

The original documents are located in Box 45, folder “President - Gifts Nixon Gifts” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE
WASHINGTON

Barry made
this copy
of the
affidavit
of 8/29
for you



Thursday 8/29/74

5:05 Jerry Jones said to tell you he has removed the material from Room 429. He took Marg Acker with him so she would be comfortable about it. Received the gift unit records (3 boxes) and he will put them in the vault. Will send you the receipts.



DISTRICT OF COLUMBIA)
)
CITY OF WASHINGTON)

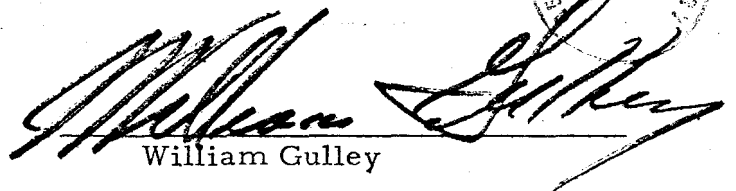
AFFIDAVIT

William Gulley, being duly sworn, deposes and says:

I am familiar with the contents of certain boxes and envelopes stored in Room 429 of the Executive Office Building. The content of the packaged material is as follows:

- 14 boxes - Speeches given by Mr. Nixon between 1965 and January, 1969.
- 12 boxes - Mrs. Nixon's correspondence files and unanswered correspondence.
- 1 box - Miscellaneous items bearing the name of former President Nixon which were removed from Air Force 1.
- 5 boxes - Personalized playing cards (from Air Force 1).
- 2 brief cases of Ronald Ziegler containing Ziegler's personal papers.
- 7 boxes and 1 package containing the clothes and personal property of Colonel Brennan.
- 1 box of movie film and rewind equipment.
- 1 envelope containing a photograph belonging to Ann Grier.
- 1 envelope containing the medical records of Lieutenant Colonel Brennan.

None of the foregoing contain papers of former President Nixon or any official documents.


William Gulley

Sworn to and subscribed
before me this 29th day of
August, 1974.



DISTRICT OF COLUMBIA)
)
CITY OF WASHINGTON)

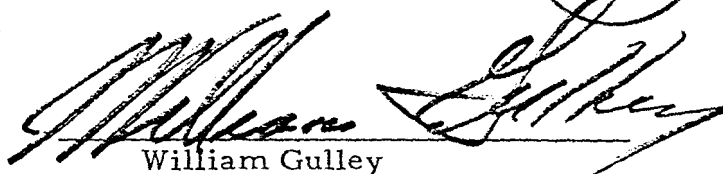
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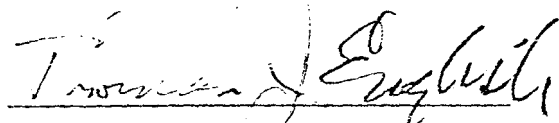
None of the foregoing contain papers of former President Nixon or any official documents.


William Gulley

Sworn to and subscribed

before me this 29th day of

August, 1974.


Thomas J. English

10/2/74

To: Barry Roth

From: Jay French

What is the resolution of this matter.



EXECUTIVE OFFICES:
SUITE 202, CROSSROADS BUILDING
SOUTH MIAMI, FLORIDA 33143



PHONE: (305) 666-5944

September 24, 1974

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

Dear Mr. Buchen:

As per my telephone conversation today with Jay French of your office, we would like to request that the 28' Hydrofoil presented to President Nixon in 1972 by Leonid Brezhnev be displayed at the annual Miami Boat Show, October 18-23, in Miami, Florida.

The Hydrofoil is presently located at the Coast Guard Station off of the MacArthur Causeway on Miami Beach, currently under the auspices of the Coast Guard.

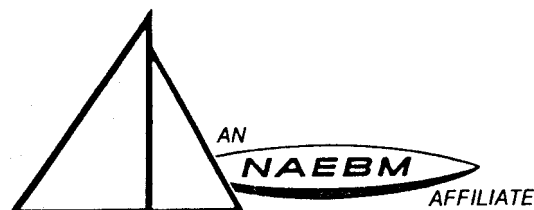
Kindly let me know what steps may be taken to have this boat displayed before the public during this six-day period.

Thank you for your kind cooperation, I look forward to hearing from you.

Sincerely,

Larry Perl
Larry Perl
President

LP/ys



THE WHITE HOUSE
WASHINGTON

October 3, 1974

Dear Mr. Crawford:


This is in reply to your letter of August 23, 1974, in which you requested access to the records of the White House Gift Unit with respect to foreign gifts (as defined in the Foreign Gifts and Decorations Act of 1966, 5 U.S.C. 7342, 22 U.S.C. 2621, et seq., and regulations of the Department of State, 22 CFR, part 3) received by former President Richard Nixon.

In accordance with information previously provided to representatives of the General Accounting Office, I wish to confirm that these records were turned over to the Office of Protocol, Department of State, on September 27, 1974. It is the understanding of this office that the Department of State will make available for inspection by GAO personnel the records of foreign gifts as defined by law, once they have been sorted out from other records delivered to them. I suggest, therefore, that you contact the Department of State directly to make the necessary arrangements for access.

The procedures for the handling of foreign gifts to President Ford and the First Family are now being developed. As soon as these procedures have been finalized, I would be pleased to respond to your request with respect to foreign gifts to President Ford.

I regret the delay in responding to your letter and do hope that these arrangements are satisfactory for your purposes.

Sincerely,



Philip W. Buchen
Counsel to the President

Mr. Irvine Crawford
Associate Director
General Accounting Office
Washington, D.C. 20548



THE WHITE HOUSE

WASHINGTON

October 3, 1974

MEMORANDUM FOR: Phil Buchen
FROM: Bill Casselman
SUBJECT: GAO Requests

The attached letter to GAO is in response to their letter to you of August 23, and subsequent telephone conversations with this office. Although the letter responds to the issue of access to the Nixon foreign gift records, decisions remain to be made with respect to the following requests from GAO:

1. Access to the Ford foreign gift records (contained in the August 23 letter to you).
2. Access to the Gift Unit personnel to discuss the procedures used in handling foreign gifts to President Ford and former President Nixon (oral request to my office).
3. Access to the Gift Unit personnel to discuss the handling and selection of gifts from President Ford and former President Nixon to foreign heads of state, etc. (oral request to my office).

My recommendation is that GAO be granted such access after we have established the policies and procedures for the handling of foreign gifts to the President and the First Family. Since Ken Lazarus is working on the latter issue, I shall leave it to him to get back to GAO on decisions 1 through 3, above.

Enclosure

cc: Phil Areeda
Ken Lazarus



For
"Gifts" file

THE WHITE HOUSE
WASHINGTON

Ambassador Gatto
- check on his
memo to Rumstfeld
re refusing foreign
gifts.





COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

SEP 10 1974

B-159008

The Honorable Jack Brooks
Chairman, Government Activities
Subcommittee
Committee on Government Operations
House of Representatives

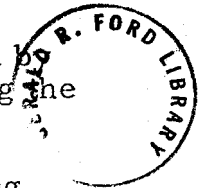
Dear Mr. Chairman:

Your letter of June 11, 1974, requested that we have the Chief of Protocol provide for our visual inspection of the following gifts received by former President Richard M. Nixon and various members of his family which were described in a May 14, 1974, Washington Post news article.

<u>Gift description</u>	<u>Donor</u>	<u>Recipient</u>
Matched set of emeralds and diamonds (necklace, bracelet, earrings, ring, and brooch)	Prince Fahd of Saudi Arabia	Mrs. Richard Nixon
Shoulder-length pair of earrings set with marquise diamonds and cabachon rubies	King Faisal of Saudi Arabia	Mrs. Richard Nixon
Diamond bracelet, containing a watch concealed in the clasp	Prince Sultan of Saudi Arabia	Mrs. Richard Nixon
Diamond and ruby brooch	Prince Sultan of Saudi Arabia	Mrs. Julie Eisenhower
Diamond and sapphire brooch	Prince Sultan of Saudi Arabia	Mrs. Tricia Cox

We inspected and accounted for four of the gifts. Photos taken of these items are enclosed. There is some question concerning the fifth gift--the diamond and sapphire brooch given Mrs. Cox.

The Foreign Gifts and Decorations Act of 1966 and implementing regulations require any Government employee receiving a gift in excess of \$50 in value from a foreign government to deposit that gift with the Chief of Protocol.



The Office of Protocol had not obtained information on gifts received from U.S. Presidents. The Office told us that information on and access to gifts received by President Nixon and members of his family would have to be obtained from the White House.

On May 22, 1974, we sent a letter to the Counsel to the President requesting access to the records maintained by the White House Gift Unit. The request was under consideration when President Nixon resigned, and we were unable to obtain a response to our request thereafter.

On August 23, 1974, we submitted a request to President Gerald R. Ford's legal counsel, Mr. Philip W. Buchen, for access to these records. We are awaiting his response.

Although White House officials have not provided us with access to President Nixon's gifts or gift records, we did obtain access, on August 19, 1974, to a large number of the gifts he and members of his family received which are in storage at the National Archives pending instructions for their shipment to another Federal depository. Officials of the Archives granted us access to the gifts but did not know whether the stored items represented all the gifts the President received.

Using an inventory of the items being stored at the Archives, we were able to locate and visually inspect the first four of the five gifts described above. We were unable to locate an item with the same description as the diamond and sapphire brooch given Mrs. Cox by Prince Sultan.

The four gifts inspected were found to be of the general physical description given in the news article and were tagged with cards which noted the donors as being those noted in the news article. Since we did not have the technical expertise, we did not attempt to verify the authenticity of the jewels or to appraise their value.

The Washington Post news article contained a photo of an inventory card maintained by the White House Gift Unit. This card recorded three gifts given by Prince Sultan and noted that the brooch of sapphires and diamonds for Mrs. Cox was not received in the Gift Unit.

