

I:

#### 4 Questions

- ① Line-by-line or document-by-document review?
- ② Search as requests come in, or follow box-by-box review?
- ③ PRA same or different from FOIA?
  - a. Nat'l Security
    - properly classified or rely on Reagan's determination
  - b. subj to review on demand or closed for life of exemption
- ④

II. OLC response. Chris Schroeder reviewed the House Rpt. and studied the Act.

§ 2204c

administration under FOIA  $\Rightarrow$

- ① must make documents available
- ② exempts 9 categories; makes segregable portions available.

not exempted from FOIA, but limit access under (a).

- ① all Presidential requests are subject to FOIA process and queue.
- ② must respond w/in FOIA limits
- ③ may be subject to de novo review.

OLC thinks that FOIA review requirements must be followed; thus  
line-by-line; not document-by-document.

(See Report)

PRA  
-a. exemptions

where distinctions not elaborated, it means the same as FOIA or close too it

OLC thinks that (A/C) ~~put~~ on unwarranted invasion of privacy requires a balance between the people to know and the privacy interest.

= The major distinctions between PRA and FOIA.

- ① archives ~~have no~~ sell the photos as to access.
- ② no judicial review of archives decisions for 12 years.

Guidelines need to be provided.



# National Archives



Washington, DC 20408

Date : January 12, 1994  
Reply to :  
Attn of : Miriam Nisbet<sup>MN</sup> and Mary Ronan<sup>MR/MN</sup>  
Subject : Implementation of the Presidential Records Act  
To : Trudy H. Peterson, Acting Archivist

On January 20, 1994, the Presidential records of former President Reagan and the Vice Presidential records of former President Bush will become subject to public access under the Presidential Records Act, 44 U.S.C. Sections 2201-2207, and the Freedom of Information Act as incorporated in the PRA. (A copy of the Presidential Records Act is attached.) As might be expected with the implementation of any new statute, issues of interpretation have arisen regarding the processing of Presidential records and the handling of requests for access to those records. The overriding issues concern: the requirement of segregating non-restricted and non-exempt information in unprocessed files upon request by a researcher, the handling of national security classification review, and the interpretation of the PRA restriction categories.

(1) PRA and FOIA requests--processing "queues": Archivists at the Reagan Library over the past several years have been processing records in their custody in a traditional archival manner, i.e., reviewing documents to determine whether they can be opened (released) in their entirety. If a document can be opened in its entirety, archivists leave it in the files; if a document or part of a document will be withheld because they believe a PRA restriction category or a FOIA exemption applies, the document is withdrawn and replaced by a withdrawal sheet. At this point, Reagan Library archivists have processed about one-seventh of the Library's paper collection (which totals approximately 50 million pages). According to standard archival practices, the remaining six-sevenths of this collection would be basically unavailable to researchers while it is being processed.

If a request (whether under the PRA or under FOIA) is received for records that have already been processed, the Library staff will conduct a line-by-line review of closed documents to determine whether any restricted or exempt information can be segregated and the remaining information released. Even though it is not entirely clear whether a line-by-line review is required under the PRA, former President Reagan's representative, Stephen Blitz, suggested that the review of segregable information should take place at this stage, rather than requiring a researcher to make a formal administrative appeal.



Traditionally, under archival practices, a request by a researcher for unprocessed materials would be responded to by telling him or her that the materials have not yet been processed and that those materials would be processed when reached in the course of the library's normal systematic review of records. When a FOIA request comes in for unprocessed materials, Reagan Library staff proposes that any requests that cannot be handled quickly will go into a queue. When the request reaches the top of the queue, the archivists will determine exactly which documents are responsive to the request and review the documents for application of any PRA restrictions and/or FOIA exemptions. During our visit to the Reagan Library in early December 1993, we believe that everyone came to understand that FOIA review may require line-by-line segregability. The question of whether a line-by-line review is required under either the PRA or the FOIA needs to be resolved.

The PRA, starting with the "Definitions" section, refers to "reasonably segregable." See 44 U.S.C. 2201(2) ("The term 'Presidential records' means documentary materials, or any reasonably segregable portion thereof, created or received . . ."); 2204(b)(1) ("Any Presidential record or reasonably segregable portion thereof containing . . ."); 2204(b)(1)(B) ("upon a determination by the Archivist that such record or reasonably segregable portion thereof . . ."); 2204(b)(3) (during the period of restricted access "the determination whether access to a Presidential record or reasonably segregable portion thereof shall be restricted . . ."). Although Section 2204(b)(2), which does not contain the "reasonably segregable" language, arguably indicates that a record may be withheld in its entirety, this interpretation seems to be contrary to the plain words of the statute elsewhere and is contradicted by the legislative history. The legislative history states in this regard:

It is anticipated that the Archivist will process the former administration's papers in a manner roughly similar to current practices. Detailed processing will involve going through the records page by page and applying to the information contained in them the restrictive categories chosen by the former head of state. Where only a portion of a record is determined to be exempt from disclosure, the record must be disclosed with the reasonably segregable restricted portion deleted. This follows the segregability requirement contained in the Freedom of Information Act, 5 U.S.C. 552(b).



(Aug. 14, 1978) at 5746.<sup>1</sup> See also *id.* at 5747 (in making the determination, under Section 2204(b)(3), of whether particular records fall within a PRA restriction, "[t]he actual identification and segregation of materials pursuant to the restrictions is left to the Archivist.").

The legislative history also goes on to state that when the "grace period for archival processing of unrestricted records has ended, the records shall be administered in accordance with the Freedom of Information Act." House Report at 5747. Moreover, the history states that although Presidential records are not currently covered by the FOIA, "they effectively become agency records for the purposes of this provision [subsection (c)(3)] in applying FOIA requirements to them." *Id.* See also 44 U.S.C. Section 2204(c)(3) (subject to limitations on access under subsections (a) and (b) of Section 2204, Presidential records shall be administered under 5 U.S.C. Section 552 (FOIA) "and for the purposes of such section such records shall be deemed to be records of [NARA]"). In light of both the statute and legislative history, a response to a FOIA request that merely advises the requester that the requested records are not yet processed and that access will have to await processing in the manner of traditional archival systematic review--which does not include line-by-line review or review for current classification status--may not withstand judicial scrutiny.

(2) Interpretation of PRA restrictions: The PRA allows an incumbent President to claim any of six categories of restrictions under which access will be denied for up to 12 years. 44 U.S.C. 2204(a). Of these six restrictions, two are different from the exemptions from access allowed under the FOIA; the other four restrictions are worded in precisely the same way as in the FOIA. The question has arisen whether the exact duplication of language suggests that the interpretation of the PRA restrictions should follow the FOIA case law. This issue needs to be addressed with regard to all four of these PRA restrictions, but has arisen most immediately with regard to PRA Restriction 1 (national security information) and PRA Restriction 6 (clearly unwarranted invasion of personal privacy).

PRA restriction 1: Both PRA Restriction 1 and FOIA Exemption 1 provide for the withholding of information that is specifically authorized under the Executive Order on national security information and that is "in fact properly classified pursuant to such Executive order." 44 U.S.C. 2204 (a)(1); 5 U.S.C. 552(b)(1). Under court interpretation of FOIA Exemption 1,

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<sup>1</sup> There was no Senate Report submitted with the legislation.

material must be both substantively and procedurally classified in order to meet the statutory criteria of being "properly" classified. As a consequence, for FOIA purposes, agencies must conduct a classification review of documents that become subject to FOIA requests in order to ensure that any information claimed to be exempt is currently and correctly classified.

One proposed interpretation by the Reagan Library is that records that were marked at the time of origin as classified remain "classified" and closed under PRA Restriction 1, and that no classification review need be carried out when these records are requested under the FOIA. The Library would simply inform FOIA requesters that it will do a systematic review of the files, open all releasable material, place withdrawal sheets in the file, and, at that point only, accept mandatory review requests on specific documents. Although this is consistent with traditional Presidential library processing (and with NARA regulations governing mandatory review), it is inconsistent with the interpretation that the PRA Restriction 1 is a blanket restriction that lasts until the expiration of the 12-year time limit or until the former President waives the time limit.

