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NASTD

ID# 293196

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

FE008-01

INCOMING

DATE RECEIVED: AUGUST 07, 1985

NAME OF CORRESPONDENT: THE HONORABLE RICHARD G. LUGAR

SUBJECT: RECOMMENDS RUSH HILL FOR APPOINTMENT TO
POSITION AS ARCHTECT OF THE RONALD REAGAN
LIBRARY AND POLICY CENTER AT STANFORD
UNIVERSITY

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD

M. B. OGLESBY		ORG	85/08/07		<i>C 85/08/13 AB</i>
REFERRAL NOTE:			<i>/ /</i>		<i>/ /</i>
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REFERRAL NOTE:			<i>/ /</i>		<i>/ /</i>

COMMENTS: *Architect is not a Presidentially appointed position*

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 1220
MAIL USER CODES: (A) END (B) (C)

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*ACTION CODES:          *DISPOSITION                *OUTGOING          *
*                       *                               *CORRESPONDENCE:  *
*A-APPROPRIATE ACTION  *A-ANSWERED                *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *B-NON-SPEC-REFERRAL      *                   * OF SIGNER        *
*D-DRAFT RESPONSE     *C-COMPLETED             *                   * CODE = A         *
*F-FURNISH FACT SHEET *S-SUSPENDED              *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                               *                   * OUTGOING         *
*R-DIRECT REPLY W/COPY *                               *                   *                   *
*S-FOR-SIGNATURE       *                               *                   *                   *
*X-INTERIM REPLY       *                               *                   *                   *
*****

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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

RICHARD G. LUGAR
INDIANA

SH 306 SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510
202-224-4814

Rec

293126

COMMITTEES:
FOREIGN RELATIONS
AGRICULTURE, NUTRITION AND FORESTRY
SELECT COMMITTEE ON INTELLIGENCE

United States Senate

WASHINGTON, D.C. 20510

37
mo

August 2, 19851

President Ronald Reagan
The White House
Washington, D.C. 20500

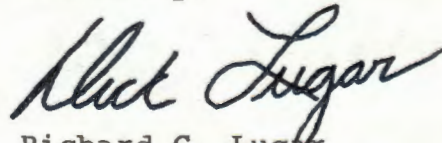
Dear Mr. President:

I am writing to urge you to give careful consideration to Mr. Rush Hill for the position of architect of the Ronald Reagan Library and Policy Center at Stanford University.

I have known Rush personally for several years and continue to be impressed by his strong background and numerous accomplishments. As you well know, his qualifications in the field of architecture are impeccable. I believe that he would be very creative in designing a building that would be both imposing and artistic.

I sincerely hope that you will carefully consider Rush for this appointment. I have great faith in his integrity as a person as well as his architectural talent. I am sure that he would do a first class job in order to promote the most favorable image of the Reagan Presidency. If I can provide further information, please do not hesitate to contact me.

Sincerely,



Richard G. Lugar
United States Senator

RGL:ln

Julia
8/11 - P/P *Julia will call back*

8/13 - Architect is not a Presidentally appointed position

2

294329

JV

FE008-01

WHITE HOUSE MAIL ROOM

Receipt for INSURED MAIL

to

Date 2-8-85 No. 4000 513 525

Time of Receipt 555 Init. JWM

Declared Value _____ Fee Paid .85

Postage 6.05

Special Handling _____

Special Delivery _____

Restricted Delivery Fee _____

Return Receipt Fee:
At Time of Mailing _____

After Time of Mailing _____

SENDER ROBERTS 100 EOB

ADDRESSEE MS. MOLLY TUTHILL

REAGAN COLLECTION

STANFORD CALIF

94305

(Postmark)



FG
FG001
WH004

299644

JV

March 7, 1985

YZ 1140

FE008-01

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FE010

FE006-01

FE149-04

Dear Mr. Warner:

Thank you for your letter of February 22, 1985 to Mr. Regan and the information you enclosed regarding official records and personal papers.

As you requested, he will consider donating his personal papers to the Ronald Reagan Presidential Library operated by the National Archives. Pending the time that Mr. Regan makes a decision, if you have any questions I can be contacted at 456-2520.

