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THE WHITE HOUSE  
WASHINGTON

December 30, 1976

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM:

JAMES P. CONNOR

SUBJECT:

Presidential Papers

Following up on Philip Buchen's memorandum of November 30, 1976 concerning collection of Presidential papers, each staff member is to deposit all of his or her Presidential papers with the White House Central Files or with archivists who are assisting in this effort, no later than Monday, January 10. In order to complete in a timely manner the logistical arrangements for moving these materials to the University of Michigan, the only exception is for those files which are essential for the President to carry out his official duties. Such essential papers, along with any others generated after January 10, are to be deposited with Central Files or the archivists by 5 p.m. on January 19. Should you have any questions in this regard, please contact Barry Roth, x2397.

Archivists are currently in the process of visiting each staff office in order to estimate the volume of materials to be shipped. They will also be available to assist each office in the transfer of these materials to Michigan. Your cooperation and assistance is requested.

THE WHITE HOUSE

WASHINGTON

November 30, 1976

MEMORANDUM FOR THE WHITE HOUSE STAFF

FROM: PHILIP W. BUCHEN *P.W.B.*  
SUBJECT: PRESIDENTIAL PAPERS

The President intends to arrange for the deposit of papers related to his administration as President in a library similar to the libraries for papers of other Presidents. There they will be preserved and made accessible for research and reference purposes, along with his papers that are related to the other public offices he has held and to his political activities. For historical purposes, it is most important that the library collection be complete and comprehensive and that there be no omission or loss of documents which may have historical value.

This memorandum sets forth guidelines for handling the papers and other materials in the custody of various members of the President's staff that apply to the papers of the White House Office, the Domestic Council, the Economic Policy Board, the Energy Resources Council, and the Council on International Economic Policy and to the Presidential files of the National Security Council. The papers of staff members within other offices of the Executive Office of the President, e.g., OMB, CEA, CEQ, STR, OTP, etc., are subject to the requirements of the Federal Records Act and will be handled accordingly. Any questions concerning these guidelines should be raised at the earliest possible time with Barry Roth, Extension 2397.

1. Prior to departure from the President's staff, each staff member should turn over all the papers and other materials in his or her possession to Central Files with the exception of his or her purely personal papers or materials. Official papers classified Secret and higher, including compartmented intelligence documents, should be turned in to the Staff Secretary. Campaign

related materials as well as official materials are to be preserved and deposited in Central Files. To the extent practicable, official and campaign materials should be separated before being sent to Central Files. Papers and materials for Central Files should be placed in storage boxes available for that purpose from Frank Matthews, Ext. 2240, and should be accompanied by an index listing the file folder titles or giving other descriptions of the contents in each box.

Material classified Secret and above being turned in to the Staff Secretary should be placed in boxes or large manila envelopes, securely taped, and accompanied by an unclassified listing of contents on the outside. The box or envelope itself should be clearly marked with the highest level of documents it contains and include the name of the individual or office submitting the material.

2. Purely personal files and materials, including original documents, may be taken by the departing staff member. Such files include correspondence unrelated to any official or campaign duties performed by the staff member; daily appointment records and telephone logs; personal copies of books, pamphlets and periodicals; folders of newspaper or magazine clippings; copies of records of a personal nature relating to a person's employment or service; and personal copies of photographs, proclamations, commissions or similar commemorative items. Personal files do not include any copies, drafts or working papers that relate to official business or the campaign.
3. A staff member may make a copy or may retain an extra copy of a document which embodies original intellectual thought contributed by the staff member or any of his assistants, such as the product of research, the notes or drafts of speeches delivered by the staff member, and drafts of proposed legislation; and the copy of any other document written or signed by the staff member that is included in his or her chronological files, along with a duplicate of each related incoming letter or memorandum, may be retained if the original incoming document remains in the Presidential papers; provided, however, no copies may be retained of any documents which come within any of the following categories:

- (a) Material classified for reasons of the national security under Executive Order 11652;
- (b) Restricted data under the Atomic Energy Act of 1954, as amended;
- (c) Information supplied to the government under statutes which make the disclosure of such information a crime; or
- (d) Memoranda of all types written to the President; other documents that contain recommendations or advice made directly or indirectly to the President; proposed drafts of speeches or statements for the use of the President; schedule proposals to the President; briefing papers used in discussions with the President and records made of such discussions; minutes of meetings of the EPB, ERC, and similar cabinet-level organizations; personnel recommendations or evaluations, and the like.