We were unable to locate a sapphire and diamond brooch on the inventory at the National Archives of gifts received by the first family from heads of foreign states. The inventory did show an emerald and diamond brooch, rather than the sapphire and diamond brooch, as



having been received by Mrs. Cox from Prince Sultan but did not indicate when the brooch was received. We visually inspected this brooch, and its jewels appeared to be emeralds and diamonds. Without access to basic gift records showing gifts received by date, donors, description, etc., we are unable to determine whether this is the same brooch referred to in the Washington Post news article or an additional gift which was received.

As requested by the Chairman, Senate Committee on Foreign Relations, we are reviewing the policy and procedures governing the controls over gifts received by U.S. employees from foreign governments; we plan to recommend various corrective measures in those instances where improvements in the controls are warranted.

We do not plan to distribute this report further, unless you agree or publicly announce its contents.

Sincerely yours,

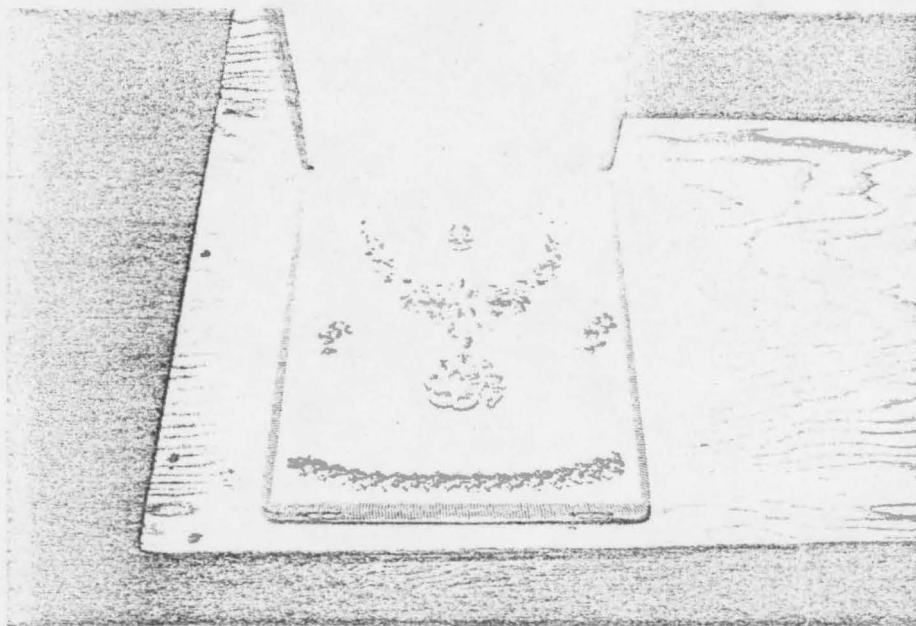
SIGNED ELMER B. STAATS

Comptroller General
of the United States

Enclosure



MATCHED SET OF EMERALDS AND
DIAMONDS PRESENTED TO MRS. NIXON BY
PRINCE FAHD OF SAUDI ARABIA



SHOULDER-LENGTH PAIR OF EARRINGS
SET WITH MARQUISE DIAMONDS AND CABACHON RUBIES
PRESENTED TO MRS. NIXON BY KING FAISAL OF SAUDI ARABIA

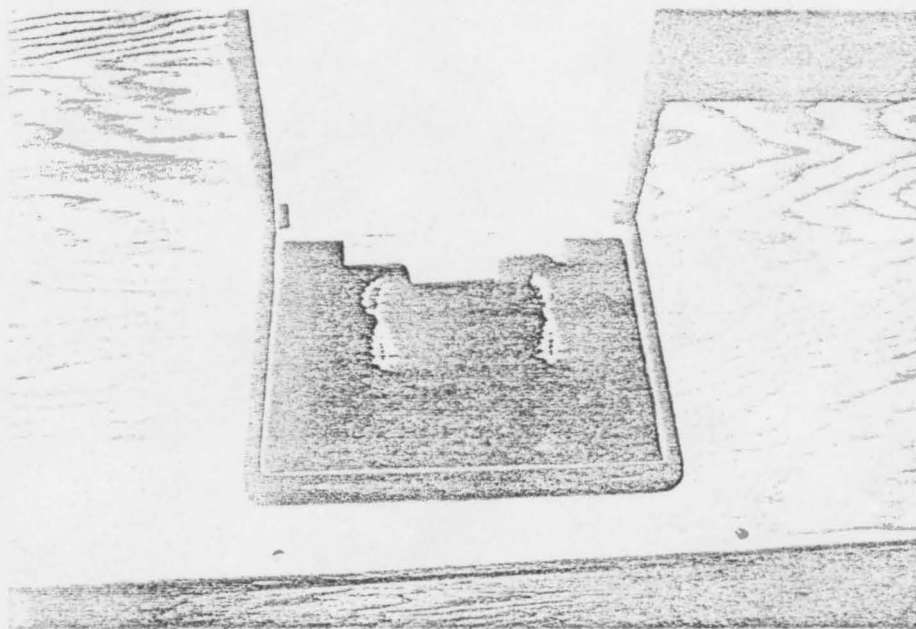
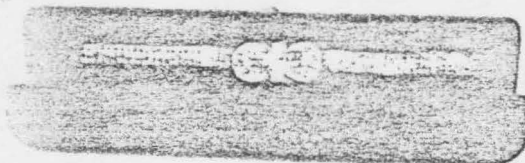


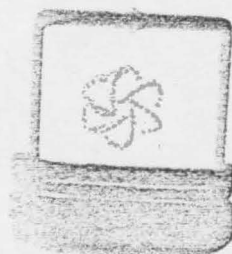
PHOTO TAKEN BY GAO AT NATIONAL
ARCHIVES ON AUGUST 26, 1974



DIAMOND BRACELET, CONTAINING A WATCH
CONCEALED IN THE CLASP PRESENTED TO MRS. NIXON
BY PRINCE SULTAN OF SAUDI ARABIA



DIAMOND AND RUBY BROOCH
PRESENTED TO MRS. JULIE EISENHOWER
BY PRINCE SULTAN OF SAUDI ARABIA



late
/ d



August 28, 1974

To: Bill Casselman

From: Phil Buchen

**Urgent -- and please call
me back on the attached.**





UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

AUG 23 1974

Mr. Philip W. Buchen
Counsel to the President
The White House

Dear Mr. Buchen:

At the request of the Senate Committee on Foreign Relations the General Accounting Office is reviewing the administration and operations of the Foreign Gifts and Decorations Act of 1966, and subsequent legislation, executive orders and regulations. Pursuant to this request we are attempting to identify the procedures followed by Government agencies and the Presidents and Vice Presidents in recording, controlling, and disposing of gifts and decorations received from foreign governments.

We have been advised by officials of the Office of Protocol of the Department of State that a White House Gift Unit records and controls gifts and decorations received by the President and members of the first family.

In order that we may respond fully to the Committee's request we need to satisfy ourselves as to the Gift Unit's records, controls, and disposition of such gifts and decorations. Accordingly, we would appreciate your assistance in obtaining access to the records maintained by the Gift Unit on gifts received by President Gerald R. Ford and former President Richard M. Nixon.

We requested access to records of gifts received by former President Nixon on May 22, 1974 (letter attached). The matter was under consideration when President Nixon resigned but no response was made to our request.

If you require any further information concerning this matter, please contact Mr. Harry R. Finley, Audit Manager-in-Charge by telephoning 632-1588.

Sincerely yours,

for *Charles P. Crawford*
Irvine M. Crawford
Associate Director



Attachment

No one —
except

Casselman
might know

referred
to him

suggested
D. J. Char
Casselman



GAO

Friday 9/20/74

9:00 Ed Dutcher of GAO said they sent a letter on 7/15 to Mr. Buzhardt concerning a request of Sen. Proxmire to look at Presidential gifts -- those of the President to others. They are asking who is handling this now that Mr. Buzhardt is gone???

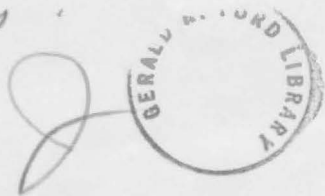
632-1588



To Ken -

FR: Mr. B

This has been here
a while - Mr. B
wants you to
please act on
this .

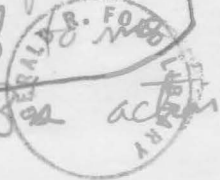


Eva—

(1) please review
memo attached
on gifts and
set up 'gifts'
file.

(2) on the subj. of
Buick Request

give back
for Mr. B's action
file



Wednesday 8/21/74

*Buige
Francis*

12:45 Mr. Francis Buige (GAO) called transition office
and Jerry Jones, previously.

632-1588

Wants access to certain records belonging to Mr. Nixon.
(Gift card records maintained by the White House
Gift Unit)

I asked who the person was who had requested them.
He said it was a Congressional request -- from the
office of Senator John Sparkman.

I suggested I would have to check with someone --
but he said he had been through this for months trying
to get access and hadn't been able to ----- that the
files had gone and they needed access.

Suggested he might write a formal request so that the
Counsel could ascertain which files he ~~had~~ in mind
and then could act on his request.

He said he had done that before ---- then said to forget it!

Eva

*8/22/74 Will send letter &
expects reply in week*



GENERAL

GIFTS AND DECORATIONS TO V.P.
THE VICE PRESIDENT
CHRON - Casselman

July 16, 1974

MEMORANDUM FOR THE VICE PRESIDENT

SUBJECT: Acceptance of Gifts and Decorations

As you requested, my office has reviewed the statutes and regulations pertaining to the acceptance of gifts by the Vice President. We also have undertaken discussions of this subject with the Department of Justice, the Department of State, the Office of Counsel to the President, and the White House Gift Unit. In addition to the following summary of the applicable body of law, we offer several recommended guidelines for the acceptance of gifts by the Vice President, consistent with your stated objective that there should be no question as to the propriety of your personal financial affairs.