With best wishes,

Sincerely,

Cheri Nolan
Office of the Chief of Staff
to the President

The Honorable Robert M. Warner
Archivist of the United States
National Archives and Records Service
Washington, D.C. 20408

CN/jfc--(3DTR)

THE WHITE HOUSE
WASHINGTON

Tom,

Can you have Cheri or
whoever, acknowledge
receipt of letter advising
the sender that no decision has
been made at this time.

Thank

RICHARD P. RILEY



1985 MAR -4 PM 4: 57

FEB 22 1985

Honorable Donald T. Regan
Chief of Staff
The White House
Washington, DC 20500

Dear Mr. Regan:

Please allow me to add my congratulations to the many others you have received on your appointment.

I am taking the liberty of writing you in order to bring to your attention the role of the National Archives in preserving the documentation of the many historic decisions and events in which you are a major participant. As Chief of Staff, the official record of your activities will be included among the President's records which will be eventually lodged in the Ronald Reagan Presidential Library operated by the National Archives. The official history of this administration as documented by Presidential records will be supplemented in the Library by the donated personal papers of many of the President's associates and appointees. I am asking that you give consideration to such a donation in the future in order that we might preserve as full a record as possible of the Reagan years.

In this connection you have already undoubtedly developed a considerable body of historically important materials as Secretary of the Treasury. I would be happy at any time to discuss with you or your representative the possible donation or deposit of personal papers collected during your service in that post.

I am enclosing for your information our pamphlet "For the Record" and Bulletin B-106 which outline the distinction between official records and personal papers.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert M. Warner".

ROBERT M. WARNER
Archivist of the United States

Enclosures

October 30, 1980

GSA BULLETIN FPMR B- 106
ARCHIVES AND RECORDS

TO: Heads of Federal agencies

SUBJECT: Disposition of personal papers and official records

1. Purpose. This bulletin summarizes the requirements of Federal law and related regulations and reminds heads of all Federal agencies of their legal responsibilities to (a) inform agency officials and personnel about established procedures for maintaining personal papers and (b) ensure the security and integrity of Federal records.

2. Expiration date. This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. Action to be taken by agency heads.

a. Heads of all Federal agencies are responsible for ensuring that agency officials and employees are fully informed of requirements of Federal law concerning official records held by their agencies. Agency heads should review agency records management programs and determine whether adequate safeguards exist against the loss of Federal records. To ensure adequate safeguards:

(1) Employees must be acquainted with Federal law governing disposition of official records. Removal or destruction of Federal records should occur only with authorization of NARS-approved records control schedules or general records schedules.

(2) Employees must be aware of the criminal penalties that are attached to unlawful removal or destruction of Federal records. Employees also must be aware of their legal responsibility to inform responsible officials of any actual or threatened unlawful loss or removal of official records.

(3) Employees must be aware of the requirement for identifying and maintaining personal papers separately from official records. Responsible officials should regularly monitor compliance with this requirement.

b. Effective methods to bring these legal requirements to the attention of agency employees include issuance of circular memorandums containing written instructions and discussions held during orientation and debriefing sessions, especially those held for senior executives.

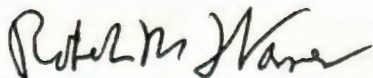
reference." These extra copies of documents are commonly regarded as nonrecord materials and are disposable without reference to the requirements of chapter 33, title 44, U.S. Code. Although these materials cannot be considered as personal papers, a Government official may accumulate for convenience of reference extra copies of papers and other materials which he or she has drafted, reviewed, or otherwise acted upon. When deposited in a research institution, extra copies can serve the needs of historical scholarship. Government officials may be permitted to retain these extra copies, provided that retention would not (1) diminish the official records of the agency; (2) violate confidentiality required by national security, privacy, or other interests protected by law; or (3) exceed normal administrative economies.

e. Federal law (44 U.S.C. 3105) requires heads of Federal agencies to establish safeguards against the removal or loss of Federal records. These safeguards include notifying agency officials that (1) the alienation and destruction of records in agency custody is governed by specific provisions of chapter 33, title 44, U.S. Code, and (2) criminal penalties are provided for the unlawful removal or destruction of Federal records (18 U.S.C. 2071) and for the unlawful disclosure of certain information pertaining to national security (18 U.S.C. 793, 794, and 798).

f. Federal law (44 U.S.C. 3106) requires heads of Federal agencies to notify the Administrator of General Services of any actual or threatened unlawful removal or destruction of records in their custody. The Archivist of the United States has been delegated authority to assist agency heads in initiating action through the Attorney General of the United States for the recovery of records unlawfully removed.

