, that the Motions for a Temporary Restraining Order be, and the same are hereby granted in part and denied in part; and it is

COPY

FURTHER ORDERED, that the Defendants, their superiors, agents and assigns are, subject to the conditions hereinafter described in the balance of this Order, hereby enjoined from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials, including documents, tapes and other papers, known as the "Presidential materials of the Nixon Administration", that are presently in the custody and control of the Defendants; and it is

FURTHER ORDERED, that the Defendants are hereby enjoined from effectuating the terms and conditions of the "Agreement" entered into by Richard M. Nixon and Arthur F. Sampson, on or about September 6, 1974, and it is

FURTHER ORDERED, that the injunction shall not serve as a bar to the production of said materials pursuant to a validlyissued subpoena, discovery demand, or court order in any civil or criminal case, either outstanding or while this injunction is extant; or to the production of said materials in regard to the ongoing Watergate criminal trial before United States District Judge John Sirica; or to the production of said material pursuant to requests by the Special Prosecutor, or to a validly issued subpoena by a Grand Jury; or to the use of said materials, with prior notification to counsel for Plaintiff Richard M. Nixon and with the consent of Defendant Philip W. Buchen, for purposes of current government business, and it is

FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff do Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said materials for such use, but he shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is

3

FURTHER ORDERED, that any person either now or previously a member of the White House staff shall be afforded access under current access procedures established by Defendants, with or without his/her attorney present, to said materials which comprise or comprised his/her files while a member of the White House staff, and be allowed to take notes regarding the same, but not to make copies thereof, all the above solely for any purposes relating to criminal investigations or prosecutions; and it is

FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure that the search for and copying of said materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; and it is

FURTHER ORDERED, that the Plaintiffs shall not be required to post any bond; and it is

FURTHER ORDERED, that this injunction shall be effective for ten (10) days and shall be renewed upon proper application of the parties.

> /s/ CHARLES R. RICHEY Charles R. Richey United States District Judge

United States District Court for the District of Columbia A TRUE COPY

JAMES F. DAVEY, CLERK,

By /s/ ESTHER E. CREIDEN October 22, 1974 Time 2:35 p.m.



UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

COPY

RICHARD M. NIXON	:
Plaintiff	:
v.	: C.A. No. 74-1518
ARTHUR F. SAMPSON, et al.,	:
Defendants	:
and	:
THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, et al.,	:
Plaintiffs	
· V.	C.A. No. 74-1533
ARTHUR F. SAMPSON, et al.,	
Defendants	

SUPPLEMENTAL ORDER

Upon consideration of the Temporary Restraining Order issued yesterday, dated October 21, 1974 at 4:20 p.m., and upon consideration of the parties' requests for certain modifications thereof, and it appearing that the parties consent to said modifications and that the same are consistent with the ends of justice, and it appearing that the aforesaid Order as well as this Supplemental Order are necessary to preserve the status quo in the above-entitled litigation, it is by the Court this 22nd day of October, 1974,

ORDERED, that the Court's Order of October 21, 1974, be and the same is hereby amended and supplemented as follows:

ORDERED, that the Motions for a Temporary Restraining Order be, and the same are hereby granted in part and denied in part; and it is FURTHER ORDERED, that the Defendants, their superiors, agents and assigns are, subject to the conditions hereinafter described in the balance of this Order, hereby enjoined from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials, including documents, tapes and other papers, known as the "Presidential materials of the Nixon Administration", that are presently in the custody and control of the Defendants; and it is

2

FURTHER ORDERED, that the Defendants are hereby enjoined from effectuating the terms and conditions of the "Agreement" entered into by Richard M. Nixon and Arthur F. Sampson, on or about September 6, 1974, and it is

FURTHER ORDERED, that the injunction shall not serve as a bar to the production of said materials pursuant to a validlyissued subpoena, discovery demand, or court order in any civil or criminal case, either outstanding or while this injunction is extant; or to the production of said materials in regard to the ongoing Watergate criminal trial before United States District Judge John Sirica; or to the production of said material pursuant to requests by the Special Prosecutor, or to a validly issued subpoena by a Grand Jury; or to the use of said materials, with prior notification to counsel for Plaintiff Richard M. Nixon and with the consent of Defendant Philip W. Buchen, for purposes of current government business, and it is

FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said materials for such use, but he shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is



FURTHER ORDERED, that any person either now or previously a member of the White House staff shall be afforded access under current access procedures established by Defendants, with or without his/her attorney present, to said materials which comprise or comprised his/her files while a member of the White House staff, and be allowed to take notes regarding the same, but not to make copies thereof, all the above solely for any purposes relating to criminal investigations or prosecutions; and it is

FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure that the search for and copying of said materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; and it is

FURTHER ORDERED, that the Plaintiffs shall not be required to post any bond; and it is

FURTHER ORDERED, that this injunction shall be effective for ten (10) days and shall be renewed upon proper application of the parties.

> /s/ CHARLES R. RICHEY Charles R. Richey United States District Judge

United States District Court for the District of Columbia A TRUE COPY

JAMES F. DAVEY, CLERK,

By /s/ ESTHER E. CREIDEN October 22, 1974 Time 2:35 p.m.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

RICHARD M. NIXON

COPY

Plaintiff

v.

C.A. No. 74-1518

C.A. No. 74-1533

ARTHUR F. SAMPSON, et al.,

Defendants

and

THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, et al.,

Plaintiffs

v.

ARTHUR F. SAMPSON, et al.,

Defendants

SUPPLEMENTAL ORDER

Upon consideration of the Temporary Restraining Order issued yesterday, dated October 21, 1974 at 4:20 p.m., and upon consideration of the parties' requests for certain modifications thereof, and it appearing that the parties consent to said modifications and that the same are consistent with the ends of justice, and it appearing that the aforesaid Order as well as this Supplemental Order are necessary to preserve the status quo in the above-entitled litigation, it is by the Court this 22nd day of October, 1974,

ORDERED, that the Court's Order of October 21, 1974, be and the same is hereby amended and supplemented as follows:

ORDERED, that the Motions for a Temporary Restraining Order be, and the same are hereby granted in part and denied in part; and it is FURTHER ORDERED, that the Defendants, their superiors, agents and assigns are, subject to the conditions hereinafter described in the balance of this Order, hereby enjoined from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials, including documents, tapes and other papers, known as the "Presidential materials of the Nixon Administration", that are presently in the custody and control of the Defendants; and it is

FURTHER ORDERED, that the Defendants are hereby enjoined from effectuating the terms and conditions of the "Agreement" entered into by Richard M. Nixon and Arthur F. Sampson, on or about September 6, 1974, and it is

FURTHER ORDERED, that the injunction shall not serve as a bar to the production of said materials pursuant to a validlyissued subpoena, discovery demand, or court order in any civil or criminal case, either outstanding or while this injunction is extant; or to the production of said materials in regard to the ongoing Watergate criminal trial before United States District Judge John Sirica; or to the production of said material pursuant to requests by the Special Prosecutor, or to a validly issued subpoena by a Grand Jury; or to the use of said materials, with prior notification to counsel for Plaintiff Richard M. Nixon and with the consent of Defendant Philip W. Buchen, for purposes of current government business, and it is

FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said materials for such use, but he shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is

FURTHER ORDERED, that any person either now or previously a member of the White House staff shall be afforded access under current access procedures established by Defendants, with or without his/her attorney present, to said materials which comprise or comprised his/her files while a member of the White House staff, and be allowed to take notes regarding the same, but not to make copies thereof, all the above solely for any purposes relating to criminal investigations or prosecutions; and it is

FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure that the search for and copying of said materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; and it is

FURTHER ORDERED, that the Plaintiffs shall not be required to post any bond; and it is

FURTHER ORDERED, that this injunction shall be effective for ten (10) days and shall be renewed upon proper application of the parties.

> /s/ CHARLES R. RICHEY Charles R. Richey United States District Judge

United States District Court for the District of Columbia A TRUE COPY

JAMES F. DAVEY, CLERK,

By /s/ ESTHER E. CREIDEN October 22, 1974 Time 2:35 p.m.



MEMORANDUM FOR THE WHITE HOUSE STAFF

SUBJECT: Court Order Regarding Presidential Materials of the Nixon Administration

Attached is a copy of a Supplemental Order of the United States District Court for the District of Columbia, by Judge Charles R. Richey, issued October 22, 1974. The Defendants are: Arthur E. Sampson, Administrator of the ' General Services Administration; Philip W. Buchen, Counsel to the President; and H. Stuart Knight, Director of the Secret Service.

Please note:

1) The order enjoins "the Defendants, their superiors, agents, and assigns" against certain acts.

2) The order applies to "the materials, including documents, tapes and other papers, known as the 'Presidential materials of the Nixon Administration' that are presently in the custody and control of the Defendants."

3) The order enjoins the persons affected "from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials." The order does not prohibit use of the papers for court, prosecutorial or grand jury matters, or for purposes of current government business.

Although the order by its terms does not apply to all members of the White House staff, all White House staff personnel are expected to act as if they were bound by it. Similarly, all materials and papers prepared during the Administration of President Nixon should be regarded as actually or potentially subject to the order.





· Ca 10/22/747

Attached also is a copy of an August 9, 1974, memorandum from Jerry H. Jones on the subject of collecting and segregating "papers of the White House Office at the time of President Nixon's resignation as well as those enroute at the time and intended for him."