Gifts and Decorations from Foreign Governments

Article I, Section 9 of the Constitution provides, inter alia:

" . . . no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept any present, emolument, office, or title, of any kind whatsoever, from any king, prince, or foreign state." Pursuant to the Foreign Gifts and Decorations Act of 1966 (5 U.S.C. 7342, 22 U.S.C. 2621 et. seq.), Congress has consented to the acceptance and retention of certain types of foreign gifts by Federal employees, including elected officials.

Under Executive Order 11320 (December 12, 1966), the Secretary of State was delegated authority to issue rules and regulations carrying out the purposes of the 1966 Act. The Secretary of State has issued comprehensive regulations governing the acceptance of foreign gifts and decorations by Federal employees, as well as members of their families who are also residents of the official's household (22 CFR, part 3). In general, these regulations permit the acceptance of "table favors, mementos, remembrances, or other tokens bestowed at official functions, and other gifts of minimal value received as souvenirs or marks of courtesy from a foreign Government" (22 CFR 3.5(b)). A gift of minimal value is defined to include "any present or other thing, other than a decoration, which has a retail value in excess of \$50 in the United States" (22 CFR 3.3(a)).



Where the gift in question is of more than minimal value, the regulations provide:

" . . . the donor should be advised that it is contrary to the policy of the United States for persons in the service thereof to accept substantial gifts. If, however, the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely affect the foreign relations of the United States, the gift may be accepted, and shall be deposited with the Chief of Protocol for disposal" 22 CFR 3.5(c).

The regulations further provide that any gift which becomes the property of the United States:

" . . . may be retained for official use by the appropriate agency with the approval of the Chief of Protocol. Gifts and decorations not so retained shall be forwarded to the General Services Administration by the Chief of Protocol for transfer, donation, or disposal in accordance with such instructions as may be furnished by that official" (22 CFR 3.6).

The Department of State has advised that should you wish to retain for official use any foreign gift in excess of \$50 which has been accepted by you on behalf of the United States, a request should be made to the Chief of Protocol for such use in connection with your office. Acceptance and use of such gifts in your private capacity is prohibited by law. Since it is to be expected that a significant volume of foreign gifts will be made to you as Vice President, arrangements may be made with the Chief of Protocol for all foreign gifts to remain intact within your office, and for such gifts to be displayed or stored after you have left public office within the Department, National Archives, Smithsonian Institution, or other institution (e.g., University of Michigan) acceptable to the Government as provided in 22 CFR 3.6. In this manner, these gifts would clearly remain the property of the United States, reflecting their historical and ceremonial role in your conduct of diplomatic relations as Vice President.

These same laws and regulations also pertain to decorations from foreign governments "which have been awarded for outstanding or unusually meritorious performance." (22 CFR 3.5(d)). These may be accepted by you with the concurrence of the Chief of Protocol, irrespective of any intrinsic value of the decoration itself. There appears to be little practical difficulty here since the acceptance of foreign decorations, as a matter of policy coordination, is usually cleared in advance with the Chief of Protocol. You may retain for your own use any such decorations. However, it would seem preferable that these be kept intact for display or storage purposes.



Other Gifts

The only specific body of law applicable to the propriety of acceptance of gifts from other than foreign governments is that dealing with bribery and standards of conduct for federal officials, primarily contained in Chapter 11 of Title 18, of the United States Code. There is no question that you should not accept any gift that is, or would appear to be, inconsistent with the public policy that lies behind these criminal statutes.

Generally, these statutes prohibit the acceptance of a gift that is intended in any way to influence official conduct. As Vice President your official actions, including functions assigned by statute or by the President, could conceivably involve all executive departments and agencies. Great care must be taken to assure that you do not accept any gift that is intended to influence your official actions, or a gift that would even appear to represent a conflict of interest. As a general rule, it is the wiser course of action to avoid accepting gifts from persons or organizations that do, or seek to do, business with Executive departments or agencies or that are regulated by the Federal Government.

The Office of Legal Counsel of the Department of Justice has advised that the Standards of Conduct applicable to your staff (3 CFR, part 100) are not binding upon the Vice President. However, it would seem prudent for you to avoid placing yourself in a situation that is in any way inconsistent with the purpose and intent of these standards, which is that no government official should financially profit from his official position, or be influenced in any way in the performance or non-performance of his official duties.

It has been the policy of the President to accept most unsolicited gifts, subject to review by counsel in certain cases which might involve conflicts of interest. Since it would be a considerable administrative burden, and perhaps ingracious, to return all unsolicited gifts, such gifts have traditionally been accepted for eventual deposit in a Presidential Library. Letters of acknowledgement are prepared for Presidential signature except when the gift might be controversial or when it is to be returned. This protects the President from any potential embarrassment as a result of his name being misused by the donor. Any gifts conditioned upon the expressed or implied endorsement of a product are refused. Under no circumstances are gifts solicited.

Your predecessor's policies with respect to the procedures utilized for the acceptance of gifts are contained in the summary that is attached at Tab A. He placed most foreign and other gifts received by him in



courtesy storage at the National Archives, without separating those that were the property of the United States from those that were his personal property. Upon his leaving office segregation of the gifts was undertaken. It is recommended that segregation be undertaken prior to placing any gifts in storage.

With respect to the tax treatment of gifts, section 102(a) of the Internal Revenue Code exempts from inclusion in gross income the value of any property acquired by gift. Were you to accept a gift and later donate it to charity within the meaning provided in the Code, you would be entitled to an income tax deduction for that gift, valued at the basis of the gift in the hands of the original donor. As a charitable gift, such gifts would not expose you to gift tax liability as they are specifically exempted by section 2522 of the Internal Revenue Code.

While charitable gifts may be highly desirable from the standpoint of assisting worthy causes, the recent focus on income tax treatment by public officials for charitable deductions would weigh against taking income tax deductions for such gifts. However, unlike the problem posed in directing non-governmental compensation or honoraria to charities, there are no negative tax aspects from the standpoint of either gift or income taxes. Were you inclined towards a tax deduction, you should, however, consider this in light of your estate plan. If you were to delay such gifts to provide for the passage of title by will, this would increase the maximum allowable marital deduction, thus benefitting your wife, should she survive you.

WILLIAM E. CASSELMAN II
Legal Counsel to the Vice President

Enclosure

cc: Mr. Hartmann

WECasselma:bw 7/16/74



3. VICE PRESIDENTIAL GIFTS

Gifts Received by the Vice President. Vice Presidents traditionally receive numerous gifts from the public as well as from foreign dignitaries and Heads of State. While the former are the Vice President to dispose of as he sees fit, the latter are considered to be the property of the United States Government. The Protocol Office of the Department of State advises that gifts from foreign dignitaries should eventually be turned over to the Department for appropriate disposition.

Documentation of Gifts. A card index should be created to keep a record of the gifts received by the Vice President. The card should include the following minimum information: name and address of the donor, date of donation, a clear and precise description of the item, and a note as to the disposition of the item. It might also be helpful to note the date of the letter of acknowledgment. The White House Gift Unit photographs the more valuable and/or unusual gifts received by the President. A small copy of the photograph may be attached to the card.

Storage of Gifts. The storage of gifts requires special handling and care. GSA packs and boxes items for the White House Gift Unit. In a manner similar to that recommended for the storage of Vice Presidential Papers, boxes containing gifts for storage should be inventoried, numbered, clearly identified to facilitate retrieval, and placed in a secure location.





UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

JUL 15 1974

Mr. J. Fred Buzhardt
Counsel to the President
The White House

Dear Mr. Buzhardt:

At the request of Senator William Proxmire the General Accounting Office is initiating a review of gifts given to any foreign recipient or U.S. citizen by U.S. Presidents since 1960. Our interest will include such matters as a description of the gifts, their costs and dates of transfer, the recipients, the purpose of the gifts and the source of funds used to purchase the gifts. We will also include any gifts given or donated by U.S. private organizations, associations, or companies and transferred to foreign recipients on behalf of the United States. We would appreciate your assistance in notifying the appropriate officials concerning this review.

The work will be performed by staff members of our Foreign Affairs Group. Any questions you have regarding this review may be directed to Mr. Harry Finley, Audit Manager-in-Charge, or Mr. Edward Dutcher, Supervisory Auditor, by telephoning 632-1538.

Sincerely yours,

Charles P. McAuley
Charles P. McAuley
Assistant Director



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

GENERAL GOVERNMENT
DIVISION

MAY 22 1974

Mr. J. Fred Buzhardt
Counsel to the President
The White House

Dear Mr. Buzhardt:

At the request of the Senate Committee on Foreign Relations the General Accounting Office is reviewing the administration and operations of the Foreign Gifts and Decorations Act of 1966, and subsequent legislation, executive orders and regulations. Pursuant to this request we are attempting to identify the procedures followed by Government agencies and the Presidents and Vice Presidents in recording, controlling, and disposing of gifts and decorations received from foreign governments.

We have been advised by officials of the Office of Protocol of the Department of State that a White House Gift Unit records and controls gifts and decorations received by the President and members of the first family.

In order that we may respond fully to the Committee's request we need to satisfy ourselves as to the Gift Unit's records, controls, and disposition of such gifts and decorations. Accordingly, we would appreciate your assistance in obtaining access to the records maintained by the Gift Unit. If you require any further information concerning this matter, please contact Mr. Harry R. Finley, Audit Manager-in-Charge by telephoning 632-1566.

Sincerely yours,

Charles P. McAuley


/s/ Irvine M. Crawford
Associate Director



THE WHITE HOUSE

WASHINGTON

October 7, 1974

MEMORANDUM FOR: Phil Buchen
FROM: Bill Casselman 
SUBJECT: Foreign Gift Records

On September 27, all of the records of the White House Gift Unit which reflect gifts received from foreign sources by President Nixon and the First Family from January 20, 1969 until August 9, 1974, were transferred to the Department of State. The transfer was undertaken with the concurrence of attorneys for the former President, the Office of the Watergate Special Prosecution Force, and The Washington Post (which had requested access to the records). The transfer was made with the understanding that the Department would remove and retain all records reflecting foreign gifts as defined in the Foreign Gifts and Decorations Act of 1966 and implementing regulations. (This would include records of any thing, other than a decoration, received from a foreign government or an official, agent, or representative thereof, having a retail value in excess of \$50.00). The remaining records would be returned to the White House and secured with the other records of the former President under the terms of the September 6 Nixon-Sampson agreement. Copies of the records of foreign gifts, as defined in the 1966 Act, would then be released by the Department of State to the public upon request, subject only to possible withholding under the Freedom of Information Act.