This proposal could also result in the following scenario: A FOIA requester is denied access to materials that are classified and re-restricted under PRA Restriction 1. The requester files an administrative appeal under the FOIA and again is denied access to classified materials. If the requester seeks judicial review under the FOIA (there is no judicial review available under the PRA for the period of restricted access), he or she will presumably argue that the Library has not provided access to all unrestricted information. The government would at that point have the burden of showing that the information to which access had been denied was all "properly" classified. It will be impossible to carry that burden without having conducted a classification review. (In the case of almost all of the Reagan Library materials that are classified, that review will entail referral of documents to the originating agencies for a determination regarding classification.) We do not envision that NARA will have to make the kind of showing that it must make in FOIA cases (for example, through detailed Vaughn indexes), but we expect that there will need to be some showing that there has been an attempt to apply the PRA restrictions in accordance with the law and that the application of the restrictions is not arbitrary and capricious.

PRA restriction 6: Both PRA Restriction 6 and FOIA Exemption 6 provide for the withholding of "personnel and medical files or similar files the release of which would constitute a clearly unwarranted invasion of personal privacy." 44 U.S.C.



2204(a)(6); 5 U.S.C. 552(b)(6). The Office of Presidential Libraries has expressed the view that the FOIA case law on Exemption 6, which requires that an agency balance the individual's privacy interest against the public interest in disclosure of the information at issue, should not be applicable to considerations under PRA Restriction 6. That Office notes (in a memorandum dated Dec. 20, 1993) that Presidential libraries "have never applied the public interest test in Presidential papers because in most of our files a legitimate public interest argument could be made."

As noted above, four of the PRA restrictions use precisely the same language as the FOIA exemptions; the legislative history of the PRA states that this mimicry was intentional. See House Report at 5734 (restrictive categories "modeled" after FOIA exemptions). In fact, the legislative history, in setting out the wording of the restrictive categories, noted in the case of Restrictions 1, 3, 4, and 6 that the "scope of this category is comparable to" the corresponding FOIA exemption." House Report at 5745. In light of this, it would be difficult to argue that the case law governing the FOIA exemptions is not directly relevant to determining the meaning and scope of the very same words as used in the PRA restrictions. This argument might be possible if one were comparing the same language used in two different statutes, but in this case the FOIA is actually incorporated into the PRA as part of the statutory scheme for access.

For example, to follow the suggestion of the Office of Presidential Libraries that the public interest should not be considered in applying PRA Restriction 6 would require us to read out of the restriction the word "unwarranted." This is because the Supreme Court in interpreting FOIA Exemption 6 (and FOIA Exemption 7(C), which protects law enforcement records or information the release of which could reasonably be expected to cause an unwarranted invasion of personal privacy) has held that the way in which an agency determines whether an invasion of privacy is warranted or not is by balancing the individual's privacy interest in not having information withheld against the public's interest in disclosure of that information. See, e.g., United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749, 762 (1989).<sup>2</sup>

Two additional problems that have arisen concern the designation of certain records as personal or Presidential.

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<sup>2</sup> Whatever the outcome of this issue for the present, the PRA is quite clear that when the restrictions no longer apply, access to Presidential records is governed by the FOIA. 44 U.S.C. 2204(c); see also House Report at 5746-47.



(3) Interfiling of personal and political materials: Archivists at the Reagan Library discussed a possible problem caused by the interfiling of personal and political material within the White House central files. Among records from the Reagan White House central filing system, there are records relating to President Reagan and the First Lady that contain personal information. There are also records from these files that contain material that in other Presidential libraries would be treated as the former President's personal political records, i.e., documents relating to his role as leader of his political party. These records appear to have been filed at all times among the Presidential records in the White House central files. Until December 27, 1993, President Reagan had requested no special treatment for these "personal" records; by letter of that date, he directed that these records be segregated from Presidential records and kept with his other personal records.

Obviously, these personal records were not segregated from Presidential records during or even at the end of President Reagan's administration, as is most likely required by 44 U.S.C. 2203(b). There is also a question whether this claim can be made retroactively.

(4) NSC Files at the Reagan Library: Approximately 3,100 boxes of records were transferred to the Reagan Library from the National Security Council at the end of the Reagan administration. Of these, one-third were designated as Presidential Records and the other two-thirds were described as the "convenience files" of staffers. Steven Tilley, formerly of the NSC Information Policy Directorate, believes that while these staff files often contain copies of the records that remain in the NSC's institutional files (which are Federal records), the existence of additional material as well as the unique organization and subject focus of these files suggests that they are more than just "convenience files." The Office of Presidential Libraries has proposed that all of the NSC material be treated as Presidential Records. We believe that there may be problems with this belated classification for the NSC "staff files."

As mentioned above, January 20 is the date on which the Reagan Presidential records and Bush Vice-Presidential records become subject to FOIA requests. We have already heard from various people that there are FOIA requesters who are anxious to seek access to those records just as soon as they are allowed to do so legally. For example, we understand that there are both individuals and organizations who have expressed interest in gaining access to any releasable records concerning Iran-Contra. We can anticipate that a failure to respond to such requests in a timely fashion will quickly lead to litigation. Another time consideration is the need to consult with the



attorneys for both former Presidents Reagan and Bush, so that we may solicit their input on the issues raised above. As you know, NARA regulations (36 C.F.R. 1270.46) require that a former President be notified before any records of his administration are disclosed.

Attachment

# PRESIDENTIAL RECORDS<sup>1</sup>

(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.<sup>2</sup>  
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)<sup>3</sup> 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—

<sup>1</sup> 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.

<sup>2</sup> So in original. Does not conform to section catch line.

<sup>3</sup> 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-





RONALD REAGAN

December 27, 1993

Dear Ralph:

As we have discussed in the past, the materials that are now physically located at the Ronald Reagan Presidential Library include, in addition to the Presidential Records that were created during my administration, some of my and Mrs. Reagan's own personal records. In accord with Section 2201(3) of the Presidential Records Act of 1978, I wanted to confirm that the following materials were segregated as, and should be treated as, our "personal records":

All records identified by the following subject file categories: Presidential (Personal) (PP); all records in the subject file category Political Affairs (PL); all records in sub-category SP501 of the subject file category Speeches (SP); all records in sub-category TR003 of the subject file category Trips (TR); and all records in the First Lady Office in folders 6182 through 6187, inclusive, 9579, 11163, 11164, 13406, 14888, 16043, 16598, and 16933.

In addition to these files, there may also be other isolated documents that were misfiled among the Presidential Records but that were always intended to be, and should be treated as, our personal records. Whenever any such clearly personal papers are located among the Presidential Records, they should be segregated from the Presidential Records and kept with my other personal records.

It has always been my desire that my personal records remain segregated from the Presidential Records of my administration and that they not be disclosed at the present time without my written



approval or the approval of one of my designated representatives: Nancy Reagan, Frederick J. Ryan, Jr., Stephen Blitz, or individuals from the law firm of Gibson, Dunn & Crutcher designated in writing by Mr. Blitz. My intention, of course, is to make these personal records available for scholarly research at some future date in order to ensure that the historical record will be as complete as possible.

Sincerely,

*Ronald Reagan*

Dr. Ralph C. Bledsoe  
Director  
Ronald Reagan Presidential Library  
40 Presidential Drive  
Simi Valley, California 93065



RONALD REAGAN

December 27, 1993

Dear Ralph:

As we have discussed in the past, the materials that are now physically located at the Ronald Reagan Presidential Library include, in addition to the Presidential Records that were created during my administration, some of my and Mrs. Reagan's own personal records. In accord with Section 2201(3) of the Presidential Records Act of 1978, I wanted to confirm that the following materials were segregated as, and should be treated as, our "personal records":

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Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald Reagan". The signature is fluid and cursive, with the first name "Ronald" and last name "Reagan" clearly distinguishable.

Dr. Ralph C. Bledsoe  
Director  
Ronald Reagan Presidential Library  
40 Presidential Drive  
Simi Valley, California 93065

On January 20, 1994, the Presidential records of former President Reagan and the Vice Presidential records of former President Bush will become subject to access under the Presidential Records Act and the Freedom of Information Act as incorporated in the PRA. As might be expected with the implementation of any new statute, issues of interpretation have arisen regarding the processing of Presidential records and the handling of requests for access to those records. The overriding issues concern: the requirement of segregating non-restricted and non-exempt information in unprocessed files upon request by a researcher, the handling of classification review, and the interpretation of the PRA restriction categories.

