

**The original documents are located in Box 13, folder “Nixon Papers” of the Robert T. Hartmann Files at the Gerald R. Ford Presidential Library.**

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THE WHITE HOUSE

WASHINGTON

October 24, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF

SUBJECT: Court Order Regarding Presidential  
Materials of the Nixon Administration

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

Please note:

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

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

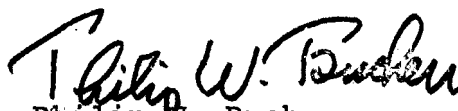
Attached also is a copy of an August 9, 1974, memorandum from Jerry H. Jones on the subject of collecting and segregating "papers of the White House Office at the time of President Nixon's resignation as well as those enroute at the time and intended for him."

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

- (i) The remaining papers in the files of the White House Office which have not yet been segregated and placed in storage may be used to complete implementing the August 9, 1974, memorandum.
- (ii) Papers necessary for purposes of current government business shall be used for such purposes if practicable in the form of duplicated files as provided in the memorandum, and a listing of any files so duplicated shall be supplied to me.

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

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

  
Philip W. Buchen  
Counsel to the President

Enclosures

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

SUPPLEMENTAL ORDER

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

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

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

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

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

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

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

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

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

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

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

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

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

JAMES F. DAVEY, CLERK,

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

THE WHITE HOUSE

WASHINGTON

August 9, 1974

MEMORANDUM FOR THE WHITE HOUSE STAFF:

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

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

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

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

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

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

  
Jerry H. Jones

Special Assistant to the President

## WHITE HOUSE OFFICE PAPERS

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

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

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

### **White House Office Papers: Filing with Central Files**

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

2. *Each staff member shall maintain his personal files separate from any working files he may keep on official business and clearly designate them as such.* Personal files include correspondence unrelated to any official duties performed by the staff member; personal books, pamphlets and periodicals; daily appointment books or log books; folders

of newspapers or magazine clippings; and copies of records of a personnel nature relating to a person's employment or service. Personal files should not include any copies, drafts or working papers that relate to official business or any documents or records, whether or not adopted, made or received in the course of official business.

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

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

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

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

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



individual or office from whom they were received.

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

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

#### **White House Office Papers: Disposition of Papers Upon Leaving Staff**

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

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

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

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

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

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

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

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

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

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**THE WHITE HOUSE**  
WASHINGTON

Dec. 13, 1974

To: Bob Hartmann

From: Phil Buchen

THE WHITE HOUSE  
WASHINGTON

December 13, 1974

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP BUCHEN

SUBJECT: Enrolled Bill: S. 4016 -- Nixon Papers and Tapes

Friday, December 20, is the last day for action on the referenced bill. This is to outline its anticipated impact and to furnish my views on an appropriate course of action.

Title I

1. General. Title I governs the possession, security and accessibility of tape recordings and other materials of former President Nixon. Three separate stages of implementation are involved.
2. First Stage. Upon enactment, the following provisions of Title I would have to be implemented.
  - (a) Possession. The Administrator of GSA is directed to take complete control and possession of all tapes and other materials of the former President. [Sec. 101]
  - (b) Preservation. None of the tapes or other materials could ever be destroyed absent affirmative congressional consent. [Sec. 102(a)]
  - (c) Access. (i) The tapes and other materials would be made available immediately, subject to any rights, defenses or privileges which may be asserted for "subpoena or other legal process." Thus, the papers and tapes would be subject to subpoena by the Special Prosecutor, by Congress, by state law enforcement officials and by private parties in administrative, civil or criminal proceedings before either a state or Federal tribunal. Moreover, the materials would also be discoverable incident to a state or Federal court action or appropriate administrative proceeding. [Sec. 102(b)]

(ii) President Nixon or his designate would be denied any access to the tapes or other materials within the possession of GSA until the issuance of protective regulations as discussed below. (See 3 infra.) Although there is no express provision for notice from GSA to the former President regarding requests for access, this would be consistent with legislative intent in order to allow him to assert any privilege in opposition to such a request. [Sec. 102(c)]

(iii) Any agency or department in the Executive branch of the Federal government would be authorized access to the tapes and other materials for "lawful Government use." Here too, there is no express provision for notice to allow consideration of a competing privilege but such notice would be consistent with legislative history. [Sec. 102(d)]

3. Second Stage. The Administrator of GSA is directed to issue protective regulations "at the earliest possible date" governing the possession, security and custody of tapes and other materials. On a theoretical plane, some of these tapes and other materials could have been already accessed as discussed above. As a practical matter, however, the regulations can be issued within a week from date of enactment. Therefore, the only real import of this stage is that it triggers access to the tapes and materials by the former President or his designate subject to the restraints of this title. [Sec. 103]
4. Third Stage. The third stage of implementation under Title I involves the establishment of regulations governing general public access to the tapes and other materials.
  - (a) Timing. Within ninety (90) days after enactment of the subject bill, the Administrator of GSA will submit to both Houses of Congress proposed regulations governing public access to the tapes and other materials [Sec. 104(a)]. These regulations

shall take effect upon the expiration of ninety (90) legislative days after submission to the Congress unless disapproved by either House. [Sec. 104(b)(1)]

