

MEMORANDUM FOR MRS. CLINTON

FROM: Melanne Verveer, Shirley Sagawa, and Eric Woodard

RE: Archiving and Transition

DATE: December 29, 2000

Over the last six months, Shirley and Eric have organized an archiving effort to ensure that Office of the First Lady materials are dispersed appropriately at the end of the Administration and that those requiring ready access will be easily available. Here is a list of major items and our recommendations regarding storage or transfer of the materials. We have discussed these recommendations with the staff involved, as well as Tamera Luzzatto.

In general, we have followed these principles:

-- If you will need the material on a regular basis in your Senate office, copies of the material will be transferred there (although there is very limited shelf space, as you know)

-- If you need occasional access to the materials, and they are personal, they should be transferred to accessible storage space (such as your DC house or commercial storage, TBD)

-- If you need occasional access to the materials, and they are official records, they must be transferred to the archives. (Please note that any materials sent to the office can be retrieved by you with ? hours? days? Notice) Again, duplicates have already been made of materials such as schedules, trip books, speeches, etc. -- these will be immediately available.

We understand that Bruce Lindsay is organizing the transfer of some of your personal materials to free storage space in Arkansas provided by the National Archives.

Finally, please note that all of your staff members' files are being archived along with other White House records. These materials are being indexed using the following categories:

Early childhood development	Breast cancer	DC
Child care	Gulf war illnesses	Arts
Adoption	Vital Voices	Millennium Council projects
Youth development/afterschool/ violence	Beijing	White House preservation
Health reform	Civil society/democracy building	Philanthropy
Immunizations	Women and girls education	Service
Children's health	Microenterprise	

You will be able to have these indexes searched by computer to identify all files that have been archived in these categories. These files can then be retrieved by the archives for your use.

Archiving/Materials Disposition Recommendations

Item	Recommended Disposition
Public schedule binders	Originals to archives
Private schedule binders	One copy to Senate Office One copy TBD - <i>House</i>
Schedule index	Copies to archives, Senate, others TBD
*Note – sortable, computerized index of schedules is complete up to 1997. Work to continue by your Senate staff. Hard copies of monthly schedule through 2001 available in a binder.	
Briefing binders	Archives <i>One set in Daily Files to House?</i>
*Note – the briefing materials, because they are keyed to the schedule, can be searched by using the schedule index.	
Speech binders	Original to archives Copy to Senate
Electronic copies of speeches	Copies to archives, Senate, others TBD
*Note – electronic files of speeches available only post-1997	
Speech index	Original to archives Copy to Senate
Trip books	One set to archives Melanne will store the other set <i>One set in Daily Files to House?</i>
Electronic travel index	Copies to archives, Senate, others TBD
HRC electronic/paper rolodex	Huma Abedin
Column binders	Originals to archives <i>esp. Carl has a set</i> Copy to Senate <i>One set in Daily Files to House</i>
Electronic/paper column index and copies	Copies to archives, Senate, others TBD
“The Grid” (policy accomplishments binder)	Original to archives Copy to Senate Electronic copies TBD

Staff/Alumni/ae Directory

Senate (Eric Woodard)

Issue Binders

Originals to archives
Copy to Senate

*Note – issues binders include speeches, briefings, schedules, columns, press clips, and miscellaneous information pertaining to HRC's record on the following issues:

Child care/work/family
Foster care/adoption
Youth development/afterschool/violence
Education
Health
Civil society/democracy building
Women and girls
Early childhood development
Breast cancer
Gulf War Illness
Vital Voices
Microenterprise
Arts
Philanthropy and Service
Immunization/Children's Health

WHODB

Archives
Copy to Senate

*Note – we are still exploring how to convert the data in WHODB to the database program that you will use in the Senate.

Official correspondence (Aim)

Archives

Personal correspondence

~~TBD~~ ^{DC} ~~house~~ (in other space)

*Note – Pam and Milli have about ⁶⁰~~35~~ boxes of personal correspondence

Book files

~~TBD~~ DC storage space

*Note – Pam and Shirley have about 10 boxes of files relating to Buddy and Socks and Invitation to the White House

Personal files (kept by Huma, Kelly, Patti)

~~TBD~~ Home

*Note – there are about 10 boxes relating to personal matters that you will probably want transferred to your DC house

$$\begin{array}{r} 32 \\ 20 \\ \hline 52 \end{array}$$

→ 60 boxes

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Estimate for Mrs. Clinton's Files

Who Has What and How Much

Huma

8-10 boxes Files on subjects likes exercise, people, hair, clothes, houses, vacations

Kelly

1 box Not many files – a few miscellaneous files about vacation options Mrs. Clinton may want

Patti

1 box Invitations from New York, NY Scheduling files, campaign manifests

Pam

20 boxes Personal Correspondence
10 boxes Congressional Correspondence
5 boxes International Correspondence
22 boxes Files by Subject
22 boxes Files by Issue
15 boxes Files on Health Reform
2 boxes Campaign Files

Carol

8 boxes Column Background
Note: Carol is willing to hang on to these – unless HRC wants them.

Milli/Ann McCoy

15 boxes Personal Correspondence
5 boxes Personal Papers
2 boxes Overnight Guests
250 boxes Miscellaneous/Family Memorabilia

Note: These are the files Carolyn Huber will be looking at – they are set to be stored by the Office of the Former President

OFFICE OF THE FIRST LADY

Archiving Progress Report

(December 8, 2000)

<u>Item</u>	<u>Person in Charge</u>	<u>Status</u>
Files in OEOB 100 Eric Woodard/ Bridget Hennessey/ Chad Lupinacci/ Tania Shapiro-Barr		Being organized, archiving in progress
Files in OEOB 101	Matthew Nelson	Being organized, archiving in progress
Files in OEOB 102	Huma Abedin/ Dee Lambert/	Being organized, archiving in progress
Files in OEOB 103/104	Gayleen Dalsimer/ Heather Beaton	Being organized, archiving in progress
Files in OEOB 185.5	Jamie Vavonese/ Sarah Hinsch	Not many – most files there ready to be archived
Files in OEOB 174	Huma Abedin/ Kim Henry Dee Lambert	Being organized, archiving in progress
Briefing binders in OEOB 197	Daniela Nanau	Being organized (incorporating NY material) archiving in progress
Files/Speech Binders in OEOB 190	Laura Schiller	Being organized, archiving in progress
Melanne's trip books in OEOB 100	Tania Shapiro-Barr	Have been cleaned up – these will be kept (not archived)
Comprehensive trip books in OEOB 102	Huma Abedin/ Kim Henry/ Dee Lambert	Being cleaned up, country by country -- almost ready to be archived
Public Schedule binders	Jamie Vavonese/ Sarah Hinsch	Original set has been archived
Private Schedule binders	Jamie Vavnonese/	2 sets copied. Originals will be archived.

Sarah Hinsch Copies will be kept.

HRC's rolodex	Huma Abedin/ Kim Henry Dee Lambert	Computer files being cleaned up (this is about 80-90% done), will be printed out labels/rolodex cards
Melanne's rolodex	Chad Lupinacci	Done
Speech binders in OEOB 103	Gayleen Dalsimer/ Heather Beaton	Copied. Originals will be archived. Copies will be kept.
Speech index	Gayleen Dalsimer/ Heather Beaton	In very good shape, has been updated to Jan. 2000 – being brought up to present
Travel index international/domestic by place/by date	Robert Mizani	Has been updated to June 2000, will continue to be updated to Dec. '00
Column index/Column Binders in OEOB 102	Matthew Nelson	Copied. Both copies being updated continuously (one will be archived, one will be kept)
The "Grid"	Matthew Nelson	Being updated continuously
Staff/Alumni Directories	Eric Woodard	Being updated continuously
Child care/work/family issue binder	Heather Beaton	6 binders copied. Originals have been archived. Copies will be kept.
Foster care/Adoption issue binder	Bridget Hennessey	4 binders copied. Originals have been archived. Copies will be kept.
Youth development/after school violence issue binders	Dee Lambert	3 binders copied. Originals have been archived. Copies will be kept.
Education issue binders	Luisa Blanchfield	8 binders copied. Originals have been archived. Copies will be kept.
Health (binders 1-6)	Sarah Hinsch	6 binders copied. Originals have been archived. Copies will be kept.
Health (binders 7-13)	Chad Lupinacci	7 binders copied. Originals have been archived. Copies will be kept.
Civil society/democracy bldg.	Dee Lambert	2 binders copied. Originals have been

issue binder		archived. Copies will be kept.
Women and girls issue binders	Eric Morse Tania Shapiro-Barr	4 binders completed. Waiting for sign off
Early Childhood Development issue binders	Tania Shapiro-Barr	2 binders copied. Originals have been archived. Copies will be kept.
Breast Cancer issue binders	Tania Shapiro-Barr	2 binders copied. Originals have been archived. Copies will be kept.
Gulf War Illness issue binder	Tania Shapiro-Barr	1 binder copied. Original has been archived. Copy will be kept.
Vital Voices issue binder	Bridget Hennessey	binder being created
Microenterprise issue binder	Chad Lupinacci	binder being created
Arts issue binder	Heather Beaton	binder being created
White House preservation	Chad Lupinacci	binder being created
Philanthropy and Service	Tania Shapiro-Barr	2 binders completed, waiting for sign off
Immunizations/Children's Health	tbd	
DC	tbd	
Data Entry Project	Daniela Nanau/ Eric Woodard/ Bridget Hennessey/ Chad Lupinacci/ Tania Shapiro/ Sarah Hinsch/ Heather Beaton	completed up to December 1996 -- if this isn't done before Jan 2000, work can continue in the Senate Office based public schedules, which will be available there...
Electronic versions of Public Schedules, Speeches, Columns, "The Grid", Travel Index, Speech Index, Staff/Alumni Directories	Eric Woodard Katie Lelyveld	these records will be transferred from the H: drive to CD-ROM. WH Admin has been given a list of the files and is setting this up. This has also been approved by WH Counsel's Office.

WHODB	Shirley Sagawa/ Capricia Marshall	
WW 2 nd Floor	Pam Cicetti/ Ann O’Leary Heather Howard Eric Morse	Various issue files from the policy shop – archiving in progress. Most of Pam’s files are not archivable.
Social Office	Capricia Marshall	All files being archived by event, in chronological order.
First Lady Correspondence	Alice Pushkar	Most correspondence files have been archived – Alice’s files, HRC fan club files archiving in progress

***Suggested Questions for the First Lady's Staff
on the Records They Create***

1. How did you come to work on the First Lady's Staff?

How long have you worked for the First Lady?

2. What are your current duties and responsibilities?

Have you worked for the First Lady in other capacities?

How do you relate administratively to other components of the First Lady's Staff?

3. What issues have you been involved with during the Clinton Presidency?

4. What types of files have you created?

Do you treat handwriting in any special way? Do you have a special file for close friends to the Clintons?

5. What is the arrangement of your filing system? ie. chronological, alphabetical or subject files

Do you have an approximate volume of your office files or can you show us your files?

6. Do you work on any issues for the President, ie. the Domestic Policy Staff?

If so, are these records kept together or separately from the First Lady's?

7. Do you have a concern that personal items of the First Lady or President are intermixed with your records?

8. Have you created any records solely in electronic form?

If so, what is the software used?

9. Do you have any other types of records such as photographs, video or

other unique items?

10. Does your filing system work for you?

In what ways can we best assist you?

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GUIDANCE ON DEFINING PRESIDENTIAL PERSONAL RECORDS

Under the Presidential Records Act, the President is the one who has the responsibility for management and custody of incumbent Presidential records, 44 U.S.C., 2203. This guidance is an attempt to give some guidance on the issue of what could be defined as "personal records" of the President.

For guidance on Presidential "personal records," the definitions in the Presidential Records Act (44 U.S.C. 2201) for Presidential records and Presidential personal records provide a logical starting point.

1. STATUTORY DEFINITIONS:

"**Presidential records**" means documentary materials...created or received by the President, his immediate staff, or a unit or individual of the Executive Office of 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.

*This definition includes all **official records** generated by the President and his office. It does not include personal files.

"**Personal records**" are defined as:
...all documentary materials...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. Such term includes -
(A) **diaries, journals, or other personal notes...which are not prepared or utilized for or circulated or**

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communicated in the course of transacting Government business;

(B) materials relating to private political associations, and having no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; and

© materials relating exclusively to the President's own election to the office of the Presidency, and materials directly relating to the election for a particular individual or individuals to Federal, State, or local office, which have no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President.