(1) PRA and FOIA requests--processing "queues": Archivists at the Reagan Library over the past several years have been processing records in their custody in a traditional archival manner, i.e., reviewing documents to determine whether they can be released in their entirety. If a document can be opened in its entirety, archivists leave it in the files; if a document or part of a document will be withheld because they believe a PRA restriction category or a FOIA exemption applies, the document is withdrawn and replaced by a withdrawal sheet. At this point, Reagan Library archivists have processed about one-seventh of the Library's paper collection (which totals approximately 50 million pages). According to standard Presidential library practices, the remaining six-sevenths of this collection would be basically unavailable to researchers while it is being processed.

If a request (whether under the PRA or under FOIA) is received for records that have already been processed, the Library staff will conduct a line-by-line review of closed documents to determine whether any unrestricted information can be released. Even though it is not entirely clear whether a line-by-line review is required under the PRA, former President Reagan's representative, Stephen Blitz, suggested that the review of segregable information should take place at this stage, rather than requiring a researcher to make a formal administrative appeal.

Traditionally, in a Presidential library, a request by a researcher for unprocessed materials would be responded to by telling her that the materials have not yet been processed; those materials would be processed when reached in the course of the library's normal systematic review of records. When a FOIA request comes in for unprocessed materials, Reagan Library staff propose to establish whether this request should go into a "quick" or "project" queue.<sup>1</sup>

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<sup>1</sup> This raises a separate issue. The Reagan Library intends to treat as FOIA requests only those requests that expressly mention the FOIA, and to treat any other requests as traditional researcher requests. We have advised the staff that this is contrary to the rule that applies throughout the Executive branch, that is, there is no requirement that a FOIA request invoke the magic words in order to be treated as a FOIA request with its accompanying proce-



When the request reaches the top of the queue, the archivists will determine exactly which documents are responsive to the request and review the documents for application of any PRA restrictions and/or FOIA exemptions. During our visit to the Reagan Library, we believe that everyone came to understand that FOIA review may require line-by-line segregability. The question of whether a line-by-line review is required under either the PRA or the FOIA needs to be resolved.

The PRA, starting with the "Definitions" section, refers to "reasonably segregable." See 44 U.S.C. 2201(2) ("The term 'Presidential records' means documentary materials, or any reasonably segregable portion thereof, created or received . . . ."); 2204(b)(1) ("Any Presidential record or reasonably segregable portion thereof containing . . . ."); 2204(b)(1)(B) ("upon a determination by the Archivist that such record or reasonably segregable portion thereof . . . ."); 2204(b)(3) (during the period of restricted access the determination of whether access to a Presidential record or reasonably segregable portion thereof shall be restricted . . . .). Although the language of 2204(b)(2) arguably indicates that a record may be withheld in its entirety, this interpretation seems to be contrary to the plain words of the statute elsewhere and is contradicted by the legislative history. The legislative history states in this regard:

It is anticipated that the Archivist will process the former administration's papers in a manner roughly similar to current practices. Detailed processing will involve going through the records page by page and applying to the information contained in them the restrictive categories chosen by the former head of state. Where only a portion of a record is determined to be exempt from disclosure, the record must be disclosed with the reasonably segregable restricted portion deleted. This follows the segregability requirement contained in the Freedom of Information Act, 5 U.S.C. 552(b).

House Report etc. at 5746. See also id. at 5747 (in making the determination, under Section 2204(b)(3), of whether particular records fall within a PRA restriction, "[t]he actual identification and segregation of materials pursuant to the restrictions is left to the Archivist.").

The legislative history also goes on to state that when the "grace period for archival processing of unrestricted records has ended, the records shall be administered in accordance with the Freedom of

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dural requirements. We have therefore advised the staff that it must give notice to the public of its policy in this regard and that it should include this notice in the Federal Register notice that it will need to issue in any event, alerting the public to the procedures for making FOIA requests to the Library.

Information Act." Legis. history at 5747. Moreover, the history states that although Presidential records are not currently covered by the FOIA, "they effectively become agency records for the purposes of this provision [subsection (c)(3)] in applying FOIA requirements to them." Id. See also Section 2204(c)(3) ([records deemed to be records of NARA for FOIA purposes]). In light of both the statute and legislative history, a response to a FOIA request that merely advises the requester that the requested records are not yet processed and that access will have to await processing in the manner of traditional Presidential library systematic review--which does not include line-by-line review or review for current classification status--may not withstand judicial scrutiny.

(2) Interpretation of PRA restrictions: The PRA allows an incumbent President to claim any of six categories of restrictions under which access will be denied for up to 12 years. Of these six restrictions, two are different from the exemptions from access allowed under the FOIA; the other four restrictions are worded in precisely the same way as in the FOIA. The question has arisen whether the exact duplication of language suggests that the interpretation of the PRA restrictions should follow the FOIA case law. This issue needs to be addressed with regard to all four of these PRA restrictions, but has arisen most immediately with regard to PRA Restriction 1 (national security information) and PRA Restriction 6 (clearly unwarranted invasion of personal privacy).

PRA restriction 1: Both PRA Restriction 1 and FOIA Exemption 1 provide for the withholding of information that is specifically authorized under the Executive Order on national security information and that is "in fact properly classified pursuant to such Executive order." Under court interpretation of FOIA Exemption 1, material must be both substantively and procedurally classified in order to meet the statutory criteria of being "properly" classified. As a consequence, for FOIA purposes, agencies must conduct a classification review of documents that become subject to FOIA requests in order to ensure that any information claimed to be exempt is currently and correctly classified.

One proposal for the Library is that any records that were marked as classified remain "classified" and closed under PRA Restriction 1, and that no classification review need be carried out when these records are requested under the FOIA; the Library will simply inform FOIA requesters that it will do a systematic review of the files, open all releasable material, place withdrawal sheets in the file, and, at that point only, will accept mandatory review requests on specific documents. Although this is consistent with traditional Presidential library processing (and with NARA regulations governing mandatory review), it is inconsistent with the position that the PRA Restriction 1 is a blanket restriction that lasts until the expiration of the 12-year time limit or until the former President waives the time limit.



This position could result in the following scenario: A FOIA requester is denied access to materials that are classified and restricted under PRA Restriction 1. The requester files an administrative appeal under the FOIA and again is denied access to classified materials. If the requester seeks judicial review under the FOIA, she will presumably argue that the Library has not provided access to all unrestricted information. The government would at that point have the burden of proving that the information to which access had been denied was all "properly" classified. It will be impossible to carry that burden without having conducted a classification review.

PRA restriction 6: Both PRA Restriction 6 and FOIA Exemption 6 provide for the withholding of "personnel and medical files or similar files the release of which would constitute a clearly unwarranted invasion of personal privacy." The Office of Presidential Libraries has expressed the view that the FOIA case law on Exemption 6, which requires that an agency balance the individual's privacy interest against the public interest in disclosure of the information at issue, should not be applicable to considerations under PRA Restriction 6. That Office notes that Presidential libraries "have never applied the public interest test in Presidential papers because in most of our files a legitimate public interest argument could be made."

As noted above, four of the PRA restrictions use precisely the same language as the FOIA exemptions; the legislative history of the PRA states that this mimicry was intentional. See Legis. History at 5734 (restrictive categories "modeled" after FOIA exemptions). In fact, the legislative history, in setting out the wording of the restrictive categories, noted in the case of Restrictions 1, 3, 4, and 6 that the "scope of this category is comparable to" the corresponding FOIA exemption." Legis. History at 5745. In light of this, it would be difficult to argue that the case law governing the FOIA exemptions is not directly relevant to determining the meaning and scope of the very same words as used in the PRA restrictions. This argument might be possible if one were comparing the same language used in two different statutes, but in this case the FOIA is actually incorporated into the PRA as part of the statutory scheme for access.