5. Assistance to agencies. The National Archives and Records Service will assist agencies in appraising a body of materials and determining whether it comprises personal papers or official records. Oral requests for assistance should be directed to the Records Disposition Division, Office of Federal Records Centers (202-724-1625). Written requests should be forwarded to the General Services Administration (NC), Washington, DC 20408.

6. Cancellation. GSA Bulletins FPMR B-65, and B-99 are canceled.



ROBERT M. WARNER
Archivist of the United States

c. Requirements of Federal law governing removal or destruction of Federal records should be incorporated into agency files maintenance manuals and records control schedules. Adequate and proper separation and control of personal papers is essential to ensure the security and integrity of Federal records.

4. Background.

a. 44 U.S.C. 3301 legally defines "Federal records" to include:

...all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

b. FPMR 101-11.202-2(d) provides a legal definition of personal papers and prescribes standards for their maintenance:

Papers of a private or nonofficial character which pertain only to an individual's personal affairs that are kept in the office of a Federal official will be clearly designated by him as nonofficial and will at all times be filed separately from the official records of his office. In cases where matters requiring the transaction of official business are received in private personal correspondence, the portion of such correspondence that pertains to official business will be extracted and made a part of the official files....

c. The definition of official records involves materials made or received either under Federal law or in connection with the transaction of public business. The definition of personal papers covers material pertaining solely to an individual's private affairs. For example, correspondence designated "personal," "confidential," or "private," etc., but relevant to the conduct of public business, is an official record subject to the provisions of Federal law pertinent to the maintenance and disposal of these records. Official records are public records and belong to the office rather than to the officer.

d. The legal definition of records (44 U.S.C. 3301) specifically excludes "extra copies of documents preserved only for convenience of

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29

C.F.

308489

ID # _____ CU

FE008-01

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 / 1 /

Name of Correspondent: Dave Chew *

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Presidential Library

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUHOLL</u>	<u>ORIGINATOR</u>	<u>85103127</u>		<u>C</u>	<u>85103127</u>
<u>CUAT18</u>	<u>D</u>	<u>85103129</u>		<u>C</u>	<u>85103127</u>
<u>CUFIEL</u>	<u>R</u>	<u>85103127</u>		<u>C</u>	<u>85103127</u>

Referral Note: 3-27-85 JGR MEMO TO Fielding

Referral Note: 3-27-85 FFF MEMO TO D. CHEW

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure
- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: 3/25/85 JGR MEMO TO Fielding

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: 0 Individual Codes: 1110 _____

Prime Subject Code: FE 008-01 Secondary Subject Codes: _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence**
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

- CLn - First Lady's Correspondence**
- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence**
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

308122

THE WHITE HOUSE

WASHINGTON

March 27, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: FRED F. FIELDING *Orig. signed by FFF*
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Library Issues

You have raised several questions with this office concerning the organization of the future Ronald Reagan Presidential Library. This memorandum provides an overview of the statutory provisions governing the establishment and operation of Presidential libraries, and addresses your more specific inquiries. As the preliminary steps in the establishment of the library proceed, I will be happy to address any additional specific questions that arise.

OVERVIEW

The Archivist of the United States is authorized to accept, on behalf of the United States, land, buildings, and equipment donated for the purpose of creating a Presidential archival depository. Alternatively the Archivist may reach an agreement with a state, political subdivision, university or other institute of higher learning, or a foundation to use land, buildings, and equipment belonging to the entity as a Presidential archival depository. In either case the Archivist is to operate, maintain, and protect the depository as a part of the national archives system. Any action by the Archivist in this respect does not take effect until he reports to Congress on his proposed action, and 60 days of continuous session elapse. 44 U.S.C. § 2112(a). The Archivist is also authorized to accept gifts of money or property to operate, maintain, or improve a Presidential archival depository. 44 U.S.C. § 2112(g).