Congress added two amendments to the Presidential Records Act which clarified which documentary materials involving political activities of the President or his staff should be considered "Presidential records." These two amendments inserted the words "a direct effect" in lieu of "an effect" in the definition of what political files should be kept as an official record. The Congressional Report which explained these changes states:

These changes were made so that the act would not impinge on the President's first amendment right to free speech or political association by including as government property records that might have a tangential effect upon his or his staff's official or ceremonial responsibilities, but consist of purely personal political communications.

*This change more narrowly defined the category of political materials that should be considered part of the Presidential record file.

The most precise definition for Presidential personal records is in the House Report on the Presidential Records Act, which defines **Personal records** "as those materials which are neither developed in connection with nor utilized during the transaction of government business." (Rept. 95-1487 Part 1, page 3.)

2. WHO IS COVERED BY THE ACT?

The Executive Office of the President includes the following components which create Presidential records under the Presidential Records Act:

- *The White House Office
- *The Office of the Vice President
- *Office of Policy Development
- *Council of Economic Advisors
- *The President's Intelligence Oversight Board
- *The National Security Council (The record status of NSC records is currently in litigation.)
- *The President's Foreign Intelligence Advisory Board
- *National Space Council

*Records generated by the Office of Management and Budget, the Office of the United States Trade Representative, the Council on Environmental Quality, the Office of Administration, the Office of Science and Technology Policy, and the Office of National Drug Control Policy are covered by the Federal Records Act.

3. FILING PRACTICES FOR PRESIDENTIAL PERSONAL RECORDS:

The Presidential Records Act states that Presidential personal records should be kept separate upon their creation or receipt from the Presidential record file, 44 U.S.C. 2203 (b). Therefore, it is extremely important to train those responsible for maintaining filing systems to keep separate files at the point of creation of the record. Once items have been mixed, it becomes difficult to determine record status. Since the President is the person who has the discretion to determine what is a Presidential personal record, this determination should be made during the incumbent's term of office - not after the records are transferred to the Archivist of the United States.

4. HOW ARE PRESIDENTIAL PERSONAL RECORDS DESIGNATED ON ELECTRONIC RECORDS?

Electronic systems can designate Presidential Personal records in one of two ways. The whole system may be designated as a personal record system, or if the system mixes records, personal entries should be identified at the point of entry.

5. FURTHER GUIDANCE ON THE DEFINITIONS:

Although broad in its scope, the definition of "Presidential records" does not include many of the most valuable materials for documenting a Presidency - diaries, personal correspondence, and notes that are not used in the course of conducting government business. These documents are traditionally among those of most interest to scholars. The key clause in defining Presidential records reads:

"Presidential records" means documentary materials...created or received..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.

The phrase "relates to" and "have an effect upon" must be read in conjunction with "the carrying out of the constitutional and statutory duties of the President. Many documents may relate to the President's duties, but have nothing to do with the action of "carrying out" such responsibilities. For example, a letter from the President to his daughter in which he reflects on some aspect of foreign policy would meet the test of relating to the President's constitutional duties, but would not meet the test of "carrying out" these constitutional duties. The same letter could meet the test of carrying out the President's constitutional and statutory duties if the President provides a copy of the letter to the Secretary of State with instructions to use this letter in discussing and/or implementing foreign policy.

This means that a significant category of materials that tangentially document the Presidency in a personal or political way may, at the President's discretion, be included in the Presidential personal record file.

6. WHAT RECORDS IN THE WHITE HOUSE, AT THE PRESIDENT'S DISCRETION, ARE MOST LIKELY TO BE PRESIDENTIAL PERSONAL RECORDS?

The following categories of papers, if they have not been used during the White House years in the course of transacting Presidential governmental business, are

Presidential personal records:

***Papers Created by the President Before Entering Government Service:** Examples of this category include previous work files, political materials, and reference files.

***Private Papers Brought Into, Created or Received in the Office:** This category includes family and personal correspondence and materials documenting professional activities and outside business or political pursuits.

***Campaign or Political Files:** This category includes materials relating to the President's election or re-election to office and his support of other political candidates.

***Diaries, Calendars, or Personal Notes:** This category includes a diary, calendar or notes that are created solely for the President's personal use and are not used in the course of carrying out his official duties.

7. WHAT FILES IN THE WHITE HOUSE ARE MOST LIKELY TO HAVE A MIX OF PRESIDENTIAL RECORD AND PERSONAL MATERIALS?

The following files have presented past problems in terms of intermingling Presidential record and personal items:

A. **Photographs:** Official Photos of the President and First Lady should be kept separately from personal family photos if there is a desire that the personal photographs be treated as personal records.

B. The following White House Office of Records Management Subject Categories could potentially intermix Presidential record and personal record items:

PL - Political Affairs - This is a subject category containing information pertaining to political matters which is further sub-divided.

PP - Presidential Personal - This is a subject category containing information pertaining to material of a personal or quasi-personal nature written to the President or his family which is further subdivided.

The question on both of these subject categories is whether the material that is being filed in this category is being designated as Presidential record or personal record in its entirety, or are items of both record status being intermixed in this file?

C. The following White House Office of Records Management Subject Categories could have specific subdivisions which could potentially intermix Presidential record and personal record items:

SP - Speeches - This a subject category with Presidential speeches, drafts and background materials pertaining to the speech. The question on this category is whether, when the President or a member of his staff makes a political speech, the background material is being treated in this folder as Presidential record or personal record material?

TR - Trips - This a subject category containing information pertaining to trips planned or made by the President. The question on this category is whether, when the trip is of a personal or political nature, the material on this trip is being treated as Presidential record or personal record material?

8. WHICH WHITE HOUSE STAFF* MAY CREATE PRESIDENTIAL PERSONAL RECORDS?

*The term White House staff is used in this context to include only those people in the White House who create Presidential records.

It is clear from the definitions that any White House staffers may create personal records. However, some staff, because of their duties, may be much more likely to create or receive Presidential personal records. Staff who hold dual responsibilities with the President and who work closely with the Democratic National Committee on the campaign, probably create Presidential personal records of a political nature. Some staff serve the President in both an

official and personal capacity and probably create Presidential personal records of a family or private nature.

9. THE STATUS OF THE FIRST LADIES PAPERS:

Before the passage of the Presidential Records Act, the First Ladies papers were always treated differently from those of the President, because the First Lady is not an elected official and has no statutory role. The Presidential Records Act does not mention the First Lady. However, the Act does say that Presidential records include material dealing with the President's staff carrying out official or ceremonial duties.

The White House Social Office Files are the official files that document the ceremonial and official functions of the First Lady's office. Traditionally, the Social Office Files have been composed of several series including: the Social Entertainment Files, the Social Secretary Files, the Press Secretary to the First Lady Files, and the Alpha File, containing correspondence of the First Lady's Office.

Some of the series in the Social Office Files document the ceremonial functions of the Presidency, including the social Entertainment Files which contain invitation lists, entertainment materials, seating charts, and background on guests at Head of State and other official dinners. Even these files, however, may mix Presidential and personal records when, for example, they contain documentation on a small private dinner given for or by the President or First Lady in the family quarters.

Other series, for example the Press Secretary's Files, traditionally have documented more of the policy role and activities of the First Lady - some of which are done on behalf of the President, and some of which are uniquely reflective of the First Lady's own interests and how she defines her role. Other files of the First Lady, such as her own correspondence files, also have been intermixed with the President's White House Subject Files.

Until the Reagan Administration, the Social Office Files were kept separate from the President's files. During the Reagan and Bush Administrations, these files were interfiled with the President's records, entered in the WHORM stairs

system, and treated as a White House Staff Office File. Because of the unique status of the First Lady and the intermixing of most of her papers with Presidential records, an ambiguous situation has developed in terms of the true record status of these files. In many cases, the simple intermixing of these papers will cause the First Lady to lose control over this material. Therefore, it is very important that clear guidance be given to the First Lady's staff on filing practices, and that personal items be clearly designated and separated from the Presidential record file. Additionally, files that already may contain mixed records should be checked. Items that are personal in these files should be clearly designated and, if possible, be put in a separate personal record file.

10. WHAT QUESTIONS SHOULD BE CONSIDERED WHEN MAKING A DETERMINATION OF THE RECORD STATUS OF A PRESIDENTIAL DOCUMENT?

The following guidance is based on factors the courts have developed in deciding Freedom OF Information Act cases. This FOIA case law does not deal with Presidential records, however, it is the most pertinent guidance available for making record determinations. These considerations were published in FOIA Update, Fall 1984 (Office of Information and Privacy, U.S. Department of Justice), and still presents the current law on this point. The questions have been re-phrased to make them more relevant to records created by the President.

***Creation** - Is the document created or received by a White House staff employee on official time, with government materials, at government expense?

***Content** - Does the document contain substantive information about governmental business? Does the document contain personal as well as official information?

***Purpose** - Is the document created solely for an individual employee's personal convenience? Or was the document created to facilitate governmental business?

***Distribution** - Was the document distributed to anyone else for official purposes?

***Use** - To what extent does the document's creator actually use the document to conduct governmental business? Did others use it?

***Maintenance** - Was the document kept in the author's possession, or was it placed in an official file?

***Disposition** - Is the document's retention required by White House or some other guidance or is the author free to dispose of the item?

***Control** - Has the White House attempted to exercise "institutional control" over the document?

***Segregation** - Is there any practical way to segregate personal information in the document from official business information?

***Revision** - Was the document revised or updated after the fact for record-keeping purposes?

Clearly some of this guidance is more applicable to Presidential personal records than others. However, no one question is determinative; rather, record status calls should be made on the totality of the circumstances discussed above.

11. WHO TO CALL AT THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION FOR ADDITIONAL GUIDANCE ON THIS ISSUE?

The National Archives and Records Administration can provide additional assistance to the White House staff on determining Presidential personal records, including workshops and training for White House staff. For archival advice please contact, Nancy Kegan Smith, Director of the Presidential Materials Staff, 202-501-5700. For legal advice and interpretations on the requirements of the Presidential Records Act, please contact Miriam Nisbet, Special Counsel for Information Policy or Nancy Kegan Smith.

PRESIDENTIAL RECORDS ¹

(44 U.S.C. Chapter 22)

- Sec.
2201. Definitions.
2202. Ownership of Presidential records.
2203. Management and custody of Presidential records.
2204. Restrictions on access to Presidential records.
2205. Exceptions to restriction on access.²
2206. Regulations.
2207. Vice-Presidential records.

§ 2201. Definitions

As used in this chapter—

(1) The term "documentary material" means all books, correspondence, memorandums, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, and motion pictures, including but not limited to, audio, audiovisual, or other electronic or mechanical recordings.

(2) The term "Presidential records" means 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. Such term—

(A) includes any documentary materials relating to the political activities of the President or members of his staff, but only if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; but

(B) does not include any documentary materials that are (i) official records of an agency (as defined in section 552(e)³ of title 5, United States Code); (ii) personal records; (iii) stocks of publications and stationery; or (iv) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

(3) The term "personal records" means all documentary materials, or any reasonably segregable portion thereof, 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. Such term includes—

(A) diaries, journals, or other personal notes serving as the functional equivalent of

a diary or journal which are not prepared or utilized for, or, circulated or communicated in the course of, transacting Government business;

(B) materials relating to private political associations, and having no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; and

(C) materials relating exclusively to the President's own election to the office of the Presidency; and materials directly relating to the election of a particular individual or individuals to Federal, State, or local office, which have no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President.

(4) The term "Archivist" means the Archivist of the United States.

(5) The term "former President," when used with respect to Presidential records, means the former President during whose term or terms of office such Presidential records were created.

§ 2202. Ownership of Presidential records

The United States shall reserve and retain complete ownership, possession, and control of Presidential records; and such records shall be administered in accordance with the provisions of this chapter.

§ 2203. Management and custody of Presidential records

(a) Through the implementation of records management controls and other necessary actions, the President shall take all such steps as may be necessary to assure that the activities, deliberations, decisions, and policies that reflect the performance of his constitutional, statutory, or other official or ceremonial duties are adequately documented and that such records are maintained as Presidential records pursuant to the requirements of this section and other provisions of law.

(b) Documentary materials produced or received by the President, his staff, or units or individuals in the Executive Office of the President the function of which is to advise and assist the President, shall, to the extent practicable, be categorized as Presidential records or personal records upon their creation or receipt and be filed separately.

