

The original documents are located in Box 30, folder “Nixon - Papers General (4)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

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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.

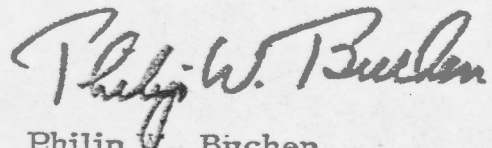
My office has been advised by counsel for plaintiff Nixon that Mr. Nixon is not able to determine his position with respect to the requested register without further examination of the facts surrounding the preparation of the register. In view of the plaintiff's position, as well as the above-referenced 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



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 Unit 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



THE WHITE HOUSE

WASHINGTON

September 9, 1975

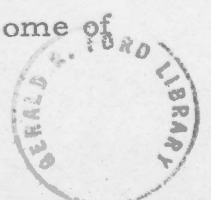
Dear Ms. Cheshire:

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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.

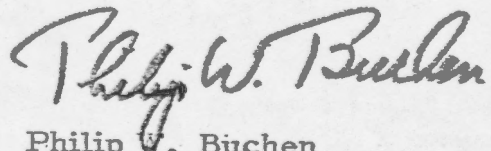
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Sincerely yours,

Maxine Cheshire

Maxine Cheshire

MC:djm



THE WHITE HOUSE

WASHINGTON

September 23, 1975

MEMORANDUM FOR: PHIL BUCHEN
FROM: KEN LAZARUS *KL*
SUBJECT: "Mayday" Cases/Requests for
Discovery of Document

Attached is a request from the Department of Justice for our clearance of a release of a departmental memorandum to then-President Nixon from the Secretary of Defense and Attorney General.

The request for the document was made by plaintiffs in the so-called "Mayday" civil actions against former high Department of Justice and District of Columbia officials for personal monetary damages arising out of the arrest, detention, and processing of demonstrators during April-May, 1971.

I have reviewed the memorandum and can think of no reason why we should not authorize the Department to comply with the request of plaintiffs' counsel.

May I have your guidance.

Approve _____

Disapprove _____



THE WHITE HOUSE
WASHINGTON

November 11, 1975

*Nixon
papers*

Dear Dr. Nestor:

In behalf of the President, this is in response to your letter of November 5, 1975, urging the release of any tape recordings from the Nixon Administration concerning the investigation of Watergate by the House Banking Committee.

The White House is presently subject to an Order of the United States District Court for the District of Columbia, entered October 21, 1974, as amended in Nixon v. Sampson, et al., which enjoins the search, disclosure, transfer or disposal of any of the "Presidential materials of the Nixon Administration" except for certain limited purposes generally relating to information necessary for investigation and court proceedings. Accordingly, we are unable to respond affirmatively to your request.

As you may be aware, last December the President signed into law the Presidential Recordings and Materials Preservation Act, P.L. 93-526, one purpose of which was to make many of these recordings available to the public. This statute is presently being challenged in the courts on constitutional grounds by Mr. Nixon.

Your inquiry is appreciated.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

Dr. O. W. Nestor
410 Bendermere Avenue
Interlaken, New Jersey 07712



THE WHITE HOUSE

WASHINGTON

November 18, 1975

MEMORANDUM FOR: INSPECTOR THEODORE FREEMAN
FROM: PHILIP W. BUCHEN *P.W.B.*
SUBJECT: Nixon EOB Suite

This memorandum is to update our procedures for access to the EOB suite of offices used by former President Nixon. The conference room, which contains papers used by Miss Rose Woods which are subject to the order of the U. S. District Court for the District of Columbia entered October 21, 1974, as amended, in Nixon v. Sampson, et al., is to be alarmed and access is to be granted only on my express written authorization.

With respect to the remainder of the suite, this space is being temporarily assigned by the Staff Secretary to Mr. Don Ogilvie, Associate Director of OMB. He will provide in the customary manner a list of the persons authorized to enter the remainder of the suite. This portion of the suite is to be separately alarmed. It is not necessary for this office to grant permission in the future for access to this portion of the suite.

If you have any questions in this regard, please contact Barry Roth of my staff.



THE WHITE HOUSE

WASHINGTON

November 18, 1975

MEMORANDUM FOR: INSPECTOR THEODORE FREEMAN

FROM:

PHILIP W. BUCHEN

P.W.B.

SUBJECT:

Nixon EOB Suite

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If you have any questions in this regard, please contact Barry Roth of my staff.



THE WHITE HOUSE

WASHINGTON

November 19, 1975

*Nixon
Papers*

Re: The Reporters Committee for Freedom
of the Press, et al. v. American
Telephone and Telegraph Company, et
al., D.D.C., C.A. No. 74-1889.

Dear Mr. Keuch:

In response to your letter concerning a discovery demand by the plaintiffs in the above-captioned action, I sought the consent of Mr. Herbert J. Miller, Jr., counsel for Mr. Nixon, in accordance 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. Mr. Miller's response withholding his consent is enclosed. On the basis of his position, it is my understanding that I am prohibited by the Order from searching through the "Presidential materials of the Nixon Administration" for the purpose of complying with this discovery demand.

Please contact Mr. Barry Roth of my staff if you wish this office to undertake any additional actions in this matter.

Sincerely,

Philip W. Buchen
Counsel to the President

Mr. Robert L. Keuch
Criminal Division
Department of Justice
Washington, D. C. 20530

cc: Herbert J. Miller, Jr., Esq.
Irwin Goldbloom, Esq.



LAW OFFICES
MILLER, CASSIDY, LARROCA & LEWIN
2555 M STREET, N.W. - SUITE 500
WASHINGTON, D. C. 20037

AREA CODE 202
TELEPHONE 293-6400

HERBERT J. MILLER, JR.
JOHN JOSEPH CASSIDY
RAYMOND G. LARROCA
NATHAN LEWIN
MARTIN D. MINSKER
WILLIAM H. JEFFRESS, JR.
R. STAN MORTENSON
THOMAS B. CARR

JOSEPH S. MCCARTH
COURTNEY A. EVANS
ANDREW F. OEHMANI
OF COUNSEL

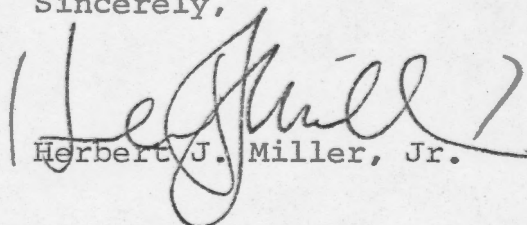
November 14, 1975

Mr. Philip Buchen
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. Buchen:

I have received your letter of November 10, 1975, in which you refer to the Department of Justice's request requiring access to Mr. Nixon's presidential materials for the purpose of responding to a discovery demand in The Reporters Committee for Freedom of the Press, et al v. American Telephone and Telegraph Company, et al, (DDC, C.A. No. 74-1889). I do not believe that the request for access constitutes a request "for purposes of ongoing government business" as that term is used in the outstanding restraining orders in Nixon v. Sampson, et al, (DDC, C.A. No. 74-1518). Consequently, I am unable to consent to the request which would necessarily entail a government employees' review of my client's presidential materials.