There are no gifts to former President Nixon and his family from foreign sources in the custody of the White House. All gifts, except those which might have been retained by the former President and his family, are now in the custody of the National Archives and Records Service. Foreign gifts received from Heads of State have been specially secured in approximately 118 "Head of State" boxes at the Archives. These boxes are believed to contain only foreign gifts as defined by the Act. A special inventory of such gifts was provided to the Department of State on October 2. Through



the use of this inventory the Department should be able to rapidly analyze and segregate those records of major foreign gifts and provide for their early release. The Department hopes to release the Head of State records this week or early next week, with the records of gifts from lesser officials of foreign governments to follow in due course.

As indicated in my memorandum to you of October 3 (attached at Tab A), some decisions still remain to be made with respect to certain requests from GAO.

Attached at Tab B is a proposed Q & A for the press conference.

Enclosures

cc: Phil Areeda
Ken Lazarus



TAB A



THE WHITE HOUSE
WASHINGTON

October 3, 1974

MEMORANDUM FOR: Phil Buchen
FROM: Bill Casselman
SUBJECT: GAO Requests

The attached letter to GAO is in response to their letter to you of August 23, and subsequent telephone conversations with this office. Although the letter responds to the issue of access to the Nixon foreign gift records, decisions remain to be made with respect to the following requests from GAO:

1. Access to the Ford foreign gift records (contained in the August 23 letter to you).
2. Access to the Gift Unit personnel to discuss the procedures used in handling foreign gifts to President Ford and former President Nixon (oral request to my office).
3. Access to the Gift Unit personnel to discuss the handling and selection of gifts from President Ford and former President Nixon to foreign heads of state, etc. (oral request to my office).

My recommendation is that GAO be granted such access after we have established the policies and procedures for the handling of foreign gifts to the President and the First Family. Since Ken Lazarus is working on the latter issue, I shall leave it to him to get back to GAO on decisions 1 through 3, above.

Enclosure

cc: Phil Areeda
Ken Lazarus



TAB B



2/5

October 25, 1974

Memorandum for: Phil Buchen

From: William Casselman

Please call me if you approve of
the attached.



GENERAL SERVICES ADMINISTRATION

Office of General Counsel

Washington, D.C. 20405



OCT 25 1974

Honorable Philip W. Buchen
Counsel to the President
The White House
Washington, DC 20500

Dear Mr. Buchen:

By my letter to you of October 18, 1974, the General Services Administration notified you of its intention to comply with a request from the Honorable Henry E. Catto, Jr., Chief of Protocol, that he have delivered to him for the purpose of inspection President Nixon's Head of State Archives boxes 117 and 118(c). We suspended the delivery of these boxes upon notice that they also contained Presidential papers whose transfer in this manner was barred by the temporary restraining order issued by Judge Richey on October 21, 1974, and amended on October 22, 1974, in the case of Nixon v. Sampson, et al., Civil Action Nos. 74-1518 and 74-1533, United States District Court for the District of Columbia.

It is my understanding that Mr. Catto has now renewed his request for delivery of the two boxes of foreign gifts, with the papers removed therefrom and retained in the custody of this agency in accordance with the outstanding order. Because it is the opinion of General Services Administration that Mr. Catto's request is proper in furtherance of his responsibilities under the Foreign Gifts and Decorations Act of 1966, as amended, and that foreign Head of State gifts are not subject to the court order, this is notice that we intend to comply with his request no sooner than two business days from your receipt of this letter.

Again, I invite you to contact me if you have any questions or comments concerning this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harold S. Trimmer, Jr.", written over the typed name.

HAROLD S. TRIMMER, JR.
General Counsel



Keep Freedom in Your Future With U.S. Savings Bonds

*For placing
in Nixon
gift records*

THE WHITE HOUSE
WASHINGTON

11/18/74

Phil Buchen

For your information.

Bill Casselman



THE CHIEF OF PROTOCOL
DEPARTMENT OF STATE
WASHINGTON

October 25, 1974

Dear Mr. Casselman:

As you know on September 27, my office received from Jerry Jones and Marge Wicklein three boxes of White House Gifts Unit records covering the period of the Nixon Administration. I thought it would be useful to let you know what we have done with them since their delivery.

The various sets of Gifts Unit records covered the complete range of foreign gifts - those from official foreign sources covered by the 1966 Foreign Gifts and Decorations Act and those from private foreign sources. In order to meet requests under the Freedom of Information Act from Maxine Cheshire of the Washington Post for access to these public records of gifts which might be covered by the Act, as well as requests by the GAO to examine these records, my office sorted the master alphabetical list kept in the Gifts Unit into two categories: gifts from official foreign sources and those from private foreign sources. Maxine Cheshire and the General Accounting Office have since examined the records of official foreign source gifts as sorted by my office.

Since the 1966 Act requires that the recipients of gifts from official foreign sources determine the value of the gift and, consequently, whether it becomes Federal property at the time of its acceptance, we still need to know the determinations of President Nixon and his family in this matter. The Gifts Unit records themselves do not provide adequate information for compliance with the provisions of the Act.

Sincerely,


Henry E. Catto, Jr.

The Honorable
William E. Casselman II
Counsel to the President
The White House



UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

Office of General Counsel
Washington, D.C. 20405



OCT 18 1974


Honorable Philip W. Buchen
Counsel to the President
The White House
Washington, DC 20500

Dear Mr. Buchen:

In accordance with my letter to you of September 13, 1974, this is notice that, no sooner than two business days from your receipt of this letter, the General Services Administration will deliver to the Department of State for inspection President Nixon's Head of State Archives boxes 117 and 118(c). The temporary transfer of these boxes is taken in response to the enclosed letter of the Honorable Henry E. Catto, Jr., Chief of Protocol, in furtherance of his responsibilities under the Foreign Gifts and Decorations Act of 1966.

Please contact me if you have any questions or comments concerning this matter.

Sincerely,


HAROLD S. TRIMMER, JR.
General Counsel

Enclosure



Keep Freedom in Your Future With U.S. Savings Bonds

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

Office of General Counsel
Washington, D.C. 20405



OCT 18 1974

Honorable Philip W. Buchen
Counsel to the President
The White House
Washington, DC 20500

Dear Mr. Buchen:

In accordance with my letter to you of September 13, 1974, this is notice that, no sooner than two business days from your receipt of this letter, the General Services Administration will deliver to the Department of State for inspection President Nixon's Head of State Archives boxes 117 and 118(c). The temporary transfer of these boxes is taken in response to the enclosed letter of the Honorable Henry E. Catto, Jr., Chief of Protocol, in furtherance of his responsibilities under the Foreign Gifts and Decorations Act of 1966.

Please contact me if you have any questions or comments concerning this matter.

Sincerely,

HAROLD S. TRIMMER, JR.
General Counsel

Enclosure



THE CHIEF OF PROTOCOL
DEPARTMENT OF STATE
WASHINGTON

Dear Mr. Sampson:

In accordance with my regulatory functions under the 1966 Presidential Gifts and Decorations Act as delegated to me by the Secretary of State, I would appreciate your making available to me for inspection certain gifts covered by the Act which you are now holding in courtesy storage.

Specifically I would like to inspect the contents of President Nixon's Head of State Archives boxes 117 and 118(c). I would appreciate you making arrangements for the delivery of these boxes to the Department of State as soon as may be convenient. I do not anticipate that my inspection will take very long, and I would hope that the boxes can be returned to courtesy storage under your auspices as soon as is practical.

A member of my staff, Chris Jones, has been in contact with Tom Wolf of yours about this matter. If you would give Mr. Wolf your approval for this inspection, I believe that arrangements could be worked out between him and Chris Jones.

Sincerely,


Henry E. Catto, Jr.

The Honorable
Arthur F. Sampson
Administrator
General Services Administration



5

VOEUNSAI, Madame Sonn
(Embassy of Cambodia)

ZAHEDI, Ardeshir

DOBRYNIN, Anatoly

KIESINGER, Kurg George

MEIR, Golda

SOCHARTO, H.E. and Mrs.

SOMOZA, Mrs. Salvadora

Pink Silk for Julie
Silver lighter for David

Rosenthal boxes with picture
of Shah -- one each for
Tricia and Ed, Julie and David

2 lacquered "Palekh" boxes
- 1 sent Julie 4/9/74
- 1 sent Tricia 8/12/74

2 gold basket weave compacts
- for Tricia - all gold with
diamond clasp
- for Julie, gold with silver
basket weave design (not received
in Gift Unit)

Golden necklace and earrings
to Tricia 9/30/69
Candlesticks to Julie and
David 9/30/69

1 22 ct. gold filigree bracelet
One of a pair to Julie and Tricia
One returned now in HS box 117

1 "beautiful bracelet" one of a
pair presented to Julie and
Tricia in 1969, one was returned
and in box 117



HIM Farah Pahlavi	A very fine hand painted minia- ture portrait of the President, done on Ivory. 18K gold oval frame on easel back surrounded with golden leaves and branches many "blossoms" of single and clustered turquoise and sapphire stones. Notation on card: Mrs. Nixon to retain 8/11/74
ROUAMBA, Madame Jeanne (Embassy of Upper Volta)	12 native figures sent Mrs. Nixon 1/27/71
BREZHNEV, Leonid	Volga-Sea-Going 70 Hydrofoil boat - with Coast Guard, Miami.
CHIANG KAI-SHEK, Madame	Pale green art object - sent Mrs. Nixon 1/26/71
DIAZ ORDAZ, Gustave	Covered Ceramic Urn decorated with blue flowers - set of table linens probably in San Clemente
DOBRYNIN, Anatoly F.	Black lacquered box to Mrs. Nixon 1/18/7
EGAL, Mohamed (Somalia)	Gold pin earrings, necklace, bracelet and ring in the design of the Somali star - jewelry to Mrs. Nixon
FURTSEVA, Mrs. Yekaterina (Sov. Minister of Culture)	An oil painting, "Russian Winter" by Boris Shchervakov - taken to San Clemente 3/30/73
GHANDI, Mrs. Indira	An India Silver box with overall flora repousse decoration for Mrs. Nixon
BUSIA, Dr. Kofi A. (Ghana)	Gold necklace and bracelet for F. L.