2

Based on the August 9, 1974, memorandum and the printed attachment to it, and in accordance with Judge Richey's order, I have notified counsel to Mr. Nixon and hereby give my consent that:

(i) The remaining papers in the files of the White House Office which have not yet been segregated and placed in storage may be used to complete implementing the August 9, 1974, memorandum.

(ii) Papers necessary for purposes of current government business shall be used for such purposes if practicable in the form of duplicated files as provided in the memorandum, and a listing of any files so duplicated shall be supplied to me.

Implementation of the August 9 memorandum shall be completed by November 1, 1974, except that no papers will be prepared, as provided in that memorandum, "for shipment." To this end, each member of the White House staff subject to the August 9 memorandum shall certify in writing to this office, by November 1, that the collection and segregation called for have been completed, and that the materials have been stored within the White House complex as designated by the Office of Presidential Papers.

John Nesbitt, supervisory archivist of the Office of Presidential Papers (Extension 2545) and his staff will be calling on you and will be available for assistance.

> Philip W. Buchen Counsel to the President

Enclosures

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

RICHARD M. NIXON

Plaintiff

v.

and

C.A. No. 74-1518

C.A. No. 74-1533

ARTHUR F. SAMPSON, et al.,

Defendants

THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, et al.,

Plaintiffs

v.

ARTHUR F. SAMPSON, et al.,

Defendants

SUPPLEMENTAL ORDER

Upon consideration of the Temporary Restraining Order issued yesterday, dated October 21, 1974 at 4:20 p.m., and upon consideration of the parties' requests for certain modifications thereof, and it appearing that the parties consent to said modifications and that the same are consistent with the ends of justice, and it appearing that the aforesaid Order as well as this Supplemental Order are necessary to preserve the status quo in the above-entitled litigation, it is by the Court this 22nd day of October, 1974.

ORDERED, that the Court's Order of October 21, 1974, be and the same is hereby amended and supplemented as follows:

ORDERED, that the Motions for a Temporary Restraining Order be, and the same are hereby granted in part and denied in part; and it is FURTHER ORDERED, that the Defendants, their superiors, agents and assigns are, subject to the conditions hereinafter described in the balance of this Order, hereby enjoined from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials, including documents, tapes and other papers, known as the "Presidential materials of the Nixon Administration", that are presently in the custody and control of the Defendants; and it is

FURTHER ORDERED, that the Defendants are hereby enjoined from effectuating the terms and conditions of the "Agreement" entered into by Richard M. Nixon and Arthur F. Sampson, on or about September 6, 1974, and it is

FURTHER ORDERED, that the injunction shall not serve as a bar to the production of said materials pursuant to a validlyissued subpoena, discovery demand, or court order in any civil or criminal case, either outstanding or while this injunction is extant; or to the production of said materials in regard to the ongoing Watergate criminal trial before United States District Judge John Sirica; or to the production of said material pursuant to requests by the Special Prosecutor, or to a validly issued subpoena by a Grand Jury; or to the use of said materials, with prior notification to counsel for Plaintiff Richard M. Nixon and with the consent of Detendant Philip W. Buchen, for purposes of current government business, and it is

FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said materials for such use, but he shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is

FURTHER ORDERED, that any person either now or previously a member of the White House staff shall be afforded access under current access procedures established by Defendants, with or without his/her attorney present, to said materials which comprise or comprised his/her files while a member of the White House staff, and be allowed to take notes regarding the same, but not to make copies thereof, all the above solely for any purposes relating to criminal investigations or prosecutions; and it is

FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure that the search for and copying of said materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; and it is

FURTHER ORDERED, that the Plaintiffs shall not be required to post any bond; and it is

FURTHER ORDERED, that this injunction shall be effective for ten (10) days and shall be renewed upon proper application of the parties.

> /s/ CHARLES R. RICHEY Charles R. Richey United States District Judge

United States District Court for the District of Columbia A TRUE COPY

JAMES F. DAVEY, CLERK,

By /s/ ESTHER E. CREIDEN October 22, 1974 Time 2:35 p.m.

THE WHITE HOUSE

WASHINGTON

August 9, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF:

By custom and tradition, the files of the White House Office belong to the President in whose Administration they are accumulated. It has been the invariable practice, at the end of an Administration, for the outgoing President or his estate to authorize the depository or disposition to be made of such files.

President Taft in his book "Our Chief Magistrate and his Powers," made the following reference to this practice:

> "The retiring President takes with him all the correspondence, original and copies, which he carried on during his Administration. . . . "

In the interest of continuing this practice, it has been directed that, so long as President Nixon's files remain in the White House Office, there is to be no intermingling of the files of the two Administrations. This applies of course both to the Central Files and the files in the offices of the various members of the staff.

Papers of the White House Office at the time of President Nixon's resignation as well as those enroute at that time and intended for him shall be considered as belonging to the Nixon Administration files. Of course, some Nixon Administration files may be needed for future reference. These files should be duplicated and placed with all other papers accumulated after noon today which constitute a new set of files for President Ford.

Specifically, please expedite the return of all withdrawals you have made from Central Files. On Monday, August 12, archivists under the supervision of John R. Nesbitt, Office of Presidential Papers, will be available to assist in the collection and segregation of President Nixon's papers for shipment. Meanwhile, please read the attached instructions.

JErry H. Jones

Special Assistant to the President

By custom and tradition, all White House Office papers are regarded as the personal property of the President and subject to such control and disposition as he may determine. At the close of the Administration, the entire collection of papers now being created may be expected to be deposited in a Presidential library similar to the libraries that preserve the papers of the last six Presidents. To provide the President with a complete and accurate record of his tenure in office, the White House staff must oversee the preservation of the papers it generates.

The procedures set forth in this document represent the collective thinking of many members of the staff as to how best to preserve papers and documents for the President. Compliance with these procedures is an expression of loyalty by the staff to the President. For these procedures to be effective, it will require cooperation and assistance of every staff member.

The security classification of each document prepared in the White House is determined by the individual staff member writing it in accordance with Executive Order 10501—or other applicable Executive Orders. He is responsible for insuring that the classification assigned to his work reflects the sensitivity of the material concerned, and also for making certain that this classification is not excessively restrictive.

White House Office Papers: Filing with Central Files

1. It is requested that the maximum possible use be made of Central Files, and the procedures listed below be followed. This will aid in the faster and more complete retrieval of current information, eliminate unnecessary duplication of files, prevent excessive xeroxing, and maximize preservation of White House papers.

2. Each staff member shall maintain his personal files separate from any working files he may keep on official business and clearly designate them as such. Personal files include correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders of newspapers or magazine clippings; and copies of records of a personnel nature relating to a person's employment or service. Personal files should not include any copies, drafts or working papers that relate to official business or any documents or records, whether or not adopted, made or received in the course of official business.

3. Each staff office shall forward regularly to Central Files three copies of all outgoing official business consisting of correspondence and memoranda. One copy of all other outgoing related materials should also be filed.

4. Each staff office shall forward regularly to Central Files any incoming official business from sources other than White House staff offices after action, if any, has been taken. Each staff office, if it so desires, may keep a copy of such incoming official business for its own working files.

5. Each staff office shall forward regularly to Central Files any originals of incoming official business from other White House staff offices after action, if any, has been taken and if such originals were not intended to be returned to the sender. If desired, a copy may be kept for the staff's working files.

6. Each staff office shall forward to Central Files at such times as it determines to be appropriate all working files of official business which are inactive and no longer needed. These files will be stored by office as well as listed by subject matter. They will, of course, always be available for later reference.

7. Each staff office at its own discretion may segregate any materials that it believes to be particularly sensitive and which should not be filed by subject matter. Such sensitive materials should be forwarded to the Staff Secretary on the same basis as outlined in paragraphs 3 through 6 in an envelope marked SENSITIVE RECORDS FOR STORAGE with the office or individual from which they are sent marked on the outside and (as appropriate) a list of inventory in general terms attached. This list of inventory should also be sent to Central Files so that notations can be made in subject files that certain material is missing from the file. These materials will be filed in locked containers and will only be made available to the individual or office from whom they were received.

8. No defense material classified under Executive Order No. 10501 with a classification of TOP SECRET or Restricted Data under the Atomic Energy Act of 1954 should be forwarded to Central Files. All such material should be forwarded to the Staff Secretary for storage.

9. No exceptions to the above shall be made without the express consent of the Counsel to the President. Additional advice on the operation of Central Files may be obtained from Frank Matthews, Chief of Central Files (Ext. 2240).

White House Office Papers: Disposition of Papers Upon Leaving Staff

1. Upon termination of employment with the staff, each staff member will turn over his entire files to Central Files with the exception of any personal files he might have maintained.

2. Personal files include: correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders of newspaper or magazine clippings; and copies of records of a personal nature relating to a person's employment or service. Personal files should not include any copies, drafts, or working papers that relate to official business; or any documents or records, whether or not adopted, made or received in the course of official business. The White House Office of Presidential Papers, staffed by representatives of the National Archives, is available to assist staff members in the determination of what are personal files. Any question in this regard should be resolved with their assistance by contacting John Nesbitt, supervisory archivist of the Office of Presidential Papers (Ext. 2545).

3. A staff member, upon termination of employment, may at his discretion make copies for his personal use of a carefully chosen selection of the following types of documents within his files:

(A) Documents which embody original intellectual thought contributed by the staff member, such as research work and draftsmanship of speeches and legislation.

(B) Documents which might be needed in future related work by the individual.