Sincerely,


Herbert J. Miller, Jr.

HJM/tc



Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

✓
Clayton Fritchey

THE WASHINGTON POST, SATURDAY, APRIL 10, 1976

Why Can't the Public Hear the Tapes?

With Watergate, Richard Nixon, and the notorious White House tapes back in the news again, it is a timely moment to ask why the crucial recorded evidence can be seen by the public but still not heard by it. It makes no sense.

For this peculiar, puzzling situation, we can thank Judge John Sirica, the celebrated jurist who presided over the major Watergate trials and who



In his opinion denying oral reproduction of the tapes, Judge Sirica speculated about "mass merchandizing techniques designed to generate excitement in an air of ridicule to stimulate sales" and about "untold varieties of inappropriate and scandalous uses."

Sound recordings, says Califano, are no more subject to abuse than the verbatim transcripts, which have long



Saudi's Role In '73 Mideast War Disclosed

By Laurence Stern

Washington Post Staff Writer

Saudi Arabian arms agent Adnan Khashoggi acted as an intermediary in contacts between President Nixon and King Faisal during the Mideast war in October, 1973, according to documents made available to The Washington Post.

Khashoggi, a central figure in the U.S. arms pay off scandals, transmitted a message from Faisal to Nixon during the war and a reply from Nixon on Oct. 29, 1973—four days after the hostilities ended, the documents showed.

Faisal called upon the President to stop the war



Nixon
papers

THE WHITE HOUSE
WASHINGTON

Barry:

Can we provide
this access?

If so, please take
care of the steps
required.

P.





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 9 1976

MEMORANDUM FOR PHILIP BUCHEN

FROM: JAMES T. LYNN

SUBJECT: Ash Council Documents on Energy Organization

I am requesting your approval for access by members of the staff of OMB to certain documents of the Nixon Administration which are under the custody of the Administrator of GSA.

The Office of Management and Budget and the Energy Resources Council have commenced a thorough study of the organization of energy and related functions within the Executive Branch. Since there have been several similar efforts undertaken during past Administrations, the Task Force wishes to review materials related to such studies. The most recent major study was undertaken by the President's Advisory Council on Executive Organization -- the Ash Council -- which was established by President Nixon.

We have identified a limited number of documents which are necessary if a comprehensive review of the recommendations of the Ash Council is to be performed. We understand that these materials are currently under the custody of the Administrator of GSA but would be available for inspection and reproduction, when needed for current business, with your approval and after notice to Mr. Nixon. Therefore, I am requesting your approval for access to these materials by the Task Force for the OMB/ERC study.

If you or your staff have any questions related to the study or this request, William Dinsmore (395-3716) is chairman of the Task Force and would be able to supply additional information as needed.



406

THE WHITE HOUSE
WASHINGTON

October 6, 1976

Barfield

MEMORANDUM FOR:

BARRY ROTH

FROM:

PHIL BUCHEN *P.*

In response to your memorandum of September 30 regarding the request of Pete Peterson, Chairman Designate, Quadrennial Commission, to Jim Rhodes with a copy to Jim Lynn, I called Pete Peterson on Friday, October 1.

I indicated to him that we could provide no material to him from the Nixon material and that in connection with the Ford Administration, it would be inappropriate to provide any information falling in category III of the names of persons he wants.

However, Pete would still like the names and addresses of persons under the Ford Administration who have accepted appointment and remain and those who have accepted appointment but have since left.

Please see what you can do about providing such a list from the Personnel Office to Pete Peterson as promptly as possible.

10/8
Phil -

Personnel has now provided these names to Peterson.

Barry



THE WHITE HOUSE

WASHINGTON

September 30, 1976

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

BARRY ROTH *BR*

Referencing our conversation of yesterday afternoon, attached is the letter from Pete Peterson requesting access to certain information from the Nixon personnel records. As I indicated to you, Stan Mortenson would oppose any attempt to honor this request on the basis of ongoing Governmental business. If you still wish to call Pete Peterson to explain this, he can be reached at (212) 269-3700.

It appears that James Lynn may be involved with providing such records from this Administration. If you have concerns on the confidentiality of our materials, you may also wish to call either Lynn and/or Bennett.



THE WHITE HOUSE

WASHINGTON

October 22, 1976

MEMORANDUM FOR: PHIL BUCHEN
FROM: BARRY ROTH *BR*
SUBJECT: Regulations Governing Access
to the Nixon Papers

A. Access Under the District Court's Order (At Tab A),
January 7, 1976

At the present time, the Order of the United States District Court for the District of Columbia, entered January 7, 1976, in Nixon v. Administrator, et al., C.A. No. 74-1852, permits access to the Nixon tapes only under the following circumstances:

1. Pursuant to any subpoena or other lawful process, but subject to any rights, defenses, or privileges which the Federal government or any person may invoke.
2. For current business of the Executive Branch of the Federal government, pursuant to a request approved by both the head of the department or agency and Philip W. Buchen, but with ten days prior notice to Mr. Nixon in order to raise any defenses, rights, or privileges that might bar such access; or
3. By Mr. Nixon or his designated agent for whatever purpose he wishes.

B. Access Upon Summary Affirmance by the Supreme Court

In the event that the Supreme Court simply affirms the decision of the District Court, regulations promulgated by GSA at 41 CFR Part 105-63 (at Tab B) would immediately be fully effective. These regulations concern preservation and protection of the Nixon materials, and permit access to the materials under the following circumstances:

1. By any Federal agency or department in the Executive Branch for lawful Governmental use; priority access is given to the Special Prosecutor.



2. For use in any judicial proceeding via subpoena or other lawful process, subject to any rights, defenses or privileges which the Federal government or any person may invoke.
3. By Mr. Nixon or his designated agent for whatever purpose he wishes.

C. Public Access Regulations

In the event the Supreme Court simply affirms the District Court's decision, it is far from clear whether GSA could begin to process the Nixon historical materials for public access. GSA withdrew regulations from the Congress following the District Court's opinion and 90 legislative days had not passed when the 94th Congress adjourned sine die. However, the Congress asserted that the Administrator lacked the authority to withdraw the regulations, and by one-house veto it disapproved six provisions of the withdrawn version of the regulations. Assuming that GSA can proceed under its proposed regulations, the following procedures apply to public access to the Nixon historical materials:

1. For 30 days following the effective date of the regulations (90 legislative days) or the vacation of court orders preventing their implementation, whichever is later, GSA will refrain from archival processing of any of the materials to permit any person to take such action as he deems appropriate to protect his legal rights.
2. At the end of this 30-day period, GSA will commence initial archival processing of the materials, with priority given to those relating to abuses of governmental powers.
3. GSA will open for public access each integral file segment upon completion of processing of that segment. However, at least 30 days prior to the opening of any such segment, GSA must publish notice in the Federal Register of the proposed opening, reasonably identifying the materials to be opened, in order to allow any interested person an opportunity to file a claim or petition asserting a legal or constitutional right to limit public access to any of the materials in that segment.