Prior to the current Administration, Presidential papers of all sorts were considered to be the private property of the President. Such papers were accepted by the Archivist for deposit in Presidential libraries subject to conditions imposed on their use and availability by the President in question or his personal representatives. See H.R. Rep. 95-1487, 5 (1978). President Nixon's effort to conclude an agreement with the Administrator of the General Services Administration concerning the disposition of his papers and tapes in the twilight of his Presidency prompted the passage

- 2 -

of the Presidential Recordings and Materials Preservation Act, Public Law 93-526, 44 U.S.C. § 2107 note. That Act granted GSA custody of the Nixon papers, and became the model for the Presidential Records Act of 1978, Public Law 95-591, 44 U.S.C. § 2201 et seq. This Administration is the first one to which the Presidential Records Act applies, and accordingly there is no precedent whatsoever to aid in interpreting the Act. The earlier Presidential Recordings and Materials Preservation Act is significant because it has been heavily litigated, see, e.g., Nixon v. Administrator of General Services, 433 U.S. 425 (1977), and precedent under that statute may be informative with respect to issues arising under the Presidential Records Act. In this regard it is important to note that litigation concerning the Nixon files continues to be active, and that the consequences of pending and future Nixon files litigation could well affect the handling of Reagan Presidential materials.

In light of the Presidential Records Act the material that may be deposited in a Presidential archival depository is of two types: Presidential records and all other material, including personal records of the President, known as Presidential historical materials. Presidential records are the property of the United States, 44 U.S.C. § 2202, and the Archivist is to assume control of all such records upon the conclusion of a President's last consecutive term. 44 U.S.C. § 2203(f)(1). The Archivist is to deposit Presidential records in a Presidential archival depository, established as described above. 44 U.S.C. § 2203(f)(2).

Presidential historical materials that are not Presidential records may be accepted by the Archivist for deposit in a Presidential archival depository "subject to restrictions agreeable to the Archivist as to their use." 44 U.S.C. § 2111(1); § 2112(b). In other words, Presidential historical materials may be donated to a Presidential library with conditions or restrictions imposed by the donor, if the Archivist agrees to the conditions. The conditions must be stated in writing, and may be revoked or terminated at a later date by the donors or persons legally qualified to act on their behalf. 44 U.S.C. § 2112(c). In negotiating for the deposit of Presidential historical materials, however, the Archivist is directed by law "to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials." Id.

While donors of Presidential historical materials may insist on conditions with respect to their use, the only restrictions applicable to Presidential records are those provided by statute. Prior to the conclusion of his last consecutive term, a President may restrict access to information in a Presidential record for up to 12 years if the information falls within one of six categories comparable to the exemptions

- 3 -

from disclosure under the Freedom of Information Act. 44 U.S.C. § 2204. The categories include information that (1) is properly classified, (2) relates to Federal appointments, (3) is exempt from disclosure by statute, (4) constitutes a trade secret, (5) reveals confidential communications between the President and his advisers, or between such advisers, or (6) is contained in personnel or medical files. The 12-year maximum limitation on access to even the most sensitive Presidential records raises serious constitutional questions. The constitutional doctrine of executive privilege may justify restrictions on access beyond the 12-year statutory limit.

RONALD REAGAN PRESIDENTIAL FOUNDATION

Preliminary steps have been taken to establish the Ronald Reagan Presidential Foundation as a non-profit public benefit corporation in California. I am unaware of the details surrounding this Foundation, but I assume it will apply for 501(c)(3) status under the Internal Revenue Code, and accept and solicit contributions to establish the Ronald Reagan Presidential Library. The Foundation could be the vehicle for the transfer of certain Presidential historical materials to the Archivist, with mutually agreeable conditions.