4. No staff members shall make copies as permitted in paragraph three of any documents which contain defense material classified as CONFI-DENTIAL, SECRET OR TOP SECRET under Executive Order No. 10501, Restricted Data under the Atomic Emergy Act of 1954, or information supplied to the government under statutes which make the disclosure of such information a crime.

5. Each staff member who decides to make copies of such documents described in paragraph three shall leave a list of all such documents copied with Central Files. This will enable retrieval of a document in the curst that all other copies of it and the original should be later lost.

6. The discretionary authority granted in paragraph three is expected to be exercised sparingly and not abused. All White House Office papers, including copies thereof, are the personal property of the President and should be respected as such. Any copies retained by a staff member should be stored in a secure manner and maintained confidentially.

7. All confidential and sensitive materials will be protected from premature disclosure by specific provisions of the Presidential Libraries Act of 1955 (44 U.S.C. 2108).



10/22/74 Frances Davis DSC Robert Snow Coursel-Secret Service TSD - " " James EO'neill Deputy Andividy 160.5. Richt A Jacobs Office of Pres. Libraria NARS Ald Tunner 6.S.H. General Cours Moch Teasley office of thes. Papers W. H. Central Zale Viller 7. Matchews office of thes. Papers John R. Nesbitt SUSAN YOWELL n n NARS/GSA Office of Pres. Libraries white House Sigt linet Daniel Keed Marjorie Wicklein Gertrude Brown Fry White House Special Files Unit And Dennenhert W. N. Secury office. Jery Jone (3) J Wold . Stort Ley

OFFICES IN THE EXECUTIVE OFFICE OF THE PRESIDENT Active During The Nixon Administration

Cabinet Committee on Opportunities for Spanish Speaking People

Council on Economic Advisors

Council on Economic Policy (succeeded by The President's Economic Policy Board)

Council on Environmental Quality

Council on International Economic Policy

Danit Council on Wage and Price Stability

7 Domestic Council

East-West Trade Policy Committee

Federal Energy Office

Federal Property Council

National Security Council

Central Intelligence Agency

Office of Economic Opportunity

Office of Management and Budget

Office of the Special Representative for Trade Negotiations

Office of Telecommunication Policy

Special Action Office for Drug Abuse Prevention

Cost of hiving Concol

Basic documents



DRAFT

October 23, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF

SUBJECT:

Court Order Regarding Presidential Materials of the Nixon Administration

Attached is a copy of a Supplemental Order of the United States District Court for the District of Columbia, by Judge Charles R. Richey, issued October 22, 1974. The Defendants are: Arthur E. Sampson, Administrator of the General Services Administration; Philip W. Buchen, Counsel to the President; and H. Stuart Knight, Director of the Secret Service.

Please note:

1) The order enjoins "the Defendants, their superiors, agents, and assigns" against certain acts.

2) The order applies to "the materials, including documents, tapes and other papers, known as the Presidential materials of the Nixon Administration' that are presently in the custody and control of the Defendants."

3) The order enjoins the persons affected "from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials." The order does <u>not</u> prohibit use of the papers for court, prosecutorial or grand jury matters, or for purposes of current government business.

Although the order by its terms does not apply to all members of the White House staff, all White House staff personnel are expected to act as if they were bound by it. Similarly, all materials and papers prepared during the Administration of President Nixon should be regarded as actually or potentially subject to the order.

Attached also is a copy of an August 9, 1974, memorandum from Jerry H. Jones on the subject of collecting and segregating "papers of the White House Office at the time of President Nixon's resignation as well as those enroute at the time and intended for him."

Based on the August 9, 1974, memorandum and the printed attachment to it, and in accordance with Judge Richey's order, I have notified counsel to Mr. Nixon and hereby give my consent that:

- 2 -

(i) The remaining papers in the files of the White House Office which have not yet been segregated and placed in storage may be used to complete implementing the August 9, 1974, memorandum.

(ii) Papers necessary for purposes of current government business shall be used for such purposes if practicable in the form of duplicated files as provided in the memorandum, and a listing of any files so duplicated shall be supplied to me.

Implementation of the August 9 memorandum shall be completed by November 1, 1974, except that no papers will be prepared, as provided in that memorandum, "for shipment." To this end, each member of the White House staff subject to the August 9 memorandum shall certify in writing to this office, by November 1, that the collection and segregation called for have been completed, and that the materials have been have been stored within the White House complex stored/as designated by the Office of Presidential Papers.

- 3 -

John Nesbitt, supervisory archivist of the Office of Presidential Papers (Ext. 2545) and his staff will be calling on you and will be available for assistance.

> Philip W. Buchen Counsel to the President



- 4 -

THE WHITE HOUSE

WASHINGTON August 9, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF:

By custom and tradition, the files of the White House Office belong to the President in whose Administration they are accumulated. It has been the invariable practice, at the end of an Administration, for the outgoing President or his estate to authorize the depository or disposition to be made of such files.

President Taft in his book "Our Chief Magistrate and his Powers," made the following reference to this practice:

> "The retiring President takes with him all the correspondence, original and copies, which he carried on during his Administration. . . "

In the interest of continuing this practice, it has been directed that, so long as President Nixon's files remain in the White House Office, there is to be no intermingling of the files of the two Administrations. This applies of course both to the Central Files and the files in the offices of the various members of the staff.

Papers of the White House Office at the time of President Nixon's resignation as well as those enroute at that time and intended for him shall be considered as belonging to the Nixon Administration files. Of course, some Nixon Administration files may be needed for future reference. These files should be duplicated and placed with all other papers accumulated after noon today which constitute a new set of files for President Ford.

Specifically, please expedite the return of all withdrawals you have made from Central Files. On Monday, August 12, archivists under the supervision of John R. Neshitt, Office of Presidential Papers, will be available to assist in the collection and segregation of President Nixon's papers for shipment., Meanwhile, please read the attached instructions.

A. erry EL. Jones

Special Assistant to the President

By custom and tradition, all White House Office papers are regarded as the personal property of the President and subject to such control and disposition as he may determine. At the close of the Administration, the entire collection of papers now being created may be expected to be deposited in a Presidential library similar to the libraries that preserve the papers of the last six Presidents. To provide the President with a complete and accurate record of his tenure in office, the White House staff must oversee the preservation of the papers it generates.

The procedures set forth in this document represents the collective thinking of many members of the staff as to how best preserve papers and documents for the President. Compliance with these procedures is an expression of loyalty by the staff to the President. For these procedures to be effective, it will require cooperation and assistance of every staff member.

The security classification of each document prepared in the White House is determined by the individual staff member writing it in accordance with Executive Order 10501—or other applicable Executive Orders. He is responsible for insuring that the classification assigned to his work reflects the sensitivity of the material concerned, and also for making certain that this classification is not excessively restrictive.

White House Office Papers: Filing with Central Files

1. It is requested that the maximum possible use be made of Central Files, and the procedures listed below be followed. This will aid in the faster and more complete retrieval of current information, eliminate unnecessary duplication of files, prevent excessive xeroxing, and maximize preservation of White House papers.

2. Each staff member shall maintain his personal files separate from any working files he may keep on official business and clearly designate them as such. Personal files include correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders of newspapers or magazine clippings; and copies of records of a personnel nature relating to a person's employment or service. Personal files should not include any copies, drafts or working papers that relate to official business or any documents orrecords, whether or not adopted, made or received in the course of official business.

3. Each staff office shall forward regularly to Central Files three copies of all outgoing official business consisting of correspondence and memoranda. One copy of all other outgoing related materials should also be filed.

4. Each staff office shall forward regularly to Central Files any incoming official business from sources other than White House staff offices after action, if any, has been taken. Each staff office, if it so desires, may keep a copy of such incoming official business for its own working files.

5. Each staff office shall forward regularly to Central Files any originals of incoming official business from other White House staff offices after action, if any, has been taken and if such originals were not intended to be returned to the sender. If desired, a copy may be kept for the staff's working files.

6. Each staff office shall forward to Central Files at such times as it determines to be appropriate all working files of official business which are inactive and no longer needed. These files will be stored by office as well as listed by subject matter. They will, of course, always be available for later reference.

7. Each staff office at its own discretion may segregate any materials that it believes to be particularly sensitive and which should not be filed by subject matter. Such sensitive materials should be forwarded to the Staff Secretary on the same basis as outlined in paragraphs 3 through 6 in an envelope marked SENSITIVE RECORDS FOR STORAGE with the office or individual from which they are sent marked on the outside and (as appropriate) a list of inventory in general terms attached. This list of inventory should also be sent to Central Files so that notations can be made in subject files that certain material is missing from the file. These materials will be filed in locked containers and will only be made available to the inBy custom and tradition, all White House Office papers are regarded as the personal property of the President and subject to such control and disposition as he may determine. At the close of the Administration, the entire collection of papers now being created may be expected to be deposited in a Presidential library similar to the libraries that preserve the papers of the last six Presidents. To provide the President with a complete and accurate record of his tenure in office, the White House staff must oversee the preservation of the papers it generates.

The procedures set forth in this document represents the collective thinking of many members of the staff as to how best preserve papers and documents for the President. Compliance with these procedures is an expression of loyalty by the staff to the President. For these procedures to be effective, it will require cooperation and assistance of every staff member.

The security classification of each document prepared in the White House is determined by the individual staff member writing it in accordance with Executive Order 10501—or other applicable Executive Orders. He is responsible for insuring that the classification assigned to his work reflects the sensitivity of the material concerned, and also for making certain that this classification is not excessively restrictive.