Congress itself has retained a role. But sensitivity to constitutional protections cannot end with the adoption of the Act itself. It must permeate, in both regulation and practice, the effectuation of the Act as well.

Although we hold that the facial constitutionality of the Act requires dismissal of the complaint, we think it appropriate, pending the final disposition of any appeal plaintiff may deem it advisable to take, to enjoin any processing or disclosure of the materials in question except for the very limited purposes hereinafter appearing.

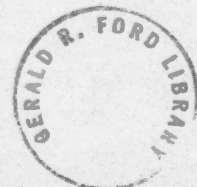
ORDER

In accordance with the foregoing opinion, it is this 7th day of January, 1976,

ORDERED that the preliminary and permanent injunctive relief prayed for by plaintiff is denied and the complaint dismissed as without merit; and, pending the final disposition of any appeal from this decision, it is

FURTHER ORDERED that the defendants, their superiors, agents, and assigns are hereby enjoined from processing, disclosing, inspecting, transferring, or otherwise disposing of any materials, be they documents, papers, tape recordings or other items, which might fall within the coverage of sections 101(a), (b) of the Presidential Recordings and Materials Preservation Act and which are now or may in the future be in their custody, except as is specifically provided hereinafter; and it is

FURTHER ORDERED that this injunction shall not bar production of materials pursuant to any subpoena or other lawful process in accordance with the procedures established in 41 C.F.R. §§ 105-63.201 to .207, .303; and it is



FURTHER ORDERED that Mr. Nixon or his designated agent shall at all times have access to the materials in accordance with 41 C.F.R. §§ 105-63.201 to .207, .301, and shall have the right to obtain photographic reproductions of any documentary material; and it is

FURTHER ORDERED that only the defendants or their agents shall undertake to reproduce any materials, and shall not permit any other person to do so; and it is

FURTHER ORDERED that the injunction shall not bar inspection and photographic reproduction of documentary material when needed for current business of the executive branch of the federal government, pursuant to a request that has been approved by both the head of the agency or department of the executive branch seeking access and by defendant Philip W. Buchen or his successor, although plaintiff shall receive notice of any access requested ten days prior to the grant thereof in order to be able to raise in court any defenses, rights, or privileges that might bar such access, and if such opposition is presented, defendants shall not permit access until the issue has been resolved in court, and any such access granted shall be in accordance with the procedures of 41 C.F.R. §§ 105-63.201 to .207; and it is

Tab B



The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(e) *Classification review requests.* A request for classification review must describe the document with sufficient particularity to enable the agency to identify it and obtain it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If nonetheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

§ 105-62.203 Declassification of Presidential papers.

The Archivist of the United States has the authority to review and declassify information and material which has been classified by a President, his White House staff, or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential library. Such declassification shall only be undertaken in accord with: (a) The terms of the donor's deed of gift, (b) consultations with the agencies having a primary subject-matter interest, and (c) the provisions of § 105-62.201.

PART 105-63—PRESERVATION AND PROTECTION OF AND ACCESS TO THE PRESIDENTIAL HISTORICAL MATERIALS OF THE NIXON ADMINISTRATION

Sec. 105-63.000 Scope of part.

Subpart 105-63.1—General Provisions

- 105-63.101 Purpose.
- 105-63.102 Application.
- 105-63.103 Legal custody.
- 105-63.104 Definitions. [Reserved]
- 105-63.105 Requests or demands for access.

Subpart 105-63.2—Preservation and Protection

- 105-63.201 Responsibility.
- 105-63.202 Security.
- 105-63.203 Security areas.
- 105-63.204 Work areas.
- 105-63.205 Archival processing.
- 105-63.206 Access procedures.
- 105-63.207 Extraordinary authority during emergencies.

Subpart 105-63.3—Access to Materials by Former President Nixon, Federal Agencies, and for Use in Any Judicial Proceeding

- 105-63.301 Access by former President Nixon.
- 105-63.302 Access by Federal agencies.
- 105-63.302-1 Access by the Special Prosecutor.
- 105-63.303 Access for use in judicial proceedings.

Subpart 105-63.4—Access by the Public [Reserved]

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

SOURCE: 40 FR 2670, Jan. 14, 1975, unless otherwise noted.

EFFECTIVE DATE: This Part 105-63 is effective upon the vacation of Federal court orders preventing the implementation of Title I of the Presidential Recordings and Materials Preservation Act.

§ 105-63.000 Scope of part.

This part sets forth policies and procedures concerning the preservation and protection of and access to the tape recordings, papers, documents, memorandums, transcripts, and other objects and materials which constitute the Presidential historical materials of Richard M. Nixon, covering the period beginning January 20, 1969, and ending August 9, 1974.

Subpart 105-63.1—General Provisions

§ 105-63.101 Purpose.

This Part 105-63 implements the provisions of Title I of the Presidential Recordings and Materials Preservation Act (Public Law 93-526; 88 Stat.). It prescribes policies and procedures by which the General Services Administration will preserve, protect, and provide access to the Presidential historical materials of the Nixon Administration.

§ 105-63.102 Application.

This Part 105-63 applies to all of the Presidential historical materials of the Nixon Administration in the custody of the Administrator of General Services



pursuant to the provisions of Title I of the Presidential Recordings and Materials Preservation Act (Public Law 93-526; 88 Stat. 1695).

§ 105-63.103 Legal custody.

The Administrator of General Services has exclusive legal custody and control of all Presidential historical materials of the Nixon Administration held pursuant to the provisions of the Presidential Recordings and Materials Preservation Act (Public Law 93-526; 88 Stat. 1695).

§ 105-63.104 Definitions. [Reserved]

§ 105-63.105 Requests or demands for access.

Except as provided in § 105-63.302-1, each agency which receives a request or legal demand for access to Presidential historical materials of the Nixon Administration shall immediately forward the request or demand to the Administrator of General Services.

Subpart 105-63.2—Preservation and Protection

§ 105-63.201 Responsibility.

The Administrator of General Services or his designated agent is responsible for the preservation and protection of the Presidential historical materials. He may arrange with other Federal agencies, acting pursuant to appropriate Federal authority, for assistance in their preservation and protection.

§ 105-63.202 Security.