- (b) Standards. In drafting these regulations, the Administrator is directed to take into account a series of specified needs: (1) to provide the public with the full truth on the abuses of governmental power incident to "Watergate"; (2) to make the tapes and materials available for judicial proceedings; (3) to guarantee the integrity of national security information; (4) to protect individual rights to a fair trial; (5) to protect the opportunity to assert available rights and privileges; (6) to provide public access to materials of historical significance; and (7) to provide the former President with tapes or materials in which the public has no interest as set forth above. [Sec. 104(a)]
5. Judicial Review. A provision is included to allow for expedited judicial review of the constitutional issues which will be raised. [Sec. 105(a)]
6. Compensation. The bill authorizes compensation to the former President if it is determined that he has been deprived of personal property under its provisions.
7. Constitutional Issues. Although Title I is probably constitutional on its face, it will no doubt be substantially cut back as various provisions for access are applied in the face of competing claims, primarily Executive Privilege.

The seven major issues presented by the measure involve: (1) the novel type of eminent domain which it contemplates; (2) the appropriate scope of Executive Privilege; (3) relevant rights of privacy; (4) its impact upon First Amendment rights; (5) the Fifth Amendment privilege against self-incrimination; (6) the claim that it constitutes a Bill of Attainder; and (7) Fourth Amendment claims relating to unreasonable searches and seizures. The bill itself provides the opportunity to litigate each of these possible objections.

## Title II

Title II would establish a "Public Documents Commission" to study problems with respect to the control, disposition and preservation of records produced by or on behalf of "Federal officials", defined to include virtually all officers and employees of the three branches of government.

This 17-member commission would be composed of two Members of the House of Representatives; two Senators; three appointees of the President, selected from the public on a bipartisan basis; the Librarian of Congress; one appointee each of the Chief Justice of the United States, the White House, the Secretary of State, the Secretary of Defense, the Attorney General, and the Administrator of General Services; and three other representatives, one each appointed by the American Historical Association, the Society of American Archivists, and the Organization of American Historians.

The Commission would be directed to make specific recommendations for legislation and recommendations for rules and procedures as may be appropriate regarding the disposition of documents of Federal officials. The final report is to be submitted to the Congress and the President by March 31, 1976.

## Discussion

1. Should the bill be enacted? There are essentially three arguments against the enactment of the subject bill. First, it is inherently inequitable in singling out one President and attempting to reduce the traditional sphere of Presidential confidentiality only as to him. Second, it holds some potential for political exploitation and could lead to more sensational and destructive exposures of the former President's dealings and the confidential statements or writings of other parties with no purpose other than the satisfaction of idle curiosity. Third, it could require a great deal of unnecessary litigation, depleting further the financial resources of Mr. Nixon and drawing the judiciary further into the quagmire of "Watergate".

On the other hand, there are four factors that support enactment of the bill. First, as noted above, it does provide a remedy for Mr. Nixon

to pursue in asserting relevant rights and privileges. Second, it will introduce some element of finality to White House involvement in the various tapes disputes. Third, a veto would be interpreted as "more cover-up" which would undermine your efforts to put "Watergate" behind us. Fourth, it could enhance the likelihood of an agreement between Henry Ruth and counsel for Mr. Nixon governing access to the tapes and other materials, thereby expediting the mission of the Special Prosecutor.

2. Should the bill be signed or merely allowed to become law?

Assuming that you believe the bill should be enacted, I see no reason for you to withhold your signature. Since this is purely a question of form, there would appear to be no significant reason to risk any political losses that could be incurred.

3. Should a public statement be issued? In my opinion, a statement should be issued. The statement would be shaped along the following lines. First, the existence of constitutional issues might only be noted -- no opinion would be expressed on the relative merits of competing claims. Second, you could indicate your understanding of Congressional intent to the effect that the former President be given every opportunity to litigate any claims of privilege which may be available to him. Third, you would request the Administrator of GSA to move promptly to discharge his duties in accordance with the spirit and the letter of the law. Finally, you would indicate that a talent search is underway to recruit Presidential appointees to the "Public Documents Commission" and that you are hopeful the commission will be able to suggest even-handed and uniform rules governing access to the documents of all Federal officials.

4. Agency Views. The Domestic Council and OMB make no recommendations concerning this measure. The view of the Department of Justice is that S. 4016 should be allowed to become law.