HEATH, Edward	2 sets of Churchill Volumes - Sent to President Office 12/17/70
KIM, Young Sam (Floor Leader, Nat. Assembly ROK)	Cuff links and tie tac with chain in gold with large Topaz setting - Mrs. Nixon 9/17/69
MUNIZ, Carols Manuel (Argentine Ambassador)	1 dark brown leather attache case 1 leather tote bag to Mrs. Nixon 1/9/73
NIKPAY, Cholan Reza (Mayor of Tehran)	A bracelet for Mrs. Nixon notation: ret'd to Mrs. Nixon at her request
SARAGAT, H. E. Guiseppe	Large gold cigarette box to Mrs. Nixon 4/7/69
SATO, Eisaku	A spray shape pin with 10 pearls, 5 emeralds, and 6 diamonds (mikimoto) not rec'd in Gift Unit
SOMOZA, Anastasi	a gold lapel pin for Mrs. Nixon (NB this is not the gold pin shaped as a lily in Box 117)
AIR	
<u>AEROFLDT/ CREW</u>	
WARNOCK, William	1 laquered salad bowl set 1 wooden doll canister 11 records - sent Mrs. Nixon 6/28
ZAHEDI, Ardeshir	A Royal Irish silver strawberry bowl, filled with Shamrocks. personally presented to P & FL
	"a magnificent clock"
	"...beautiful inscribed silver tray filled with delicacies" 1974 birthday gift



ADULYADET	3 boxes of Material
ALPHAND	4 scarfs and 6 neckties
BREZHNEVA, Victoria	Gold shawl
CHUNG, IL. KWON (Speaker of ROK Assembly)	2 panels silk organza
CHING-KUO, Mrs. Chiang	2 bolts Chinese silk mettalic brocade
GANDHI, Indira	Handbag and silk
GORTON, John C.	Small 100% Mohair blanket
HIKAYATULLAH, Shui M.	Shawl and Sori made of silk and gold
KEITA, Ambassador (Guinea)	Long table mat and four small place mats - lady's handbag
MOHAMMAD, General Agha Yahya-Khan (Pakistan)	Pure silk sari
KHOMAN, Thanat (Thailand Fonmin)	4 pure silk shirts
LAGDAMEO, Mrs. Ernesto	silk organza fabric
LLERAS, - Fernando de Vargas (Son of President, Columbia)	3 sarapis for First Lady, Julie and Tricia
MATAK, Madame SIRIK	Royal blue and gold lame cloth
THIEU, Madame	Peach Kimono, embroidered flora design
VOEUNSAI, Madame Sonn (Embassy of Cambodia)	Black silk linen fabric
WONGSAROJANA, Phoi	Straw hat and straw purse
BUSIA, Kofia (Ghana)	Stole of African cloth



FUKUDA, Takea

A beautiful gold and silver
metallic cloth evening bag
- To Mrs. Nixon 12/8/71

GANDHI, Mrs. Indira

Pink and green sheer silk
sari

KISHI, Nobusuke

A piece of Kansbo silk
material - Mrs. Nixon 12/8/71

SAN JUAN, Hon Frisco T.
(House of Representative
Manila)

Assorted handmade shoes
To Mrs. Nixon 10/10/69

SOEHARTO, H.E. & Mrs.

Sport shirt, cotton print
robe enclosed in beautifully
carved wooden box.
Sent Mrs. Nixon 5/27/70

ZAHEDI, Ardeshir

Golden tapestry-like material
30" x 84" fringed
To Mrs. Nixon 11/22/69



October 7, 1974

MEMORANDUM FOR: Rex Scouten
FROM: Phil Buchen
SUBJECT: Foreign Gifts and Decorations
to the First Family

In response to your memorandum to me of September 20, I am enclosing a memorandum on the subject dated October 3, 1974, from Ken Lazarus.

I suggest if you have any further questions, kindly contact Ken Lazarus on extension 6297.

cc: Ken Lazarus

PWB:ed

EUP

THE WHITE HOUSE

WASHINGTON

October 3, 1974

MEMORANDUM FOR: PHIL BUCHEN

FROM: KEN LAZARUS *KL*

SUBJECT: Foreign Gifts and Decorations
to the First Family.

This is in response to the memorandum dated September 20, 1974, which you received from Rex Scouten setting forth a series of questions raised by Mrs. Ford relative to the subject noted above.

Although it is possible at this time to respond to the substance of the inquiries, there is a need to clarify certain ambiguities in the governing regulations and to devise a methodology which will allow an optimum degree of compliance with the spirit and letter of the law.

Rather than treat separately each of the nine questions posed, I shall attempt to group them by issue.

COVERAGE OF THE FIRST FAMILY

Art. I, Sec. 9, cl. 8 of the Constitution prohibits the acceptance of any gift, title, office or other thing of benefit or value from any foreign government by any official of the United States government without the consent of Congress.

The Foreign Gifts and Decorations Act of 1966 (Pub. L. 89-673) generally codified the constitutional bar noted above as to gifts and decorations and expanded it to cover a "member of the family and household. . ." of a Federal "employee" /Title 5, U.S.C., Sec. 7342 (a)(1)(F)/. "Employee" is defined to expressly include the President /Title 5, U.S.C., Sec. 7342 (a)(1)(D)/.

The regulations which were promulgated pursuant to authority in the 1966 Act further define a "member of the family and household" to mean "a relative by blood, marriage or adoption who is a resident of the household. . ." /22 CFR § 3.3(a)/.



Thus, by constitutional doctrine, statutory law or regulation, it would appear that the gift and decoration restrictions which are discussed below are equally applicable to the President, the First Lady, the President's natural or adopted children who reside with him, and any other blood relative of the President who resides with him. *

PROHIBITION ON SOLICITATION

The 1966 Act established the general policy that individuals subject to its restrictions were not to " . . . request or otherwise encourage the tender of a gift or decoration . . ." from a foreign government. Although, as discussed below, Congress at the same time consented to the mere acceptance of certain gifts and decorations, it seems clear that a request or encouragement for a gift or decoration is proscribed whether or not the particular gift or decoration may be accepted. [Title 5, U.S.C., Sec. 7342 (b) and 22 CFR § 3.5 (a)].

PRINCIPAL DEFINITIONS

The 1966 Act and the relevant regulations provide the following definitions:

- (A) "'gift' means a present or thing, other than a decoration, tendered by or received from a foreign government" [Title 5, U.S.C., Sec. 7342 (a)(3) and 22 CFR § 3.3 (c)].
- (B) "'decoration' means an order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government" [Title 5, U.S.C., Sec. 7342 (a)(4) and 22 CFR § 3.3 (d)].

* Although a plausible argument can be made to the effect that the regulations which are discussed herein are inapplicable to the First Family, these regulations are treated as having application since they do little more than provide a methodology for compliance with the constitutional bar and statute. See Title 5, U.S.C. Sec. 7342 (e) granting regulatory authority to the President and E. O. 11320 (December 12, 1966) delegating that authority to the Secretary of State. Note, however, that the regulations which were promulgated (22 CFR Part 3) are made applicable only to "officers and employees" with no specific reference to the President.

- (C) "'foreign government' includes every foreign government and every official, agent or representative thereof" /22 CFR § 3.3(b) interpreting Title 5, U.S.C., Sec. 7342 (a)(2)/.

ACCEPTABLE GIFTS

The 1966 Act provided Congressional consent to the acceptance of two categories of gifts:

- (A) Gifts of minimal value. The statute authorizes the acceptance and retention ". . . of a gift of minimal value tendered or received as a souvenir or mark of courtesy." /Title 5, U.S.C. Sec. 7342 (c)(1)/. The governing regulations define the term "gift of minimal value" to include ". . . any present or other thing, other than a decoration, which has a retail value not in excess of \$50 in the United States." /22 CFR § 3.3 (e)/. Thus, members of the First Family are free to accept ". . . table favors, mementos, remembrances, or other tokens bestowed at official functions and other gifts of minimal value received as souvenirs or marks of courtesy from a foreign government." /22 CFR § 3.5 (b)/. However, it should be noted that the burden of proof is upon the donee to establish that the gift is of "minimal value" /22 CFR § 3.5 (b)/. With respect to gifts of minimal value, title to the gift passes directly from the foreign government to the donee and therefore there are no further limits upon the donee's use or disposition of the item.
- (B) Gifts of more than minimal value. The statute also authorizes the acceptance ". . . of a gift of more than minimal value when it appears that to refuse the gift would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States." However, with respect to these gifts the statute provides that acceptance is deemed to be on behalf of the United States. Thus, such gifts constitute public, not personal, property and certain restrictions are placed on their acceptance, use or disposition as discussed below. **

** Due apparently to the fact that a married son or daughter would not normally be a member of the President's "household", wedding gifts to them traditionally have been treated as their personal property.