The Administrator of General Services or his designated agent will control access to all areas designated as security areas. That control will include:

(a) Physical possession of all keys that control access to the security areas (A copy of each key will be deposited in locations designated by current fire and/or national security regulations with instructions that these keys may be used only in instances in which the Presidential historical materials or their environs are subject to damage or loss. All such emergency use shall be reported to the Administrator of General Services or his designated agent as soon as possible.); and

(b) Exclusive knowledge of all lock combinations that control access to the security areas. Copies of the combina-

tions will be placed in such locations as are required by current fire and/or national security regulations and with the GSA Security Division (BIS), Office of Administration, in sealed envelopes with instructions that the envelopes may be opened only in instances in which the Presidential historical materials or their environs are subject to damage or loss. All such emergency use shall be reported to the Administrator of General Services or his designated agent as soon as possible.

§ 105-63.203 Security areas.

All Presidential historical materials currently stored in areas secured by Executive Protection Service controlled alarm systems shall continue to be stored in these or equally secure areas unless they are specifically exempted in writing from such security by the Administrator of General Services or his designated agent.

§ 105-63.204 Work areas.

The Administrator of General Services or his designated agent will provide appropriate locations within the Metropolitan Area of the District of Columbia as work areas to be used for the purpose of inventorying, indexing, reviewing, and/or, copying Presidential historical materials in accordance with appropriate authorizations. When such work areas are in use, security shall be equivalent to that in effect in the storage area from which the Presidential historical materials are removed unless the Administrator of General Services or his designated agent waives such equivalent security in writing.

§ 105-63.205 Archival processing.

When authorized by the Administrator of General Services or his designated agent, archivists may enter the security and work areas for the purposes of performing necessary archival processes on the Presidential historical materials. Access for archival processing shall follow the procedures of paragraphs (a), (b), (c), (g), (h), and (i) of § 105-63.206.

§ 105-63.206 Access procedures.

(a) The Administrator of General Services or his designated agent will receive and/or prepare appropriate documentary authorization before each ac-

cess authorized under under this Part 105-63.

(b) The Administrator of General Services or his designated agent shall determine that each access is thoroughly documented. Each documentation shall include:

- (1) Reasons for the access;
- (2) Time of the access;
- (3) Individuals involved in the access, including each individual's degree of security clearance;
- (4) Record of all activities during the access;
- (5) Record of all Presidential historical materials removed, if any; and
- (6) Time of the completion of the access.

(c) The Administrator of General Services or his designated agent will determine that each individual having access to the Presidential historical materials has a security clearance equivalent to the highest degree of national security classification that may be applicable to any of the materials examined.

(d) Prior to each access which may result in the examination of Presidential historical materials that relate to matters of national security, the Administrator of General Services or his designated agent shall notify the Counsel to the President who shall be given the opportunity to examine these materials and raise any objections, defenses, or privileges to prevent or limit the proposed access.

(e) The Administrator of General Services or his designated agent will provide former President Nixon or his designated attorney or agent prior notice of, and allow him to be present during, each authorized access.

(f) Each access to the security areas shall occur only in the presence of the Administrator of General Services or his designated agent. At least two persons shall be present at all times that the security areas are occupied.

(g) All security areas which currently require the presence of the U.S. Secret Service during access and such other security areas as are designated by the Administrator of General Services or his designated agent shall continue to require the presence of one or more representatives of the U.S. Secret Service or such other Federal security agency as is designated by the Administrator of General Services or his designated agent.

(h) If any of the materials now located in security areas requiring the presence of U.S. Secret Service during access are moved to other locations, access to such new locations shall also require the presence of security agents as provided in paragraph (g) of this section, unless their presence is specifically exempted in writing by the Administrator of General Services of his designated agent.

(i) Whenever possible, a copy, which shall be certified upon request, instead of the original documentary Presidential historical material shall be provided to comply with a subpoena or other lawful process or request. Whenever the original documentary material is removed, a certified copy of the material shall be inserted in the proper file until the return of the original.

§ 105-63.207 Extraordinary authority during emergencies.

In the event of an emergency that threatens the physical preservation of the Presidential historical materials or their environs, the Administrator of General Services or his designated agent will take such steps as may be necessary, including removal of the materials to temporary locations outside the Metropolitan Area of the District of Columbia, to preserve and protect the materials.

Subpart 105-63.3—Access to Materials by Former President Nixon, Federal Agencies, and for Use in Any Judicial Proceeding

§ 105-63.301 Access by former President Nixon.

In accordance with the provisions of Subpart 105-53.2, former President Richard M. Nixon or his designated agent shall at all times have access to the Presidential historical materials in the custody and control of the Administrator of General Services.

§ 105-63.302 Access by Federal agencies.

In accordance with the provisions of Subpart 105-63.2 any Federal agency or department in the executive branch shall at all times have access for lawful Government use to the Presidential historical materials in the custody and control of the Administrator of General Services.

§ 105-63.302-1 Access by the Special Prosecutor.

Pursuant to § 105-63.302, the Special Prosecutor or his designated agent shall



at all times have priority access to the Presidential historical materials relevant and important to ongoing criminal investigations and prosecutions within his jurisdiction in accordance with the agreement of November 9, 1974, among the Special Prosecutor, the Counsel to the President, the Director of the Secret Service, and the Administrator General Services. The Administrator of General Services shall provide access pursuant to this subsection after the Counsel to the President has determined that the access is in accordance with the agreement of November 9, 1974, and has transmitted the Special Prosecutor's request for access to the Administrator of General Services for his determination that the access is authorized under this part. The agreement reads as follows:

Whereas, Gerald R. Ford, President of the United States, has determined and informed his Counsel that the due administration of justice and the public interest require that the Special Prosecutor have prompt and effective use of those Presidential materials of the Nixon Administration now located in the White House complex that are relevant and important to ongoing criminal investigations and prosecutions within the Special Prosecutor's jurisdiction; and

Whereas, this Agreement, if implemented, would accommodate the needs of the Special Prosecutor with respect to such materials;

Now, therefore, the undersigned have agreed as follows:

1. Upon letters from the Special Prosecutor to Counsel to the President specifying those materials that he has reason to believe are relevant to specified criminal investigations or prosecutions within the Special Prosecutor's jurisdiction and explaining why access to such materials is important to a full and fair resolution of those investigations and prosecutions, the Special Prosecutor or his designees shall be afforded access to the materials under the following procedures:

a. *Documents*: 1. Where files are organized by subject matter, only those files may be examined which, because of their titles, may contain documents relevant to these specified investigations and prosecutions.

2. Where files are organized chronologically, only that portion of the file covering the time period relevant to the request may be examined.

3. Where no chronological or subject label is on a file, the file may be examined to determine whether the file contains relevant materials.

4. In order to assist in these searches, the members of the archival staff assigned to the Special Prosecutor may request the assistance of the White House in making a list of file titles or other index.

b. *Tape Recordings*: Only the tape recordings of conversations specified by letters ac-

cording to the above procedures may be listened to.