A staff member who has had access to materials among the Presidential Papers who subsequently needs to inspect them, for his personal use, will be permitted to do so after their accession in the Presidential library, subject to such restrictions as may be generally applicable at the time of the requested inspection.

The cooperation and assistance of each staff member in the collection of such materials is requested. This includes materials not only in your office but those materials pertaining to your official duties which you may have other than at your present office.

In order to assist in the collection of these materials for the President, staff members should begin depositing them in Central Files or with the Staff Secretary, as appropriate, as soon as possible. It is expected that staff offices will deposit all inactive files no later than mid-December and the bulk of any remaining files by January 10. Any offices desiring the assistance of archivists for this purpose should contact Barry Roth who will make the appropriate arrangements.

By way of a reminder, gifts received from a foreign government valued in excess of \$50 are property of the United States Government and must be deposited directly with the Chief of Protocol, along with information concerning the identity of the donor and the circumstances of the gift.

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THE WHITE HOUSE  
WASHINGTON

December 15, 1980

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MEMORANDUM FOR WHITE HOUSE OFFICE STAFF MEMBERS AND  
HEADS OF ALL EXECUTIVE OFFICE OF THE  
PRESIDENT ELEMENTS

FROM: JACK WATSON *Jack*  
LLOYD CUTLER *Lloyd*

SUBJECT: PROCEDURES FOR THE DISPOSITION AND REMOVAL  
OF PRESIDENTIAL PAPERS AND COPIES

1. Introduction.

1.1 Until 1974, Presidential Papers were treated as the personal property of the outgoing President, to be disposed of as he saw fit. While no statute specifically legalized this custom, the Presidential Libraries Act of 1955 tacitly recognized it by authorizing government-operated Presidential libraries in which outgoing Presidents could deposit any papers they wished, and could specify the terms under which Government or public access would be permitted.

1.2 In 1974, because of the legal controversies over former President Nixon's right to dispose of his tape recordings, Congress enacted a special law dealing solely with the Nixon records. And in 1978, Congress enacted the Presidential Records Act of 1978 setting forth procedures for the retention and disposition of all Presidential Papers beginning with the next term starting January 20, 1981.

1.3 Accordingly, President Carter's Papers are his own personal property, as in the case of all of his predecessors except President Nixon. In making his own decisions, President Carter has considered the practices of his predecessors, as well as the principles and policies of the Presidential Records Act of 1978.

1.4 President Carter intends to donate most of his Presidential Papers to the United States Government, subject to certain restrictions on access described below.

1.5 President Carter's three predecessors who completed their terms in office, Presidents Eisenhower, Johnson and Ford, each established procedures which prohibited members of their respective staffs from removing Presidential Papers or copies of such papers.\* President Carter recognizes that staff members may have a legitimate interest in retaining copies of some papers recording actions in which they participated. He has, therefore, decided to allow members of the White House Staff and members of the staffs of elements of the Executive Office of the President to remove copies of certain Presidential Papers with his prior permission under the restrictions set forth below.

1.6 The President respects the right of every staff member to speak and write freely about his experiences as a member of the White House Staff or the EOP. But he also expects those who

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\*Presidents Kennedy and Nixon, of course, did not complete their terms.



have had the privilege of serving on the White House Staff or in the EOP to respect the President's rights of ownership and control over the Presidential Papers generated during his term, and the principle that White House advisers do not disclose their own non-public advice or that of other advisers, or the President's non-public response, without the President's consent.

2. Distinction Between Presidential Papers and Personal Papers.

2.1 "Papers" include, but are not limited to, all correspondence, memoranda, documents, photographs, maps, recordings, logs, appointment books, journals, pamphlets, documentary material and copies of the above.