ACCEPTABLE DECORATIONS

In the 1966 Act, the Congress also consented to:

* * *

" . . . the accepting, retaining, and wearing . . . of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, . . . " [Title 5, U.S.C., Sec. 7342 (d)]

* * *

However, it is necessary that the Secretary of State concur in the acceptance, retaining and wearing of the decoration. Absent his concurrence, the decoration may be accepted only on behalf of the United States as public property. [Title 5, U.S.C., Sec. 7342 (d)]

The governing regulations in this area define "outstanding or unusually meritorious service" to include:

* * *

" . . . performance of duty by a person determined . . . to have contributed to an unusually significant degree to the furtherance of good relations between the United States and the foreign government tendering the decoration. " [22 CFR § 3.3 (f)]

* * *

ACCEPTANCE, RETENTION AND USE OF GIFTS OF MORE THAN MINIMAL VALUE

The regulations provide:

* * *

"Where a gift of more than minimal value is tendered, the donor should be advised that it is contrary to the policy of the United States for persons in the service thereof to



accept substantial gifts. If, however, the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely affect the foreign relations of the United States, the gift may be accepted and shall be deposited with the Chief of Protocol . . ." /22 CFR §3.5 (c)/

* * *

The regulation seems clear in the intent that the judgment of whether refusal is required is one for the President to make.

Notwithstanding the requirement just cited that such gifts be deposited with the Chief of Protocol, the regulations further provide:

* * *

"Any gift . . . which becomes the property of the United States . . . may be retained for official use . . . with the approval of the Chief of Protocol . . ." (emphasis supplied)
/22 CFR §3.6/

* * *

Thus, there would appear to be no necessity to effect a physical transfer of such gifts to the Chief of Protocol. However, there does exist the necessity of cataloguing the items and obtaining the approval of the Chief of Protocol prior to utilizing them for official purposes. Additionally, it would be wise to physically separate in storage such public property while not in use, from the personal property of the First Family.



ACCEPTANCE, RETENTION AND USE
OF DECORATIONS WHICH QUALIFY AS PUBLIC PROPERTY

Decorations which have been awarded to members of the First Family but not approved by the Secretary of State constitute public property, as noted above. As public property, they are subject to the same limitations which have been discussed with respect to those gifts which fall within the same category. Thus, with the approval of the Chief of Protocol, decorations also may be retained for official use. /22 CFR §3.5 (d) and §3.6/

"OFFICIAL USE"

The obvious central question in this whole area is: What is "official use"? Unfortunately for this purpose, however, the lives of the members of the First Family are not easily divisible into airtight categories of "official" or "personal".

Political considerations aside, my own view of "official use" in this context is a rather expansive one. With only a few exceptions, the President or a member of his family residing in the White House ought be able to use publicly-owned gifts for any purpose, recognizing at the same time, however, that these items are not their own belongings but the property of all the people.

The first exception that should be recognized is any use that would require attaching the item to personally-held real property. Thus, it would probably be inappropriate to attach publicly-owned fixtures such as mirrors, wall lamps, etc. to the personal residence of the President in Virginia or Colorado. However, I believe it would be appropriate to retain certain non-permanent objects such as a vase, in these locations for short periods of time for the benefit of possible visiting dignitaries.

The second exception would relate to the use of consumables such as wines, food, etc. In this regard, it likely would be appropriate for the First Family to consume these in private, i.e., family dinners as opposed to formal entertaining at public affairs, only if the item or a comparable item could otherwise be purchased from appropriated funds other than the President's salary and expense account.



exception might be purely an academic one as I am advised that the Secret Service generally prohibits any use of consumable gifts by the First Family.

Apart from these two specific exceptions, I should think that two general operating principles should control: (1) within the White House complex itself (including the private quarters of the First Family) any use would be appropriate; and (2) outside the White House complex, I would only caution against any continuous long-term use of an item.

DISPOSITION OF PUBLICLY-OWNED GIFTS AND DECORATIONS

There is clear authority in current law to transfer appropriate gifts and decorations which are owned by the United States to the library of the President who received them or to collections maintained by the White House Curator. This property can be transferred directly to the Presidential Library or White House Curator by the General Services Administration at the direction of the Chief of Protocol /22 CFR §3.6/, or claimed under the Federal Property and Administrative Services Act of 1949 /63 Stat. 377, as amended/.

NECESSARY ACTION

There are essentially three problem areas to be approached in establishing a satisfactory foreign gifts program. First, alternatives will have to be formulated and a decision reached with respect to the scope of the gifts program, i. e., establishing criteria for acceptance. Secondly, new regulations should be promulgated by the State Department in order to eliminate certain ambiguities in current law and to provide some assistance with concepts such as "official use". Finally, an administrative methodology must be devised to insure conformity with the plan. I am now arranging to meet with representatives of the White House Gift Unit, Department of State, Protocol Office, and GSA. It would probably be helpful to have the assistance of a White House management type -- do you have any ideas in this regard?

cc: Phil Areeda
Bill Casselman



MEMORANDUM

THE WHITE HOUSE
WASHINGTON

September 20, 1974

Memorandum for: Mr. Buchen

From: Rex Scouten



Subject: State Gifts

The present regulations governing the acceptance and disposition of gifts from foreign officials valued in excess of \$50.00 is vague - to say the least - as far as First Families are concerned.

Mrs. Ford is concerned and would appreciate an interpretation of the regulations and policy advice to cover the following situations:

1. Can Mrs. Ford accept a gift from a foreign official valued in excess of \$50.00?
2. Can she place such a gift temporarily on public display in the White House?
3. Can she place such a gift on the 2nd floor or private quarters in the Executive Residence during their term of office?
4. Can she have such a gift temporarily placed on display in any other U. S. Government building (the Smithsonian)?
5. Can she have such a gift temporarily displayed in a non-Government building (private art gallery, school, etc.)?



MEMORANDUM

THE WHITE HOUSE

WASHINGTON

2

6. Can she keep gifts of jewelry in the Residence and wear them on State occasions?
7. Can she make any such gifts a permanent part of the White House collection of objects d' Art?
8. Can she cause gifts of jewelry to become a permanent gift to the White House (A First Ladies' jewelry collection)?
9. Will all State gifts be retained in the possession of the President and Mrs. Ford for eventual display in the Ford Museum?

Thank you very much.



THE WHITE HOUSE
WASHINGTON

To: Mr Bushen

From: Bill
Casselman

For file to
Documentary tape



UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

Office of General Counsel
Washington, D.C. 20405



September 13, 1974

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

Dear Mr. Buchen:

As authorized by the Administrator of General Services, and pursuant to the telephone conversation of this afternoon between myself and William E. Casselman II of your staff, I am pleased to advise you that the General Services Administration will provide to you and to Mr. Miller, attorney for former President Nixon, a minimum of two business days' notice prior to removal from the Archives Building of any of the approximately 1,100 boxes containing gifts received by former President Nixon.

Additionally, the Administrator has authorized me to state that, to the extent gifts subject to the Foreign Gifts and Decorations Act of 1966 are included in the above, they will not be removed until such time as the provisions of that Act have been fully complied with.


HAROLD S. TRIMMER, JR.
General Counsel



Keep Freedom in Your Future With U.S. Savings Bonds

code of federal regulations

22

Foreign Relations

Revised as of January 1, 1972



*Foreign
Gifts*

Chapter I—Department of State

§ 2.1

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

- 121 Arms, ammunition, and implements of war.
- 122 Registration.
- 123 Licenses for unclassified arms, ammunition, and implements of war.
- 124 Manufacturing license and technical assistance agreements.
- 125 Unclassified technical data and classified information (data and equipment).
- 126 Prohibited shipments, temporary suspension or modification of regulations, exemptions, and relation to other provisions of law.
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SUBCHAPTER N—MISCELLANEOUS

- 131 Certificates of authentication.
- 132 Books, maps, newspapers, etc.

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- 141 Nondiscrimination in federally-assisted programs of the Department of State—effectuation of Title VI of the Civil Rights Act of 1964.

SUBCHAPTER A—GENERAL

PART 1—INSIGNIA OF RANK

- Sec.
- 1.1 Office of the Secretary of State.
 - 1.2 Office of the Under Secretary of State.
- AUTHORITY:** The provisions of this Part 1 issued under sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 2658.

SOURCE: The provisions of this Part 1 appear at 22 F.R. 10788, Dec. 27, 1957, unless otherwise noted.

§ 1.1 Office of the Secretary of State.

The official flag indicative of the office of Secretary of State shall be as follows:

On a blue rectangular field a white disk bearing the official coat of arms of the United States adopted by the act of June 20, 1782, in proper colors. In each of the four corners a white five-pointed star with one point upward. The colors and automobile flag to be the same design, adding a white fringe. For the colors a cord and tassel of blue and white to be added. The sizes to be in accordance with military and naval customs.

§ 1.2 Office of the Under Secretary of State.

The official flag indicative of the office of the Under Secretary of State

shall be as follows: On a white rectangular field a blue disk bearing the official coat of arms of the United States adopted by act of June 20, 1782, in proper colors. In each of the four corners a five-pointed star with one point upward. The colors and automobile flag to be the same design, adding a blue fringe. For the colors a cord and tassel of white and blue to be added. The sizes to be in accordance with military and naval customs.

PART 2—PROTECTION OF FOREIGN DIGNITARIES AND OTHER OFFICIAL PERSONNEL

§ 2.1 Designation of personnel to carry firearms and exercise appropriate power of arrest.

The Deputy Assistant Secretary of State for Security is authorized to designate certain employees of the Department of State and the Foreign Service, as well as employees of other departments and agencies detailed to and under the supervision and control of the Department of State, as Security Officers, as follows.

(a) Persons so designated shall be authorized to carry firearms when engaged in the performance of the duties prescribed in section (1) of the Act of June 28, 1955, 69 Stat. 188, as amended. No person shall be so designated unless he has either qualified in the use of firearms in accordance with standards established by the Deputy Assistant Secretary of State for Security, or in accordance with standards established by the department or agency from which he is detailed.

(b) Persons so designated shall also be authorized, when engaged in the performance of duties prescribed in section (1) of the Act of June 28, 1955, 69 Stat. 188, as amended, to arrest without warrant and deliver into custody any person violating the provisions of Section 111 or 112 of Title 18, United States Code, in their presence or if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(Sec. 4, 63 Stat. 111, as amended, sec. 1, 69 Stat. 188; 22 U.S.C. 2658, 2666) [Dept. Reg. 108.514, 29 F.R. 15571, Nov. 20, 1964]

PART 3—ACCEPTANCE OF GIFTS AND DECORATIONS FROM FOREIGN GOVERNMENTS

Sec.