Action

1. S. 4016 should be enacted into law.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

2. The bill should be signed.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

3. A public statement should be issued.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

4. The statement should follow the format noted above.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

See Me \_\_\_\_\_



THE WHITE HOUSE  
WASHINGTON

December 18, 1974

MR. PRESIDENT:

There are two page 3's attached. The second one adds an ending paragraph.

*Jerry Jones*  
JERRY JONES

*[Large scribble]*

*Cheney*

*This revision  
opened by Buchen  
and Hartmann.  
Pres. has not seen  
# revision*

*[Signature]*

*11/20*



THE WHITE HOUSE

WASHINGTON

December 18, 1974

MEMORANDUM FOR THE PRESIDENT

FROM:

PHILIP BUCHEN

*P.W.B.*

SUBJECT:

Enrolled Bill: S. 4016 -- Nixon Papers  
and Tapes.

As you know, Friday, December 20, is the last day for action on the referenced bill. However, we have been advised by the joint leadership that the Congress will adjourn sine die on Thursday evening if S. 4016 is enacted. Early adjournment would appear to be in the Administration's best interests, especially in expediting the Rockefeller nomination.

Attached is a draft signing statement which hopefully meets your previously expressed concerns. The draft has been reviewed by Messrs. ~~Rosenfeld~~, Marsh, Friedersdorf, Cole, Nessen, Ebner and Theis, and Deputy Attorney General Silberman.

ACTION

1. To sign S. 4016 on:

Thursday (December 19)

*RR7*

Friday (December 20) \_\_\_\_\_

2. The draft statement is:

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

See Me \_\_\_\_\_

*Conrad*

STATEMENT BY THE PRESIDENT  
UPON SIGNING S. 4016, THE  
"PRESIDENTIAL RECORDINGS AND  
MATERIALS PRESERVATION ACT"

I have today signed S. 4016. This measure provides the following:

Title I: governs the possession, security and accessibility of tape recordings and other materials of the former President. Included are virtually all documents produced within the White House during the previous Administration. The Administrator of General Services is charged with obtaining "complete possession and control" of the tape recordings and materials which would be made available immediately, subject to any rights, defenses or privileges which may be asserted, for "subpoena or other legal process."

The Administrator is also directed to issue protective regulations "at the earliest possible date" governing the possession, security and custody of the tapes and materials. Finally, the Administrator shall draft regulations governing general public access to the tapes and materials, taking into account a series of specified needs: (1) to provide the public with the "full truth" on the abuses of governmental power incident to "Watergate"; (2) to make available the tapes and materials for judicial proceedings; (3) to guarantee the integrity of national security information; (4) to protect individual rights to a fair trial; (5) to protect the opportunity to assert available rights and privileges; (6) to provide public access to materials of historical significance; and (7) to provide the former President with tapes or materials in which the public has no interest.

Title I also provides for the expeditious judicial review of challenges to the "legal or constitutional validity" of the statute or of any regulation issued under its authority, and any action or proceeding

involving "the question of title, ownership, custody, possession or control" of any tape recording or other material. In the event it is determined that the former President has been deprived of personal property under the provisions of Title I, "just compensation" shall be paid to him.

Title II: establishes a "Public Documents Commission" to study problems with respect to the control, disposition and preservation of records produced by or on behalf of "Federal officials." These are defined to include elected Federal officials and any officer of the executive, judicial or legislative branch of the Federal Government. The Commission is directed to make specific recommendations for legislation and other recommendations for rules and procedures as may be appropriate regarding the documents of such officials. A final report fulfilling their mandate is to be submitted to the Congress and the President by March 31, 1976.

It has been my consistent policy toward the records of the former President to protect both the records themselves and the legal rights of all parties involved. Following the release of an opinion of the Attorney General of the United States to the effect that the tapes and materials of the former President constituted his personal property, an agreement was entered into by Mr. Nixon and Mr. Sampson, the Administrator of General Services, on September 6, 1974. This agreement was intended to govern the possession, security and accessibility of the tapes and materials and it secured them from destruction or alteration during the periods when they might be needed in court and grand jury proceedings. Since then, a great deal of litigation and public attention have centered on that agreement. Although I believe it would not be appropriate to comment on the various issues, constitutional or otherwise, which are presented by pending cases or by the subject bill, I do want to mention that, by

agreement made November 9, 1974, the interests of the Watergate Special Prosecution Force for access to the tapes and materials were fully accommodated.

It is my understanding of the intent of the Congress that this Act will provide the former President and others with the opportunity to litigate any right or privilege which may be asserted relevant to the tapes or materials.

~~I am certain that~~ the Administrator of General Services will move promptly to obtain complete possession and control of the tapes and materials and to discharge his other duties under the law.

*I will name the*  
~~A search will begin shortly to recruit~~ Presidential appointees to the "Public Documents Commission." <sup>as quickly as possible,</sup> I am hopeful that the commission will suggest even-handed and uniform rules governing the documents of all Federal officials.