(c) During his term of office, the President may dispose of those of his Presidential records that no longer have administrative, historical, informational, or evidentiary value if—

¹ Section 3 of Pub. L. 95-591 (Nov. 4, 1978, 92 Stat. 2523) provided that this chapter applies to any Presidential records created on or after January 20, 1981.

² So in original. Does not conform to section catch line.

³ Section 552(e) of title 5 was redesignated section 552(f) of title 5 by section 1802(b) of Pub. L. 99-570.

(1) the President obtains the views, in writing, of the Archivist concerning the proposed disposal of such Presidential records; and

(2) the Archivist states that he does not intend to take any action under subsection (e) of this section.

(d) In the event the Archivist notifies the President under subsection (c) that he does intend to take action under subsection (e), the President may dispose of such Presidential records if copies of the disposal schedule are submitted to the appropriate Congressional Committees at least 60 calendar days of continuous session of Congress in advance of the proposed disposal date. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the days in which Congress is in continuous session.

(e) The Archivist shall request the advice of the Committee on Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Administration and the Committee on Government Operations of the House of Representatives with respect to any proposed disposal of Presidential records whenever he considers that—

(1) these particular records may be of special interest to the Congress; or

(2) consultation with the Congress regarding the disposal of these particular records is in the public interest.

(f) (1) Upon the conclusion of a President's term of office, or if a President serves consecutive terms upon the conclusion of the last term, the Archivist of the United States shall assume responsibility for the custody, control, and preservation of, and access to, the Presidential records of that President. The Archivist shall have an affirmative duty to make such records available to the public as rapidly and completely as possible consistent with the provisions of this Act.

(2) The Archivist shall deposit all such Presidential records in a Presidential archival depository or another archival facility operated by the United States. The Archivist is authorized to designate, after consultation with the former President, a director at each depository or facility, who shall be responsible for the care and preservation of such records.

(3) The Archivist is authorized to dispose of such Presidential records which he has appraised and determined to have insufficient administrative, historical, informational, or evidentiary value to warrant their continued preservation. Notice of such disposal shall be published in the Federal Register at least 60 days in advance of the proposed disposal date. Publication of such notice shall constitute a final agency action for purposes of review under chapter 7 of title 5, United States Code.

§ 2204. Restrictions on access to Presidential records

(a) Prior to the conclusion of his term of office or last consecutive term of office, as the case may be, the President shall specify durations, not to exceed 12 years, for which access shall be restricted with respect to information, in a Presidential record, within one or more of the following categories:

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) relating to appointments to Federal office;

(3) specifically exempted from disclosure by statute (other than sections 552 and 552b of title 5, United States Code), provided that such statute (A) requires that the material be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of material to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) confidential communications requesting or submitting advice, between the President and his advisers, or between such advisers; or

(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(b)(1) Any Presidential record or reasonably segregable portion thereof containing information within a category restricted by the President under subsection (a) shall be so designated by the Archivist and access thereto shall be restricted until the earlier of—

(A)(i) the date on which the former President waives the restriction on disclosure of such record, or

(ii) the expiration of the duration specified under subsection (a) for the category of information on the basis of which access to such record has been restricted; or

(B) upon a determination by the Archivist that such record or reasonably segregable portion thereof, or of any significant element or aspect of the information contained in such record or reasonably segregable portion thereof, has been placed in the public domain through publication by the former President, or his agents.

(2) Any such record which does not contain information within a category restricted by the President under subsection (a), or contains information within such a category for which the duration of restricted access has expired, shall be

exempt from the provisions of subsection (c) until the earlier of—

(A) the date which is 5 years after the date on which the Archivist obtains custody of such record pursuant to section 2203(d)(1); or

(B) the date on which the Archivist completes the processing and organization of such records or integral file segment thereof.

(3) During the period of restricted access specified pursuant to subsection (b)(1), the determination whether access to a Presidential record or reasonably segregable portion thereof shall be restricted shall be made by the Archivist, in his discretion, after consultation with the former President, and, during such period, such determinations shall not be subject to judicial review, except as provided in subsection (e) of this section. The Archivist shall establish procedures whereby any person denied access to a Presidential record because such record is restricted pursuant to a determination made under this paragraph, may file an administrative appeal of such determination. Such procedures shall provide for a written determination by the Archivist or his designee, within 30 working days after receipt of such an appeal, setting forth the basis for such determination.

(c)(1) Subject to the limitations on access imposed pursuant to subsections (a) and (b), Presidential records shall be administered in accordance with section 552 of title 5, United States Code, except that paragraph (b)(5) of that section shall not be available for purposes of withholding any Presidential record, and for the purposes of such section such records shall be deemed to be records of the National Archives and Records Administration. Access to such records shall be granted on nondiscriminatory terms.

(2) Nothing in this Act shall be construed to confirm, limit, or expand any constitutionally-based privilege which may be available to an incumbent or former President.

(d) Upon the death or disability of a President or former President, any discretion or authority the President or former President may have had under this chapter shall be exercised by the Archivist unless otherwise previously provided by the President or former President in a written notice to the Archivist.

(e) The United States District Court for the District of Columbia shall have jurisdiction over any action initiated by the former President asserting that a determination made by the Archivist violates the former President's rights or privileges.

§ 2205. Exceptions to restricted access

Notwithstanding any restrictions on access imposed pursuant to section 2204—

(1) the Archivist and persons employed by the National Archives and Records Administration who are engaged in the performance of normal archival work shall be permitted access to Presidential records in the custody of the Archivist;

(2) subject to any rights, defenses, or privileges which the United States or any agency or person may invoke, Presidential records shall be made available—

(A) pursuant to subpoena or other judicial process issued by a court of competent jurisdiction for the purposes of any civil or criminal investigation or proceeding;

(B) to an incumbent President if such records contain information that is needed for conduct of current business of his office and that is not otherwise available; and

(C) to either House of Congress, or, to the extent of matter within its jurisdiction, to any committee or subcommittee thereof if such records contain information that is needed for the conduct of its business and that is not otherwise available; and

(3) the Presidential records of a former President shall be available to such former President or his designated representative.

§ 2206. Regulations

The Archivist shall promulgate in accordance with section 553 of title 5, United States Code, regulations necessary to carry out the provisions of this chapter. Such regulations shall include—

(1) provisions for advance public notice and description of any Presidential records scheduled for disposal pursuant to section 2203(f)(3);

(2) provisions for providing notice to the former President when materials to which access would otherwise be restricted pursuant to section 2204(a) are to be made available in accordance with section 2205(2);

(3) provisions for notice by the Archivist to the former President when the disclosure of particular documents may adversely affect any rights and privileges which the former President may have; and

(4) provisions for establishing procedures for consultation between the Archivist and appropriate Federal agencies regarding materials which may be subject to section 552(b)(7) of title 5, United States Code.

§ 2207. Vice-Presidential records

Vice-Presidential records shall be subject to the provisions of this chapter in the same manner as Presidential records. The duties and responsibilities of the Vice President, with respect to Vice-Presidential records, shall be the same as the duties and responsibilities of the President under this chapter with respect to Presidential records. The authority of the Archivist with respect to Vice-Presidential records shall be the same as the authority of the Archivist under this chapter with respect to Presidential records, except that the Archivist may, when the Archivist determines that it is in the public interest, enter into an agreement for the deposit of Vice-Presidential records in a

non-Federal archival depository. Nothing in this chapter shall be construed to authorize the estab-

lishment of separate archival depositories for such Vice-Presidential records.

NATIONAL ARCHIVES TRUST FUND BOARD

(44 U.S.C. Chapter 23)

Sec.

- 2301. Establishment of Board; membership.
- 2302. Authority of the Board; seal; services; bylaws; rules; regulations; employees.
- 2303. Powers and obligations of Board; liability of members.
- 2304. Compensation of members; availability of trust funds for expenses of Board.
- 2305. Acceptance of gifts.
- 2306. Investment of funds.
- 2307. Trust Fund account; disbursements; sales of publications and releases.
- 2308. Tax exemption for gifts.

§ 2301. Establishment of Board; membership

The National Archives Trust Fund Board shall consist of the Archivist of the United States, as Chairman, and the Secretary of the Treasury and the Chairman of the National Endowment for the Humanities. Membership on the Board is not an office within the meaning of the statutes of the United States.

§ 2302. Authority of the Board; seal; services; bylaws; rules; regulations; employees

In carrying out the purposes of this chapter, the Board—

(1) may adopt an official seal, which shall be judicially noticed;

(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Administration necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

(3) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

(4) may, subject to the laws and regulations governing appointments in the civil service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

§ 2303. Powers and obligations of the Board; liability of members

Except as otherwise provided by this chapter, the Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

§ 2304. Compensation of members; availability of trust funds for expenses of the Board

Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Administration to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

§ 2305. Acceptance of gifts

The Board may solicit and accept gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the National Archives and Records Administration. Moneys that are for deposit into the trust fund shall be deposited within 10 working days of the receipt thereof.

§ 2306. Investment of funds

The Secretary of the Treasury shall receipt for moneys or securities composing trust funds given or bequeathed to the Board and shall invest, reinvest, and retain the moneys or securities as the Board from time to time determines. The Board may not engage in business or exercise a voting privilege which may be incidental to securities in such trust funds, nor may the Secretary of the Treasury make investments for the account of the Board which could not lawfully be made by a trust company in the District of Columbia, unless directly authorized by the instrument of gift or bequest under which the funds to be invested are derived, and may retain investments accepted by the Board.

§ 2307. Trust fund account; disbursements; sales of publications and releases

The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Ar-

SUBCHAPTER E—PRESIDENTIAL RECORDS

PART 1270—PRESIDENTIAL RECORDS

Subpart A—General Provisions

Sec.

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- 1270.12 Application.
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- 1270.30 Disposal of Presidential Records by incumbent President.
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Subpart D—Access to Presidential Records

- 1270.40 Identification of restricted records.
- 1270.42 Denial of access to public; right to appeal.
- 1270.44 Exceptions to restricted access.
- 1270.46 Notice of intent to disclose Presidential Records.

Subpart E—Presidential Records Compiled for Law Enforcement Purposes

- 1270.50 Consultation with law enforcement agencies.

AUTHORITY: The Presidential Records Act of 1978, Pub. L. 95-591, 92 Stat. 2523-27, as amended by the National Archives and Records Administration Act of 1984, Pub. L. 98-497, sec. 107(b)(7), 98 Stat. 2287 (1984) (codified at 44 U.S.C. 2201-07).

SOURCE: 53 FR 50404, Dec. 15, 1988, unless otherwise noted.

Subpart A—General Provisions

§ 1270.10 Scope of part.

These regulations implement the provisions of the Presidential Records Act of 1978, Pub. L. No. 95-591, 92 Stat. 2523-27, as amended by Pub. L. No. 98-497, sec. 107(b)(7), 98 Stat. 2287 (1984) (codified at 44 U.S.C. 2201-07), by setting forth the policies and procedures governing preservation, protection, and disposal of, and access to Presidential and Vice-Presidential records created during a term of office

of the President or Vice President beginning on or after January 20, 1981. Nothing in these regulations is intended to govern procedures for assertion of, or response to, any constitutionally based privilege which may be available to an incumbent or former President.

§ 1270.12 Application.

(a) These regulations apply to all Presidential records created during a term of office of the President beginning on or after January 20, 1981.

(b) Vice-Presidential records shall be subject to the provisions of this part in the same manner as Presidential records. The Vice President's duties and responsibilities, with respect to Vice-Presidential records, shall be the same as the President's duties and responsibilities with respect to Presidential records. The Archivist's authority with respect to Vice-Presidential records shall be the same as the Archivist's authority with respect to Presidential records, except that the Archivist may, when he determines it to be in the public interest, enter into an agreement with a non-Federal archival repository for the deposit of Vice-Presidential records.

§ 1270.14 Definitions.

For the purposes of this part—

(a) The terms *documentary material*, *Presidential records*, *personal records*, *Archivist*, and *former President* have the meanings given them by 44 U.S.C. 2201 (1)-(5), respectively.

(b) The term *agency* has the meaning given it by 5 U.S.C. 551(1) (A)-(D) and 552(f).

(c) The term *Presidential archival depository* has the meaning given it by 44 U.S.C. 2101(1).

(d) The term *Vice-Presidential records* means documentary materials, or any reasonably segregable portion thereof, created or received by the Vice President, his immediate staff, or a unit or individual of the Office of the Vice President whose function is to advise and assist the Vice 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 Vice President. The term includes documentary materials of the kind included under the term *Presidential records*.