2. The Special Prosecutor shall be allowed to make copies of only those tapes of conversations and documents that he determines are relevant to criminal investigations or prosecutions within his jurisdiction. Prior to the Special Prosecutor receiving such copies, Counsel to the President may review the copies to determine whether they may not be disclosed for reasons of national security. The originals of any tapes and documents, copies of which are provided to the Special Prosecutor, shall be retained and, if necessary for a criminal proceeding, will be given to the Special Prosecutor for such proceeding in exchange for the copies.

3. Richard M. Nixon or his attorney or designated agent shall be given notice of, and may be present during, searches pursuant to this Agreement. Also, Mr. Nixon or his attorney or designated agent, shall be afforded access to and/or copies of those tapes of conversation and documents for which the Special Prosecutor is allowed copies. The Counsel to the President also may designate individuals to be present during these searches.

4. No Presidential materials shall be removed to locations in Washington, D.C. other than the White House complex without the approval of the Special Prosecutor and no portions of such materials shall be removed to locations outside of the District of Columbia without an indication from the Special Prosecutor that he has no further need for such portions, except upon court order.

5. The parties to this Agreement shall move jointly to modify, if necessary, the temporary restraining order as now outstanding in Civil Action No. 74-1518 and in consolidated cases in the United States District Court for the District of Columbia to permit implementation of this Agreement.

Philip W. Buchen,

Counsel to the President.

Arthur F. Sampson,

Administrator of General Services.

H. Stuart Knight,

Director, U.S. Secret Service.

Henry S. Ruth, Jr.,

Special Prosecutor,

Watergate Special Prosecution Force.

§ 105-63.303 Access for use in judicial proceedings.

In accordance with the provisions of Subpart 105-63.2, and subject to any rights, defenses, or privileges which the Federal Government or any person may invoke, the Presidential historical materials in the custody and control of the Administrator of General Services will be made available for use in any judicial proceeding, and are subject to subpoena or other lawful process. Requests by the Special Prosecutor for access to the Presidential historical materials, whether by

court subpoena or other lawful process, including access pursuant to § 105-63.302-1 shall at all times have priority over any other request for the materials.

Subpart 105-63.4—Access by the Public [Reserved]

PART 105-65—NATIONAL HISTORICAL PUBLICATIONS COMMISSION [RESERVED]

PART 105-66—NATIONAL ARCHIVES TRUST FUND BOARD [RESERVED]

PART 105-735—STANDARDS OF CONDUCT

Subpart 105-735.1—General

Sec. 105-735.101 Purpose.

105-735.102 Definitions.

105-735.103 Responsibilities.

105-735.103-1 Heads of Services and Staff

Offices and Regional Administrators.

105-735.103-2 Supervisors.

105-735.103-3 Personnel Division.

105-735.103-4 Employees and special Government employees.

105-735.104 Interpretation and advisory service.

105-735.105 Periodic reminders to employees.

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105-735.107 Approval and publication of regulations.

Subpart 105-735.2—Standards of Conduct for Employees

105-735.201 General conduct on the job.

105-735.202 Gifts, entertainment, and favors.

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105-735.203 Outside employment.

105-735.203-1 Incompatible activities.

105-735.203-2 Source of salary for Government service.

105-735.203-3 Teaching, lecturing, and writing.

105-735.203-4 [Reserved]

105-735.203-5 Some acceptable activities.

105-735.203-6 Prior approval of outside employment.

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105-735.204 Financial interests.

105-735.205 Use of Government property.

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105-735.207 Indebtedness.

105-735.208 Gambling, betting, and lotteries.

105-735.209 Prejudicial conduct.

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Intermediaries.

Lending or borrowing money.

Political activity.

Reporting irregularities.

Purchase of Government property.

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Use of intoxicants.

Use of Government vehicles.

Use of long-distance telephone.

False statements.

Care of official records and documents.

Subpart 105-735.3—Standards of Conduct for Special Government Employees

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Confidentiality of statements.

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General.

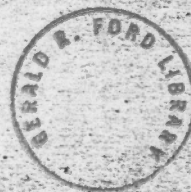
Code of Ethics for Government Service (H. Con. Res. 175, 85th Cong., 2d Sess., 72 Stat. B12).

Bribery of public officials and witnesses (18 U.S.C. 201).

Compensation in matters affecting the Government (18 U.S.C. 205).

Activities in claims against the Government (18 U.S.C. 205).

Disqualification of former employees (18 U.S.C. 207).



THE WHITE HOUSE

WASHINGTON

October 22, 1976

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

BARRY ROTH

SUBJECT:

Regulations Governing Access
to the Nixon Papers

A. Access Under the District Court's Order (At Tab A),
January 7, 1976

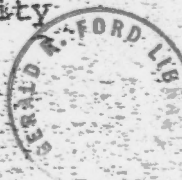
At the present time, the Order of the United States District Court for the District of Columbia, entered January 7, 1976, in Nixon v. Administrator, et al., C.A. No. 74-1852, permits access to the Nixon tapes only under the following circumstances:

1. Pursuant to any subpoena or other lawful process, but subject to any rights, defenses, or privileges which the Federal government or any person may invoke.
2. For current business of the Executive Branch of the Federal government, pursuant to a request approved by both the head of the department or agency and Philip W. Buchen, but with ten days prior notice to Mr. Nixon in order to raise any defenses, rights, or privileges that might bar such access; or
3. By Mr. Nixon or his designated agent for whatever purpose he wishes.

B. Access Upon Summary Affirmance by the Supreme Court

In the event that the Supreme Court simply affirms the decision of the District Court, regulations promulgated by GSA at 41 CFR Part 105-63 (at Tab B) would immediately be fully effective. These regulations concern preservation and protection of the Nixon materials, and permit access to the materials under the following circumstances:

1. By any Federal agency or department in the Executive Branch for lawful Governmental use; priority access is given to the Special Prosecutor.

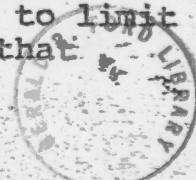


2. For use in any judicial proceeding via subpoena or other lawful process, subject to any rights, defenses or privileges which the Federal government or any person may invoke.
3. By Mr. Nixon or his designated agent for whatever purpose he wishes.

C. Public Access Regulations

In the event the Supreme Court simply affirms the District Court's decision, it is far from clear whether GSA could begin to process the Nixon historical materials for public access. GSA withdrew regulations from the Congress following the District Court's opinion and 90 legislative days had not passed when the 94th Congress adjourned sine die. However, the Congress asserted that the Administrator lacked the authority to withdraw the regulations, and by one-house veto it disapproved six provisions of the withdrawn version of the regulations. Assuming that GSA can proceed under its proposed regulations, the following procedures apply to public access to the Nixon historical materials:

1. For 30 days following the effective date of the regulations (90 legislative days) or the vacation of court orders preventing their implementation, whichever is later, GSA will refrain from archival processing of any of the materials to permit any person to take such action as he deems appropriate to protect his legal rights.
2. At the end of this 30-day period, GSA will commence initial archival processing of the materials, with priority given to those relating to abuses of governmental powers.
3. GSA will open for public access each integral file segment upon completion of processing of that segment. However, at least 30 days prior to the opening of any such segment, GSA must publish notice in the Federal Register of the proposed opening, reasonably identifying the materials to be opened, in order to allow any interested person an opportunity to file a claim or petition asserting a legal or constitutional right to limit public access to any of the materials in that segment.