White House Office Papers: Filing with Central Files

1. It is requested that the maximum possible use be made of Central Files, and the procedures listed below be followed. This will aid in the faster and more complete retrieval of current information, eliminate unnecessary duplication of files, prevent excessive xeroxing, and maximize preservation of White House papers.

2. Each staff member shall maintain his personal files separate from any working files he may keep on official business and clearly designate them as such. Personal files include correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders of newspapers or magazine clippings; and copies of records of a personnel nature relating to a person's employment or service. Personal files should not include any copies, drafts or working papers that relate to official business or any documents orrecords, whether or not adopted, made or received in the course of official business.

3. Each staff office shall forward regularly to Central Files three copies of all outgoing official business consisting of correspondence and memoranda. One copy of all other outgoing related materials should also be filed.

4. Each staff office shall forward regularly to Central Files any incoming official business from sources other than White House staff offices after action, if any, has been taken. Each staff office, if it so desires, may keep a copy of such incoming official business for its own working files.

5. Each staff office shall forward regularly to Central Files any originals of incoming official business from other White House staff offices after action, if any, has been taken and if such originals were not intended to be returned to the sender. If desired, a copy may be kept for the staff's working files.

6. Each staff office shall forward to Central Files at such times as it determines to be appropriate all working files of official business which are inactive and no longer needed. These files will be stored by office as well as listed by subject matter. They will, of course, always be available for later reference.

7. Each staff office at its own discretion may segregate any materials that it believes to be particularly sensitive and which should not be filed by subject matter. Such sensitive materials should be forwarded to the Staff Secretary on the same basis as outlined in paragraphs 3 through 6 in an envelope marked SENSITIVE RECORDS FOR STORAGE with the office or individual from which they are sent marked on the outside and (as appropriate) a list of inventory in general terms attached. This list of inventory should also be sent to Central Files so that notations can be made in subject files that certain material is missing from the file. These materials will be filed in locked containers and will only be made available to the inUNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

-

2

-

FILED March

all the to be that

C.A. No. 74-1518

C.A. No. 74-1533

RICHARD M. NIXON

Plaintiff

v.

ARTHUR F. SAMPSON, et al.,

Defendants

and 1

THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, et al.,

Plaintiffs

ARTHUR F. SAMPSON, et al.,

v.

Defendants

SUPPLEMENTAL ORDER

Upon consideration of the Temporary Restraining Order issued yesterday, dated October 21, 1974 at 4:20 p.m., and upon consideration of the parties' requests for certain modifications thereof, and it appearing that the parties consent to said modifications and that the same are consistent with the ends of justice, and it appearing that the aforesaid Order as well as this Supplemental Order are necessary to preserve the status quo in the above-entitled litigation, it is by the Court this $\frac{72}{21}$ day of October (1974,

ORDERED, that the Court's Order of October 21, 1974, be and the same is hereby amended and supplemented as follows: ORDERED, that the Motions for a Temporary Restraining Order be, and the same are hereby granted in part and denied in part; and it is FURTHER ORDERED, that the Defendants, their superiors, agents and assigns are, subject to the conditions hereinafter described in the balance of this Order, hereby enjoined from disclosing,. transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials, including documents, tapes and other papers, known as the "Presidential materials of the Nixon Administration", that are presently in the custody and control of the Defendants; and it is

FURTHER ORDERED, that the Defendants are hereby enjoined from effectuating the terms and conditions of the "Agreement" entered into by Richard M. Nixon and Arthur F. Sampson, on or about September 6, 1974, and it is

FURTHER ORDERED, that the injunction shall not serve as a bar to the production of said materials pursuant to a validly-issued subpoena, discovery demand, or court order in any civil or criminal case, either outstanding or while this injunction is extant; or to the production of said materials in regard to the ongoing Watergate criminal trial before United States District Judge John Sirica; or to the production of said material pursuant to requests by the Special Prosecutor, or to a validly issued subpoena by a Grand Jury; or to the use of said materials, with prior notification to counsel for Plaintiff Richard M. Nixon and with the consent of Defendant Philip W. Buchen, for purposes of current government business, and it is

FURTHER ORDERED, that Plaintiff Richard M. Nixon, is his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said he materials for such use, but/shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is

FURTHER ORDERED, that any person either now or previously a member of the White House staff shall be afforded access under current access procedures established by Defendants, with or without his/her attorney present, to said materials which comprise or comprised his/her files while a member of the White House staff, and be allowed to take notes regarding the same, but not to make copies thereof, all the above solely for any purposes relating to criminal investigations or prosecutions; and it is

FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure that the search for and copying of said materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; and it is FURTHER ORDERED, that the Plaintiffs shall not be required

to post any bond; and it is

FURTHER ORDERED, that this injunction shall be effective for ten (10) days and shall be renewed upon proper application of the parties. United States District Court for the District of Columbia

A THUE COPY JAMES F. DAVEY, CLERK By Galker arv22: 1974

35

in

Time

Chipeles R. Richery

Charles R. Ridhey United States District Judge

- 3 -

Tuesday 10/22/74

Meeting 10/22/74 2 p. m.

1:10 Mr. Casselman advises there will be a meeting at
2 o'clock this afternoon to discuss the Judge Richey order.
Suggested we try to get a larger office to hold the meeting
in -- since the following will be in attendance.

(We have arranged for the Roosevelt Room --Jerry Jones' office agreed to change their meeting for 2:30 to Rumsfeld's office.)

Jerry Jones Dennis Brosnan Dave Martin, Counsel - Secret Service Trudy Fry Jane Dannenhauer Marge Wickline Jack Nesbitt - Archives Bert Rhoades (or his deputy) Ted Trimmer, Counsel Frank Matthews, Central Files Jean Davis, NSC

ann

Tuesday 10/22/74

2:50 Don Irwin of the Los Angeles Times called saying they 296-1440 had received intimations yesterday when Judge Richey signed the order for a 10-day stay on the transfer of the Nixon documents that there might be a flood of subpoenas.

Would like to talk with you.

I suggested he talk with the Press Office, but he said Tom DeCair was the only one there.

R. FORO ERALD

DRAFT

October 23, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF

SUBJECT:

Court Order Regarding Presidential Materials of the Nixon Administration

Attached is a copy of a Supplemental Order of the United States District Court for the District of Columbia, by Judge Charles R. Richey, issued October 22, 1974. The Defendants are: Arthur E. Sampson, Administrator of the General Services Administration; Philip W. Buchen, Counsel to the President; and H. Stuart Knight, Director of the Secret Service.

Please note:

1) The order enjoins "the Defendants, their superiors, agents, and assigns" against certain acts.

2) The order applies to "the materials, including documents, tapes and other papers, known as the Presidential materials of the Nixon Administration' that are presently in the custody and control of the Defendants." 3) The order enjoins the persons affected "from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials." The order does <u>not</u> prohibit use of the papers for court, prosecutorial or grand jury matters, or for purposes of current government business.

2

Although the order by its terms does not apply to all members of the White House staff, all White House staff personnel are expected to act as if they were bound by it. Similarly, all materials and papers prepared during the Administration of President Nixon should be regarded as actually or potentially subject to the order.

Attached also is a copy of an August 9, 1974, memorandum from Jerry H. Jones on the subject of collecting and segregating "papers of the White House Office at the time of President Nixon's resignation as well as those enroute at the time and intended for him."

Based on the August 9, 1974, memorandum and the printed attachment to it, and in accordance with Judge Richey's order, I have notified counsel to Mr. Nixon and hereby give my consent that: (i) The remaining papers in the files of the White House Office which have not yet been segregated and placed in storage may be used to complete implementing the August 9, 1974, memorandum.

(ii) Papers necessary for purposes of current government business shall be used for such purposes if practicable in the form of duplicated files as provided in the memorandum, and a listing of any files so duplicated shall be supplied to me.

Implementation of the August 9 memorandum shall be completed by November 1, 1974, except that no papers will be prepared, as provided in that memorandum, "for shipment." To this end, each member of the White House staff subject to the August 9 memorandum shall certify in writing to this office, by November 1, that the collection and segregation called for have been completed, and that the materials have been have been stored within the White House complex stored/as designated by the Office of Presidential Papers.

023

3.



John Nesbitt, supervisory aronivist of the Office of Presidential Papers (Ext. 2545) and his staff will be calling on you and will be available for assistance.

•

Philip W. Buchen Counsel to the President 10/23/74

7:15 p.m.

To: Jane

From: Eva

The stuff finally came from Justice and Mr. Buchen and Mr. Casselman have looked it over and have added in a few words on the third page of the draft. He does not want it retyped.

He would like you to xerox five copies of the whole package and bring the original and the five copies down to the Roosevelt Room to him. (Thursday 10/24) He'll be in staff meeting there.

(Could you please make a complete set for me also -- thanks.)



THE WHITE HOUSE

copy washington

To: Jerry Jones

From: Phil Bucken

Kindly review, and I would like to see you about 8:30 s.m. for your comments.



Jerry J.

DRAFT

October 23, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF

SUBJECT:

Court Order Regarding Presidential Materials of the Nixon Administration

Attached is a copy of a Supplemental Order of the United States District Court for the District of Columbia, by Judge Charles R. Richey, issued October 22, 1974. The Defendants are: Arthur E. Sampson, Administrator of the General Services Administration; Philip W. Buchen, Counsel to the President; and H. Stuart Knight, Director of the Secret Service.

Please note:

1) The order enjoins "the Defendants, their superiors, agents, and assigns" against certain acts.