(e) The term *filed* means the date something is received in the office of the official to whom it is addressed.

Subpart B—Actions Taken on Behalf of Former Presidents

§ 1270.20 Designation of person or persons to act for former President.

(a) A President or former President may designate some person or persons to exercise, upon death or disability of the President or former President, any or all of the discretion or authority granted to the President or former President by chapter 22 of title 44 U.S.C.

(b) When a President or former President designates a person or persons to act for him pursuant to paragraph (a) of this section, this designation shall be effective only if the Archivist has received notice of the designation before the President or former President dies or is disabled.

(c) The notice required by paragraph (b) of this section shall be in writing, and shall include the following information:

(1) Name(s) of the person or persons designated to act for the President or former President;

(2) The current addresses of the person or persons designated; and

(3) The records, identified with reasonable specificity, over which the designee(s) will exercise discretion or authority.

§ 1270.22 When Archivist may act for former President.

In those instances where a President has specified, in accordance with 44 U.S.C. 2204(a), restrictions on access to Presidential records, but has not made a designation under § 1270.20 of this subpart, the Archivist shall, upon the death or disability of a President or former President, exercise the discretion or authority granted to a President or former President by 44 U.S.C. 2204.

Subpart C—Disposal of Presidential Records

§ 1270.30 Disposal of Presidential records by incumbent President.

A President may, while in office, dispose of any Presidential records which in his opinion lack administrative, historical, informational, or evidentiary value if one of the following two sets of requirements is satisfied:

(a)(1) The President has obtained the written views of the Archivist concerning the proposed disposal; and

(2) The Archivist states in his written views to the President that he does not intend to request, with respect to the President's proposed disposal of Presidential records, the advice of the Committees on Rules and Administration and Governmental Affairs of the Senate, and the Committees on House Administration and Government Operations of the House of Representatives because he does not consider—

(i) The records proposed for disposal to be of special interest to the Congress; or

(ii) Consultation with the Congress concerning the proposed disposal to be in the public interest; or

(b)(1) The President has obtained the written views of the Archivist concerning the proposed disposal;

(2) The Archivist states in his written views either—

(i) That the records proposed for disposal may be of special interest to the Congress; or

(ii) That consultation with the Congress concerning the proposed disposal is in the public interest; and

(3) The President submits copies of the proposed disposal schedule to the Committees on Rules and Administration and Governmental Affairs of the Senate and the Committees on House Administration and Government Operations of the House of Representatives at least 60 calendar days of continuous session of Congress in advance of the proposed disposal date. For the purpose of this section, continuity of session is broken only by an adjournment of Congress *sine die*, and the days on which either House is not in session because of an adjournment of

more than 3 days to a day certain are excluded in the computation of the days in which Congress is in continuous session.

§ 1270.32 Disposal of Presidential Records in the custody of the Archivist.

(a) The Archivist may dispose of Presidential records which he has appraised and determined to have insufficient administrative, historical, informational, or evidentiary value to warrant their continued preservation.

(b) When Presidential records are scheduled for disposal pursuant to paragraph (a) of this section, the Archivist shall publish a notice of this disposal in the *FEDERAL REGISTER* at least 60 days before the proposed disposal date.

(c) The notice required by paragraph (b) of this section, shall include the following:

(1) A reasonably specific description of the records scheduled for disposal; and

(2) A concise statement of the reason for disposal of the records.

(d) Publication in the *FEDERAL REGISTER* of the notice required by paragraph (b) of this section shall constitute a final agency action for purposes of review under chapter 7 of title 5 U.S.C. (5 U.S.C. 701-706).

Subpart D—Access to Presidential Records

§ 1270.40 Identification of restricted records.

(a) If a President, prior to the conclusion of his term of office or last consecutive term of office, as the case may be, specifies durations, not to exceed 12 years, for which access to certain information contained in Presidential records shall be restricted, in accordance with 44 U.S.C. 2204, the Archivist or his designee shall identify the Presidential records affected, or any reasonably segregable portion thereof, in consultation with that President or his designated representative(s).

(b) The Archivist shall restrict public access to the information contained in those records identified as affected until—

(1) The date on which the former President waives the restriction on disclosure of the record or information contained within;

(2) The expiration of the period of restriction specified under 44 U.S.C. 2204(a) for the category of information under which a certain record, or a portion thereof, was restricted; or

(3) The Archivist has determined that the former President or an agent of the former President has placed in the public domain through publication a restricted record or a reasonably segregable portion thereof, if this date is earlier than either of the dates specified in paragraph (b)(1) or (2) of this section.

§ 1270.42 Denial of access to public; right to appeal.

(a) Any person denied access to a Presidential record (hereinafter *the requester*) because of a determination that the record or a reasonably segregable portion thereof was (1) properly restricted under 44 U.S.C. 2204(a), and (2) not placed in the public domain by the former President or his agent, may file an administrative appeal with the Assistant Archivist for Presidential Libraries (NL), Washington, DC 20408.

(b) Appeals shall be filed no later than 10 working days after the requester receives written notification that access to Presidential records has been denied.

(c) Appeals shall be in writing and shall set forth the reason(s) why the requester believes access to the records sought should be allowed. The requester shall identify the specific records sought.

(d) Upon receipt of an appeal, the Assistant Archivist for Presidential Libraries shall have 30 working days from the date an appeal is filed to consider the appeal and to respond in writing to the requester. The Assistant Archivist's response shall state whether or not the Presidential records requested are to be released and the basis for this determination. The decision of the Assistant Archivist to withhold release of Presidential records is final and not subject to judicial review.

§ 1270.44 Exceptions to restricted access.

(a) Notwithstanding any restrictions on access imposed pursuant to section 2204 or these regulations, and subject to any rights, defenses, or privileges which the United States or any agency or person may invoke, Presidential records shall be made available in the following instances:

(1) Pursuant to subpoena or other judicial process properly issued by a court of competent jurisdiction for the purposes of any civil or criminal investigation or proceeding;

(2) To an incumbent President if the records sought contain information which is needed for the conduct of current business of his office and is not otherwise available;

(3) To either House of Congress, or, to the extent of matter within its jurisdiction, to a Congressional committee or subcommittee if the records sought contain information which is needed for the conduct of business within its jurisdiction and is not otherwise available.

(b) Requests by an incumbent President, a House of Congress, or a Congressional committee or subcommittee pursuant to paragraph (a) of this section shall be addressed to the Archivist. All requests shall be in writing and, where practicable, identify the records sought with reasonable specificity.

(c) Presidential records of a former President shall be available to the former President or his designated representative upon request.

§ 1270.46 Notice of intent to disclose Presidential records.

(a) The Archivist or his designee shall notify a former President or his designated representative(s) before any Presidential records of his Administration are disclosed.

(b)(1) The notice given by the Archivist or his designee shall:

(i) Be in writing;

(ii) Identify the particular records with reasonable specificity;

(iii) State the reason for the disclosure; and

(iv) Specify the date on which the record will be disclosed.

(2) In the case of records to be disclosed in accordance with § 1270.44, the notice shall also:

(i) Identify the requester and the nature of the request;

(ii) Specify whether the requested records contain materials to which access would otherwise be restricted pursuant to 44 U.S.C. 2204(a) and identify the category of restriction within which the record to be disclosed falls; and

(iii) Specify the date of the request.

(c) If, after receiving the notice required by paragraph (a) of this section, a former President raises rights or privileges which he believes should preclude the disclosure of a Presidential record, and the Archivist nevertheless determines that the record in question should be disclosed, in whole or in part, the Archivist shall notify the former President or his representative of this determination. The notice given by the Archivist or his designee shall:

(1) Be in writing;

(2) State the basis upon which the determination to disclose the record is made; and

(3) Specify the date on which the record will be disclosed.

(d) The Archivist shall not disclose any records covered by any notice required by paragraph (a) or (c) of this section for at least 30 calendar days from receipt of the notice by the former President, unless a shorter time period is required by a demand for Presidential records under § 1270.44.

(e) Copies of all notices provided to former Presidents under this section shall be provided at the same time to the incumbent President.

Subpart E—Presidential Records Compiled for Law Enforcement Purposes

§ 1270.50 Consultation with law enforcement agencies.

(a) For the processing of Presidential records compiled for law enforcement purposes that may be subject to 5 U.S.C. 552(b)(7), the Archivist shall request specific guidance from the appropriate Federal agency on the

§ 1270.50

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proper treatment of a record if there is no general guidance applicable, if the record is particularly sensitive, or if the type of record or information is widespread throughout the files.

(b) When specific agency guidance is requested under paragraph (a) of this section, the Archivist shall notify the appropriate Federal agency of the decision regarding disclosure of the specific documents. Notice shall include the following:

(1) A description of the records in question;

(2) Statements that the records described contain information compiled for law enforcement purposes and may be subject to the exemption provided by 5 U.S.C. 552(b)(7) for records of this type; and,

(3) The name of a contact person at NARA.

(c) Agency guidance under this section is not binding on the Archivist. The final determination on whether Presidential records may be subject to the exemption in 5 U.S.C. 552(b)(7) is the Archivist's responsibility.

Presidential Documents

Executive Order 12667 of January 18, 1989

Presidential Records

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to establish policies and procedures governing the assertion of Executive privilege by incumbent and former Presidents in connection with the release of Presidential records by the National Archives and Records Administration pursuant to the Presidential Records Act of 1978, it is hereby ordered as follows:

Section 1. *Definitions.* For purposes of this Order:

- (a) "Archivist" refers to the Archivist of the United States or his designee.
- (b) "NARA" refers to the National Archives and Records Administration.
- (c) "Presidential Records Act" refers to the Presidential Records Act of 1978 (Pub. L. No. 95-591, 92 Stat. 2523-27, as amended by Pub. L. No. 98-407, 98 Stat. 2287), codified at 44 U.S.C. 2201-2207.
- (d) "NARA regulations" refers to the NARA regulations implementing the Presidential Records Act, 53 Fed. Reg. 50404 (1988), codified at 36 C.F.R. Part 1270.
- (e) "Presidential records" refers to those documentary materials maintained by NARA pursuant to the Presidential Records Act and the NARA regulations.
- (f) "Former President" refers to the former President during whose term or terms of office particular Presidential records were created.
- (g) A "substantial question of Executive privilege" exists if NARA's disclosure of Presidential records might impair the national security (including the conduct of foreign relations), law enforcement, or the deliberative processes of the Executive branch.
- (h) A "final court order" is a court order from which no appeal may be taken.

Sec. 2. *Notice of Intent to Disclose Presidential Records.*

(a) When the Archivist provides notice to the incumbent and former Presidents of his intent to disclose Presidential records pursuant to section 1270.46 of the NARA regulations, the Archivist, utilizing any guidelines provided by the incumbent and former Presidents, shall identify any specific materials, the disclosure of which he believes may raise a substantial question of Executive privilege. However, nothing in this Order is intended to affect the right of the incumbent or former Presidents to invoke Executive privilege with respect to materials not identified by the Archivist. Copies of the notice for the incumbent President shall be delivered to the President (through the Counsel to the President) and the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel). The copy of the notice for the former President shall be delivered to the former President or his designated representative.

(b) Upon the passage of 30 days after receipt by the incumbent and former Presidents of a notice of intent to disclose Presidential records, the Archivist may disclose the records covered by the notice, unless during that time period the Archivist has received a claim of Executive privilege by the incumbent or former President or the Archivist has been instructed by the incumbent President or his designee to extend the time period. If a shorter time period is required under the circumstances set forth in section 1270.44 of the NARA regulations, the Archivist shall so indicate in the notice.

3404

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Sec. 3. Claim of Executive Privilege by Incumbent President.

(a) Upon receipt of a notice of intent to disclose Presidential records, the Attorney General (directly or through the Assistant Attorney General for the Office of Legal Counsel) and the Counsel to the President shall review as they deem appropriate the records covered by the notice and consult with each other, the Archivist, and such other Federal agencies as they deem appropriate concerning whether invocation of Executive privilege is justified.

(b) The Attorney General and the Counsel to the President, in the exercise of their discretion and after appropriate review and consultation under subsection (a) of this section, may jointly determine that invocation of Executive privilege is not justified. The Archivist shall be promptly notified of any such determination.

(c) If after appropriate review and consultation under subsection (a) of this section, either the Attorney General or the Counsel to the President believes that the circumstances justify invocation of Executive privilege, the issue shall be presented to the President by the Counsel to the President and the Attorney General.