Congress itself has retained a role. But sensitivity to constitutional protections cannot end with the adoption of the Act itself. It must permeate, in both regulation and practice, the effectuation of the Act as well.

Although we hold that the facial constitutionality of the Act requires dismissal of the complaint, we think it appropriate, pending the final disposition of any appeal plaintiff may deem it advisable to take, to enjoin any processing or disclosure of the materials in question except for the very limited purposes hereinafter appearing.


ORDER

In accordance with the foregoing opinion, it is this 7th day of January, 1976,

ORDERED that the preliminary and permanent injunctive relief prayed for by plaintiff is denied and the complaint dismissed as without merit; and, pending the final disposition of any appeal from this decision, it is

FURTHER ORDERED that the defendants, their superiors, agents, and assigns are hereby enjoined from processing, disclosing, inspecting, transferring, or otherwise disposing of any materials, be they documents, papers, tape recordings or other items, which might fall within the coverage of sections 101(a), (b) of the Presidential Recordings and Materials Preservation Act and which are now or may in the future be in their custody, except as is specifically provided hereinafter; and it is

FURTHER ORDERED that this injunction shall not bar production of materials pursuant to any subpoena or other lawful process in accordance with the procedures established in 41 C.F.R. §§ 105-63.201 to .207, .303; and it is



FURTHER ORDERED that Mr. Nixon or his designated agent shall at all times have access to the materials in accordance with 41 C.F.R. §§ 105-63.201 to .207, .301, and shall have the right to obtain photographic reproductions of any documentary material; and it is

FURTHER ORDERED that only the defendants or their agents shall undertake to reproduce any materials, and shall not permit any other person to do so; and it is

FURTHER ORDERED that the injunction shall not bar inspection and photographic reproduction of documentary material when needed for current business of the executive branch of the federal government, pursuant to a request that has been approved by both the head of the agency or department of the executive branch seeking access and by defendant Philip W. Buchen or his successor, although plaintiff shall receive notice of any access requested ten days prior to the grant thereof in order to be able to raise in court any defenses, rights, or privileges that might bar such access, and if such opposition is presented, defendants shall not permit access until the issue has been resolved in court, and any such access granted shall be in accordance with the procedures of 41 C.F.R. §§ 105-63.201 to .207; and it is

The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(e) *Classification review requests.* A request for classification review must describe the document with sufficient particularity to enable the agency to identify it and obtain it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If nonetheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

§ 105-62.203. Declassification of Presidential papers.

The Archivist of the United States has the authority to review and declassify information and material which has been classified by a President, his White House staff, or special committee or commission appointed by him and which the Archivist has in his custody at any archival depository, including a Presidential library. Such declassification shall only be undertaken in accord with: (a) The terms of the donor's deed of gift, (b) consultations with the agencies having a primary subject-matter interest, and (c) the provisions of § 105-62.201.

PART 105-63—PRESERVATION AND PROTECTION OF AND ACCESS TO THE PRESIDENTIAL HISTORICAL MATERIALS OF THE NIXON ADMINISTRATION

Sec. 105-63.000 Scope of part.

Subpart 105-63.1—General Provisions

105-63.101 Purpose.

105-63.102 Application.

105-63.103 Legal custody.

105-63.104 Definitions. [Reserved]

105-63.105 Requests or demands for access.

Subpart 105-63.2—Preservation and Protection

105-63.201 Responsibility.
105-63.202 Security.
105-63.203 Security areas.
105-63.204 Work areas.
105-63.205 Archival processing.
105-63.206 Access procedures.
105-63.207 Extraordinary authority during emergencies.

Subpart 105-63.3—Access to Materials by Former President Nixon, Federal Agencies, and for Use in Any Judicial Proceeding

105-63.301 Access by former President Nixon.
105-63.302 Access by Federal agencies.
105-63.302-1 Access by the Special Prosecutor.
105-63.303 Access for use in judicial proceedings.

Subpart 105-63.4—Access by the Public [Reserved]

AUTHORITY: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

SOURCE: 40 FR 2870, Jan. 14, 1975, unless otherwise noted.

EFFECTIVE DATE: This Part 105-63 is effective upon the vacation of Federal court orders preventing the implementation of Title I of the Presidential Recordings and Materials Preservation Act.

§ 105-63.000 Scope of part.

This part sets forth policies and procedures concerning the preservation and protection of and access to the tape recordings, papers, documents, memorandums, transcripts, and other objects and materials which constitute the Presidential historical materials of Richard M. Nixon, covering the period beginning January 20, 1969, and ending August 9, 1974.

Subpart 105-63.1—General Provisions

§ 105-63.101 Purpose.

This Part 105-63 implements the provisions of Title I of the Presidential Recordings and Materials Preservation Act (Public Law 93-526; 88 Stat.). It prescribes policies and procedures by which the General Services Administration will preserve, protect, and provide access to the Presidential historical materials of the Nixon Administration.

§ 105-63.102 Application.

This Part 105-63 applies to all of the Presidential historical materials of the Nixon Administration in the custody of the Administrator of General Services.



pursuant to the provisions of Title I of the Presidential Recordings and Materials Preservation Act (Public Law 93-526; 88 Stat. 1695).

§ 105-63.103 Legal custody.

The Administrator of General Services has exclusive legal custody and control of all Presidential historical materials of the Nixon Administration held pursuant to the provisions of the Presidential Recordings and Materials Preservation Act (Public Law 93-526; 88 Stat. 1695).

§ 105-63.104 Definitions. [Reserved]

§ 105-63.105 Requests or demands for access.

Except as provided in § 105-63.302-1, each agency which receives a request or legal demand for access to Presidential historical materials of the Nixon Administration shall immediately forward the request or demand to the Administrator of General Services.

Subpart 105-63.2—Preservation and Protection

§ 105-63.201 Responsibility.

The Administrator of General Services or his designated agent is responsible for the preservation and protection of the Presidential historical materials. He may arrange with other Federal agencies, acting pursuant to appropriate Federal authority, for assistance in their preservation and protection.

§ 105-63.202 Security.