2) The order applies to "the materials, including documents, tapes and other papers, known as the 'Presidential materials of the Nixon Administration' that are presently in the custody and control of the Defendants." 3) The order enjoins the persons affected "from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials." The order does <u>not</u> prohibit use of the papers for court, prosecutorial or grand jury matters, or for purposes of current government business.

Although the order by its terms does not apply to all members of the White House staff, all White House staff personnel are expected to act as if they were bound by it. Similarly, all materials and papers prepared during the Administration of President Nixon should be regarded as actually or potentially subject to the order.

Attached also is a copy of an August 9, 1974, memorandum from Jerry H. Jones on the subject of collecting and segregating "papers of the White House Office at the time of President Nixon's resignation as well as those enroute at the time and intended for him."

Based on the August 9, 1974, memorandum and the printed attachment to it, and in accordance with Judge Richey's order, I have notified counsel to Mr. Nixon and hereby give my consent that:

and the second sec

(i) The remaining papers in the files of the White House Office which have not yet been segregated and placed in storage may be used to complete implementing the August 9, 1974, memorandum.

(ii) Papers necessary for purposes of current government business shall be used for such purposes if practicable in the form of duplicated files as provided in the memorandum, and a listing of any files so duplicated shall be supplied to me.

Implementation of the August 9 memorandum shall be completed by November 1, 1974, except that no papers will be prepared, as provided in that memorandum, "for shipment." To this end, each member of the White House staff subject to the August 9 memorandum shall certify in writing to this office, by November 1, that the collection and segregation called for have been completed, and that the materials have been have been stored within the White House complex stored/as designated by the Office of Presidential Papers.

022

John Nesbitt, supervisory archivist of the Office of Presidential Papers (Ext. 2545) and his staff will be calling on you and will be available for assistance.

> Philip W. Buchen Counsel to the President

THE WHITE HOUSE

WASHINGTON

August 9, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF:

By custom and tradition, the files of the White House Office belong to the President in whose Administration they are accumulated. It has been the invariable practice, at the end of an Administration, for the outgoing President or his estate to authorize the depository or disposition to be made of such files.

President Taft in his book "Our Chief Magistrate and his Powers," made the following reference to this practice:

> "The retiring President takes with him all the correspondence, original and copies, which he carried on during his Administration. . . ."

In the interest of continuing this practice, it has been directed that, so long as President Nixon's files remain in the White House Office, there is to be no intermingling of the files of the two Administrations. This applies of course both to the Central Files and the files in the offices of the various members of the staff.

Papers of the White House Office at the time of President Nixon's resignation as well as those enroute at that time and intended for him shall be considered as belonging to the Nixon Administration files. Of course, some Nixon Administration files may be needed for future reference. These files should be duplicated and placed with all other papers accumulated after noon today which constitute a new set of files for President Ford.

Specifically, please expedite the return of all withdrawals you have made from Central Files. On Monday, August 12, archivists under the supervision of John R. Nesbitt, Office of Presidential Papers, will be available to assist in the collection and segregation of President Nixon's papers for shipment., Meanwhile, please read the attached instructions.

Verry EL. Jones

Special Assistant to the President

By custom and tradition, all White House Office papers are regarded as the personal property of the President and subject to such control and disposition as he may determine. At the close of the Administration, the entire collection of papers now being created may be expected to be deposited in a Presidential library similar to the libraries that preserve the papers of the last six Presidents. To provide the President with a complete and accurate record of his tenure in office, the White House staff must oversee the preservation of the papers it generates.

The procedures set forth in this document represents the collective thinking of many members of the staff as to how best preserve papers and documents for the President. Compliance with these procedures is an expression of loyalty by the staff to the President. For these procedures to be effective, it will require cooperation and assistance of every staff member.

The security classification of each document prepared in the White House is determined by the individual staff member writing it in accordance with Executive Order 10501—or other applicable Executive Orders. He is responsible for insuring that the classification assigned to his work reflects the sensitivity of the material concerned, and also for making certain that this classification is not excessively restrictive.

White House Office Papers: Filing with Central Files

1. It is requested that the maximum possible use be made of Central Files, and the procedures listed below be followed. This will aid in the faster and more complete retrieval of current information, eliminate unnecessary duplication of files, prevent excessive xeroxing, and maximize preservation of White House papers.

2. Each staff member shall maintain his personal files separate from any working files he may keep on official business and clearly designate them as such. Personal files include correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders of newspapers or magazine clippings; and copies of records of a personnel nature relating to a person's employment or service. Personal files should not include any copies, drafts or working papers that relate to official business or any documents orrecords, whether or not adopted, made or received in the course of official business.

3. Each staff office shall forward regularly to Central Files three copies of all outgoing official business consisting of correspondence and memoranda. One copy of all other outgoing related materials should also be filed.

4. Each staff office shall forward regularly to Central Files any incoming official business from sources other than White House staff offices after action, if any, has been taken. Each staff office, if it so desires, may keep a copy of such incoming official business for its own working files.

5. Each staff office shall forward regularly to Central Files any originals of incoming official business from other White House staff offices after action, if any, has been taken and if such originals were not intended to be returned to the sender. If desired, a copy may be kept for the staff's working files.

6. Each staff office shall forward to Central Files at such times as it determines to be appropriate all working files of official business which are inactive and no longer needed. These files will be stored by office as well as listed by subject matter. They will, of course, always be available for later reference.

7. Each staff office at its own discretion may segregate any materials that it believes to be particularly sensitive and which should not be filed by subject matter. Such sensitive materials should be forwarded to the Staff Secretary on the same basis as outlined in paragraphs 3 through 6 in an envelope marked SENSITIVE RECORDS FOR STORAGE with the office or individual from which they are sent marked on the outside and (as appropriate) a list of inventory in general terms attached. This list of inventory should also be sent to Central Files so that notations can be made in subject files that certain material is missing from the file. These materials will be filed in locked containers and will only be made available to the in-

31

By custom and tradition, all White House Office papers are regarded as the personal property of the President and subject to such control and disposition as he may determine. At the close of the Administration, the entire collection of papers now being created may be expected to be deposited in a Presidential library similar to the libraries that preserve the papers of the last six Presidents. To provide the President with a complete and accurate record of his tenure in office, the White House staff must oversee the preservation of the papers it generates.

The procedures set forth in this document represents the collective thinking of many members of the staff as to how best preserve papers and documents for the President. Compliance with these procedures is an expression of loyalty by the staff to the President. For these procedures to be effective, it will require cooperation and assistance of every staff member.

The security classification of each document prepared in the White House is determined by the individual staff member writing it in accordance with Executive Order 10501—or other applicable Executive Orders. He is responsible for insuring that the classification assigned to his work reflects the sensitivity of the material concerned, and also for making certain that this classification is not excessively restrictive.

White House Office Papers: Filing with Central Files

1. It is requested that the maximum possible use be made of Central Files, and the procedures listed below be followed. This will aid in the faster and more complete retrieval of current information, eliminate unnecessary duplication of files, prevent excessive xeroxing, and maximize preservation of White House papers.

2. Each staff member shall maintain his personal files separate from any working files he may keep on official business and clearly designate them as such. Personal files include correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders of newspapers or magazine clippings; and copies of records of a personnel nature relating to a person's employment or service. Personal files should not include any copies, drafts or working papers that relate to official business or any documents orrecords, whether or not adopted, made or received in the course of official business.

3. Each staff office shall forward regularly to Central Files three copies of all outgoing official business consisting of correspondence and memoranda. One copy of all other outgoing related materials should also be filed.

4. Each staff office shall forward regularly to Central Files any incoming official business from sources other than White House staff offices after action, if any, has been taken. Each staff office, if it so desires, may keep a copy of such incoming official business for its own working files.

5. Each staff office shall forward regularly to Central Files any originals of incoming official business from other White House staff offices after action, if any, has been taken and if such originals were not intended to be returned to the sender. If desired, a copy may be kept for the staff's working files.

6. Each staff office shall forward to Central Files at such times as it determines to be appropriate all working files of official business which are inactive and no longer needed. These files will be stored by office as well as listed by subject matter. They will, of course, always be available for later reference.

7. Each staff office at its own discretion may segregate any materials that it believes to be particularly sensitive and which should not be filed by subject matter. Such sensitive materials should be forwarded to the Staff Secretary on the same basis as outlined in paragraphs 3 through 6 in an envelope marked SENSITIVE RECORDS FOR STORAGE with the office or individual from which they are sent marked on the outside and (as appropriate) a list of inventory in general terms attached. This list of inventory should also be sent to Central Files so that notations can be made in subject files that certain material is missing from the file. These materials will be filed in locked containers and will only be made available to the inUNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

RICHARD M. NIXON

Plaintiff

ARTHUR F. SAMPSON, et al.,

VZ.

Defendants

and i

THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, et al.,

Plaintiffs

C.A. No. 74-1533

C.A. No. 74-1518

.