The contemplated service of Administration officials on the Foundation, as both officers and trustees, raises serious concerns. The letter from the President to Foundation incorporators Richard T. Burness and John M. Donegan dated February 26, 1985 indicates that Assistant to the President Michael K. Deaver, Attorney General Edwin Meese III, and Secretary of Energy John S. Herrington will serve as trustees, with Mr. Meese also serving as Vice Chairman. As trustees of the Foundation, these Federal officials will be responsible by law for the management of the assets of the Foundation. Those assets will be developed through contributions, doubtless including contributions from corporations or individuals regulated by or doing business with the Federal Government. This creates the potential for the appearance of a conflict of interest.

Executive Order 11222 of May 8, 1965 provides that no Federal employee may solicit or accept, directly or indirectly, anything of monetary value from any person, corporation, or group which has or is seeking to obtain a business relationship with his agency, conducts operations regulated by his agency, or has interests substantially affected by the performance of his official duties. Section 201(a). It is true, of course, that any contributions solicited and accepted by the Foundation would not benefit the individuals in question, but the Executive Order is not so limited by its terms, and the contributions would go to increase the

- 4 -

assets of an entity for which the trustees were responsible under law. Even if the trustees did not engage in solicitation themselves, Foundation employees who did so would be operating under the authority of the trustees, and the Executive Order bans indirect as well as direct solicitation. In addition, the Executive Order directs that employees avoid action that creates the appearance of giving preferential treatment to any organization or person. Section 201(c). There would be an appearance problem with respect to any actions taken by the Federal official trustees with respect to donors to the Foundation.

It is easy enough to imagine the circumstances that would create an appearance problem. An oil company making a sizable contribution to the Foundation may expect or may appear to receive favorable regulatory treatment from the Department of Energy; a corporation engaged in litigation with the Government may view a contribution to the Foundation as a means of helping its case against the Department of Justice. I do not, of course, mean to suggest that the impartiality of the individuals involved would actually be compromised, but the Executive Order deals with appearances as well as actual conflicts. (The danger of even an appearance of conflict seems to be sufficiently attenuated with respect to W. Glenn Campbell and William French Smith, who serve as Special Government Employees on the President's Intelligence Oversight Board and the President's Foreign Intelligence Advisory Board, respectively.)

In light of the foregoing I recommend that no Federal officials serve on the Foundation, either as trustees or officers, during their period of Federal service. They may, of course, join the Foundation once they have left Government service.

With respect to the activities of Foundation employees, it must be kept in mind that the Foundation is a private entity governed by California law and the applicable provisions of the Internal Revenue Code. Foundation employees may not be considered Federal employees, and may not freely use Federal facilities, equipment, or supplies. Any preliminary processing of papers, documents, or other materials to be done by the Foundation should generally be restricted to Presidential historical materials, not Presidential records. As noted, Presidential records are Government property and are subject to the provisions of the Presidential Records Act on use and retention. Presidential records are subject to the control of the Archivist upon the conclusion of the Administration.

There is no difficulty with an employee of the Archivist beginning to review the Presidential records of this Administration with a view to their organization for inclusion in

- 5 -

the library. The Archivist is an Executive branch employee subject to Presidential removal, see 44 U.S.C. § 2103(a), and his activities are subject to Executive direction and control.

VIDEOTAPE ORAL HISTORY

I understand that consideration is being given to producing a videotaped oral history of the Administration by the President. Questions concerning the control and use of such a videotaped oral history would turn on whether it were considered a Presidential record. If the videotape were a Presidential record, it would be owned by the United States, 44 U.S.C. § 2202, and there would be no copyright in it, 17 U.S.C. § 105. It would be placed in the Presidential archival depository with no restrictions on access or use beyond those possibly available under 44 U.S.C. § 2204, see supra. If the videotape were not a Presidential record, it could be copyrighted and its distribution controlled. It could be donated as Presidential historical material to the library with any conditions and restrictions mutually agreeable to the donor and Archivist.

Presidential records are defined as "documentary materials, or any reasonably segregable portion thereof, created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President." 44 U.S.C. § 2201(2). If something is not a Presidential record it is a "personal record," defined as "all documentary materials, or any reasonably segregable portion thereof [sic], of a purely private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President." Id. § 2201(3). The terms "Presidential record" and "personal record" are mutually exclusive and all encompassing. H.R. Rep. 95-1487, 11 (1978).