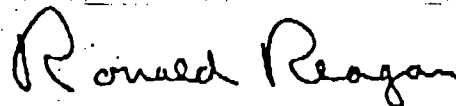
(d) If the President decides to invoke Executive privilege, the Counsel to the President shall notify the former President, the Archivist, and the Attorney General in writing of the claim of privilege and the specific Presidential records to which it relates. After receiving such notice, the Archivist shall not disclose the privileged records unless directed to do so by an incumbent President or by a final court order.

Sec. 4. Claim of Executive Privilege by Former President.

(a) Upon receipt of a claim of Executive privilege by a former President, the Archivist shall consult with the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel), the Counsel to the President, and such other Federal agencies as he deems appropriate concerning the Archivist's determination as to whether to honor the former President's claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege. Any determination under section 3 of this Order that Executive privilege shall not be invoked by the incumbent President shall not prejudice the Archivist's determination with respect to the former President's claim of privilege.

(b) In making the determination referred to in subsection (a) of this section, the Archivist shall abide by any instructions given him by the incumbent President or his designee unless otherwise directed by a final court order. The Archivist shall notify the incumbent and former Presidents of his determination at least 30 days prior to disclosure of the Presidential records, unless a shorter time period is required in the circumstances set forth in section 1270.44 of the NARA regulations. Copies of the notice for the incumbent President shall be delivered to the President (through the Counsel to the President) and the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel). The copy of the notice for the former President shall be delivered to the former President or his designated representative.

Sec. 5. Judicial Review. This Order is intended only to improve the internal management of the Executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,

January 18, 1989.

National Archives



Washington, DC 20408

Date : January 5, 1996

Reply to

Attn of : NL (Nancy Kegan Smith) and GC (Amy E. Krupsky) ^{NKS/mk} ^{AEK}

Subject : The ABCs of the FRA & PRA

To : N

This is in response to your request for a brief comparison of the basic provisions of the Federal Records Act and the Presidential Records Act.

I. Definitions

Federal: Documentary materials regardless of physical form that are made or received by an agency of the U.S. Government under Federal law or in connection with the transaction of public business, and preserved or appropriate for preservation as evidence of agency activities or because of the value of the information they contain.

Presidential: Documentary materials regardless of physical form that are 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 ceremonial or official duties of the President. Applies only to records created after January 20, 1981.

II. What's not included in the definitions above?

Federal: Personal papers and materials not used in the transaction of government business, also non-record material such as exhibits, stocks of publications and extra copies for convenience of reference.

Presidential: Personal papers, as defined in the statute, include materials of purely private character such as diaries, journals, not used in government business, materials relating to private political associations, and materials relating to the election of President and others.

III. What entities create these records?

Federal: Federal agencies including agencies in the executive branch, the courts (except the Supreme Court) and some establishments in the legislative branch except the

Senate, House of Representatives and Architect of the Capitol.

Presidential: President, members of his immediate staff who advise and assist, includes NSC and other components of the Executive Office of the President who solely advise and assist the President.

Vice Presidential: Vice President and members of his staff create Vice Presidential records which are treated in the same way as Presidential records.

IV. Who determines record status?

Federal: The head of the agency determines federal record status.

Presidential: The President determines Presidential record status.

V. Who maintains the records?

Federal: The agencies maintain their own records until they are transferred to NARA if they are permanent, usually when they are 30 years old, or the agencies dispose of them in accordance with NARA-approved disposition schedules. Agencies maintain their records in accordance with agency guidelines and NARA guidance.

President: Presidential records are maintained by the President during his term of office and transferred to NARA at the end of the administration. The Executive Office of the President maintains its Presidential records in accordance with EOP guidelines and, when requested, NARA guidance.

VI. Who has authority to dispose of these records?

Federal: The Archivist must approve the destruction of all federal records, either through the promulgation of general records schedules, which apply to records common to many agencies, or through the approval of specific requests for disposition.

Presidential: The Archivist must provide his views in writing in response to a proposed destruction of Presidential records by an incumbent President. The Archivist may also dispose of Presidential records once transferred to NARA when he has determined that they do not warrant continued preservation. 60 days advance notice must be published in the Federal Register.

VII. What responsibilities does the Archivist have with regard to these records?

Federal: The Archivist must maintain the permanently valuable records of the Government, appraise and approve the disposition of all non-permanent federal records, advise the agencies on proper records management practices and advise the Attorney General and Congress of possible destruction of federal records.

Presidential: The only statutory responsibility that the Archivist has for records of an incumbent President is the responsibility for providing his views in writing in response to a proposed destruction of Presidential records and for requesting the advice of the appropriate committees of the House and Senate if he thinks that the destruction raises concerns or is of particular interest to Congress.

At the end of the Administration the Archivist assumes additional responsibilities with regard to maintenance and access to Presidential records, see below.

VIII. How does the public gain access to essential evidence?

Federal: The public may request access, at any time, to executive branch agency records under The Freedom of Information Act. NARA will process these request under the statute and may withhold some information under one or more of the nine FOIA exemptions. These exemptions include, for example, national security and invasion of privacy.

Presidential: Presidential records are not available for public access during the term of the incumbent. While in office the President has the right to chose to apply up to six restrictive categories that will be applied to his records once he leaves office. These restrictions may not exceed 12 years after he leaves office and are applied by the Archivist, in consultation with the former President, during the 12 years only. Thereafter only the FOIA applies.

For a period of five years after the end of the term or until the Archivist has processed an integral file segment (if sooner), the records are not available to public access requests. After the five year period, any records that do not fall within the six restrictive categories are available under FOIA, subject to eight FOIA exemptions. Exemption 5, encompassing the deliberative process privilege, is not available. The Archivist must notify the incumbent and former President before release of any Presidential records in accordance with E.O.12667 for possible claims of privilege.

Transition Planning

**Office of Management and
Administration
July 6, 2000**

5 Major Categories

- **Issues Specific to the President and Mrs. Clinton**
- **White House Office Issues**
- **OVP, OPD and other EOP Agency Issues**
- **Federal Agency and Department Issues**
- **Issues Associated with the President-Elect**

Issues Specific to the President and Mrs. Clinton

- **Library and Archives Issues**
- **Transition Office location and staff**
- **Gifts for staff and friends**
- **Decisions on final events, final day, final travel**
- **Packing and moving personal items**

White House Office Issues

- **Prepare for the out-processing of up to 500 employees**
 - **Archive computer files**
 - **Process personnel paperwork**
 - **Retrieve assets from departing staff**
- **Leave behind relevant information for incoming administration**
- **Prepare for the in-processing of several hundred employees**

OVP, OPD and other EOP Agency Issues

- **Prepare for the out-processing of up to 200 employees**
- **Transfer records to NARA**
- **Leave behind relevant information for incoming administration**
- **Prepare for the in-processing of more than 100 employees**

Federal Agency and Department Issues

- **Provide relevant documents for the Clinton Library**
- **Coordinate the out-processing of appointees at Agencies and Departments**
- **Prepare transition materials for incoming administration**

Issues Associated with the President-Elect

- **Transition Planning by campaigns prior to election**
- **Monitor appropriation request for transition funds (\$7.1M is the request)**
- **GSA establishes a transition office for incoming President-elect**
- **Coordination with Inaugural Committee of President-Elect**

CATEGORIES FOR FIRST LADY ARCHIVING PROJECT

Children

- Early childhood development *Jay Nelson*
- ✓ Child care/work and family issues
- ✓ Foster care/Adoption
- Youth development/afterschool/violence *Ezra*
- ✓ Education *Anna*

Health

- ✓ Health reform
- ✓ Immunizations *Kate*
- ✓ Children's health
- ✓ Breast cancer
- Gulf war illnesses *Todd*

International

- Vital Voices
- Beijing *Todd*
- Civil society/democracy building *Todd*
- Women and girls education
- Microenterprise *Carolyn*

Other

- DC
- ✓ Arts *~~Millennium Council~~*
- ✓ Millennium Council
- White House preservation
- Philanthropy and service

CATEGORIES FOR FIRST LADY ARCHIVING PROJECT

Children

- ★ Early childhood development - JAY NELSON ←
- ★ — Child care/work and family issues?
- Foster care/Adoption - DONE (KATY) ←
- Youth development/afterschool/violence - EZARA HOFFMAN (pretty good) ←
- Education - KATY

- ① Sched
- ② Speeches
- ③ Columns
- ④ Briefing

Health

- Health reform - KATY
- ★ (Immunizations
Children's health) KATE
- Breast cancer - JULIE (done)
- Gulf war illnesses TODD - good

International

- ★ — Vital Voices
- Beijing - TODD
- Civil society/democracy building - TODD MANU/
- Women and girls education
- Microenterprise ANNA/KATE (August)
- CAROLINE (?)

Other

- DC
- ★ — Arts
- Millennium Council - 3 (August)
- White House preservation
- ★ — Philanthropy and service

MEMORANDUM FOR DISTRIBUTION

FROM: Shirley Sagawa
RE: Archiving Project
DATE: May 8, 2000

As you know, we have both a responsibility to preserve the First Lady's official records and an opportunity to make sure that history reflects her many contributions to the nation. Your work is an important part of that history, and a group of us have sketched out a plan to capture this information in a simple, time-efficient manner

Here is what we hope to do:

1. Electronic index. We will develop a computerized index (to be available to us on the "h drive" and transferred to the archives) of the First Lady's schedule, Presidential diary, briefing books, columns, other publications, photos, and speeches (drafts, tapes, and transcripts, including WHCA) *based on the top categories* we identified (attached).
2. Common categories for filing. We are asking all First Lady staff to mark and index their files using the top categories. The simple way to do this is to use stickers that Records Management has prepared for us (attached) to add to the existing label on the files. For example, if I labeled a file "Head Start" it would get a second label for "early childhood development," as would "early brain research conference," and "correspondence – Rob Reiner." That way, no matter how we individually have labeled our files, a researcher looking into one of our top categories will be able to assemble a complete picture of HRC's work in the area. When we send our indexes of our files to Records Management (whether the actual files are still in a drawer or have already been boxed up), we will send them on disk, thereby creating a searchable index of all First Lady files that have been identified that way. If you have questions about this process, please direct them to me or Eric Woodard. *It is our hope that all staff will label and index their files by the end of June.*
3. Assembled materials on key topics. We will attempt to create "record files" on some of our top categories. The files will include a timeline of First Lady activities on the topic, copies of speeches and publications, notes based on taped interviews with key staff, and key memos or other documents that illustrate her role. We ask your cooperation in this effort.
4. Oral histories. Lissa and Missy will conduct taped interviews with all current and former staff, working off of a common set of a dozen or so questions. Notes taken during the interviews will form a guide to the oral history tapes, although we hope they will eventually be transcribed.

Thank you for your assistance with this important effort. It may take a decade for the First Lady's files to be processed by the Clinton Library and archivists. The work we undertake while we are still here will ensure that the First Lady's record is reflected accurately when we leave.

The Big Issue Binder Project

Children

Early Childhood Development (Jay/Julie): 90% done – in binder

Child care/work and family issues (Katie L.): **Done – in binder**

Foster care/Adoption (Katie L.): 90% done – in binder

Youth development/after school/violence (Ezara): 90% done – in binder

Education (Katie L.): 70% done – in binder

Health

Health reform (Katie L./Julie): 70% done – in binder

Immunizations/Children's Health: ????

Breast Cancer (Katie L./Julie): **Done – in binder**

Gulf War Illness (Todd): **Done – in binder**

International

Vital Voices: ?????

Beijing (Todd): 50% done – not in binder

Civil society/democracy building (Manu): 90% done – in binder

Women and Girls (Kate D.): 50% done – not in binder

Microenterprise (Caroline): 70% done – in binder

Other

DC

Arts: ?????

Millennium Council:

White House Preservation:

Philanthropy and Service: ?????????

MEMORANDUM FOR MRS. CLINTON

FROM: Shirley Sagawa 

RE: Intern memo

DATE: July 27, 2000

I asked the Office of the First Lady interns to prepare a memo for you describing the work they have done to compile your record on key issues.

They have done amazing work creating binders on each of 20 issues. The binders are organized by date and have in them all your speeches, columns, schedules, briefings, and in some cases, press clips on the topic. We plan to send one copy of each binder to the archives and keep one copy for your personal use.

The interns this spring and summer have also been going through all the files, including those that were already sent to records management, and coding them by these topics so they can be more easily retrieved. When this project is complete, you should be able to request a list of all staff files that have been archived that pertain to a specific topic (such as early childhood development or Vital Voices). We hope this will make it easier for historians and journalists to understand your record, and for you to access these materials for memoirs, etc.