.

attack Entral,

ARTHUR F. SAMPSON, et al.,

Defendants

SUPPLEMENTAL ORDER

Upon consideration of the Temporary Restraining Order issued yesterday, dated October 21, 1974 at 4:20 p.m., and upon consideration of the parties' requests for certain modifications thereof, and it appearing that the parties consent to said modifications and that the same are consistent with the ends of justice, and it appearing that the aforesaid Order as well as this Supplemental Order are necessary to preserve the status quo in the above-entitled litigation, it is by the Court this $\frac{72}{2}$ M day of October, 1974,

ORDERED, that the Court's Order of October 21, 1974, be and the same is hereby amended and supplemented as follows: ORDERED, that the Motions for a Temporary Restraining Order be, and the same are hereby granted in part and denied in part; and it is FURTHER ORDERED, that the Defendants, their superiors, agents and assigns are, subject to the conditions hereinafter described in the balance of this Order, hereby enjoined from disclosing,. transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials, including documents, tapes and other papers, known as the "Presidential materials of the Nixon Administration", that are presently in the custody and control of the Defendants; and it is

FURTHER ORDERED, that the Defendants are hereby enjoined from effectuating the terms and conditions of the "Agreement" entered into by Richard M. Nixon and Arthur F. Sampson, on or about September 6, 1974, and it is

FURTHER ORDERED, that the injunction shall not serve as a bar to the production of said materials pursuant to a validly-issued subpoena, discovery demand, or court order in any civil or criminal case, either outstanding or while this injunction is extant; or to the production of said materials in regard to the ongoing Watergate criminal trial before United States District Judge John Sirica; or to the production of said material pursuant to requests by the Special Prosecutor, or to a validly issued subpoena by a Grand Jury; or to the use of said materials, with prior notification to counsel for Plaintiff Richard M. Nixon and with the consent of Defendant Philip W. Buchen, for purposes of current government business, and it is

FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said he materials for such use, but/shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is

- 3 -

FURTHER ORDERED, that any person either now or previously a member of the White House staff shall be afforded access under current access procedures established by Defendants, with or without his/her attorney present, to said materials which comprise or comprised his/her files while a member of the White House staff, and be allowed to take notes regarding the same, but not to make copies thereof, all the above solely for any purposes relating to criminal investigations or prosecutions; and it is

FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure that the search for and copying of said materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; and it is FURTHER ORDERED, that the Plaintiffs shall not be required

to post any bond; and it is

FURTHER ORDERED, that this injunction shall be effective for ten (10) days and shall be renewed upon proper application of the parties. United States District Courf for the District of Columbia

A TIUE COPY JAMES F. DAVEY, CLERK, By Galler 6 her October 22: 1974 35 Time J. in

Charles R. Richey United States District Judge

1. W.C.C

THE WHITE HOUSE

WASHINGTON

October 24, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF

SUBJECT: Court Order Regarding Presidential Materials of the Nixon Administration

Attached is a copy of a Supplemental Order of the United States District Court for the District of Columbia, by Judge Charles R. Richey, issued October 22, 1974. The Defendants are: Arthur E. Sampson, Administrator of the General Services Administration; Philip W. Buchen, Counsel to the President; and H. Stuart Knight, Director of the Secret Service.

Please note:

1) The order enjoins "the Defendants, their superiors, agents, and assigns" against certain acts.

2) The order applies to "the materials, including documents, tapes and other papers, known as the 'Presidential materials of the Nixon Administration' that are presently in the custody and control of the Defendants."

3) The order enjoins the persons affected "from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials." The order does not prohibit use of the papers for court, prosecutorial or grand jury matters, or for purposes of current government business.

Although the order by its terms does not apply to all members of the White House staff, all White House staff personnel are expected to act as if they were bound by it. Similarly, all materials and papers prepared during the Administration of President Nixon should be regarded as actually or potentially subject to the order.



Attached also is a copy of an August 9, 1974, memorandum from Jerry H. Jones on the subject of collecting and segregating "papers of the White House Office at the time of President Nixon's resignation as well as those enroute at the time and intended for him."

Based on the August 9, 1974, memorandum and the printed attachment to it, and in accordance with Judge Richey's order, I have notified counsel to Mr. Nixon and hereby give my consent that:

(i) The remaining papers in the files of the White House Office which have not yet been segregated and placed in storage may be used to complete implementing the August 9, 1974, memorandum.

(ii) Papers necessary for purposes of current government business shall be used for such purposes if practicable in the form of duplicated files as provided in the memorandum, and a listing of any files so duplicated shall be supplied to me.

Implementation of the August 9 memorandum shall be completed by November 1, 1974, except that no papers will be prepared, as provided in that memorandum, "for shipment." To this end, each member of the White House staff subject to the August 9 memorandum shall certify in writing to this office, by November 1, that the collection and segregation called for have been completed, and that the materials have been stored within the White House complex as designated by the Office of Presidential Papers.

John Nesbitt, supervisory archivist of the Office of Presidential Papers (Extension 2545) and his staff will be calling on you and will be available for assistance.

Philip W. Buchen Counsel to the President

Enclosures



UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

RICHARD M. NIXON	:
Plaintiff	:
V .	: C.A. No. 74-1518
ARTHUR F. SAMPSON, et al.,	:
Defendants	:
and	•
THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, et al.,	:
Plaintiffs	•
V.	C.A. No. 74-1533
ARTHUR F. SAMPSON, et al.,	•
Defendants	:

SUPPLEMENTAL ORDER

Upon consideration of the Temporary Restraining Order issued yesterday, dated October 21, 1974 at 4:20 p.m., and upon consideration of the parties' requests for certain modifications thereof, and it appearing that the parties consent to said modifications and that the same are consistent with the ends of justice, and it appearing that the aforesaid Order as well as this Supplemental Order are necessary to preserve the status quo in the above-entitled litigation, it is by the Court this 22nd day of October, 1974,

ORDERED, that the Court's Order of October 21, 1974, be and the same is hereby amended and supplemented as follows:

ORDERED, that the Motions for a Temporary Restraining of Order be, and the same are hereby granted in part and denied in part; and it is

COPY

COPY

FURTHER ORDERED, that the Defendants, their superiors, agents and assigns are, subject to the conditions hereinafter described in the balance of this Order, hereby enjoined from disclosing, transferring, disposing or otherwise making known to any person, be he/she private citizen or public official, the materials, including documents, tapes and other papers, known as the "Presidential materials of the Nixon Administration", that are presently in the custody and control of the Defendants; and it is

FURTHER ORDERED, that the Defendants are hereby enjoined from effectuating the terms and conditions of the "Agreement" entered into by Richard M. Nixon and Arthur F. Sampson, on or about September 6, 1974, and it is

FURTHER ORDERED, that the injunction shall not serve as a bar to the production of said materials pursuant to a validlyissued subpoena, discovery demand, or court order in any civil or criminal case, either outstanding or while this injunction is extant; or to the production of said materials in regard to the ongoing Watergate criminal trial before United States District Judge John Sirica; or to the production of said material pursuant to requests by the Special Prosecutor, or to a validly issued subpoena by a Grand Jury; or to the use of said materials, with prior notification to counsel for Plaintiff Richard M. Nixon and with the consent of Defendant Philip W. Buchen, for purposes of current government business, and it is

FURTHER ORDERED, that Plaintiff Richard M. Nixon, or his attorney, shall be afforded access to said materials under current access procedures established by Defendants for the sole purposes of preparing to testify in the Watergate trial and determining whether to raise any privileges or defenses he believes he might have in opposition to production of said materials for current government business or pursuant to requests by the Special Prosecutor or to validly-issued subpoenas, discovery demand or a court order, and if Plaintiff Richard M. Nixon shall be unable to physically do so, the government Defendants shall provide copies of said materials for such use, but he shall not disclose or divulge the contents thereof except in regard to his testimony or in response to validly-issued subpoenas, and said copies shall be returned promptly to the Defendants when such purposes have been served; and it is

3

FURTHER ORDERED, that any person either now or previously a member of the White House staff shall be afforded access under current access procedures established by Defendants, with or without his/her attorney present, to said materials which comprise or comprised his/her files while a member of the White House staff, and be allowed to take notes regarding the same, but not to make copies thereof, all the above solely for any purposes relating to criminal investigations or prosecutions; and it is

FURTHER ORDERED, that any search conducted for purposes of producing or using said materials as provided in this Order shall be conducted jointly by Defendant Philip W. Buchen, or his agent, and counsel for Plaintiff Richard M. Nixon, or his agent, and said persons shall take such steps as are necessary to assure that the search for and copying of said materials will in no way destroy or affect the original character of any of the materials, including tapes, documents or other papers referred to herein; and it is

FURTHER ORDERED, that the Plaintiffs shall not be required to post any bond; and it is

FURTHER ORDERED, that this injunction shall be effective for ten (10) days and shall be renewed upon proper application of the parties.

> /s/ CHARLES R. RICHEY Charles R. Richey United States District Judge

United States District Court for the District of Columbia A TRUE COPY

JAMES F. DAVEY, CLERK,

By <u>/s/ ESTHER E. CREIDEN</u> October 22, 1974 Time 2:35 p.m.

THE WHITE HOUSE

WASHINGTON

August 9, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF:

By custom and tradition, the files of the White House Office belong to the President in whose Administration they are accumulated. It has been the invariable practice, at the end of an Administration, for the outgoing President or his estate to authorize the depository or disposition to be made of such files.

President Taft in his book "Our Chief Magistrate and his Powers," made the following reference to this practice:

> "The retiring President takes with him all the correspondence, original and copies, which he carried on during his Administration. . . . "

In the interest of continuing this practice, it has been directed that, so long as President Nixon's files remain in the White House Office, there is to be no intermingling of the files of the two Administrations. This applies of course both to the Central Files and the files in the offices of the various members of the staff.