- 3.1 Purpose.
- 3.2 Application of this part.
- 3.3 Definitions.
- 3.4 Release of gifts and decorations on deposit in the Department of State through October 14, 1966.
- 3.5 Gifts and decorations received by any person after October 14, 1966.
- 3.6 Use or disposal of gifts and decorations which become the property of the United States.
- 3.7 Revocation of previous regulations.

AUTHORITY: The provisions of this Part 3 issued under sec. 4, 63 Stat. 111, as amended, sec. 7, 80 Stat. 952; 22 U.S.C. 2658, 2626. E.O. 11320, 31 F.R. 15789; 3 CFR 1966-1970, page 659.

SOURCE: The provisions of this Part 3 contained in Dept. Reg. 108.556, 32 F.R. 6569, Apr. 28, 1967, unless otherwise noted.

§ 3.1 Purpose.

The purpose of this part is to establish uniform basic standards for the acceptance of gifts and decorations from foreign governments by U.S. Government officers and employees, including members of the armed forces, and members of their families.

§ 3.2 Application of this part.

This part applies to all persons occupying an office or a position in the Executive, Legislative and Judicial branches of the Government of the United States.

§ 3.3 Definitions.

As used in this part—

(a) The term "person" includes every person who occupies an office or a position in the Government of the United States, its territories and possessions, the Canal Zone Government, and the Government of the District of Columbia, or is a member of the Armed Forces of the United States, or a member of the family and household of any such person. For the purpose of this part, "member of the family and household" means a relative by blood, marriage or adoption who is a resident of the household.

(b) The term "foreign government" includes every foreign government and every official, agent, or representative thereof.

(c) The term "gift" includes any present or thing, other than a decoration, tendered by or received from a foreign government.

(d) The term "decoration" includes any order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government.

(e) The term "gift of minimal value" includes any present or other thing, other than a decoration, which has a retail value not in excess of \$50 in the United States.

(f) The term "outstanding or unusually meritorious performance" includes performance of duty by a person determined by the appropriate agency to have contributed to an unusually significant degree to the furtherance of good relations between the United States and the foreign government tendering the decoration.

(g) The term "special or unusual circumstances" includes any circumstances which would appear to make it improper for the donee to receive a gift or decoration, and also includes, in some instances, the very nature of the gift itself.

(h) The term "appropriate agency" means the department, agency, office, or other entity in which a person is employed or enlisted, or to which he has been appointed or elected. If the donee is not so serving, but is a member of the

family then the which serving.

(i) The appropriate person by such required.

(j) The means Department.

§ 3.4 The dep the.

Any g the Dept date of applicat subsequent Protocol released to the d Such do the appl ration s will not special volved, Protocol item. Approved f erty of t used or the prov

§ 3.5 C any

(a) G request der of a

(b) G to indiv favors, other to tions, as received tesy from accepted burden establish as defin

(c) G Where s is tende that it United s thereof however be likely ment to



family and household of such a person, then the "appropriate agency" is that in which the head of the household is serving.

(i) The term "approval by the appropriate agency" includes approval by such person or persons as are duly authorized by such agency to give the approval required by these regulations.

(j) The term "Chief of Protocol" means the Chief of Protocol of the Department of State.

§ 3.4 Release of gifts and decorations on deposit in the Department of State through October 14, 1966.

Any gift or decoration on deposit with the Department of State on the effective date of this part shall, following written application to the Chief of Protocol and subsequent approval by the Chief of Protocol and the appropriate agency, be released through the appropriate agency to the donee or his legal representative. Such donee may also, if authorized by the appropriate agency, wear any decoration so released. Approval for release will normally be given unless, from the special or unusual circumstances involved, it would appear to the Chief of Protocol to be improper to release the item. Any gifts or decorations not approved for release will become the property of the U.S. Government and will be used or disposed of in accordance with the provisions of § 3.6.

§ 3.5 Gifts and decorations received by any person after October 14, 1966.

(a) *General policy.* No person shall request or otherwise encourage the tender of a gift or decoration.

(b) *Gifts of minimal value.* Subject to individual agency regulations, table favors, mementos, remembrances, or other tokens bestowed at official functions, and other gifts of minimal value received as souvenirs or marks of courtesy from a foreign government may be accepted and retained by the donee. The burden of proof is upon the donee to establish that the gift is of minimal value as defined by this part.

(c) *Gifts of more than minimal value.* Where a gift of more than minimal value is tendered, the donor should be advised that it is contrary to the policy of the United States for persons in the service thereof to accept substantial gifts. If, however, the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely

affect the foreign relations of the United States, the gift may be accepted and shall be deposited with the Chief of Protocol for disposal in accordance with the provisions of § 3.6.

(d) *Decorations.* Decorations received which have been tendered in recognition of active field service in connection with combat operations, or which have been awarded for outstanding or unusually meritorious performance, may be accepted and worn by the donee with:

(1) the approval by the appropriate agency and (2) the concurrence of the Chief of Protocol. Within the Department of State, the decision as to whether a decoration has been awarded for outstanding or unusually meritorious performance will be the responsibility of the supervising Assistant Secretary of State or comparable officer for the person involved. In the absence of approval and concurrence under this paragraph, the decoration shall become the property of the United States and shall be deposited by the donee with the Chief of Protocol for use or disposal in accordance with the provisions of § 3.6. Notwithstanding the foregoing, decorations tendered to U.S. military personnel for service in Viet-Nam may be accepted and worn as provided by the Act of October 19, 1965, Public Law 89-257, 79 Stat. 982.

§ 3.6 Use or disposal of gifts and decorations which become the property of the United States.

Any gift or decoration which becomes the property of the United States under this part may be retained for official use by the appropriate agency with the approval of the Chief of Protocol. Gifts and decorations not so retained shall be forwarded to the General Services Administration by the Chief of Protocol for transfer, donation, or other disposal in accordance with such instruction as may be furnished by that officer. In the absence of such instructions, such property will be transferred or disposed of by the General Services Administration in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and the Federal Property Management Regulations (41 CFR Ch. 101, Subchapter H). Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet, shall be used in reporting such property, and the Foreign Gifts and Decorations Act of 1966 shall be cited on the reporting document.

ment. Such reports shall be submitted to General Services Administration, Region 3, Attention: Property Management and Disposal Service, Seventh and D Streets SW., Washington, D.C. 20407.

§ 3.7 Revocation of previous regulations.

The regulations in this part shall supersede all regulations heretofore in effect concerning the acceptance of gifts and decorations from foreign governments to persons in the service of the United States or to members of their families.

PART 4—NOTIFICATION OF FOREIGN OFFICIAL STATUS

Sec.

- 4.1 Persons required to give notification.
- 4.2 Persons exempted from the requirement to give notification.
- 4.3 Form to be used in giving notification.
- 4.4 Form required in duplicate.
- 4.5 Time limit for the submission of the form.
- 4.6 Termination of official status and departure from the United States.

AUTHORITY: The provisions of this Part 4 issued under sec. 10, 56 Stat. 257, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 620, 2658.

SOURCE: The provisions of this Part 4 appear at 22 F.R. 10788, Dec. 27, 1957, unless otherwise noted.

§ 4.1 Persons required to give notification.

All persons who are entitled to exemption from the registration and fingerprinting requirements of the Alien Registration Act of 1940 (54 Stat. 670), as amended, are required to give notification to the Secretary of State of their presence in the United States. Such persons comprise foreign government officials, members of their families (including relatives by blood or marriage regularly residing in or forming a part of their household), and their employees and attendants.

§ 4.2 Persons exempted from the requirement to give notification.

Ambassadors and ministers, and members of their missions named in the Diplomatic List issued monthly by the Department of State, are exempted from the requirement to give notification to the Secretary of State under this part.

§ 4.3 Form to be used in giving notification.

A Notification of Status with a Foreign Government form is to be used by the

several diplomatic missions in Washington in giving notification of foreign official status to the Secretary of State.

§ 4.4 Form required in duplicate.

The form is to be submitted to the Secretary of State in duplicate.

§ 4.5 Time limit for the submission of the form.

(a) The form is to be submitted within 30 days after the arrival of the foreign official in the United States or after a change from a nonofficial to an official status.

(b) If the official status claimed is not recognized by the Secretary of State, the person submitting the form must register within another 30 days under the requirements of the Alien Registration Act.

§ 4.6 Termination of official status and departure from the United States.

(a) The diplomatic missions in Washington should notify the Secretary of State of the termination of service of all officials and employees, giving the dates of such termination of service, the dates and ports of their departure from the United States, or their addresses if they are remaining in the United States.

(b) Aliens remaining in the United States after terminating their status as officials or employees are required to be registered and finger-printed within 30 days thereafter under sections 37(a), 34(a) and 32(c) of the Alien Registration Act (54 Stat. 674, 675; 8 U.S.C. 453, 455, 458).

PART 5—ORGANIZATION

Sec.

- 5.1 Introduction.
- 5.2 Central and field organization, established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals, or request, or obtain decisions; and statements of the general course and method by which its functions are channeled and determined.
- 5.3 Rules of procedure, description of forms available or the places at which forms may be obtained, and instructions as to the scope and content of all papers, reports, or examinations.
- 5.4 Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the agency.

AUTHORITY: The provisions of this Part 5 issued under sec. 4, 63 Stat. 111, as amended.

sec. 501, 65 S. 483a, 5 U.S.C. 3 CFR, 1949-

SOURCE: Title 22, U.S.C. 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

§ 5.1 Intro

The section pursuant to the Executive Order of July 4, 1967.

§ 5.2 Central

established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals, or request, or obtain decisions; and statements of the general course and method by which its functions are channeled and determined.

(a) The central and field organization, established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals, or request, or obtain decisions; and statements of the general course and method by which its functions are channeled and determined.

(1) The Department of State, Office of Public Notice, March 3, 1967.

(2) The Department of State, Office of Public Notice, March 3, 1967.