For example, to follow the suggestion of the Office of Presidential Libraries that the public interest should not be considered in applying PRA Restriction 6 would require us to read out of the restriction the word "unwarranted." This is because the Supreme Court in interpreting FOIA Exemption 6 (and FOIA Exemption 7(C), which protects law enforcement records or information the release of which could reasonably be expected to cause an unwarranted invasion of personal privacy) has held that the way in which an agency determined whether an invasion of privacy is warranted or not is by balancing the individual's privacy interest in not having information withheld against the public's interest in disclosure of that information. See, e.g., Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749, \_\_\_\_ (1989).

Two additional problems that have arisen concern the designation of certain records as personal or Presidential.

(3) Interfiling of personal and political materials: Archivists at the Reagan Library discussed a possible problem caused by the interfiling of personal and political material within the White House central files. Among records from the Reagan White House central filing system there are records relating to President Reagan and the First Lady that contain personal information. There are also records from these files that contain material that in other Presidential libraries would be treated as the former President's personal political records, i.e., documents relating to his role as leader of his political party. These records appear to have been filed at all times among the Presidential records in the White House central files. Until December 27, 1993, President Reagan had requested no special treatment for these "personal" records; by letter of that date, he directed that these records be segregated from Presidential records and kept with his other personal records.

Obviously, these personal records were not segregated from Presidential records during or even at the end of President Reagan's administration, as required by Section 2203(b). There is also a question whether this claim can be made retroactively.

(4) NSC Files at the Reagan Library: Approximately 3,100 boxes of records were transferred to the Reagan Library from the NSC at the end of the Reagan administration. Of these, one-third were designated as Presidential Records and the other two thirds were described as the convenience files of staffers. Steven Tilley, late of the NSC Information Policy Directorate, believes that these "staff files" are the equivalent of project or program files at the NSC. While these files often contain copies of the records that remain in the NSC's institutional files, the existence of additional material as well as the unique organization and subject focus of these files suggests that they are more than just "convenience files." The Office of Presidential Libraries has proposed that all of the NSC material be treated as Presidential Records. We believe that there may be problems with this belated classification for the NSC "Staff Files."



PUBLIC LAW 95-591—NOV. 4, 1978

92 STAT. 2523

Public Law 95-591  
95th Congress

An Act

To amend title 44 to insure the preservation of and public access to the official records of the President, and for other purposes.

Nov. 4, 1978  
[H.R. 13500]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Presidential Records Act of 1978".

Presidential  
Records Act of  
1978.  
44 USC 101,  
2201 notes.

RECORDS MANAGEMENT, PRESERVATION, AND PUBLIC AVAILABILITY

Sec. 2. (a) Title 44 of the United States Code is amended by adding immediately after chapter 21 the following new chapter:

"Chapter 22—PRESIDENTIAL RECORDS

"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.
- "2206. Regulations.
- "2207. Vice-Presidential records.

"§ 2201. Definitions

44 USC 2201.

"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) 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.

44 USC 2202. "§ 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.

44 USC 2203. "§ 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.

Disposal.  
notification to  
Archivist.

"(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) 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.

Disposal  
schedule,  
submission to  
congressional  
committees.

"(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—

Consultation with congressional committees.

"(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.

Publication in Federal Register.

5 USC 701 et seq.

44 USC 2204.

#### **"§ 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.

Determination by  
Archivist  
consultation.

"(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.

Administrative  
appeal  
procedures.

Administration.

"(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 Service of the General Services 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. Jurisdiction.

**"§ 2205. Exceptions to restricted access**

44 USC 2205.

"Notwithstanding any restrictions on access imposed pursuant to section 2204—

"(1) the Archivist and persons employed by the National Archives and Records Service of the General Services 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 the 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**

44 USC 2206.

"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**

44 USC 2207.

"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 rec-

Depository  
agreement.

ords 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 establishment of separate archival depositories for such Vice-Presidential records."

(b) (1) The table of chapters for title 44, United States Code, is amended by inserting immediately after the item relating to chapter 21 the following new item:

"22. Presidential Records..... 2201".

(2) Section 2107 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: "This section shall not apply in the case of any Presidential records which are subject to the provisions of chapter 22 of this title."

(3) Section 2108(c) of title 44 is amended by adding at the end thereof the following: "Only the first two sentences of this subsection shall apply to Presidential records as defined in section 2201(2) of this title."

#### EFFECTIVE DATE

44 USC 2201  
note.

SEC. 3. The amendments made by this Act shall be effective with respect to any Presidential records (as defined in section 2201(2) of title 44, as amended by section 2 of this Act) created during a term of office of the President beginning on or after January 20, 1981.

#### SEPARABILITY

44 USC 2201  
note.

SEC. 4. If any provision of this Act is held invalid for any reason by any court, the validity and legal effect of the remaining provisions shall not be affected thereby.

Approved November 4, 1978.

#### LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1487, pt. 1 (Comm. on Government Operations).  
CONGRESSIONAL RECORD, Vol. 124 (1978):

Oct. 10, considered and passed House.

Oct. 13, considered and passed Senate, amended.

Oct. 15, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 14, No. 45:  
Nov. 6, Presidential statement.



JANUARY  
1993  
edition

TEXTUAL PROCESSING  
MANUAL FOR THE  
RONALD REAGAN  
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# THE ARCHIVIST'S CODE

**THE ARCHIVIST** has a moral obligation to society to take every possible measure to ensure the preservation of valuable records, not only those of the past but those of his own times, and with equal zeal.

**THE ARCHIVIST** in appraising records for retention or disposal acts as the agent of future generations. The wisdom and impartiality he applies to this task measure his professionalism, for he must be as diligent in disposing of records that have no significant or lasting value as in retaining those that do.

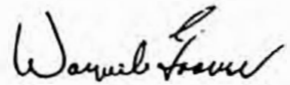
**THE ARCHIVIST** must protect the integrity of records in his custody. He must guard them against defacement, alteration, or theft; he must protect them against physical damage by fire or excessive exposure to light, dampness, and dryness; and he must ensure that their evidentiary value is not impaired in the normal course of rehabilitation, arrangement, and use.

**THE ARCHIVIST** should endeavor to promote access to records to the fullest extent consistent with the public interest, but he should carefully observe any proper restrictions on the use of records. He should work unremittingly for the increase and diffusion of knowledge, making his documentary holdings freely known to prospective users through published finding aids and personal consultation.

**THE ARCHIVIST** should respond courteously and with a spirit of helpfulness to reference requests. He should not place unnecessary obstacles in the way of researchers but should do whatever he can to save their time and ease their work. He should not idly discuss the work and findings of one researcher with another; but where duplication of research effort is apparent, he may properly inform another researcher.

**THE ARCHIVIST** should not profit from any commercial exploitation of the records in his custody, nor should he withhold from others any information he has gained as a result of his official duties—either in order to carry out private professional research or to aid one researcher at the expense of another. He should, however, take every legitimate advantage of his situation to develop his professional interests in historical and archival research.

**THE ARCHIVIST** should freely pass on to his professional colleagues the results of his own or his organization's research that add to the body of archival and historical knowledge. He should leave to his successors a true account of the records in his custody and of their organization and arrangement.



**WAYNE C. GROVER**  
Archivist of the United States  
1948-1965

TEXTUAL PROCESSING MANUAL FOR THE  
RONALD REAGAN PRESIDENTIAL LIBRARY

This manual has been prepared for the use of Library personnel who will be processing the Presidential records of the Reagan Administration, Federal records, the personal papers of Ronald Reagan, and other donated historical material. It includes a description of the procedures that are to be used for accessioning and processing these records and papers as well as guidelines for reviewing and segregating records under the terms of the Presidential Records Act of 1978. Any questions concerning the procedures or guidelines provided in this manual should be directed to the Supervisory Archivist or the project supervisor.

It is important for Library personnel involved in describing, reviewing and arranging Presidential records and personal papers to understand that they occupy a position of trust which must not be compromised. Over the years, National Archives personnel have established a well-deserved reputation not only for carefully processing valuable historic materials but also for maintaining the confidentiality accorded to sensitive information. To ensure that this reputation is preserved, Library personnel must be careful not to discuss the contents of the documents that they are reviewing outside the workplace.