(a) "Personal Papers". Personal Papers are all materials, including personal correspondence, journals, diaries, and their functional equivalents, which are neither developed in connection with nor utilized during the transaction of official government business. The important criterion is not whether the papers merely refer to or are derived from public business, but whether they are actually used, or were created in the transaction of governmental operations. For example, an evening diary which refers to government business but is not used in transacting such business is a Personal Paper. On the other hand, office diaries, appointment books, telephone logs and personal notes taken during a government meeting or used in transacting subsequent government business are Presidential Papers.

(b) "Presidential Papers". Presidential Papers are all records which are not Personal Papers and were either originated or received by the following officials and elements of the Executive Office of the President:

White House Office  
Intelligence Oversight Board  
Domestic Policy Staff (except for the Drug Abuse Policy Section)  
Council of Economic Advisers  
National Security Adviser and Deputy National Security Adviser, and deposited in the White House Situation Room  
Chairman of the Council on Wage and Price Stability  
Director of the Office of Administration  
Those files of the Office of Science and Technology Policy reflecting its advisory role to the President.

(c) "Campaign Papers". Campaign Papers are all papers which were developed in connection with or utilized during the 1980 Presidential campaign and which originated in or were received by the above enumerated officials or elements of the Executive Office of the President. President Carter has decided to treat Campaign Papers as Presidential Papers. President Carter may segregate these papers from other Presidential Papers in order to provide special protection for their confidentiality.

2.2 A staff member owns his personal papers. Originals and all copies of Presidential Papers are owned by the President. The President intends to grant staff members access to Presidential Papers relating to actions in which they participated when such papers have been deposited in the Presidential Library. Consistent

with the practice of previous Presidents and President Carter's deed of gift, members of the general public will not be granted access to the Presidential Papers placed in the Carter Library until President Carter authorizes such access.

3. Copying or Removal of Papers from White House Files.

3.1 Staff members may remove their own Personal Papers from White House or EOP files.

3.2 Staff members may remove the following types of Presidential Papers: photographs and copies of published documents. The original of a staff member's personnel records, appointment books and telephone logs may not be removed. Copies of personnel records, appointment books and telephone logs may be removed.

3.3 Original drafts of documents which were circulated to any other office for comment are Presidential Papers which should remain in files for transfer to the Presidential Library. (Copies of such drafts may be removed as provided in subparagraph 3.4(b) below.) Subject to the restrictions of paragraph 4 below, original drafts which were not circulated by the author for any purpose, including comment by other staff or any other office, may be treated as Personal Papers and removed by the staff member who prepared them. The staff member may of course make originals or copies of drafts available for deposit in the Presidential Library. The President encourages doing so for drafts of historical interest.

3.4 Subject to the restrictions of paragraphs 4 and 6 below, staff members may also make and remove copies of a limited number of other selected Presidential Papers, but only after the following procedures are observed:

(a) The staff member shall execute a "Departure Agreement Relating to Presidential Papers" (hereinafter "Departure Agreement"), a copy of which is attached.

(b) Attachment A of the Departure Agreement shall list all Presidential Papers (other than those covered by paragraph 3.2), of which the staff member requests permission to remove copies. The list shall have appended to it a copy of each such Presidential Paper and a brief description of its contents -- e.g., staff member's weekly reports to the staff head or to the President. In the absence of special justification, the President expects every staff member to hold to an absolute minimum the number of Papers for which permission to remove copies is requested.

(c) Presidential Papers listed on Attachment A of the Departure Agreement shall be removed from the White House or EOP element only after Jack Watson or his designee has authorized their removal on behalf of the President.

(d) Copies of Presidential Papers removed by staff members under the procedures of this paragraph 3.4 may not be further

published or disclosed by the staff member except in compliance with the executed Departure Agreement and paragraph 6 below.

4. Classified Materials and Other Sensitive Files.

4.1 Staff members may not destroy or retain the original or a copy of any document which is:

(a) Classified for reasons of national security pursuant to Executive Order 12065, or any predecessor order;

(b) Restricted Data or Formerly Restricted Data pursuant to the Atomic Energy Act of 1954, as amended;

(c) Submitted to the government pursuant to statutes which make disclosure of such information a crime;

(d) Submitted to the Office of the Counsel to the President and related to the personal or financial affairs of any Administration nominee, proposed nominee or federal employee, unless submitted by the staff member.

