

# **U.S. NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS SELECTED DUPLICATE RECORDS, 1974-77**

## **Collection Type**

Federal Records

## **Extent**

8.0 linear feet (ca. 16,000 pages)

## **Record Type**

Textual

## **Access**

Open. Some items are temporarily restricted under terms of the donor's deed of gift, a copy of which is available on request, or under National Archives and Records Administration general restrictions (36 CFR 1256).

## **Copyright**

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## **Processed by**

Leesa Tobin, March 1981

## **Biography**

- Herbert Brownell - Chairman
- Lucius Battle
- Philip W. Buchen
- Ann Morgan Campbell
- David O. Cooke
- Allen Ertel
- Frank B. Freidel, Jr.
- Elizabeth Hamer Kegan
- Robert J. Lagomarsino
- William E. Leuchtenburg
- J. Edward Lumbard, Jr.
- Edward Mezvinsky
- Gaylord Nelson
- James B. Rhoads
- John M. Thomas
- Michael M. Uhlmann
- Lowell P. Weicker, Jr.

### **Scope and Content Note**

The National Study Commission on Records and Documents of Federal Officials, also known as the Public Documents Commission, was established by Title II of the Presidential Records and Materials Preservation Act (Public Law 93-526), signed December 19, 1974. Events during the last years of the Nixon Presidency aroused controversy concerning the traditional practice of a president treating documentary materials created during his term of office as private property. The Commission was charged with studying the status of records created by the President and all other elected and appointed federal officials, and making recommendations to Congress and the President.

Title I of the Presidential Records and Materials Preservation Act abrogated the so-called Nixon-Sampson Agreement and directed the Administrator of General Services to take possession and control of all of the Nixon presidential materials, make them available for use in any judicial proceeding, and provide for public access to the materials under regulations to be approved by the House and Senate.

In September 1974, former President Nixon had entered into an agreement with Administrator Arthur Sampson which provided for the disposition of the Nixon presidential materials under the provisions of the 1955 Presidential Libraries Act. However, the Nixon-Sampson Agreement not only gave to Mr. Nixon the right to control access to the materials, but also provided among other things for the destruction of Nixon's White House tapes by 1984 and permitted Mr. Nixon to withdraw materials of his own choosing from Federal custody after three years.

Title II directed the Public Documents Commission to consider the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials, and to make recommendations to Congress and the President for appropriate legislation, rules, and procedures with respect to such control, deposition, and preservation.

Specific questions addressed by the Commission included:

- whether the practice of private ownership of presidential papers should be rejected or accepted and whether the same guidelines should apply to all Federal officials;
- whether the findings of the Commission should affect the control, disposition, and preservation of records and documents of agencies within the Executive Office of the President created for short-term purposes by the President;
- establishing a means to determine which records and documents are produced by or on behalf of the President; how to protect the privacy interests of individuals whose communications with Federal officials are a part of the records and documents produced by those officials;
- how the findings of the Commission relate to other Federal laws concerning the records and documents of Federal officials.

Title II provided that the Commission's membership should include three public members appointed by the President; two members of the House of Representatives; two members of the Senate; a representative of the Departments of State, Justice, and Defense; the Librarian of Congress (represented by the Assistant Librarian for American and Library Studies), the Administrator of General Services (who delegated his role to the Archivist of the United States); a Justice of the Supreme Court (later changed to a member of the Federal judiciary); and

representatives of the American Historical Association, the Organization of American Historians, and the Society of American Archivists.

The Public Documents Commission held a series of public meetings from December 15, 1975 through March 25, 1977 in San Francisco, Chicago, New York City, and Washington, D.C. to elicit the views of scholars, lawyers, archivists and other interested parties. The Commission also convened a series of panel discussions in Washington, D.C. to solicit the views and advice of various specialists. Topics discussed included problems surrounding papers and records of the White House and the Congress, aspects of record-keeping in government agencies, and journalists' views on these issues.

The Commission staff prepared legal memoranda, background papers and other studies. Additionally, the staffs of the Library of Congress, the National Archives and Records Service and other governmental units prepared special studies and surveys for the Commission. A number of consultants under contract also prepared reports and studies. The Commission concluded its assignment in the spring of 1977 with the submission to Congress and the President of a Majority Report, signed by 15 Commissioners, and an Alternate Report, signed by Commission Chairman Herbert Brownell and Commissioner Lowell Weicker, Senator from Connecticut.

The Commission materials at the Ford Library consist of extra non-record copies of print and near-print items culled from the Records of the Public Documents Commission accessioned by the National Archives in October 1977. The complete records of the Commission are available at the National Archives and most of the significant materials are available for sale on microfiche. The collection at the Ford Library consists of a complete set of public hearings and panel discussion transcripts, an incomplete set of background papers and studies submitted to the Commission, reference materials concerning Nixon presidential materials litigation, and miscellaneous printed matter.