Eric Woodard together with intern Katie Lelyveld have supervised this project. They have done an excellent job.

THE WHITE HOUSE
WASHINGTON

JULY 26, 2000

MEMORANDUM FOR FIRST LADY HILLARY RODHAM CLINTON

FROM: Katie McCormick Lelyveld *KNZ*
Julie Ahlbrandt *AWA*
Jay Nelson *Can*
Todd Gloria *Z*
Ezara Hoffman *EH*
Anna Hartog *AH*
Manu Bhardwaj *M.B.*
Caroline B. Marvin *CBM*
Kaitlyn DeLuca *KAD*
Uzoma Nwadike *U.N.*
Julie Schwartz *JS*
Maison Rippeteau *MGR*
Melissa Henderson *MH*

CC: Lissa Muscatine
Shirley Sagawa
Eric Woodard
Mary Ellen McGuire

RE: Archives

The interns in your office have been working diligently this summer preparing detailed binders about the key issues you have addressed throughout the Administration. Each issue binder has copies of daily public schedules, briefing materials, speeches and press clips which were compiled after complete lists of events and meetings for each issue were created. We hope these comprehensive references we have constructed will accurately represent your record and many accomplishments.

Below is a list of the subject binders and who researched the material for each. While most are complete, some work is still in progress.

Children

Early Childhood Development – Completed by Jay Nelson and Julie Ahlbrandt

Child care/Work and Family Issues – Completed by Katie McCormick Lelyveld

Foster care/Adoption – Completed by Katie McCormick Lelyveld

Youth Development/After School/Violence – Completed by Ezara Hoffman

Education – Completed by Katie McCormick Lelyveld and Julie Ahlbrandt

Heath

Health Reform – Completed by Katie McCormick Lelyveld and Julie Ahlbrandt

Immunization/Children's Health – In Progress – Melissa I. Henderson

Breast Cancer – Completed by Katie McCormick Lelyveld and Julie Ahlbrandt

Gulf War Illness – Completed by Todd Gloria

International

Vital Voices – In Progress

Beijing – Completed by Todd Gloria

Civil Society/Democracy Building – Completed by Manu Bhardwaj

Women and Girls – Completed by Kaitlyn DeLuca

Microenterprise – Completed by Caroline B. Marvin

Other

DC – In Progress

Arts – Completed by Katie McCormick Lelyveld and Melissa Henderson

Millennium Council – In Progress – Julie Schwartz and Maison Rippeteau

White House Preservation – In Progress

Philanthropy and Service – In Progress

Women's Issues/Domestic – In Progress

MEMORANDUM FOR DISTRIBUTION

FROM: Shirley Sagawa
RE: Archiving Project
DATE: May 8, 2000

As you know, we have both a responsibility to preserve the First Lady's official records and an opportunity to make sure that history reflects her many contributions to the nation. Your work is an important part of that history, and a group of us have sketched out a plan to capture this information in a simple, time-efficient manner. It is important for people to start their archiving **now** and into the summer (when we'll have lots of interns), as opposed to next Fall when so many in the White House will be trying to do it at the last minute and interns will be scarce.

Here is what we hope to do:

1. Electronic index. We will develop a computerized index (to be available to us on the "h drive" and transferred to the archives) of the First Lady's schedule, Presidential diary, briefing books, columns, other publications, photos, and speeches (drafts, tapes, and transcripts, including WHCA) *based on the top categories* we identified (attached).
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CATEGORIES FOR FIRST LADY ARCHIVING PROJECT

Children

Early childhood development
Child care/work and family issues
Foster care/Adoption
Youth development/afterschool/violence
Education

Health

Health reform
Immunizations
Children's health
Breast cancer
Gulf war illnesses

International

Vital Voices
Beijing
Civil society/democracy building
Women and girls education
Microenterprise

Other

DC
Arts
Millennium Council
White House preservation
Philanthropy and service

Office of the First Lady Big Issue Binder Project

1. Consult **Grid** for events related to your topic (see Eric – Room 100).
2. Create tentative **list** (date and event) of appropriate grid items.
3. Check the three **column** binders in Shirley's office (room 101) for columns the First Lady has written, pertaining to your topic, and photocopy them. Add these column dates with each column name to your list.
4. Get a **binder** from Room 100 and make tabs with the date of each event and column to store what you find. Also, ask Eric for solid colored (blue, green, etc) paper to separate each document under each tab in your binder:

Tab with date + schedule + colored paper + speech + colored paper + briefing + colored paper + news articles

Consult the binders in the press office (room 103) for examples in case you have questions.

5. Most **public schedules** can be found on the H Drive under First Lady's Public Schedules or in the Scheduling office. Find the schedule for each event date on your list and print to include in your binder. This will allow those consulting your binders in the future to know exactly to whom the First Lady was speaking as well as other events in her day. (If time permits, create the most comprehensive binder you can by sorting through each daily schedule of the administration to ensure you have included every meeting, event, etc. on your topic).
6. Pull corresponding **speeches** for each event on your list from the H Drive: FL Speech, the Internet, or if all else fails, the binders of speeches in rooms 103 or (last resort) room 197. Photocopy or print these speeches and place them with the corresponding tab in your binder.
7. Room 190 holds all the First Lady's **briefings** in consecutive order. The briefing she was given for your particular event may have been written on that day or a few days before. Check these binders for the briefings corresponding to the events on your list, photocopy them and put them in your binder under the appropriate tabs.
8. Lexis Nexis is a fabulous research device that allows you to track down every article from everywhere. According to what key words you type, you can find **articles** generally related to your topic or specifically related to the event on your list. Track down as best as you are able the specific article and include each under the appropriate tab.
9. **Congratulations!** You have completed an amazingly important project that will be so helpful for the First Lady, her staff and those interested in her life and work in years to come.

The Big Issue Binder Project (as of 9/14/00)

Children

Early Childhood Development:

Child care/work and family issues: 6 binders

Foster care/Adoption: 2 binders

Youth development/after school/violence: 3 binders

Education: 8 binders

Health

Health reform: 13 binders

Immunizations/Children's Health: ????

Breast Cancer: 2 binders

Gulf War Illness: 1 binder

International

Vital Voices: ?????

Beijing: 1 binder

Civil society/democracy building: 2 binders

Women and Girls:

Microenterprise: 2 binders (?)

Other

DC

Arts: 1-2 binders (?)

Millennium Council:

White House Preservation:

Philanthropy and Service: ?????????

TO: All Interns
FROM: Eric Woodard, MaryEllen McGuire
RE: First Lady Archiving Project
DATE: June 14, 2000

Since our June 13th archive meeting there have been several questions on what to do next. Below is a step by step guide on what to do, where to go and whom to ask. Keep in mind when working with staff documents to be sensitive to staff members' needs. If you walk into an office to collect documents and someone is especially busy or already overwhelmed with a number of interns, go back at another time. Never barge in without asking and always ask permission before using a staff members' documents. Also, be sure to make copies of documents for your binder; NEVER take originals.

1. **Familiarize yourself with your topic-** Go to the First Lady's website (www.whitehouse.gov), paying particular attention to her "Issues" section. Ask MaryEllen (Rm101) for a copy of grid topics relevant to your subject area. Ask Eric (Rm 100) for a copy of First Lady accomplishments in your area of interest.
2. **Develop a key words list-** Develop a list of keywords/names/organizations that you should be looking for when developing your topic. Run this list by Eric or MaryEllen before you go on to step 3.
3. **Compile an event list for your topic-** Going through schedules and using your key words list, compile an events list for your topic area. Schedules can be found in the scheduling office or in the Conference Room. Create your event list file on a disk so it is always available to you. Eric has disks. If you have any questions about an event's relevance to your topic, ask Eric or MaryEllen. Also, have Eric or MaryEllen proof your comprehensive list when you are finished.
4. **Put together a topic binder-** Get a 3-inch binder from Eric and using your event list as an index, create a tab for each event in date order (past to present). All supplies should come from Eric. Each tab should have the event name (abbreviate if need be) and date.
5. **Pull briefings-** Pull briefings for each of your events and make copies for your binders. Briefings are in Room 197. Brenda is your contact person here. There is a copy machine in the room for you to use. Original briefings and briefing books may NEVER leave 197.
6. **Speeches-** Go to the press office (Rm 103) to pull and copy remarks for your events. Speeches are indexed by date in the yellow binders on the wall. Many of the First lady's speeches can also be accessed on our website or on the H drive (Eric can show you). Keep in mind that not every speech has been transcribed. If you are having trouble locating a particular speech, Jen Smith can let you know whether a transcript exists.

7. **Columns-** Go to MaryEllen (Rm 101) to pull and copy columns relevant to your topic. Columns are in date order and are cross-referenced by subject area.
8. **Press-** Go to the press office (Rm 103) to pull articles Mrs. Clinton may have written on your topic. Get these directly from Jen. Please note that not all topics will have corresponding articles.
9. **Bring your book to Eric or MaryEllen for a proof.**
10. **You're done!** Move on to the next topic.

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Early Childhood Development

Child Care

Adoption

Youth Development/ After school/ Violence

Health Reform

Immunizations

Children's Health

Breast Cancer

Gulf War Illnesses

Vital Voices

Beijing

Civil Society/ Democracy Building

Women and Girls Education

Microenterprise

District Columbia

Arts

Millennium Council Projects

White House Preservation

Philanthropy

Service

Children

Early childhood development
Child care
Adoption
Youth development/afterschool/violence

Health

Health reform
Immunizations
Children's health
Breast cancer
Gulf war illnesses

International

Vital Voices
Beijing
Civil society/democracy building
Women and girls education
Microenterprise

Other

DC
Arts
Millennium Council projects
White House preservation
Philanthropy
Service

EVENTS INDEX BY ISSUE:

Adoption
AIDS/Pediatric AIDS
Arts and Humanities
Beijing /related events
Book (It Takes A Village)
Breast Cancer/Mammography
Child Care/Day Care
Children's Conferences/Forums
Children's Hospitals
Children's Television
Civil Rights
College/University
Community Centers
Crime/Drugs
D.C. Events
D.C. Schools
Early Child Development (0-3)
Education
Eleanor Roosevelt
Family Medical Leave
Family Planning/Choice
Foreign Affairs
First Ladies - foreign
Gulf War Illness
Health Care
Hospitals/Medical Centers
Housing
Humanitarian Relief
Legal Services
Literacy
Microcredit
National Service/AmeriCorps
Political/Campaign
Schools (elementary/secondary)
Seniors
Welfare Reform
Working Women
Women's Health

EARLY CHILDHOOD
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THE WHITE HOUSE
WASHINGTON

**MEMORANDUM TO THE STAFF OF THE WHITE HOUSE OFFICE, THE
OFFICE OF THE VICE PRESIDENT, THE NATIONAL SECURITY
COUNCIL, THE OFFICE OF POLICY DEVELOPMENT, THE COUNCIL OF
ECONOMIC ADVISERS, AND THE PRESIDENT'S FOREIGN
INTELLIGENCE ADVISORY BOARD**

FROM: JOHN PODESTA, CHIEF OF STAFF 

RE: PRESERVATION OF STAFF RECORDS

DATE: SEPTEMBER 14, 2000

As we are now in the last year of the Clinton Administration, this is a good time for all staff in the Executive Office of the President to review the laws governing the disposition of their files as they continue to archive all appropriate material. Archiving the files that have been created during this Administration is an extremely important task. Staff files and donated personal records will be the nucleus of the Clinton Presidential Library. These records will be critically important to scholars and historians for many years to come.

The attached memorandum describes White House policy for departing staff regarding the appropriate treatment of your files. Listed below are some of the principal points for staff in the above-listed offices to bear in mind as you archive your files.

- The Presidential Records Act requires the preservation of Presidential records. Almost all work-related material created or received by personnel in the above offices will be a Presidential record. Do not discard Presidential records, although you do not have to preserve identical copies.
- Vice Presidential records should be treated in the same manner as Presidential records, although they are maintained separately.
- You may take copies of Presidential records when you leave only when all of the following conditions are met: The document must be a copy, not an original.

It must not be classified, and it must not contain confidential communications to or from the President or his senior advisors, material from personnel files and personal information the disclosure of which might constitute an unwarranted invasion of personal privacy, trade secrets, law enforcement information, or any other information the disclosure of which is prohibited by law. Each staff member who wishes to remove any copies of Presidential records must sign the agreement attached to this memorandum as Appendix B.