4.2 (a) Permission may be obtained to remove copies of selected documents, classified pursuant to subparagraphs 4.1(a) and (b) above, if the departing staff member makes confirmed arrangements to store the documents in secure storage containers in an approved facility, and establishes a chain of secure custody over the documents. This permission must first be

obtained from the National Security Adviser after consultation with the Counsel to the President, and then from Jack Watson or his designee in accordance with the procedures described in paragraph 3 above.

(b) A staff member may have in his or her files originals or copies of sensitive Presidential Papers which do not bear security classification markings. If a staff member requests permission to remove a copy of any such Presidential Paper, its sensitivity should be specifically called to the attention of the Counsel to the President at the time Attachment A of the Departure Agreement is submitted.

4.3 The President intends to donate most of the classified materials in the Presidential Papers to the United States. In the President's deed of gift of his Papers to the United States, he will establish restrictions on access to all Presidential Papers. However, he intends to allow former staff members to have access under the terms of the Departure Agreement to any such materials they originated or received while working in the White House.

4.4 The use and transfer of classified materials are governed by criminal statutes. Strict adherence to the above rules is essential.

5. Disposition Recommendations to the President.

5.1 The President intends to donate the bulk of his Presidential Papers to the United States for deposit in the President's library. The President will, however, retain certain selected papers in his personal files. If the head of a White House Office staff or EOP element believes that the President should consider retaining an individual document or category of papers as part of his personal files rather than in the Presidential Library, he should bring this recommendation to the attention of the President or his Counsel.

5.2 If the head of a White House Office staff or EOP element concludes that the ongoing nature and importance of a particular matter makes it essential that copies of selected Presidential Papers be provided to the succeeding Administration, he should recommend this to the President. Such recommendations should be the exception rather than the rule.

6. Duty of Non-disclosure, Liability to Subpoena, and Executive Privilege.

6.1 Duty of non-disclosure. Permission for staff members to remove copies of or obtain access to Presidential Papers is subject to the staff member's signed agreement and continuing duty to preserve the President's legal right as the owner of such papers to decide whether the papers should be published or disclosed to third parties. Publication or disclosure to third parties of

the complete or partial text of a Presidential Paper by a staff member shall be made only after approval from the President or his designee, pursuant to the procedures established in the attached Departure Agreement. The President's approval will be confined to the publication or disclosure of the Presidential Paper and will not be conditioned on prior review or approval of any comment the staff member desires to make in connection with such publication or disclosure.

6.2 Subpoena and Executive Privilege. Any papers retained by the departing President or a departing staff member, whether Presidential or Personal, remain subject to a valid judicial, Congressional or agency subpoena. If such a subpoena is served, its validity may be judicially challenged on various grounds (e.g., relevancy, specificity, or if President Carter or the incumbent President so elects in the case of Presidential Papers, Executive Privilege). The power to assert Executive Privilege resides both in the former President and in the incumbent President at the time the issue of disclosure arises. If a departing staff member is asked to produce his copy of a Presidential Paper by a court, Congressional committee or agency (whether by informal request or enforceable subpoena), the staff member should consult with President Carter and the Counsel to the incumbent President to determine whether President Carter or the incumbent President desires to assert Executive Privilege. As the attached Departure Agreement provides, if Executive Privilege is asserted by President Carter or the incumbent President, the departing staff member



should defer disclosing the information subject to the objection until such objection has been withdrawn or judicially resolved.

7. Departure Procedure.

7.1 Plans have been developed for the storage of Presidential Papers both before and after January 20, 1981. Procedures for packing files of Presidential Papers in cartons and identifying the cartons have been developed by the National Archives Office of Presidential Libraries, which has been responsible for the packing, shipment and storage of Presidential Papers of previous Presidents. Archives personnel will be assisted by the Office of Records Management. Presidential Papers are to be collected, packed, carefully identified and then stored in the Executive Office Building until January 19 or 20. Thereafter, they will be shipped under armed guard to a storage facility in Georgia. Presidential Library archivists will be in Georgia to receive the Presidential Papers when they arrive, to supervise their unloading and to maintain inventory control over them. If necessary, specific files and folders will be retrievable almost immediately.