Papers of the White House Office at the time of President Nixon's resignation as well as those enroute at that time and intended for him shall be considered as belonging to the Nixon Administration files. Of course, some Nixon Administration files may be needed for future reference. These files should be duplicated and placed with all other papers accumulated after noon today which constitute a new set of files for President Ford.

Specifically, please expedite the return of all withdrawals you have made from Central Files. On Monday, August 12, archivists under the supervision of John R. Nesbitt, Office of Presidential Papers, will be available to assist in the collection and segregation of President Nixon's papers for shipment. Meanwhile, please read the attached instructions.

Jany Z

Special Assistant to the President

By custom and tradition, all White House Office papers are regarded as the personal property of the President and subject to such control and disposition as he may determine. At the close of the Administration, the entire collection of papers now being created may be expected to be deposited in a Presidential library similar to the libraries that **preserve the papers** of the last six Presidents. To provide the President with a complete and accurate record of his tenure in office, the White House staff must oversee the preservation of the papers it generates.

The procedures set forth in this document represent the collective thinking of many members of the staff as to how best to preserve papers and documents for the President. Compliance with these procedures is an expression of loyalty by the staff to the President. For these procedures to be effective, it will require cooperation and assistance of every staff member.

The security classification of each document prepared in the White House is determined by the individual staff member writing it in accordance with Executive Order 10501—or other applicable Executive Orders. He is responsible for insuring that the classification assigned to his work reflects the sensitivity of the material concerned, and also for making certain that this classification is not excessively restrictive.

White House Office Papers: Filing with Central Files

1. It is requested that the maximum possible use be made of Central Files, and the procedures listed below be followed. This will aid in the faster and more complete retrieval of current information, eliminate unnecessary duplication of files, prevent excessive xeroxing, and maximize preservation of White House papers.

2. Each staff member shall maintain his personal files separate from any working files he may keep on official business and clearly designate them as such. Personal files include correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders of newspapers or magazine clippings; and copies of records of a personnel nature relating to a person's employment or service. Personal files should not include any copies, drafts or working papers that relate to official business or any documents or records, whether or not adopted, made or received in the course of official business.

3. Each staff office shall forward regularly to Central Files three copies of all outgoing official business consisting of correspondence and memoranda. One copy of all other outgoing related materials should also be filed.

4. Each staff office shall forward regularly to Central Files any incoming official business from sources other than White House staff offices after action, if any, has been taken. Each staff office, if it so desires, may keep a copy of such incoming official business for its own working files.

5. Each staff office shall forward regularly to Central Files any originals of incoming official business from other White House staff offices after action, if any, has been taken and if such originals were not intended to be returned to the sender. If desired, a copy may be kept for the staff's working files.

6. Each staff office shall forward to Central Files at such times as it determines to be appropriate all working files of official business which are inactive and no longer needed. These files will be stored by office as well as listed by subject matter. They will, of course, always be available for later reference.

7. Each staff office at its own discretion may segregate any materials that it believes to be particularly sensitive and which should not be filed by subject matter. Such sensitive materials should be forwarded to the Staff Secretary on the same basis as outlined in paragraphs 3 through 6 in an envelope marked SENSITIVE RECORDS FOR STORAGE with the office or individual from which they are sent marked on the outside and (as appropriate) a list of inventory in general terms attached. This list of inventory should also be sent to Central Files so that notations can be made in subject files that certain material is missing from the file. These materials will be filed in locked containers and will only be made available to the individual or office from whom they were received.

8. No defense material classified under Executive Order No. 10501 with a classification of TOP SECRET or Restricted Data under the Atomic Energy Act of 1954 should be forwarded to Central Files. All such material should be forwarded to the Staff Secretary for storage.

9. No exceptions to the above shall be made without the express consent of the Counsel to the President. Additional advice on the operation of Central Files may be obtained from Frank Matthews, Chief of Central Files (Ext. 2240).

White House Office Papers: Disposition of Papers Upon Leaving Staff

1. Upon termination of employment with the staff, each staff member will turn over his entire files to Central Files with the exception of any personal files he might have maintained.

2. Personal files include: correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders of newspaper or magazine clippings; and copies of records of a personal nature relating to a person's employment or service. Personal files should not include any copies, drafts, or working papers that relate to official business; or any documents or records, whether or not adopted, made or received in the course of official business. The White House Office of Presidential Papers, staffed by representatives of the National Archives, is available to assist staff members in the determination of what are personal files. Any question in this regard should be resolved with their assistance by contacting John Nesbitt, supervisory archivist of the Office of Presidential Papers (Ext. 2545).

3. A staff member, upon termination of employment, may at his discretion make copies for his personal use of a carefully chosen selection of the following types of documents within his files:

(A) Documents which embody original intellectual thought contributed by the staff member, such as research work and draftsmanship of speeches and legislation.

(B) Documents which might be needed in future related work by the individual.

4. No staff members shall make copies as permitted in paragraph three of any documents which contain defense material classified as CONFI-DENTIAL, SECRET OR TOP SECRET under Executive Order No. 10501, Restricted Data under the Atomic Energy Act of 1954, or information supplied to the government under statutes which make the disclosure of such information a crime.

5. Each staff member who decides to make copies of such documents described in paragraph three shall leave a list of all such documents copied with Central Files. This will enable retrieval of a document in the event that all other copies of it and the original should be later lost.

6. The discretionary authority granted in paragraph three is expected to be exercised sparingly and not abused. All White House Office papers, including copies thereof, are the personal property of the President and should be respected as such. Any copies retained by a staff member should be stored in a secure manner and maintained confidentially.

7. All confidential and sensitive materials will be protected from premature disclosure by specific provisions of the Presidential Libraries Act of 1955 (44 U.S.C. 2108). Frederic W. Slight 194, EOB

Helen N. Smith 213, East Wing

Thym S. Smith lst Flr., W.W.

Alvin Snyder 153, EOB

Larry M. Speakes lst Flr., W.W.

Beverly J. Splane 351, EOB

Brad Patterson 182, EOB

Benjamin J. Stein 118, EOB

Paul A. Theis 115. EOR

William E. Timmons lst Flr., W.W.

LCDR T. Stephen Todd 210, East Wing

George P. Williams 106, EOB

David I. Wheat

194, EOB

Wayne H. Valis 187, EOB

Agnes M. Waldron 123, EOB

Henry F. Wanning III 2nd Flr., W.W.

Dr. Chester Ward 105, EOB

Charles W. B. Wardell III William F. Matthews West Wing

Philip Warden 125, EOB

Gerald Warren lst Flr., West Wing

Donald A. Webster 107 ----

Wilbur H. Jenkins 8, EOB

Lucy A. Winchester 200, East Wing

Lionel Olmer 340, EOB

John C. Vickerman 130, EOB

68, EOB

James R. Rogers 6, EOB



STAFF ASSISTANTS AND ABOVE

Robert Mead 1st. Flr., W.W.

Paul A. Miltich 160, EOB

Powell A. Moore 1st. Flr., W.W.

Caron A. McCannon 411, EOB

Ann M. Morgan 114, EOB

Ronald J. Naples 2nd Flr., W.W.

Jack Nesbitt 487, EOB

Ron Nessen 1st. Flr., W.W.

John E. Nidecker 346, EOB

Elizabeth Nolan 17, EOB Patrick O'Donnell 107, East Wing

Terrence O'Donnell 1st Flr., W.W.

Robert B. Off 143, EOB

Frank R. Pagnotta 281, EOB

Allen Parmenter 351, EOB

Pamela A. Powell 190, EOB

Raymond K. Price, Jr. 170, EOB

John Ratchford 1st Flr., West Wing

John W. Roberts 1st Flr., W.W.

Donald Rodgers

Eric C. Rosenberger 348, EOB

Warren S. Rustand 171, EOB

Michael A. Sammuels 2nd Flr., W.W.

William M. Scranton West Wing

Samuel A. Schulhof 134, EOB

Stanley S. Scott 179, EOB

Gen Brent Scowcroft 1st Flr., W.W.

L. William Seidman 268, EOB

Robert G. Shaw

3

W. Richard Howard 197, EOB

Nancy Howe 206, East Wing

John W. Hushen 1st Flr., W. W.

Jerry H. Jones Gr. Flr., West Wing

Sidney L. Jones 145, EOB

George A. Joulwan lst, Flr., West Wing

Karen R. Keesling 196, EOB

Robert A. Kelly 157, EOB

David H. Kennerly lst. Flr., W.W. Daniel T. Kingsley 351, EOB

Henry A. Kissinger 1st. Flr., W. W.

Virginig H. Knauer 6003, FOB #7

Noel C. Koch 126, EOB

> Tom Korologos 107, East Wing

William M. Lamont, Jr. 139, EOB

Gen. Richard L. Lawson 210, East Wing

Gregori Ledebev 139, EOB

Mildred V. Leonard Gr. Flr., W.W. Charles Lichenstein 2nd Flr., W.W.

Robert D. Linder Gr. Flr., W.W.

Patricia S. Lindh 198, EOB

Vernon C. Loen 112, East Wing

Dr. William Lukash Residence

Theodore C. Marrs 103, EOB

John O. Marsh, Jr. 1st. Flr., W.W.

Patricia J. Matson 208, East Wing

Nancy Lammerding 200, East Wing

Kenneth L. Khachigian

Andre Le Tendre

Fernando E. DeBoca 197, EOB Jay T. French lst. Flr., W. W.

Dianna R. Gwin Gr. Flr., West Wing

Thomas P. DeCair 1st Flr., W.W.

Dorothy E. Downton 1st. Flr., W.W.