## ACCESSIONING

Accessioning is the procedure by which the Reagan Library takes physical and legal custody of records or papers and establishes initial intellectual control over the material. Accessioning includes recording the title of the body of material, its type and form, quantity, legal status, location within the archival repository, and other pertinent information.

A file folder will be established for each collection or major file group accessioned, including the original Accession Data Record, a copy of the deed of gift for personal papers, and any correspondence of descriptive information concerning the acquisition.

### Accession Data Record

The title of the collection or file group should include the name of the creator (a person or an organizational unit), record type, and inclusive dates.

Examples: White House Office of Records Management: Subject File, 1981-89

President's Intelligence Oversight Board:  
Records, 1981-89

Files created or maintained by an individual should include the persons job title(s) reflected by the records or papers.

Examples: Bell, Terrel H., Secretary of Education, 1981-85:  
Papers, 1981-84

Wick, Charles Z., Director, U.S. Information  
Agency, 1981-89: Papers, 1980-89

The control number or accession number is always preceded by

an A and followed by the fiscal year and the number of the accession assigned in numerical order for accessions within each fiscal year. For example, A89-6 is the sixth accession for fiscal year 1989. If additions or accretions are received to an accessioned collection within the same fiscal year, it is indicated by a slash following the original accession number; e.g., A89-6/2 (shows that a second segment of the same collection has been received and accessioned within the same fiscal year). If additional segments or accretions are received and accessioned over more than one year, a new number is assigned to designate the appropriate fiscal year.

The quantity or volume of the accession should be indicated in linear feet to the nearest tenth of a foot. The page equivalent for linear feet is 2,000 pages, while the page equivalent for cubic feet is 2,500 pages. So if a collection of 100 cubic feet is received, it should be noted as 125 linear feet.

#### Archival Measurements

- 1 linear feet = 2,000 pages
- 1 archives box = 800 pages
- 2.5 archives boxes = 2,000 pages
- 2.5 archives boxes = 1 linear foot
- 1 cubic foot = 2,500 pages
- 1 FRC box = 2,500 pages
- 1 FRC box = a cubic foot
- 1 FRC box = c. 3 archives boxes

Inclusive dates should be the date span of the accession, which for accretions will often be a shorter date span than indicated in the collection title. Use commas to indicate important file gaps; e.g., 1962-70, 1980-85.

Donor - name of the person who signed the deed of gift.



Legal Status - indicate PR if Presidential records, FR if Federal records, or Personal Papers.

Restrictions - indicate PRA for Presidential Records Act, FOIA (Freedom of Information Act) if Federal records, or "As stipulated in Deed of Gift" for personal papers.

Description

A general description for the material including primary subjects and functional activity reflected in the records, and the type of arrangement.

Finding Aids

Indicate if the material includes any internal or inherited finding aids, such as file folder title lists or indexes. If the collection is received without a descriptive inventory or folder title list, one should be prepared.

Comments/Notes

Indicate record types, such as memorandums, reports, correspondence, publications, clippings, photographs, video tapes, etc.. Also indicate if the material includes any security classified items and any current preservation problems.

Location

Indicate stack location sequence (including empty shelves) using the following format: row/section/shelf (top to bottom); e.g., 12/2/5 - 17/4/3. If the material or any segment is located within the vault, precede the stack location with a V; e.g., V2/7/1 - V4/9/4.

### Accession Register

After the Accession Data Record has been completed and approved, the basic information should be entered in the Accession Register. Although it may duplicate the Accession Data Record, the purpose of the Accession Register is for registration rather than physical control.

The Accession Register includes the date registered, Accession (Control) number, collection title, brief description, inclusive dates of accession, volume, stack location, and initials of accessioning archivist.



RONALD REAGAN PRESIDENTIAL LIBRARY  
Accession Data Record

File Group/Collection:

|              |                |                              |                  |
|--------------|----------------|------------------------------|------------------|
| Control No.: | Date Received: | Date of Accession/Accretion: | Quantity/Volume: |
|--------------|----------------|------------------------------|------------------|

Description:

Inclusive Dates:

Donor:

Final Status:

Restrictions:

Finding Aid:

Comments/Notes:

Location:

Archivist:

# RONALD W. REAGAN LIBRARY ACCESSIONS REGISTER

[illegible]

## PRESIDENTIAL RECORDS

### I. DEFINITIONS

The term "Presidential records", as well as related terms which may provide additional insight on the meaning of the term, is defined in the Presidential Records Act (PRA) of 1978. For ease of reference, the statutory definitions of those terms are printed in full below.

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." With the exception of the President's personal papers, the term "Presidential records" encompasses all material formerly known as "Presidential papers".

Such a 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) of



title 5, United States code) [known as Federal records]; (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.

The term "personal records" "means all documentary materials, or any reasonable segregable portion thereof, of a purely private or nonpublic character which do not relate to or have any 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 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."

"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, audio-

visual, or other electronic or mechanical recordings."

## II. INTRODUCTION - WHORM FILES

The White House Office of Records Management (WHORM), a permanent unit of the White House Office, maintained a central filing and retrieval system for President Reagan and his staff. The WHORM maintained two primary filing systems, the Subject File and the Alpha (Name) File (known as "Central Files"), and two basic file groups, the Staff Member and Office Files (SMOFS) and Bulk Mail.

The President's White House Office staff used the WHORM Central Files Section, (e.g., speechwriters; economic, legal, and congressional affairs staff; scheduling, advance and public liaison staff). The staffs of the Council of Economic Advisors (CEA), Office of Policy Development (OPD) and the National Security Council (NSC) have also used the WHORM. NSC usage was generally limited to unclassified or low level security materials. Most high level security classified materials originated or handled by the NSC were stored within the NSC Secretariat.

In subject content and document type, the WHORM files reflect all the diverse activities of the White House including: correspondence with the general public; policy-making and policy implementation; routine administrative functions; political activities that relate to the constitutional duties of the President; and social events and ceremonial aspects of the office. The public activities of the First Lady are also documented.

Upon the resignation of any member of the White House staff, he or she was required to sign a statement, administered by the WHORM, affirming that all Presidential records as defined in the PRA remained with his or her office or successor, or had been delivered to the WHORM. A brief oral history interview (exit interview) was also conducted with selected staff members, concerning the duties and function of the departing staff member.

### III. WHORM SUBJECT FILE

#### Content

The Subject File is the heart of the WHORM central files, where most substantive material is located. It includes: memorandums, letters, cables, reports, drafts, publications, press releases, speeches, lists, clippings, briefing papers, schedules, invitations, courtesy messages, and public opinion mail.

This material is primarily the product of staffs of the White House Office, Office of Policy Development, National Security Council, and Council of Economic Advisors. In addition to material prepared by them, it includes related communications from: officials at all levels and branches of federal, state and local government; political advisors and organizations; spokesmen for or members of various economic, political, ethnic, religious, and professional groups; foreign officials; and the general public.

Content reflects political, policy, administrative, personnel, and public relations concerns; including those domestic and foreign, significant and insignificant. Although the Subject File



was designed to be comprehensive, it is not. The documentation for some subjects or activities may be fragmentary, since a White House staffer may have retained part of the record within his own office (SMOF) files. For other subjects, White House involvement may have been sporadic, with federal agencies or departments taking the lead. These subjects would be more thoroughly documented within the federal records of the agency, either retained by the agency or transferred to the National Archives.

#### Arrangement

The Subject File is an alpha-numeric file system of 60 primary subject codes or categories divided into numerous secondary subject codes or categories. The alpha-numeric subject classification system was developed in the late 1950's and implemented in 1961. The system has been retained, with minor modifications, since that time. The records are extensively cross-referenced via the C-TRACK and SECLOG computer access files (within STAIRS), which have replaced the old manual cross-reference sheets formerly located within the files. The WHORM staff assigned the category classifications, identification numbers, and devised cross-references as items were received for filing.

In addition to being within the C-TRACK system as the first code listed, the primary subject code (or file code) is indicated (underlined) in the upper right corner of the first page of all documents or case files, and the cross reference subject codes (or secondary codes) are indicated below the file code on most documents or case files. Please consult the STAIRS user guide.

Arrangement within each sub-category and folder is numerical by identification number (6 digit), which works out to be roughly chronological. Some identification numbers have a 2 letter suffix (CA, CN, CS, CU, SC, or SS) for White House offices that handled particular case files.