(3) The Department of State, Office of Public Notice, June 22, 1967.

(b) As used in this part, the term "all offices" means all offices in Washington, D.C., and in the United States.

Subj

Appointment of officers.

Authentication.

Claims and status.

International relations.

International relations.

Nationality and

Protection and

other matters.

Visa issuance.



UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, D.C. 20405



General Alexander M. Haig, Jr., USA (Ret.)
Assistant to the President
The White House
Washington, D.C. 20500

Dear General Haig:

The General Services Administration (GSA) has agreed to a request from the General Accounting Office (GAO) to allow them to inventory those gifts to President Nixon from representatives of foreign governments, as defined by the Foreign Gifts and Decorations Act of 1966, as amended (Public Law 89-673; 5 U.S.C. 7342) which are now in courtesy storage at the National Archives Building. The inventory will be conducted by GAO staff in the presence of National Archives and Records Service (NARS) personnel.

GSA has also agreed to GAO's request for a copy of the inventory records that apply to these items. These records were supplied to the National Archives by the White House Gift Unit and have never been verified by NARS. Consequently, it would be helpful and beneficial to have a representative from the White House present during GAO's inventory.

As the inventory may begin this week, I would appreciate your reply as soon as possible.

Sincerely,



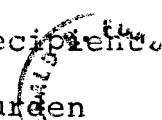
The Nixon Gifts

The Present Situation

In order to meet requests from Maxine Cheshire of the Washington Post and representatives from the General Accounting Office for access to the government records of Nixon gifts which would be covered by provisions of the 1966 Presidential Gifts and Decorations Act, the White House transferred to the Department of State three boxes of White House Gift Unit records to the Department of State on September 27. It should be noted that these records were kept not for purposes of compliance with the 1966 Act but as aids to acknowledging correspondence, archival historians and disposition notations. Since these records covered gifts from all foreign sources, it became necessary to sort them into two major categories: Private and Official. The Official category included all gifts unit records from foreign governments and their representatives. The GAO and Maxine Cheshire were authorized access to these records of official gifts, but not to those covering private foreign gifts.

President Nixon's Compliance with 1966 Act

The 1966 Act and the Department's implementing regulations state that gifts of over \$50.00 value become U.S. property at the moment of their acceptance. The recipient of gifts from sources covered by the Act has the burden



of (1) establishing the value of the item received (and hence whether it becomes U.S. Government property at the moment of acceptance) and (2) seeing that such U.S. property is deposited with the Chief of Protocol for appropriate disposition.

Under these criteria, President Nixon and his family cannot be considered to have complied with the Act or the regulations. The gift unit records are not in themselves adequate compliance with the Act or regulations because: (1) the recipient has made no determination as to the value of the items received, (2) the vagueness of description on the cards as received does not fully describe the possible Federal property involved, (3) no gifts have been physically deposited with the Chief of Protocol (his control of these gifts is neither physical or absolute) (4) the recipients are not aware of the contents of these records, and (5) the records indicate that not all the property described in the records is under government (GSA) control, and (6) it is known that the records are incomplete and inconsistent as to the several copies in our possession.

Next Steps

To permit President Nixon to comply fully with the Act and regulations, one or several of the following would be required.



1. President Nixon could state his intention to deed or turn over to the Federal Government all gifts received by himself and his family during his Presidency from official foreign sources. This statement would eliminate the problem of evaluating the gifts and sorting them into under and over \$50.00 value. The present GSA storage of these gifts could continue and those outstanding consolidated with them. The Chief of Protocol and the GSA could arrange to have these foreign gifts transferred eventually to the Nixon Library which would be a Federal facility eligible to receive such property under the provision of the Presidential Library Act.

2. President Nixon and his family could identify and enumerate those gifts which by his valuation became Federal property under the Act. They would retain title to those official foreign gifts not over \$50.00 value. Formal delivery to the Chief of Protocol or GSA would be made of all Federally owned gifts either currently held by GSA or still outstanding. Eventual disposition of the property would likely be as (1) above.

3. The Department of State would turn over to the Department of Justice for appropriate action the White House Gifts Unit's records of official foreign gifts as evidence of the likely existence of Federal property not under government control and not properly deposited with



the Chief of Protocol as required by the regulations.

President Nixon and his family are probably not aware that the White House Gifts Unit records and the courtesy storage by GSA of some official foreign gifts do not constitute adequate compliance with the Act. The Chief of Protocol as the current custodian of the White House Gift Unit records should probably make the former President and his family or their agents aware of their non-compliance with the Act. As a courtesy, the problems and discrepancy which have been identified in the examination of the Gift Unit records should be made known to the Nixons or their agents. The former President should be made aware that both Maxine Cheshire and the GAO are in possession of data on gifts received by the Nixons which will be embarrassing to them upon its public release unless they take steps to comply with the Act as indicated in (1) or (2) above.



MEMORANDUM

THE WHITE HOUSE

WASHINGTON

October 29, 1974

MEMORANDUM FOR: Mildred Leonard

SUBJECT: Diamond Brooch/Pin
(Background Information)

The diamond brooch/pins were purchased back in April 1970 at a cost of \$212.00. The cost to replace the pin today is \$382.74.

The pin itself costs	\$334.00
The gold surcharge is	<u>48.74</u>
Total cost	382.74.

It is my understanding that diamond brooch/pins were given by President Nixon to Mrs. Truman and Mrs. Johnson. It is felt (and it is almost certain) that Mrs. Nixon has one, although I have not been able to verify this fact.

This particular pin has been presented only during the Nixon Administration, up until the time President Ford presented one to the First Lady. In view of the foregoing information, we can't say that it is one of a kind, even though we have no intention to reorder the pin at this time.

There is one remaining pin, which is a sample. I understand that Ambassador Rumsfeld has it. At the time I was given the inventory on September 6, the inventory reflected one diamond brooch.

Items such as the diamond brooch/pin and other mementoes are purchased by the Republican National Committee, and the boss's check should be made payable to the Committee.

PAID 10/30/74
No. 736 \$ 212.00


Frank R. Pagnotta



THE WHITE HOUSE

WASHINGTON

September 9, 1975

Dear Ms. Cheshire:

This is in response to your request under the Freedom of Information Act, 5 U.S.C. 552, to examine and copy "The Gift Register which was compiled by the White House Gift Unite during the years of Richard M. Nixon's presidency."

For your information, the gift register was placed in storage with other Presidential materials of the Nixon Administration in compliance with the Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended, in Nixon v. Sampson, et al., C.A. No. 74-1518, pending a determination in that litigation of the status to be afforded to those materials. I am unable to explain the statements to the contrary to which you refer in your letter.

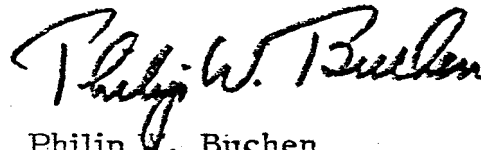
My office has been advised by counsel for plaintiff Nixon that Mr. Nixon is not able to determine his position with respect to the requested register without further examination of the facts surrounding the preparation of the register. In view of the plaintiff's position, as well as the above-referenced Order which was issued for the purpose of maintaining the status quo with respect to the Nixon historical materials, I am required to treat the item you seek in accordance with this Order. As you are aware, this Order enjoins any disclosure, transfer, disposal or search of the Nixon Presidential materials except under certain limited circumstances not presented by your Freedom of Information Act request. In addition, the White House is not an agency for the purpose of the Freedom of Information Act and is, therefore, not subject to its mandatory disclosure provisions. Accordingly, for the reasons referred to above, your request is denied.

Your letter also states that the gift registers for Presidents Kennedy and Johnson remain at the White House for use by incoming Presidents. As a member of my staff explained to you, this is not the case. Last May, my office was informed that a gift register for President Johnson, along with some of



the "gift cards" of Presidents Kennedy and Johnson had recently been found in the Gift Unit. As neither the Gift Unit nor the Office of the Chief of Protocol at the Department of State indicated they had any use for these items, and the papers of those Administrations are now in government custody and ownership, they were forwarded to the National Archives for deposit in the respective Presidential libraries. I trust this information clarifies this point for you.

Sincerely,



Philip W. Buchen
Counsel to the President

Ms. Maxine Cheshire
The Washington Post
1150 - 15th Street, N. W.
Washington, D. C. 20071

bcc: Herbert J. Miller, Jr.
w/ incoming
Irwin Goldbloom
w/ incoming



The Washington Post

1150 15TH STREET, N.W.

WASHINGTON, D. C. 20071

(202) 223-6000

August 28, 1975

Mr. Philip W. Buchen
Counsel To The President
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Dear Mr. Buchen:

Pursuant to the Freedom of Information Act, 5 USC Section 552, I hereby request for the purposes of examining and copying the following:

The Gift Register which was compiled by the _____
White House Gift Unite during the years of
Richard M. Nixon's presidency.

I have been assured by your staff repeatedly that the Gift Register is now in storage in the EOB. It was, I was further assured, accidentally placed there during the time that your office was collecting any possible presidential materials that might be construed to fall under Judge Ritchie's temporary restraining order.

The Gift Register, as I believe your staff has now determined to its satisfaction, was not compiled as part of former President Nixon's records. It was compiled, as it had been in previous administrations, as part of the White House's permanent records, needed for ongoing continuity. The Gifts Registers for both the late President Lyndon B. Johnson and the late President John F. Kennedy are not now in their presidential libraries. Both are still at the White House, for use by incoming presidents.

Furthermore, I call to your attention the deposition which Mr. Nixon gave at San Clemente on July 25, 1975. On page 124, Mr. Nixon's attorney, R. Stan Mortenson, agrees that the Gift Register, "obviously is not included in the presidential materials claimed by this lawsuit".



Therefore, since Mr. Nixon's attorney agrees that the Gift Register is not part of the presidential materials, I would like to see it at once. I would appreciate an answer within the 10-day period dictated by law.

Sincerely yours,

Maxine Cheshire

Maxine Cheshire

MC:djm