The Administrator of General Services or his designated agent will control access to all areas designated as security areas. That control will include:

(a) Physical possession of all keys that control access to the security areas. (A copy of each key will be deposited in locations designated by current fire and/or national security regulations with instructions that these keys may be used only in instances in which the Presidential historical materials or their environs are subject to damage or loss. All such emergency use shall be reported to the Administrator of General Services or his designated agent as soon as possible.)

(b) Exclusive knowledge of all lock combinations that control access to the security areas. Copies of the combina-

tions will be placed in such locations as are required by current fire and/or national security regulations and with the GSA Security Division (BIS), Office of Administration, in sealed envelopes with instructions that the envelopes may be opened only in instances in which the Presidential historical materials or their environs are subject to damage or loss. All such emergency use shall be reported to the Administrator of General Services or his designated agent as soon as possible.

§ 105-63.203 Security areas.

All Presidential historical materials currently stored in areas secured by Executive Protection Service controlled alarm systems shall continue to be stored in these or equally secure areas unless they are specifically exempted in writing from such security by the Administrator of General Services or his designated agent.

§ 105-63.204 Work areas.

The Administrator of General Services or his designated agent will provide appropriate locations within the Metropolitan Area of the District of Columbia as work areas to be used for the purpose of inventorying, indexing, reviewing, and/or copying Presidential historical materials in accordance with appropriate authorizations. When such work areas are in use, security shall be equivalent to that in effect in the storage area from which the Presidential historical materials are removed unless the Administrator of General Services or his designated agent waives such equivalent security in writing.

§ 105-63.205 Archival processing.

When authorized by the Administrator of General Services or his designated agent, archivists may enter the security and work areas for the purposes of performing necessary archival processes on the Presidential historical materials. Access for archival processing shall follow the procedures of paragraphs (a), (b), (c), (g), (h), and (i) of § 105-63.206.

§ 105-63.206 Access procedures.

(a) The Administrator of General Services or his designated agent will receive and/or prepare appropriate documentary authorization before each ac-



cess authorized under under this Part 105-63.

(b) The Administrator of General Services or his designated agent shall determine that each access is thoroughly documented. Each documentation shall include:

- (1) Reasons for the access;
- (2) Time of the access;
- (3) Individuals involved in the access, including each individual's degree of security clearance;
- (4) Record of all activities during the access;
- (5) Record of all Presidential historical materials removed, if any; and
- (6) Time of the completion of the access.

(c) The Administrator of General Services or his designated agent will determine that each individual having access to the Presidential historical materials has a security clearance equivalent to the highest degree of national security classification that may be applicable to any of the materials examined.

(d) Prior to each access which may result in the examination of Presidential historical materials that relate to matters of national security, the Administrator of General Services or his designated agent shall notify the Counsel to the President who shall be given the opportunity to examine these materials and raise any objections, defenses, or privileges to prevent or limit the proposed access.

(e) The Administrator of General Services or his designated agent will provide former President Nixon or his designated attorney or agent prior notice of, and allow him to be present during, each authorized access.

(f) Each access to the security areas shall occur only in the presence of the Administrator of General Services or his designated agent. At least two persons shall be present at all times that the security areas are occupied.

(g) All security areas which currently require the presence of the U.S. Secret Service during access and such other security areas as are designated by the Administrator of General Services or his designated agent shall continue to require the presence of one or more representatives of the U.S. Secret Service or such other Federal security agency as is designated by the Administrator of General Services or his designated agent.

(h) If any of the materials now located in security areas requiring the presence of U.S. Secret Service during access are moved to other locations, access to such new locations shall also require the presence of security agents as provided in paragraph (g) of this section, unless their presence is specifically exempted in writing by the Administrator of General Services of his designated agent.

(i) Whenever possible, a copy, which shall be certified upon request, instead of the original documentary Presidential historical material shall be provided to comply with a subpoena or other lawful process or request. Whenever the original documentary material is removed, a certified copy of the material shall be inserted in the proper file until the return of the original.

§ 105-63.207 Extraordinary authority during emergencies.

In the event of an emergency that threatens the physical preservation of the Presidential historical materials or their environs, the Administrator of General Services or his designated agent will take such steps as may be necessary, including removal of the materials to temporary locations outside the Metropolitan Area of the District of Columbia, to preserve and protect the materials.

Subpart 105-63.3—Access to Materials by Former President Nixon, Federal Agencies, and for Use in Any Judicial Proceeding

§ 105-63.301 Access by former President Nixon.

In accordance with the provisions of Subpart 105-53.2, former President Richard M. Nixon or his designated agent shall at all times have access to the Presidential historical materials in the custody and control of the Administrator of General Services.

§ 105-63.302 Access by Federal agencies.

In accordance with the provisions of Subpart 105-63.2 any Federal agency or department in the executive branch shall at all times have access for lawful Government use to the Presidential historical materials in the custody and control of the Administrator of General Services.

§ 105-63.302-1 Access by the Special Prosecutor.

Pursuant to § 105-63.302, the Special Prosecutor or his designated agent shall



court subpoena or other lawful process, including access pursuant to § 105-63.302-1 shall at all times have priority over any other request for the materials.

Subpart 105-63.4—Access by the Public [Reserved]

PART 105-65—NATIONAL HISTORICAL PUBLICATIONS COMMISSION [RESERVED]

PART 105-66—NATIONAL ARCHIVES TRUST FUND BOARD [RESERVED]

PART 105-735—STANDARDS OF CONDUCT

Subpart 105-735.1—General

- Sec.
- 105-735.101 Purpose.
 - 105-735.102 Definitions.
 - 105-735.103 Responsibilities.
 - 105-735.103-1 Heads of Services and Staff Offices and Regional Administrators.
 - 105-735.103-2 Supervisors.
 - 105-735.103-3 Personnel Division.
 - 105-735.103-4 Employees and special Government employees.
 - 105-735.104 Interpretation and advisory service.
 - 105-735.105 Periodic reminders to employees.
 - 105-735.106 Disciplinary or other remedial action.
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- 105-735.201 General conduct on the job.
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- 105-735.202-1 Gifts from outside sources.
- 105-735.202-2 Gifts to superiors.
- 105-735.202-3 Gifts from foreign governments.
- 105-735.203 Outside employment.
- 105-735.203-1 Incompatible activities.
- 105-735.203-2 Source of salary for Government service.
- 105-735.203-3 Teaching, lecturing, and writing.
- 105-735.203-4 [Reserved]
- 105-735.203-5 Some acceptable activities.
- 105-735.203-6 Prior approval of outside employment.
- 105-735.203-7 Prior approval while on sick leave.
- 105-735.204 Financial interests.
- 105-735.205 Use of Government property.
- 105-735.206 Misuse of information.
- 105-735.207 Indebtedness.
- 105-735.208 Gambling, betting, and lotteries.
- 105-735.209 Prejudicial conduct.

Sec.