- You do not need to preserve work-related but “non-record” material, such as certain notes for your own use and drafts not circulated to others. You may take such material with you when you leave, but only subject to the conditions given above.
- Personal records should be filed separately from Presidential records. Materials relating to a political campaign generally are personal records. You may take personal records with you, or discard them, when you leave. However, consider donating to the Archives any personal records that will create a fuller record of the accomplishments of the Clinton Administration for future historians.
- Continue to send Presidential records not needed for ongoing business to Records Management. Print out or copy to a diskette any Presidential records that exist only in your computer for inclusion with your records (do not include Lotus Notes email unless you have been instructed otherwise).
- Do not discard any of your files that you know are covered by subpoenas or document requests.

Each office within the White House Office has one or more Transition Coordinators who will be trained to assist you in the appropriate indexing and disposition of your files. A list of the WHO Transition Coordinators is attached to this memorandum. Staff in other EOP offices may call the Office of Records Management, counsel within their office, White House counsel at 6-7909, or counsel in the Office of the Vice-President at 6-7022, with any specific questions.

THE WHITE HOUSE
WASHINGTON

MEMORANDUM TO THE STAFF OF THE WHITE HOUSE OFFICE, THE OFFICE OF THE VICE PRESIDENT, THE NATIONAL SECURITY COUNCIL, THE OFFICE OF POLICY DEVELOPMENT, THE COUNCIL OF ECONOMIC ADVISERS, AND THE PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD.

FROM: BETH NOLAN, COUNSEL TO THE PRESIDENT *Bn*

DATE: SEPTEMBER 14, 2000

SUBJECT: PRESERVATION OF PRESIDENTIAL RECORDS

This memorandum describes your obligations under the Presidential Records Act ("PRA") and how to prepare your records for delivery to the White House Office of Records Management prior to your departure. Staff records have been vital as we have worked to achieve the goals of the Clinton Administration, and they will continue to play a crucial role in the Clinton Library by documenting our achievements for future scholars and historians. Vice Presidential records are similarly important and will also be preserved in a Library.

The Presidential Records Act

The Presidential Records Act ("PRA") governs the ownership, maintenance and disposition of Presidential records. 44 U.S.C. 2201 *et seq.* The requirements of the PRA apply to all records of personnel in the White House Office, including the White House Military Office, the Office of the Vice President, the Office of Policy Development, the Council of Economic Advisors, the President's Foreign Intelligence Advisory Board, and the National Security Council.¹ Under the PRA, records of the Office of the Vice President are Vice Presidential records and are subject to the provisions of the PRA in the same manner as Presidential records. Both Presidential and Vice Presidential records are collectively referred to as "Presidential records" in this memorandum.

Presidential records are the property of the United States. They should be filed separately from personal records or non-record material. Presidential records must not be discarded. They must be preserved and sent to the Office of Records Management, which will maintain them for the duration of the Administration. Those offices that have an agreement to send their Presidential records directly to the National Archives and Records Administration ("NARA"), should continue that practice.

¹ The requirements of another statute, the Federal Records Act, apply to all records of personnel in the Council on Environmental Quality, the Office of Administration, the Office of Management and Budget, the Office of National Drug Control Policy, the Office of Science and Technology Policy, and the United States Trade Representative.

I. Records Covered by the Presidential Records Act

Presidential records are defined in the Act as "documentary materials regardless of physical form that are 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 ceremonial or official duties of the President." Documentary materials refers collectively to all media on which information is recorded, regardless of the nature of the medium or the method or circumstances of recording. The term includes but is not limited to correspondence, memoranda, documents, papers, pamphlets, electronic word processing files and emails, models, pictures, films, and audio and electronic recordings. All Presidential records must be preserved. You do not have to preserve identical copies. Documents -- even drafts -- circulated to others in the course of conducting activities that relate to Presidential duties are almost always Presidential records.

Electronic Presidential records/databases. If you have Presidential records that exist only in your computer, print them out or copy them to a clearly labeled diskette, so they can be filed with your other Presidential records. Do not print out emails in the standard Lotus Notes application, as they are being archived automatically. If you created an electronic database containing Presidential record information, or are the staff member responsible for maintaining such a database, promptly contact the Transition Coordinator for your office, or the Office of Records Management so that they and the OA Office of Information Services and Technology ("IS&T") can include this database along with the appropriate technical information in the material transferred to NARA.

Restrictions on material that may be taken by staff on their departure. Staff members will be permitted to take with them extra copies of Presidential records created or received by the staff member that had previously been made for the staff member's convenience. No original records may be taken. Further, no document may be taken if it contains the following:

- classified information;
- confidential communications to or from the President or his senior advisers;
- law enforcement information;
- information in personnel files or similar files, and any other personal information the disclosure of which might constitute an unwarranted invasion of personal privacy;
- trade secrets or sensitive commercial or financial information; or
- any other information the disclosure of which is prohibited by law.

All other copies of Presidential records must be sent to the Office of Records Management for eventual deposit in the President's Library.

To ensure compliance with this policy, each departing staff member who wishes to remove any copies of Presidential records must sign the agreement attached to this memorandum as Appendix B as part of the official checkout procedures. The agreement obligates the staff member to comply with the policy outlined above, and to refrain from disclosing the contents of any Presidential records to third parties without the President's consent. The agreement is

designed to protect the integrity of White House decision-making processes and to preserve the President's ability under the Constitution and the PRA to control the distribution of these kinds of records.

If you have an unusual circumstance you would like to raise regarding the copy of a particular Presidential record, call the White House Counsel's office at 6-7909.

II. Records in the Office of the Vice President

The PRA expressly provides that records of the Office of the Vice President are Vice Presidential records and subject to the provisions of the PRA in the same manner as Presidential records, although they are maintained separately. Thus, materials created or received in the Office of the Vice President should be treated in accordance with the guidance given in this memorandum. Personnel in the Office of the Vice President should consult with Ferne Mosley at 6-7022 for additional guidance regarding the filing and disposition of Vice Presidential records.

III. Other Types of Records

You may have other types of documentary materials in your files that are not subject to the preservation requirements of the PRA, as discussed below. These types of materials should be filed separately from your Presidential records.

1. Non-records. The PRA does not require you to preserve non-record materials such as the following:

- preliminary drafts of correspondence, memoranda or reports, kept for your own use and not circulated to others;
- work sheets and informal notes that contain information reflected in final documents and that do not document policy development or execution;
- copies of the 'clips' or other clippings or news summaries so long as they have not been annotated, organized or arranged for an official purpose;
- catalogs, trade journals and other publications received from other government agencies, or private firms and institutions and that are maintained for reference purposes;
- extra copies of documents produced only for convenience, when those copies are clearly so identified.

All of your documents should be reviewed carefully, however, because documents in the categories listed above may nonetheless constitute Presidential records. Particularly in the White House, drafts, working papers and other similar materials often document policy development, significant decisions or other matters related to the execution of Presidential duties. If there is any reasonable doubt, treat the material as a Presidential record. If the material is clearly of nonrecord status, you may discard it.

Administrative material, such as telephone directories, organizational charts and press releases, may not be Presidential records, but may nonetheless be of great utility to presidential scholars many years hence. We recommend preserving such material.

You may take non-record material when you depart, but only under the same conditions that are prescribed above for Presidential records. If you have a question regarding a particular document, call the White House Counsel's office at 6-7909.

2. Personal records. The category of "personal records" includes private papers, such as material accumulated before entering government service, personal photographs, insurance claim forms, purely personal correspondence, and personal diaries or journals that staff members sometimes keep in their offices. It also includes certain kinds of political materials, i.e., those relating exclusively to (a) the President's own election as President, (b) the Vice President's campaign for the presidency, (c) the election of a particular individual or individuals to Federal, State, or local office, or (d) private political associations. To be considered "personal," however, these materials must have no relation to or direct effect upon the execution of the President's official or ceremonial duties. Personal and political material should be filed separately from your Presidential records. You may remove personal records on your departure or donate them to NARA for the Clinton Library or the Vice President's library.

Donation of personal records to Clinton Library. If you have personal materials that could assist future scholars in building a comprehensive picture of the achievements of the Clinton Administration, you are most welcome to donate these materials to the Clinton Library, or in appropriate circumstances, to the Vice President's library. Let your office Transition Coordinator or the White House Counsel's office know of your intent and that person will put you in touch with a professional archivist from NARA.

Documents subject to a subpoena or document request. Documents in your possession may be responsive to a request for documents or a subpoena directed to the White House. Do not discard documents if you are aware that they are or have been responsive to a subpoena or document request.

No classified material may be removed from your office at any time, without compliance with the rules applicable to such materials.

The above discussion does not exhaust the universe of possible rules applicable to your files. If you have any questions about the record status or appropriate disposition of any material in your office, please contact Ann Bushmiller of the White House Counsel's Office for advice at 456-7909 or Ferne Mosley in the Office of the Vice President at 6-7022.

IV. Preparation of Presidential Records for Delivery to the Office of Records Management

As staff members continue to prepare your files for transfer to the Office of Records Management or to NARA, you should review your records and ensure that personal material you wish to take with you has been separated from your Presidential records. If you have any

Presidential records that exist only in your computer, reduce them to paper or copy them to a clearly labeled diskette. You do not need to print out emails in the standard Lotus Notes application, as they are being archived automatically. Ask your Transition Coordinator or records management specialist for further advice regarding emails if you are under specific instructions to preserve all of your email records.

You should index your files by preparing a typed inventory of the titles of the file folders. Place a typed copy of this inventory inside each box and provide Records Management with a computer disk of the inventory to all files being sent. Some Presidential records may be particularly sensitive, such as files relating to presidential appointments, which contain personal information. Note on the index that a particular file contains sensitive personal information. Under the PRA restrictions and the Freedom of Information Act ("FOIA") exemptions, as well as in accordance with constitutional and common law privileges, most sensitive Presidential records can be protected from public access for a period of 12 years, and longer in some cases. (Regardless of public availability, all such materials will be available to President Clinton, his designated representatives, and the Vice President, as applicable.)

As mentioned above, you should notify your Transition Coordinator or the Office of Records Management about any electronic databases you created or maintained that contain Presidential record material. Also notify these personnel of any stand-alone PC systems that have been used to generate Presidential records in your files, along with the hardware and software requirements. If you are transferring any electronic records on computer disks, CD-ROM, or tapes please indicate the software that has been used. It is extremely important that you indicate whenever a box of files includes electronic media. This will assist in ensuring that the information created on these systems and diskettes can be permanently preserved and accessed at the Clinton Library.

Consult with your Transition Coordinator or the Office of Records Management if you have additional questions on how to prepare your files for delivery to Records Management.

V. Delivery of Presidential Records to the Office of Records Management.

As part of the official checkout procedures, departing staff members must certify that they have transferred their Presidential records to the Office of Records Management. Upon the completion of the Clinton Administration, NARA will assume legal custody of Clinton Presidential records for eventual deposit at the Clinton Library. Vice Presidential records will be maintained separately in storage with Records Management and NARA prior to their transfer to a library.

To ensure the transfer of Presidential records to NARA in a timely manner at the completion of the Administration, you should, as soon as possible, deliver to the Office of Records Management those Presidential records that are not needed for ongoing business. These records can, of course, be retrieved if they later become needed. Staff members should transfer all of their remaining files to the Office of Records Management as they depart.

WHO TRANSITION COORDINATORS

<u>EOP Office</u>	<u>Transition Coordinator</u>	<u>Backup Coordinator</u>
Advance	Roger Kiley	
AIDS Policy	Cheryl Bauerle	
Cabinet Affairs	Raj Adlakha	Anne Bovaird
Chief of Staff	Carolyn Wu	
Communications	Todd Cohen	
Conference Center	Sheila Smith	
Correspondence	Matt Sonne	
Counsel	Kirstin Pflomm	
Domestic Policy Council	Sarah Lucas	
Environmental Initiatives	Angela Mizeur	
Executive Clerk	Tim Saunders	
First Lady	Eric Woodard	
Intergovernmental Affairs	Scott Beale	Alison Cantu
Interns	Kendee Yamaguchi	
Legislative Affairs	Josh Ackil	
Management & Administration	Kelli McClure	Brooks Scoville
Millennium Council	Jane Englestad	Beth Mohsinger
Military Office	Gerald Suarez	
National Economic Council	David Tseng	Elliott Baer
One America	Adrian Miller	
Oval Office	Betty Currie	
Photography	Marilyn Jacanin	
Political Affairs	Jaimme Collins	
Presidential Personnel	Pete Dagher	
Press	Missy Owens	
Public Liaison	Joe Ratner	
Records Management	Terry Good	Lee Johnson
Scheduling	Shannon Butler	
Special Envoy to the Americas	Sharon Liggett	
Speechwriting	Josh Gottheimer	
Staff Secretary	Carol Cleveland	
Telephone Service	Kathy McKeown	
Travel	Archana Ayyappan	
Visitors	Holly Thoden	
White House Operations	Faye Granger	Edd Olds

APPENDIX A

DEPARTURE AGREEMENT REGARDING COPIES OF PRESIDENTIAL RECORDS

Agreement between President William J. Clinton and _____
(hereinafter "Staff Member"), dated _____.