#### Satellite Files

The Subject File has four satellite files created to protect confidentiality or to solve storage problems.

#### Oversized Material:

Bulky items such as thick document cases, books, and other publications, posters, petitions, video tapes, as well as Staff Member and Office Files (SMOFS), were assigned control numbers upon receipt and stored in numerical order. These were known as Oversize Attachments (OAs). The few items that would not fit into a standard Federal Records Center (FRC) box, such as large posters or charts, were numbered in a separate sequence and called Oversize Attachments - Shelf (OA-Shelf) because of their storage requirements. Both OA and OA-Shelf material are retrieved via the C-TRACK retrieval system and the OA and OA-Shelf logs (green books).

Some of the OA materials that are part of the Subject File or Alpha File will be integrated or filed back into the Subject or Alpha Files during the course of processing, while the remaining (true OAs) or less significant OA and OA-Shelf material will be reviewed and processed in place.

#### Confidential Material:

A member of the White House or WHORM staff sometimes

determined that an item required restricted access because it was security classified or otherwise sensitive. Therefore, parallel Subject and OA files were established and kept under tighter access controls. They were known as Confidential File (CF) and Confidential File Oversize Attachments (CFOA) respectively. The contents of both were retrieved via the C-TRACK retrieval system and the CFOA logs.

Virtually all of the Confidential File consists of material from the Subject File, while the bulk of CFOAs consist of Staff Member and Office File (SMOF) material. To facilitate research, during the course of processing and review the CF and CFOA material will be interfiled into the main Subject File or the SMOF collections where appropriate. CF items are identified by a "C.F." mark stamped on the document (usually in the upper right corner), and their location within the Subject File by a blue cross reference sheet.

There is also a small number of CFOA-Shelf items, consisting primarily of matrix or signature wheels used with the autopen.

#### IV. WHORM ALPHA (NAME) FILE

The Alpha File, also known as the Name File, consists primarily of routine material not usually recorded in the Subject File; such as correspondence answered with a form acknowledgement, autographed photos, invitations declined, agency referrals, much of the First Lady's correspondence, and letters in support of the President. Some of the Alpha File (AF) material is entered and



accessed via C-TRACK, but most of it is not.

The Alpha File is arranged alphabetically by name of person, organization or event at the folder level, but arrangement within each folder is roughly chronological. The Alpha File and the parallel OA material is processed on a "review-on-request" basis, according to the provisions of the PRA. President Reagan has waived his right of PRA review to the Alpha File prior to opening for research.

#### V. STAFF MEMBER AND OFFICE FILES (SMOFS)

Virtually all WHORM users retained additional files in their own offices for reasons of convenience, confidentiality, or both. As these office files accumulated and as staff members left the White House staff, segments were periodically forwarded to WHORM for general storage and segments were retained in the offices until the end of the Administration. These accumulated office files are known as "White House Staff Member and Office Files" (SMOFS).

Although much of the contents of SMOF collections consist of duplicates of material located within the WHORM Subject File, SMOF collections also include a substantial volume of unique and substantive material that comprises a valuable research supplement to the WHORM Subject File.

When SMOF material was transferred to WHORM, it would include a list of file folder titles and contents of each box. The WHORM staff would assign an OA or CFOA number to each box and input the file folder list and other basic information into the C-TRACK

computer file. Nearly all SMOF records are cited in C-TRACK under subject codes FG006-01 (White House Office), FG006-03 (Council of Economic Advisers), or FG006-07 (Office of Policy Development); and cross-referenced under appropriate subject codes matching the file folder titles. Non-institutional (or non-Federal record) staff member and office files of the National Security Advisor's office and other NSC offices were maintained by the NSC Secretariat.

All Staff Member and Office File material created and accumulated during the Administration will be consolidated and arranged by office and/or staff member prior to processing.

## VI. BULK MAIL

The Reagan Administration received voluminous routine correspondence from the general public that is referred to as "bulk mail". This type of material includes public opinion mail, requests for photographs, holiday and birthday greetings, get well messages, crank mail, and support mail.

As a result of the sharp increase in volume, when compared to previous administrations, the Reagan Administration became the first Administration to systematically dispose of bulk mail. In an agreement with NARA, authorized by the Presidential Records Act, WHORM and NARA's Office of Presidential Libraries (NL) instituted sampling procedures for bulk mail scheduled for disposal. Nearly 250 cubic feet of sampled bulk mail has been retained out of 20,635 cubic feet of paper macerated and recycled; a sampling of about 1.5%.

# ALPHABETICAL LISTING OF PRIMARY SUBJECTS

## CODE SUBJECT CATEGORY

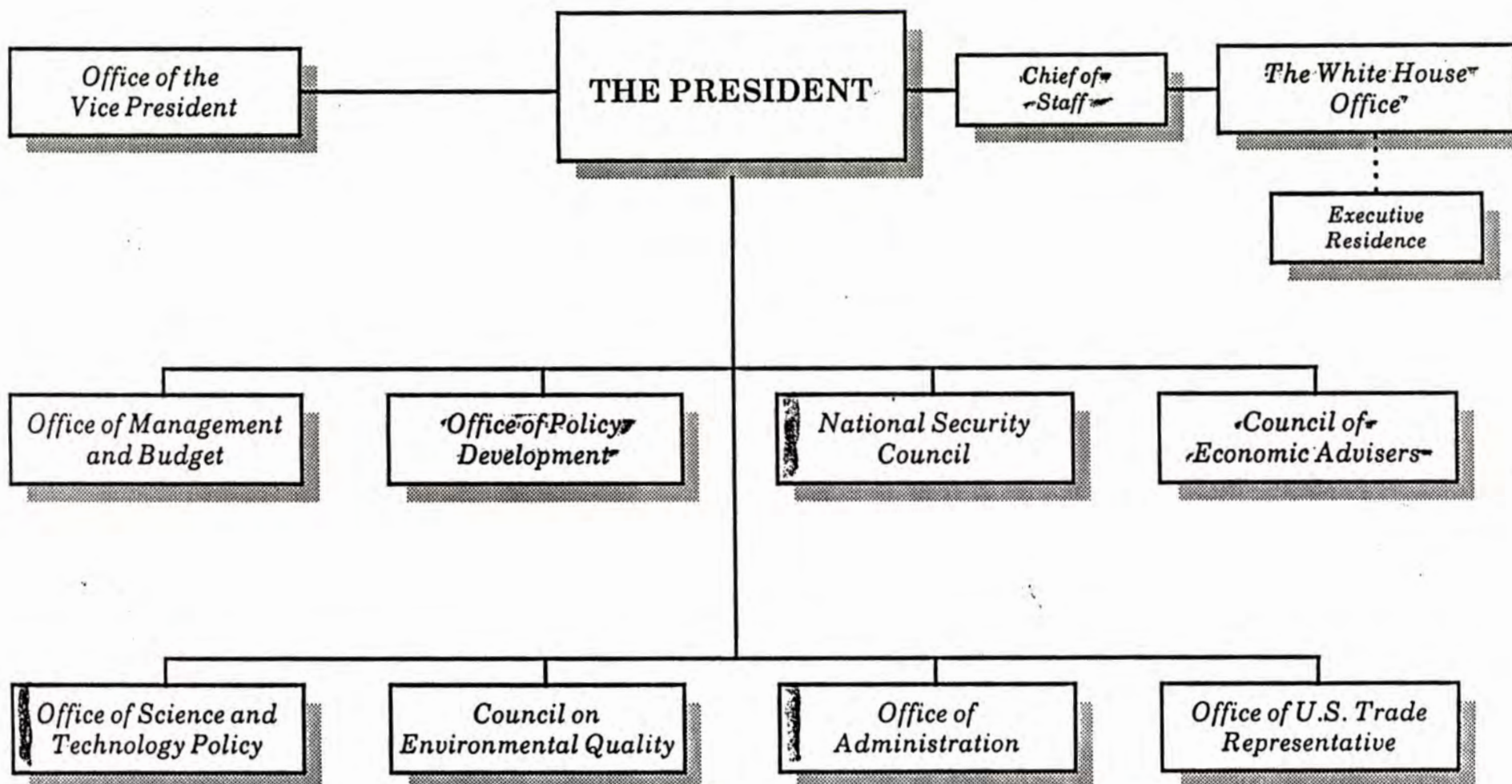
AG AGRICULTURE  
 AR ARTS  
 AT ATOMIC / NUCLEAR ENERGY  
 BE BUSINESS - ECONOMICS  
 CA CIVIL AVIATION  
 CM COMMODITIES  
 CO COUNTRIES  
 DI DISASTERS  
 ED EDUCATION  
 FA FEDERAL AID  
 FE FEDERAL GOVERNMENT  
 FG FEDERAL GOVERNMENT - ORGANIZATIONS  
 FI FINANCE  
 FO FOREIGN AFFAIRS  
 GI GIFTS  
 HE HEALTH  
 HI HIGHWAYS - BRIDGES  
 HO HOLIDAYS  
 HS HOUSING  
 HU HUMAN RIGHTS  
 IM IMMIGRATION - NATURALIZATION  
 IN INDIAN AFFAIRS  
 IS INSURANCE  
 IT INTERNATIONAL ORGANIZATIONS  
 IV INVITATIONS  
 JL JUDICIAL - LEGAL MATTERS  
 LA LABOR - MANAGEMENT (NON-GOVERNMENT)  
 LE LEGISLATION  
 LG LOCAL GOVERNMENTS  
 MA MEDALS - AWARDS