- 105-735.210 Place of business.
- 105-735.211 Intermediaries.
- 105-735.212 Lending or borrowing money.
- 105-735.213 Political activity.
- 105-735.214 Reporting irregularities.
- 105-735.215 Purchase of Government property.
- 105-735.216 Purchase of real estate.
- 105-735.217 Use of intoxicants.
- 105-735.218 Use of Government vehicles.
- 105-735.219 Use of long-distance telephone.
- 105-735.220 False statements.
- 105-735.221 Care of official records and documents.

Subpart 105-735.3—Standards of Conduct for Special Government Employees

Sec.

- 105-735.301 General.
- 105-735.302 Use of Government employment.
- 105-735.303 Use of inside information.
- 105-735.304 Coercion.
- 105-735.305 Gifts, entertainment, and favors.
- 105-735.306 Political activity.

Subpart 105-735.4—Statements of Employment and Financial Interests

- 105-735.401 General.
- 105-735.402 Criteria for selection of positions subject to filing requirement.
- 105-735.403 Identification of positions and incumbents.
- 105-735.404 Supplementary statements.
- 105-735.405 Interests of relatives.
- 105-735.406 Information not known by employee.
- 105-735.407 Information prohibited.
- 105-735.408 Confidentiality of statements.
- 105-735.409 Effect of statements on other requirements.
- 105-735.410 Responsibility for review of employment and financial interests statements.
- 105-735.411 Procedure in obtaining statements.
- 105-735.412 Resolving conflicts of interest.
- 105-735.413 Employee complaint against filing requirement.

Subpart 105-735.5—Other Statutes on Conduct

- 105-735.501 General.
- 105-735.502 Code of Ethics for Government Service (H. Con. Res. 175, 85th Cong., 2d Sess., 72 Stat. B12).
- 105-735.503 Bribery of public officials and witnesses (18 U.S.C. 201).
- 105-735.504 Compensation in matters affecting the Government (18 U.S.C. 203).
- 105-735.505 Activities in claims against the Government (18 U.S.C. 205).
- 105-735.506 Disqualification of former employees (18 U.S.C. 207).



THE NEW YORK TIMES, WEDNESDAY, OCTOBER 27, 1976

Appeals Court Rules Nixon Tapes Can Be Copied, Sold or Broadcast

By LESLEY OELSNER

Special to The New York Times

WASHINGTON, Oct. 26—The United States Court of Appeals here ruled today by vote of 2 to 1 that the White House tape recordings that were used as evidence in the Watergate cover-up trial may be reproduced, broadcast, and sold

yer, Herbert J. Miller, announced that the former President would appeal.

"The effect of the Court of Appeals' decision is to permit the commercial exploitation of recordings of Presidential conversations subpoenaed for use in a

Friday 10/29/76

5:40 Bob Jackson of the L.A. Times is asking
if they might expect a reply to Dennis
Britton's letter which was delivered
today --- copy attached.

296-1440

He will be around for about an hour.





Los Angeles Times

WASHINGTON BUREAU

Oct. 29, 1976

Executive Office of the President
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

ATTN: Philip W. Buchen, Counsel to the President

Dear Mr. Buchen,

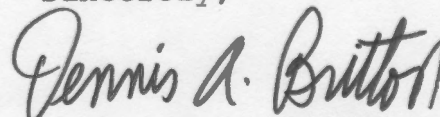
Pursuant to the Freedom of Information Act, 5 U.S.C. 552, I hereby request all files, documents, logs and memoranda which show which tapes and/or documents from the Administration of former President Richard M. Nixon have been listened to or reviewed by you, members of your staff or other members of the Executive Branch since August 9, 1974.

Because of the great public interest in this matter I ask that you waive your right under the Act to reply within 10 working days and instead give an immediate response. If any expenses in excess of \$50 are incurred in connection with this request, please inform me prior to their being incurred for my approval.

Please be put on notice that I consider this information clearly releasable under the Freedom of Information Act, and of great, immediate public interest.

Thank you for your prompt attention to this matter.

Sincerely,



Dennis A. Britton
Asst. Bureau Chief/News Editor



DAB/mpk

THE WHITE HOUSE
WASHINGTON

November 3, 1976

*Nixon
papers*

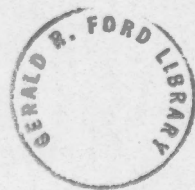
MEMORANDUM FOR: JEANNE DAVIS

FROM: PHILIP BUCHEN *T.W.B.*

Barry Roth of my staff has met with Peter Rodman and Edward Roberts of the NSC staff who identified to him the personal papers of Secretary Kissinger which are stored in the Vault in Room 207 of the Executive Office Building. Because these papers antedate Secretary Kissinger's government service, which began in 1969, it is appropriate to remove these papers from the EOB.

Accordingly, I approve the request to move the six two-drawer file cabinets, twenty-three file boxes and four regular boxes of Secretary Kissinger's personal materials to the State Department.

cc: Robert Snow



THE WHITE HOUSE

WASHINGTON

November 3, 1976

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

BARRY ROTH *BR*

I met today with Peter Rodman and Edward Roberts of the NSC staff who showed me the personal papers of Secretary Kissinger which antedate his government service. These papers were removed from Harvard in early 1969 in order to assure their safety. They are contained in six two-drawer file cabinets, twenty-three file boxes and four small boxes. They are marked Henry A. Kissinger.

Ed Roberts was present when these materials arrived in the Executive Office Building (EOB) in 1969 and has been responsible for their movement and storage. Peter has been responsible for working with these papers, when necessary. They have assured me that none of the materials relate to Secretary Kissinger's government service in the Administrations of President Nixon and President Ford. Peter opened one of the cabinets to show me that it contained material that was dated prior to 1969.

Since these materials are neither government property nor are they covered by the Court Orders surrounding the Nixon papers, I see no reason not to allow their removal from the EOB at this time.



THE WHITE HOUSE
WASHINGTON

November 9, 1976

*Make
copy for Barry*

MEMORANDUM FOR: PHIL BUCHEN

FROM: JACK MARSH *Jack*

Before too long we will be asked about the status of the Nixon tapes and papers presently stored in the EOB.

What is the custodial status of these? Is this a Presidential responsibility that will pass to the succeeding President or is it a responsibility by virtue of the court order that revolves personally on us?

What is Jack Miller's view? In that regard, can Nixon now claim the tapes and remove them? Can Miller? Can you? Can the courts designate some other custodial arrangements? If so, should we explore that?



THE WHITE HOUSE

WASHINGTON

January 7, 1977

MEMORANDUM FOR:

PHIL BUCHEN

FROM:

JACK MARSH

Additional information on the Rhoades-Nixon tape conversation.

Apparently Rhoades has talked personally with Kallaur a senior Carter transition officer who works largely in the field of administration and, therefore, closely with GSA. Kallaur has sent a memo to Watson on the conversation which apparently indicates Rhoades' concern about the tapes including the safe-keeping to protect against deterioration.