1. Staff Member understands and acknowledges that "Presidential records" are documentary materials which relate to or have an effect upon the performance of the President's constitutional, statutory, ceremonial and official duties, including but not limited to written documents, models, pictures, films and audio and electronic recordings, and which either originated in or were received by staff within the following components of the Executive Office of the President:

White House Office
Office of the Vice President
National Security Council
Office of Policy Development
Council of Economic Advisers
President's Foreign Intelligence Advisory Board

2. Staff Member hereby requests permission to remove from existing "office convenience" files extra copies of Presidential records created or received by Staff Member, other than those containing:

- (1) classified information;
- (2) confidential communications to or from the President or his senior advisors;
- (3) law enforcement information;
- (4) information in personal files or similar files, and any other personal information the disclosure of which might constitute an unwarranted invasion of personal privacy;
- (5) trade secrets or sensitive commercial or financial information; or
- (6) any other information the disclosure of which is prohibited by law.

3. In consideration of President Clinton's approval to remove extra copies as set forth in paragraph 2, Staff Member accepts the obligation set forth in paragraphs 4, 5, and 6.

APPENDIX B

4. To the extent he or she has not already done so, Staff Member hereby agrees to deliver to the White House Office of Records Management the originals and all copies of any Presidential records in Staff Member's possession or control, other than those extra copies set forth in paragraph 2, or those extra copies which the Staff Member has been authorized to leave behind for the incoming Administration, prior to the termination of Staff Member's employment as a member of the Clinton Administration.

5. Staff Member hereby agrees to seek, and to wait for the receipt of, written approval by President Clinton or his designee before publishing or disclosing to any third person any materials which contain the complete or partial text or content of any non-public Presidential record or copy of such record. President Clinton agrees that his approval shall not be conditioned on reviewing or approving any comment the Staff Member plans to make about such record and shall be limited solely to the publication or disclosure of the complete or partial text or content of such paper.

6. Nothing contained herein limits a Staff Member's right to disclose the complete or partial text or content of Presidential record in response to a valid and enforceable subpoena, provided that, before disclosure, Staff Member gives reasonably prompt notice of the issuance of such a subpoena to President Clinton and to counsel for the incumbent President. If either decides to object on grounds of the President's (or former President's) constitutional or statutory authority to control the release of such material, Staff member agrees to defer disclosing the material subject to the objection until such objection has been withdrawn or judicially resolved.

7. This agreement may be enforced by proceedings for injunction or damages or both.

_____	_____
Date	Name of Departing Staff Member
	William J. Clinton
	By:
_____	_____
Date	His Authorized Representative

SAGAWA, SHIRLEY S.
WHITE HOUSE OFFICE

FIRST LADY

DECE

THE WHITE HOUSE
WASHINGTON

Shirley-

Jennifer Baller at
Millennium has taken the
initiative to put together
the following memo re:
Archiving for Millennium.

I thought you might like
to see / comment on it.

Thanks -
Matthew

White House Millennium Council Archiving Plan

Part I: Archiving to Meet Requirements of First Lady's Office

For each WHMC program, we need to compile binders **by program** of all the major events that we have done. **The binders that the First Lady's office has done, and the guidance we have received previously, have focused solely on events involving Mrs. Clinton. Shirley and Ellen would like our binders to cover ALL our events.** This includes events with the President, Mrs. Clinton, the Vice President, Cabinet Secretaries, and any other federal agency or ambassadorial events that our staff has worked on.

Each 3-inch binder needs to include an events list in chronological order; this will be the table of contents for the binder. **Many programs will have multiple binders.** Behind a tab divider for each event, **in chronological order**, include any of the following materials available:

1. The final briefing memo for each event.
2. A copy of the final remarks from each event.
3. A copy of the First Lady's column that was done about the event topic.
4. One-pager about the event, including a list of speakers.
5. Copy of the invitation to the event.
6. Press release(s) about the event.
7. Any other BRIEF relevant background information.
8. Any key relevant articles about the event. (Jennifer will be compiling separate press clipping books, but if you have articles about the event you can include them in the event binders.)
9. Any photos you might have from the event.

We want to make sure that all the major events associated with your program are included, but in a **summary form**. **You should include the items above as appropriate (i.e., there won't be a briefing memo for events not involving principals; if there is a briefing memo then a one-pager is probably not needed).** Your more extensive background files will be handled separately (see below). When finished, bring the binder(s) to Jennifer to check.

That's all that needs to be done to be consistent with the First Lady's office.

NOTE: The topics of *Arts and Philanthropy and Service* are also being done by the First Lady's office. Before anyone starts on those topics you may want to go over and see what they've already done. The binders are in the First Lady's Office (Matthew can show you).

Part II: General Archiving

That obviously leaves a lot of additional information still to be dealt with. We want to ultimately end up with as organized files as possible. Since multiple people have files pertaining to any one program/event, we need to combine all the files (so that all Treasures files are in one set of boxes, and all Trails files are in another – this will be more organized than having Ellen’s Treasures files separate from Joan’s Treasures files, etc.).

1. Go through your individual files and clean out anything that you don’t think needs to be saved. This is somewhat arbitrary, but think about if you were going through them in 50 years what you would want to see. You don’t need to save early drafts of briefing memos, speeches, etc., but keep a final copy of those items, even though it will duplicate the information in the binders assembled above.

Remember that on the first floor we have a burn bag for confidential materials, and we can get one for other floors if necessary.

2. Give your cleaned up files to the person responsible for that program, **no later than September 30**. See the list below for the appropriate person to which to give your files.

Administrative files	Jane
America’s Millennium	Ellen/Beth
Arts (general)	Ellen/Beth
Arts education	Sarah
Associate partner projects	Anne
Communities	Joe
Creation of the WHMC	Ellen/Beth
Ellen’s correspondence and speeches	Beth
General federal agency partnerships	Anne
Green	Anne/Jake
Imagining America	Malcolm/Beth
International	Caroline/Nicole
Mars	Sarah/Andy
Millennium Evenings	Sarah/Malcolm
My History	Malcolm
NEA millennium projects	Jane
Philanthropy	Malcolm
Press	Jennifer
Time Capsule	Sarah
Trails	Joe/Leslie
Treasures	Joan/Clark

(We will need to enlist an intern to help go through files of staff members who have already left – for example, any of Stephanie’s files that didn’t go to Joe.)

3. Once you have all the files from throughout the office that pertain to your program, go through them. Eliminate any duplicate information, and organize them as you feel makes the most sense. **This will vary depending on each program, but you are the best person to know what makes the most sense for your program. It may be by state, by date, alphabetically, or a combination of all those.**

Remember that in addition to boxes of files, there will be a final report summarizing all our activities. The report will include complete lists of all your program's "members" (i.e., Trails, Communities, Treasures, etc.). As you organize your files, you should remember to include a copy of this list at the beginning of the first box.

Don't forget to include at least three final copies of any publications, videos, etc. in the appropriate files.

4. Jane and Nicole will get us boxes and labels. For each box you will need to make an index of all the files in that box that will be attached to the front of the box. With the index, even if you box things up in October, you can still find what you need through the rest of the year. Specific guidance on how to properly box and index files is forthcoming.

These broad guidelines will cover most of our information, but not everything.

- Supplies, including dictionaries, etc., belong to the White House or the Department of Education and Jane will be getting information on what to do with those.
- There will be many books and miscellaneous items (artwork, CDs/tapes, etc.) that we have acquired that aren't directly program related. We are obtaining guidance on what is acceptable to do with items that were given to the Council as general background information. In the meantime, separate these items so they can be easily handled when we have the guidance.
- We will also need to figure out what to do with duplicate copies of publications, etc., although everyone should think now about how to get rid of those so we don't have tons of leftovers in January.

Jennifer will have overall responsibility for the archiving of Millennium Council materials. Any questions can be brought to Jennifer and she will find the answers.

You will also receive specific instructions in the coming weeks on the information you will need to provide for the final report. The structure and content of the report are still being developed.

ARCHIVING DEADLINES

September 30: **Complete event binders.**
 Complete cleaning and sorting of all personal files.

November 3: **Complete sorting of all program files.**
 Complete boxing of all non-essential files.

January 15: **Complete boxing of all remaining files.**

Materials That Need to Be Accessible to the First Lady After the Administration

On Paper

Public Schedules
Private Schedules
Speech Index
Column Index
Archive Inventories
International Travel List by Date
International Travel List by Country
Domestic Travel List by Date
Domestic Travel List by State
Trip Books
Issue Binders
Selected Files
Staff Directory
The "Grid"
Speech Binders (?)
Address/Rolodex Information

SHIRLEY,
I just took a swat
at it... thought you
might want to take
a look before
3:30... ~~done~~
ERIC

On Disk/CD-Rom

Public Schedules
Private Schedules
Speeches (when available)
Columns (when available)
The "Grid"
Addresses/Rolodex Information
International Travel List by Date
International Travel List by Country
Domestic Travel List by Date
Domestic Travel List by Country
Staff Directory

MEMORANDUM FOR DISTRIBUTION

FROM: Shirley Sagawa
RE: Archiving Project
DATE: May 8, 2000

As you know, we have both a responsibility to preserve the First Lady's official records and an opportunity to make sure that history reflects her many contributions to the nation. Your work is an important part of that history, and a group of us have sketched out a plan to capture this information in a simple, time-efficient manner. It is important for people to start their archiving **now** and into the summer (when we'll have lots of interns), as opposed to next Fall when so many in the White House will be trying to do it at the last minute and interns will be scarce.

Here is what we hope to do:

1. Electronic index. We will develop a computerized index (to be available to us on the "h drive" and transferred to the archives) of the First Lady's schedule, Presidential diary, briefing books, columns, other publications, photos, and speeches (drafts, tapes, and transcripts, including WHCA) *based on the top categories* we identified (attached).
2. Common categories for filing. We are asking all First Lady staff to mark and index their files using the top categories. The simple way to do this is to use stickers that Records Management has prepared for us (attached) to add to the existing label on the files. For example, if I labeled a file "Head Start" it would get a second label for "early childhood development," as would "early brain research conference," and "correspondence – Rob Reiner." That way, no matter how we individually have labeled our files, a researcher looking into one of our top categories will be able to assemble a complete picture of HRC's work in the area. When we send our indexes of our files to Records Management (whether the actual files are still in a drawer or have already been boxed up), we will send them on disk, thereby creating a searchable index of all First Lady files that have been identified that way. If you have questions about this process, please direct them to me or Eric Woodard. *It is our hope that all staff will label and index their files by the end of June.*
3. Assembled materials on key topics. We will attempt to create "record files" on some of our top categories. The files will include a timeline of First Lady activities on the topic, copies of speeches and publications, notes based on taped interviews with key staff, and key memos or other documents that illustrate her role. We ask your cooperation in this effort.
4. Oral histories. Lissa and Missy will conduct taped interviews with all current and former staff, working off of a common set of a dozen or so questions. Notes taken during the interviews will form a guide to the oral history tapes, although we hope they will eventually be transcribed.

Thank you for your assistance with this important effort. It may take a decade for the First Lady's files to be processed by the Clinton Library and archivists. The work we undertake while we are still here will ensure that the First Lady's record is reflected accurately when we leave.

CATEGORIES FOR FIRST LADY ARCHIVING PROJECT

Children

Early childhood development
Child care/work and family issues
Foster care/Adoption
Youth development/afterschool/violence
Education

Health

Health reform
Immunizations
Children's health
Breast cancer
Gulf war illnesses

International

Vital Voices
Beijing
Civil society/democracy building
Women and girls education
Microenterprise

Other

DC
Arts
Millennium Council
White House preservation
Philanthropy and service