## CODE SUBJECT CATEGORY

MC MEETINGS - CONFERENCES  
 ME MESSAGES  
 ND NATIONAL SECURITY - DEFENSE  
 NR NATURAL RESOURCES  
 OS OUTER SPACE  
 PA PARKS - MONUMENTS  
 PC PEACE  
 PE PERSONNEL MANAGEMENT  
 PL POLITICAL AFFAIRS  
 PO POSTAL SERVICE  
 PP PRESIDENTIAL (PERSONAL)  
 PQ PROCUREMENT  
 PR PUBLIC RELATIONS  
 PU PUBLICATIONS  
 RA REAL PROPERTY  
 RE RECREATION - SPORTS  
 RM RELIGIOUS MATTERS  
 RS REPORTS - STATISTICS  
 SA SAFETY - ACCIDENT PREVENTION  
 SC SCIENCES  
 SO SOCIAL AFFAIRS  
 SP SPEECHES  
 ST STATE GOVERNMENTS  
 TA TRADE  
 TN TRANSPORTATION  
 TR TRIPS  
 UT UTILITIES  
 VA VETERANS AFFAIRS  
 WE WELFARE  
 WH WHITE HOUSE ADMINISTRATION



# EXECUTIVE OFFICE OF THE PRESIDENT



PROCEDURES AND GUIDELINES  
FOR REVIEW OF PRESIDENTIAL RECORDS

OVERVIEW

Review is the process of identifying and segregating materials that are to be temporarily closed to researchers. Normally, review is performed after the material has been properly arranged and reboxed from Federal Records Center (FRC) boxes into Archive boxes; so that the file identification for material to which access is to be denied can parallel that of material which will be made available to researchers. In this way, review can serve as a supplement to and a quality control check on processing of Presidential records.

The following are procedures and guidelines for use by Reagan Library personnel charged with reviewing and segregating into appropriate categories Presidential records under the Presidential Records Act (PRA).

The terms of the PRA strike a balance between full public disclosure of documents of historical interest on the one hand, and the necessity of protecting personal privacy rights and the integrity of the President's policy-making process, as well as the confidentiality of sensitive government information (e.g., national defense information), on the other. Under the Act, After the earlier of either five years after President Reagan's term expires or an earlier time period chosen by NARA upon the completion of the

processing of certain file segments, documents are to be made available to the public unless they fall within one or more statutory categories that restrict public access to Presidential records.

#### Statutory Restrictions

Under the PRA, documents are to be restricted for at least 12 years if they fall within one of the six enumerated categories found in the Act and the former President has requested that the documents be so restricted. In three separate letters to the Archivist of the United States, dated June 9, 1981, February 6, 1989, and June 28, 1991, President Reagan requested that any documents falling within one of those six enumerated categories be restricted for 12 years (until January 20, 2001); this restriction was partially waived by President Reagan in a letter to the Archivist dated September 10, 1991. The PRA also provides that documents that fall within one of eight categories under the Freedom of Information Act (FOIA) are also to be restricted.

The task of Library personnel is to process and review these documents and determine which of them should be made available to the public and which ones fall within the restricted statutory categories found in the PRA or the FOIA. Documents which do not fall within a restricted category should be placed into "open files", documents that do fall within one or more restricted categories should be segregated into "closed files", appropriately marked with the applicable restriction(s).

Under the Act, The Archivist (i.e., the Library) has an



affirmative duty to make Presidential records available to the public as "rapidly and completely as possible consistent with the provisions of this Act." This means that release of documents to the public is to be tempered by the Act's constraints on premature and inappropriate disclosure. Full consideration must be given to the need to protect sensitive documents as well as the duty to make the majority of the records of the Reagan Administration available to researchers as early as possible.

In segregating restricted documents, reviewers should remember that a decision to restrict access does not preclude access in the future. Because mistakes in restricting access to documents that should be made available to the public can be easily remedied (and with the passage of time will likely automatically be so remedied), while the adverse consequences of premature release may never be remedied and may act as a disincentive to continued full documentation by future Presidents.

#### PROCEDURES

1. Before beginning actual review of any documents, reviewers must thoroughly familiarize themselves with the statutory and related criteria under which their review must proceed. These criteria are found in the Presidential Records Act of 1978 (44 U.S.C. Chapter 22), NARA regulations implementing the PRA (36 CFR Part 1270), Executive Order 12667, the Freedom of Information Act (5 U.S.C. 552), and President Reagan's letter of September 10,

1991. These statutes and regulations are located in Appendixes A-D of this manual.

2. Reviewers should also familiarize themselves with the personalities, issues and events of the Reagan Administration.

3. File segments will be assigned to reviewers for processing by the Supervisory Archivist.

4. After receiving a file segment assignment, reviewers should first do a preliminary review to determine whether the file segment may be opened or closed in its entirety without the usual page by page review. This process, more common in reviewing materials under a deed of gift, is rarely expected to be applied to Presidential records. Any decision by a reviewer to open or close an entire file segment is preliminary and must be confirmed by the Supervisory Archivist.

5. In general, documents are to be reviewed page by page. If the document contains restricted material, ordinarily the entire document should be restricted. Where possible, however, the reviewer must open useful non-restricted segments of a document containing restricted material by sanitizing the restricted information. Reviewers (during initial or first review) should attempt to open portions of documents containing restricted information only if the document contains a significant amount of non-restricted material to be useful to researchers, and reviewers can open that material without compromising the restricted information. Normally, all segregable open portions of documents that are otherwise restricted will be opened through sanitization

during a re-review of the document after initial opening.

6. Where a number of documents are fastened together to constitute a "case file" (also called a "letter case"), reviewers are to remove restricted documents or pages so that the rest of the case may be opened, including inconsequential documents or pages.

7. Reviewers are to tab all restricted material for withdrawal by placing a double tab around the restricted page(s). The restricted category under which the item is closed should be indicated by writing on the tab the appropriate letter/number matching one of the categories listed at the bottom of the withdrawal sheet (A, B-1 thru B-9, C).

8. Library staff are to prepare withdrawal sheets for all closed material, under the specifications found in the section of the manual entitled "Review Withdrawal Sheets".

9. In addition to review, processing archivists are also responsible for:

(a) ensuring that all documents have been placed in their appropriate folders and that all folders have been placed in their appropriate box; (b) keeping an eye out for misfiles and documents in case files that are incorrectly subject-classified within the WHORM Subject File; (c) tabbing all deteriorating documents for preservation copying (write PRES on tab); (d) removing metal clips, rubber bands and other extraneous matter; (e) tabbing for reproduction useful information for the vertical (reference) file; (f) transferring books, maps, audiovisual and museum items to the appropriate Library location; (g) removing uniquely valuable items.



See manual section entitled "Processing Guidelines".