7.2 The President, of course, retains control of these papers throughout the inventory and cataloguing process. Access to the papers will be controlled by the terms and conditions of the deed of gift which will convey the President's papers to the United States. The President intends to permit staff members who

comply with the terms of the Departure Agreement to have access to papers they originated or received after they go into the Presidential Library.

7.3 Representatives of the Office of Presidential Libraries will shortly be in touch with you to initiate the inventory and packing of the files in your office or in storage. You may reach these archivists by calling Extention 2545 (Room 415 OEOB). You are requested to follow their instructions for packing and storing of records.

7.4 The volume of Presidential Papers is great and it is important that we begin immediately to prepare the papers for storage and ultimate transfer to the Carter Presidential Library. We will need the cooperation of the entire staff to carry out this procedure efficiently.

7.5 Staff members departing before being contacted by archivists should make direct arrangements with the Office of Records Management to pack Presidential Papers in their respective offices for temporary storage.

## 8. Exit Interviews.

8.1 We are continuing the process of exit interviews of selected staff members by representatives of the Office of

Presidential Libraries of the National Archives and Records Service. The information obtained from these interviews will be of considerable value in establishing the Carter Library. The President urges your cooperation with Archives personnel in this process.

9. Consulting Counsel.

9.1 As each staff member reviews his or her files, a number of questions of interpretation will arise. All such questions should be raised with the office of the Counsel to the President.

THE WHITE HOUSE

WASHINGTON

November 5, 1980

MEMORANDUM FOR: WHITE HOUSE STAFF  
FROM : JACK WATSON *Jack*  
AL MCDONALD *Al*  
SUBJECT : Instructions on Transition

The President has instructed that we provide the finest transition in history for the President-elect and his team. He directed further that we carry out this important task in as gracious, constructive and helpful way as possible.

The President, his Cabinet and his staff continue to bear the full authority and the responsibility for determination of policy and the conduct of the government until the end of the term. Therefore, the transition should in no way diffuse this authority or responsibility. Its aim is to provide for appropriate orientation, informational exchanges and planning for a smooth transition of the Presidency on Inauguration Day.

Our office will be overseeing the transition efforts and making sure these activities are conducted in a planned, disciplined and orderly way. Until appropriate contact points are named and links established between unit transition leaders and the President-elect's designees, you should refer all requests for information, orientation sessions or other actions to this office for coordination and clearance.

We welcome ideas and suggestions you may have to make this transition the finest ever. Many of you shared the experience of an earlier transition, and your advice and counsel would be much appreciated. Please send your suggestions directly to us marked "Administratively Confidential." -

THE WHITE HOUSE  
WASHINGTON  
December 17, 1980

MEMORANDUM FOR: WHITE HOUSE STAFF  
FROM: AL MCDONALD *AM*  
HUGH CARTER  
SUBJECT: Resignations

As part of a smooth and orderly transition, White House staff members should be making their personal plans for the transition.

White House staff members, not part of the permanent staff, should submit their resignations by January 6, 1981, with an effective date of January 20, 1981, or earlier. Senior staff members and deputies should submit their resignations directly to the President through the Staff Secretary. All other staff members should submit their resignations to their department head.

Those staff members who are part of what has historically been the career White House Operating Units should assume they will remain beyond January 20, 1981. After a reasonable amount of time, the new administration will then make whatever decisions they feel are appropriate on the continuation of individual staff members.

Secretarial staff and other support personnel in the White House Policy Offices who have expressed interest in staying should anticipate remaining with the White House after January 20. The new administration will then have an opportunity to select those staff members whom they wish to retain.

Since our task forces and special project efforts will be phased out, most detailees will be returning to their agencies between January 10 and January 19, 1981.

Some staff members will be leaving prior to January 20. It is important those leaving complete the formal check out procedures. To do so, please contact the White House Personnel Office on Ext. 2260. There will be further guidance provided on check out procedures for the remainder of the staff who will be leaving on or close to January 20.