### **Related Materials** (March 1981)

A small amount of additional material in the Ford Library related to the Commission's membership and work may be found in White House Central Files Subject File FG 416, and in the files of Jane Dannenhauer, Kenneth A. Lazarus, and Barry Roth in the Office of Counsel to the President. Also useful is a book compiled

by Anna Kasten Nelson, *The Records of Federal Officials: A Selection of Materials From the National Study Commission of Records and Documents of Federal Officials*. (New York: Garland Publishing, 1978)

**Last Modified Date**

2024-05-20

**Final Report File, 1977.**

(Box 1, 0.4 linear feet)

A copy of the commission's final report (March 13, 1977) which includes both the majority and alternate reports. Also included are transcripts of two commission meetings held prior to submission of the majority and alternate report and a memoranda of law prepared by the legal staff.

Unarranged.

**Box 1 - Final Report File**

<b>Status</b>	<b>Title</b>
OPEN	Final Report (Publication)
OPEN	Memoranda of Law
OPEN	Preliminary Draft of the Final Report - Discussions (1)-(2)
OPEN	Discussion of Final and Alternate Report (1)-(2)

**Public Hearings and Discussion Panels File, 1976-77.**

(Boxes 2-3, 0.8 linear feet)

Transcripts of hearings and discussion panels held between November 1976 and January 1977 in San Francisco, Chicago, New York, and Washington, D.C. at which historians, archivists, and other members of the interested public presented their views to commission representatives; and special discussion panels, present and former government officials, journalists, and scholars to discuss the problems associated with the disposition of records of the Congress, the Federal Judiciary and the Presidency.

Arranged chronologically.

**Box 2 - Public Hearings and Discussion Panels File**

<b>Status</b>	<b>Title</b>
OPEN	Public Hearing, 11/15-16/76 - San Francisco (1)-(2)
OPEN	Public Hearing, 11/18-19/76 - Chicago (1)-(2)
OPEN	Journalists Panel, 11/30/76
OPEN	Public Hearing, 12/6-7/76 - New York City
OPEN	Congressional Panel, 12/15/76

### **Box 3 - Public Hearings and Discussion Panels File**

<b>Status</b>	<b>Title</b>
OPEN	Judicial Panel, 12/16-17/76 (1)-(2)
OPEN	Records Keeping in Government Agencies Panel, 1/10/77
OPEN	Presidency Panel, 1/14/77
OPEN	Public Hearing, 1/12-13/77 - Washington, D.C. (1)-(2)

### **Studies File, 1976-77.**

(Boxes 4-5, 0.8 linear feet)

Reports and studies prepared at the request of the Public Documents Commission by commission staff, paid consultants, and the staff of cooperating federal agencies that relate to such matters as the legislative and judicial records held by the National Archives, the presidential libraries system, the records generated by organizations of the Executive Office of the President, and foreign archival practices.

Arranged alphabetically by author.

### **Box 4 - Studies File**

<b>Status</b>	<b>Title</b>
OPEN	Adams, Bruce "A Study of the Relationship Between GSA and NARS"
OPEN	Forsythe, Dall W. "Recordkeeping and the Presidency"
OPEN	Ham, Gerald F. "Accessioning the Papers of Public Officials: An Examination of the Laws and Practices of the States"
OPEN	Leopold, Richard W. "The Historical Profession and Presidential Libraries"

<b>Status</b>	<b>Title</b>
OPEN	Library of Congress "Personal Papers of Federal Officials", "Personal Papers of Federal Officials"
OPEN	Lowe, David E. "Congressional Papers: Perspectives and Recommendations"
OPEN	National Archives "Federal Law and Access to the Sources: The Freedom of Information Act, Security Classification, and the Privacy Act"
OPEN	National Archives "Judicial Records in the National Archives"
OPEN	National Archives "Legislative Records in the National Archives"
OPEN	National Archives "Official Records and Private Papers"
OPEN	National Archives "A Study of Records of Organizations in the Executive Office of the President and of Presidential Advisory Committees"
OPEN	National Archives "Treatment of Presidential Papers in the Presidential Libraries Era"

**Box 5 - Studies File**

<b>Status</b>	<b>Title</b>
OPEN	Nelson, Anna K. "Foreign Policy and Papers: A Case Study of the Preservation and Accessibility of One Group of Documents"
OPEN	Nelson, Anna K. "Government History Offices and Public Records"
OPEN	Public Documents Commission "The Federal Depository Library Program"
OPEN	Schuker, Stephen K. "Changes in Archival Legislation and Practice Now Under Consideration"
OPEN	Schuker, Stephen K. "Laws and Practices Concerning Records and Documents in the United Kingdom and on the European Continent"

**Reference File, 1974-77.**

(Boxes 6-9, 1.6 linear feet)

Copies of laws, regulations, court decisions, affidavits, depositions, reports, file manuals, and other papers assembled as reference material. This file includes papers that relate to the basic laws and regulations that govern the creation, maintenance and availability of executive agency records as well as the institutional records of the Congress and the Federal Judiciary and the papers accumulated by the President. Also included are many items that related directly to the Nixon materials such as the depositions of Philip Buchen, Benton Becker, and Arthur Sampson. These papers also contain copies of related bills and hearings.