It is not a "constitutional, statutory, ...official, or ceremonial" duty of the President to compile a video reminiscence of his Administration, and accordingly such a videotape, if properly compiled and used, may be considered to fall outside the Presidential Records Act. Such a videotaped recollection is in many respects similar to a diary or journal, and diaries or journals not used in connection with Government business are considered "personal records." 44 U.S.C. § 2201(3) (A).

To increase the likelihood that the videotape will be considered a personal rather than Presidential record, it should be produced entirely by non-Government employees

using non-Government equipment, and it should be entirely funded from private sources. The videotape should not be used in any way in connection with the official or ceremonial duties of the President, nor should it be available to or used by White House staff members for reference or other purposes. Finally, the project should be categorized as a personal record from the outset, and any files compiled in connection with it should be kept separate from official files. See 44 U.S.C. § 2203(b).

No definitive answer can be given concerning whether the videotape would be considered a Presidential or personal record. As noted, there is no precedent under the Presidential Records Act. It may be desirable to obtain the concurrence of the Archivist, in advance, in the steps that are appropriate to keep the videotape from becoming a Presidential record.

POSTSCRIPT

As you are aware, we have not completed the review needed. This will continue, but the foregoing constitutes my preliminary conclusions. Likewise, in the near future we should concentrate our attention on the possibility of amending the Presidential Records Act to negate its deleterious impact on the candid exchange of advice within a White House.

FFF:JGR:aea 3/28/85

cc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE
WASHINGTON

308489CW

John

March 27, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Presidential Library Issues

Attached, as we discussed, is a draft memorandum to Chew addressing the myriad library issues he raised with me at our meeting on March 22. He called yesterday to indicate he wanted a reply today rather than by the end of the week as originally stated. That does not give you much time to review the attached, but I worked as quickly as possible. Our resident ethics expert Mr. Garrett reviewed and concurs in the second section of the draft. I have stamped the draft "Administratively Sensitive" for reasons that should become apparent.

Finally, a note to avoid possible confusion: the cites to title 44 of the United States Code are correct, but they will not correspond to your (or anyone's) U.S.C.A. set. Public Law 98-497 of October 19, 1984 -- the law freeing the Archivist from GSA -- revised and rearranged chapter 21 of title 44; the redesignated sections do not yet appear in any codification.

Attachment

deliberate impact on the ~~draft~~ of admin with a white house

Add to last pg -

Post script: As you are aware, we have not completed the revision needed. This will contain, but the prep's ^{consists} my preliminary conclusions. The ~~relevant~~ ^{relevant} will contain ~~the~~ ^{the} ~~relevant~~ ^{relevant} in the ~~next~~ ^{next} we should concentrate on attending to the format of amendments, the ~~relevant~~ ^{relevant} Reub Act ~~to~~ ^{to} negate its impact on

308489c u

THE WHITE HOUSE

WASHINGTON

March 25, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Ronald Reagan Library

As you requested, I met with David Chew on March 22 to discuss with him a wide range of issues concerning the Ronald Reagan Library. There follows, in no particular order, a list of the questions Chew would like answered by the end of this week. I will have a draft memorandum for your signature to Chew, with as many answers as possible, by March 28.

1. Consideration is being given to having the President produce a video tape oral history of the Administration. How should this be done?

2. Who should pay for it?

3. Can it be done without triggering the Presidential Records Act?

4. Can existing Presidential video tape be used in producing the oral history?

5. Preliminary steps have been taken to establish the Presidential Foundation, Inc. What is the legality and advisability of individuals such as Mr. Meese and Mr. Deaver serving on this private foundation?

6. Is it legal for the Foundation to engage in fundraising, and what should be the participation of Mr. Meese and Mr. Deaver in such fundraising?

7. Can an employee of the Foundation be housed at the White House and begin work for the Library?

8. Could such an individual be granted access to existing (including classified) Presidential records?

9. Should someone from Archives come to the White House to begin processing materials for the Library?

10. What steps need to be taken now to cure constitutional or other deficiencies in the Presidential Records Act?

11. What other steps, in general, need to be taken to organize the Ronald Reagan Library?

10. What steps need to be taken now to give constitutional
or other deficiencies in the Presidential party?

11. What other steps
organize the Rosalind Franklin

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