Roland Elliott 94, EOB

Jeffrey P. Eves 187, EOB

Andrew Falkiewicz 165, EOB

Michael J. Farrell 100 East Wing

J. Curtis Fee 143, EOB

Mary Alice Fenton 94, EOB

Sanford L. Fox 202, East Wing

Max Friedersdorf 112, East Wing

Milton A. Friedman 114, EOB

Gertrude B. Fry 84, EOB

Leonard Garment 182, EOB

David R. Gergen 115, EOB

Alan Greenspan 134, EOB

Bill Gulley 210, East Wing

John S. Guthrie 168, EOB Robert T. Hartmann 1st Flr., West Wing

Eliska A. Hasek 117, EOB

William Henkel, Jr. 348, EOB

Lawrence M. Higby 253, EOB

Anne E. Higgins 98, EOB

James R. Holland 157, EOB

James H. Holmes 94, EOB

David C. Hoopes

Lawrence Adams (Gen.USA) 590, EOB

Wilburn E. Ainsworth, Jr. 112, East Wing

Adm. George Anderson 300, EOB

Gwen Anderson 271, EOB

Anne Armstrong West Wing

Phillip E. Areeda West Wing

Roy Ash 2nd Floor, W.W.

Oliver F. Atkins West Wing

Aram Bakshian, Jr. 118, EOB

William J. Baroody, Jr. 100, EOB

Maj. Robert Barrett 210, East Wing

John C. Calhoun 179, EOB

Judy E. Berg-Hansen 17, EOB

Lt. Col. Robert E. Blake Dorothy Cavanaugh 210, East Wing

John L. Borling 191, EOB

James Broch 277, EOB

Patrick J. Buchanan 112, EOB

Philip W. Buchen lst Floor, W.W.

Dean Burch 2nd Flr, W.W.

Wheaton B. Byers 340, EOB

John C. Carlson 153, EOB

Gr. Flr., W.W.

Byron M. Cavaney, Jr. 348, EOB

Dudley H. Chapman 106, EOB

Ken W. Clawson 160, EOB

Kenneth Cole, Jr. 2nd Flr., W.W.

John Coyne 118, EOB

Jane M. Dannenhauer 43, EOB

Eva A. Daughtrey lst Fir

Kenneth A. Lazarus 186, EOB

Kenneth A. Lazarus 186, EOB

Richard P. Cheney West Wing

Donald S. Lowitz 188-1/2, EOB

Donald Murdoch 188-1/2, EOB

William N. Walker 134, EOB

Louis M. Thompson West Wing

William W. Nicholson 174, EOB

William E. Casselman II 106, EOB Tod R. Hullin 228, EOB

Michael Raoul-Duval 216, EOB

James H. Cavanaugh 220, EOB

Glenn Schleede 187, EOB

Norm Ross 187, EOB

Jam**es** H. Falk

231, EOB

Warren K. Hendriks, Jr. West Wing

Dana G. Mead 216, EOB

Goeffrey C. Shepard 234, EOB

Badiqui Patterso, dr. 192, tob

Roger D. Semerod 220, EOB

THE WHITE HOUSE

WASHINGTON August 9, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF:

By custom and tradition, the files of the White House Office belong to the President in whose Administration they are accumulated. It has been the invariable practice, at the end of an Administration, for the outgoing President or his estate to authorize the depository or disposition to be made of such files.

President Taft in his book "Our Chief Magistrate and his Powers," made the following reference to this practice:

> "The retiring President takes with him all the correspondence, original and copies, which he carried on during his Administration. . . ."

In the interest of continuing this practice, it has been directed that, so long as President Nixon's files remain in the White House Office, there is to be no intermingling of the files of the two Administrations. This applies of course both to the Central Files and the files in the offices of the various members of the staff.

Papers of the White House Office at the time of President Nixon's resignation as well as those enroute at that time and intended for him shall be considered as belonging to the Nixon Administration files. Of course, some Nixon Administration files may be needed for future reference. These files should be duplicated and placed with all other papers accumulated after noon today which constitute a new set of files for President Ford.

Specifically, please expedite the return of all withdrawals you have made from Central Files. On Monday, August 12, archivists under the supervision of John R. Neshitt, Office of Presidential Papers, will be available to assist in the collection and segregation of President Nixon's papers for shipment. Meanwhile, please read the attached instructions.

> (Jerry E. Johes Special Assistant to the President

WHITE HOUSE OFFICE PAPERS

By custom and tradition, all White House Office papers are regarded as the personal property of the President and subject to such control and disposition as he may determine. At the close of the Administration, the entire collection of papers now being created may be expected to be deposited in a Presidential library similar to the libraries that preserve the papers of the last six Presidents. To provide the President with a complete and accurate record of his tenure in office, the White House staff must oversee the preservation of the papers it generates.

The procedures set forth in this document represents the collective thinking of many members of the staff as to how best preserve papers and documents for the President. Compliance with these procedures is an expression of loyalty by the staff to the President. For these procedures to be effective, it will require cooperation and assistance of every staff member.

The security classification of each document prepared in the White House is determined by the individual staff member writing it in accordance with Executive Order 10501—or other applicable Executive Orders. He is responsible for insuring that the classification assigned to his work reflects the sensitivity of the material concerned, and also for making certain that this classification is not excessively restrictive.

White House Office Papers: Filing with Central Files

1. It is requested that the maximum possible use be made of Central Files, and the procedures listed below be followed. This will aid in the faster and more complete retrieval of current information, eliminate unnecessary duplication of files, prevent excessive xeroxing, and maximize preservation of White House papers.

2. Each staff member shall maintain his personal files separate from any working files he may keep on official business and clearly designate them as such. Personal files include correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders of newspapers or magazine clippings; and copies of records of a personnel nature relating to a person's employment or service. Personal files should not include any copies, drafts or working papers that relate to official business or any documents orrecords, whether or not adopted, made or received in the course of official business.

3. Each staff office shall forward regularly to Central Files three copies of all outgoing official business consisting of correspondence and memoranda. One copy of all other outgoing related materials should also be filed.

4. Each staff office shall forward regularly to Central Files any incoming official business from sources other than White House staff offices after action, if any, has been taken. Each staff office, if it so desires, may keep a copy of such incoming official business for its own working files.

5. Each staff office shall forward regularly to Central Files any originals of incoming official business from other White House staff offices after action, if any, has been taken and if such originals were not intended to be returned to the sender. If desired, a copy may be kept for the staff's working files.

6. Each staff office shall forward to Central Files at such times as it determines to be appropriate all working files of official business which are inactive and no longer needed. These files will be stored by office as well as listed by subject matter. They will, of course, always be available for later reference.

7. Each staff office at its own discretion may segregate any materials that it believes to be particularly sensitive and which should not be filed by subject matter. Such sensitive materials should be forwarded to the Staff Secretary on the same basis as outlined in paragraphs 3 through 6 in an envelope marked SENSITIVE RECORDS FOR STORAGE with the office or individual from which they are sent marked on the outside and (as appropriate) a list of inventory in general terms attached. This list of inventory should also be sent to Central Files so that notations can be made in subject files that certain material is missing from the file. These materials will be filed in locked containers and will only be made available to the individual or office from whom they were received. 8. No-defense materia "assified under Executive Order No. 10501 with a classification of TOP SEURET or Restricted Data under the Atomic Energy Act of 1054 should be forwarded to Central Files. All such material should be forwarded to the Staff Secretary for storage.

9. No exceptions to the above shall be made without the express consent of the Counsel to the President. Additional advice on the operation of Contral Files may be obtained from Frank Matthews, Chief of Central Files (Ext. 2240).

White House Office Papers: Disposition of Papers Upon Leaving Staff

1. Upon termination of employment with the staff, each staff member will turn over his entire files to Central Files with the exception of any personal files he might have maintained.

2. Personal files include: correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicale; daily appointment books or log books; folders of newspaper or magazine clippings; and copies of records of a personal nature relating to a person's employment or service. Personal files should not include any copies, drafts, or working papers that relate to official business; or any documents or records, whether or not adopted, made or received in the course of official business. The White House Office of Presidential Papers, staffed by representatives of the National Archives, is available to assist staff members in the determination of what are personal files. Any question in this regard should be resolved with their assistance by contacting John Nesbitt, supervisory archivist of the Office of Presidential Papers (Ext. 2545).

3. A staff pomber, upon termination of employment, may a sis distriction make copies for his personal use of a carefully chosen selection of the following types of documents within his files:

(A) Documents which embody original intellectual thought contributed by the staff member, such as research work and draftsmanship of speeches and legislation.

(B) Documents which might be needed in future related work by the individual.

4. No staff members shall make copies as permitted in paragraph three of any documents which contain defense material classified as CONFI-DENTIAL, SECRET OR TOP SECRET under Executive Order No. 10501, Restricted Data under the Atomic Energy Act of 1954, or information supplied to the government under statutes which make the disclosure of such information a crime.

5. Each staff member who decides to make copies of such documents described in paragraph three shall leave a list of all such documents copied with Central Files. This will enable retrieval of a document in the event that all other copies of it and the original should be later lost.

6. The discretionary authority granted in paragraph three is expected to be exercised sparingly and not abused. All White House Office papers, including copies thereof, are the personal property of the President and should be respected as such. Any copies retained by a staff member should be stored in a secure manner and maintained confidentially.

7. All confidential and sensitive materials will be protected from premature disclosure by specific provisions of the Presidential Libraries Act of 1955 (44 U.S.C. 2103).