Arranged numerically by civil action docket number.

### **Box 6 - Reference File**

<b>Status</b>	<b>Title</b>
OPEN	Chronology of Nixon Litigation
OPEN	C.A. 74-110 - U.S.V. Mitchell et. al.
OPEN	C.A. 74-1518 - Nixon and Woods v. Sampson (1)-(2)
OPEN	C.A. 74-1518, 1533, 1551 - Benton Becker Deposition
OPEN / DIGITIZED	<a href="#">C.A. 74-1518, 1533, 1551 - Philip Buchen Deposition (1)</a>
OPEN / DIGITIZED	<a href="#">C.A. 74-1518, 1533, 1551 - Philip Buchen Deposition (2)</a>
OPEN	C.A. 74-1518, 1533, 1551 - Dockets
OPEN / DIGITIZED	<a href="#">C.A. 74-1518, 1533, 1551 - Exhibits</a>
OPEN	C.A. 74-1518, 1533, 1551 - Miscellaneous Materials

### **Box 7 - Reference File**

<b>Status</b>	<b>Title</b>
OPEN	C.A. 74-1518, 1533, 1551 - Arthur Sampson Deposition
OPEN	C.A. 74-1852 - Attorneys for Defendants - Memoranda
OPEN	C.A. 74-1852 - Brief for Defendants
OPEN	C.A. 74-1852 - Jeanne Davis Deposition
OPEN	C.A. 74-1852 - Docket
OPEN	C.A. 74-1852 - Evidentiary Submission by Defendants (1)-(4)

### **Box 8 - Reference File.**

<b>Status</b>	<b>Title</b>
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OPEN	C.A. 74-1852 - Evidentiary Submission by Intervenor Defendants
OPEN	C.A. 74-1852 - Evidentiary Submission by Plaintiff
OPEN	C.A. 74-1852 - General Services Administration Regulations
OPEN	C.A. 74-1852 - General Services Administration Regulations - House Hearings
OPEN	C.A. 74-1852 - General Services Administration Regulations - Senate Report
OPEN	C.A. 74-1852 - Intervenor - Defendants Joint Memo in Opposition to Plaintiff's Request for Relief (1)-(2)
OPEN	C.A. 74-1852 - Miscellaneous Material
OPEN	C.A. 74-1852 - Motion to Amend Order
OPEN	C.A. 74-1852 - Newspaper Clippings

**Box 9 - Reference File**

<b>Status</b>	<b>Title</b>
OPEN	C.A. 74-1852 - Nixon Brief (1)-(2)
OPEN	C.A. 74-1852 - Nixon Deposition and Exhibits
OPEN	C.A. 74-1852 - Opinion
OPEN	C.A. 74-1852 - Plaintiffs Reply Brief
OPEN	C.A. 74-1852 - Saxbe Opinion
OPEN	C.A. 74-1852 - Stipulation By All Counsel
OPEN	C.A. 74-1852 - Supplemental Evidentiary Presentation - Nixon
OPEN	C.A. 75-1605 - Appellants Reply to the Motion to Affirm
OPEN	C.A. 75-1605 - Brief for Appellant
OPEN	C.A. 75-1605 - Motion of Federal Appellees to Affirm
OPEN	C.A. 75-1605 - Motion of Intervenor - Appellees to Dismiss or Affirm

**Printed Materials File, 1974-77.**

(Boxes 10-18, 3.6 linear feet)

Books, pamphlets, printed hearings and investigations, and miscellaneous materials related to the creation, disposition, and preservation of records created by or on behalf of the federal officials.

Arranged alphabetically by main entry.

**Box 10 - Printed Materials File**

Box list unavailable for this series

**Status Title**

**Box 11 - Printed Materials File**

**Status Title**

**Box 12 - Printed Materials File**

**Status Title**

**Box 13 - Printed Materials File**

**Status Title**

**Box 14 - Printed Materials File**

**Status Title**

**Box 15 - Printed Materials File**

**Status Title**

**Box 16 - Printed Materials File**

**Status Title**

**Box 17 - Printed Materials File**

**Status Title**

**Box 18 - Printed Materials File**

**Status Title**

**Duplicate Transcripts File, 1976-77.**

(Boxes 19-20, 0.8 linear feet)

Duplicates of transcripts of public hearings and discussion panels.

Arranged chronologically.

**Box 19 - Duplicate Transcripts File**

Box list unavailable for this series

**Status Title**

**Box 20 - Duplicate Transcripts File**

**Status Title**