10. Upon completing review of each box of folders, reviewers are to initial the box in the lower right-hand corner. After completing review of a full cart of boxes (15 boxes), or a smaller assigned segment, reviewers are to transfer the cart of boxes to the second reviewer (assigned by the Supervisory Archivist).

11. The second reviewer will not conduct a page by page review, but will check/review all tabbed items, do a spotcheck of the box and a full review of one folder at random per box. Upon completing a review, the second reviewer should stamp (circular Library stamp) and initial (within the stamped circle) the box in the lower right-hand corner along-side or near the initial of the first reviewer.

Following completion of review, the second reviewer should return the cart of boxes to the first reviewer. Any unresolved review differences between the first and second reviewer should be brought to the attention of the Supervisory Archivist. After the first reviewer has checked any notations made by the second reviewer and made any necessary corrections, the cart will then be assigned (by the Supervisory Archivist) to a staff member (usually an Archives Technician) for withdrawal.

## GUIDELINES FOR REVIEWING DOCUMENTS

The criteria for restricting access to particular documents are found in the Presidential Records Act of 1978 and in the Freedom of Information Act. Reviewers should recognize that the guidance offered below is just that, guidance, and it will not cover every situation the reviewer will face. Overall, reviewers should rely on the law use common sense in making judgments on whether to restrict access or to open particular records.

As authorized by the Presidential Records Act, President Reagan in letters to the Archivist, dated June 9, 1981, February 6, 1989, and June 28, 1991, elected to restrict access to Presidential records that fall within one or more of the six categories set forth in section 2204(a) of the Act for 12 years after the expiration of his term of office. This access restriction was modified by President Reagan in a letter to the Archivist, dated September 10, 1991.

Under the PRA documents that do not fit within any one of the six enumerated restricted categories do not automatically become publicly available. Rather, those records are to be reviewed in accordance with the FOIA exemptions cited in the PRA. [In addition, records that currently fall within four of the six categories will be administered in accordance with the FOIA after the 12-year period expires (January 20, 2001).] Under the FOIA restrictions, records can and should be withheld from public disclosure if they fit within one or more of eight categories.

A ninth FOIA category, FOIA exemption (b)(5) -- which protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party ... in litigation with the agency", is not available as a basis for restricting access to Presidential records.

There are, in essence, 10 restricted categories altogether. Four of the 12-year restrictions on access to documents enumerated in the PRA read verbatim like four of the applicable FOIA restrictions. Consequently, the law developed under the FOIA provides useful definition to these PRA exemptions, as well as to the pure FOIA exemptions which have no enumerated PRA counterpart.

Reviewers should understand, however, that unlike under the FOIA, under the PRA information that would otherwise fall within one of the exemptions may be made publicly available only if the President or one of his agents has through publication made the information available. For example, information that has been leaked to the press does not lose its protected status. Consequently, unless otherwise specified in the guidelines below, information in the public domain must still be protected under the six 12-year PRA exemptions unless the reviewer knows that it was made public by the President or by an advisor to the President.

As a general matter, reviewers should remember that these restricted categories represent Congress' attempt to protect vital constitutional and policy interests of both individuals and the government. Common sense should be employed in reading these restrictions and in making decisions as to whether documents do or



do not fall within those restrictions.

The ten basic statutory restrictions on access are set forth below. For each enumerated category, some general guidance is provided to aid the reviewer in identifying the items that fall within that restriction. Much of the guidance provided below comes from the Justice Department Guide to the Freedom of Information Act. Reviewers should familiarize themselves with that guide and the case law discussed therein.



RONALD REAGAN

September 10, 1991

Dear Dr. Wilson:

Pursuant to the provisions of the "Presidential Records Act of 1978", and as referenced in my letter to you of June 28, 1991, I wish to reduce the restriction periods for certain categories of records. I hereby waive the 12-year restriction for certain documents, as described below, within the following two categories set forth in Section 2204(a) of the Act:

(2) relating to the appointments to Federal office; (and)

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

My waiver of the 12-year restriction in Section 2204(a)(2) applies to all documents "relating to appointments to Federal office", unless either:

(a) the document contains clearly confidential personal information, such as a social security number, salary, medical history or other information that would otherwise require it to be restricted under category (6) of the Act, or

(b) the document comes from, or contains any substantive notation thereon from a member of the White House staff or other member of the Administration or other person who should be regarded as an "adviser" to the President (such as a Senator or Congressman who writes to the President as a personal friend and trusted adviser, rather than in his or her official capacity), or would otherwise require it to be restricted under category (5) of the Act.

The waiver of the 12-year restriction in Section 2204(a)(5) applies to the following ten categories of "confidential communications requesting or submitting advice, between the President and his advisers, or between such advisers" unless the document would otherwise be restricted under any of the categories in Sections 2204(a)(1), (2), (3), (4), or (6):

- (1) informational or factual materials provided to the President or staff member.
- (2) routine position papers, reports, or studies that examine an issue but do not advocate a particular decision or convey advice.
- (3) routine scheduling recommendation and plans that do not include advisory comments concerning the proposed visitor.
- (4) routine administrative requests for information, studies, or action, as well as information or studies submitted, from staff member or agency official to another staff member or agency official.
- (5) memoranda from staff members to other staff members that present proposals on routine administrative matters for approval or disapproval by a staff member.
- (6) documents reflecting conversations among staff members with other staff members, agency officials, or members of the public concerning administrative or factual matters.
- (7) requests from White House staff members to other staff members or agency officials for information and guidance on preparing routine responses to inquiries on specific subjects, and information received.
- (8) recommendations for approval of routine bills or resolutions.
- (9) staffing memorandum worksheets, action tracking worksheets, and similar document cover and transmittal sheets when these sheets give no substantive information.
- (10) routine editing of speeches, statements, or reports that do not result in a substantive change in the content of the speech, statement, or report.

I also wish to waive all claims of privilege on materials within the White House Office of Records Management Alpha File. It is

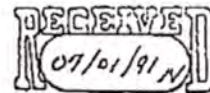


understood that NARA will review Alpha File material and apply applicable Act restrictions to access prior to opening these materials for public research. It is also understood that concurrence of the current Administration must be obtained by NARA for the above actions, as provided in the Act.

Sincerely,

*Ronald Reagan*

The Honorable Don W. Wilson  
Archivist of the United States  
National Archives and Records Administration  
Washington, D.C. 20408



ADW  
ND  
NL

RONALD REAGAN

June 28, 1991

Dear Dr. Wilson:

This letter supersedes my letter to you of February 6, 198<sup>9</sup>.

Pursuant to the provisions of the "Presidential Records Act of 1978," I specify that access shall be restricted to all categories of Presidential records set forth in Section 2204(a) of the Act for 12 years after termination of my service as President of the United States. At a later time, my representatives or I will review and discuss with you the possible reduction of these restriction periods for certain categories of records.

Under the conditions set forth in Section 2004(d) of the Act and Section 1270.20 of the regulations implementing that Act (36 C.F.R. 1270.20), I hereby designate the following as my representatives with authority to exercise all discretion or authority granted to me under the Act with respect to all of my Presidential records:

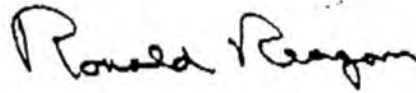
- Mrs. Nancy Reagan  
Nancy Reagan Foundation  
2121 Avenue of the Stars  
Los Angeles, CA 90067
- Mr. Lodwick M. Cook  
Chairman  
Ronald Reagan Presidential Library  
Board of Trustees  
515 South Flower Street, Suite #5125  
Los Angeles, CA 90071
- Mr. Steve Blitz  
Gibson, Dunn, & Crutcher  
2029 Century Park East, Suite #4200  
Los Angeles, CA 90067

June 28, 1991

Page 2

In addition, I am hereby authorizing Steve Blitz, and any additional individuals from the law firm of Gibson, Dunn & Crutcher whom Steve Blitz may specify in writing to you, to have full access to any of my records in your possession and control that they so specify, at any time they specify after January 20, 1989. Of course, any access to classified materials provided to these individuals should be subject to ensuring that they have the necessary security clearances to view those materials.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald Reagan". The signature is written in a cursive, flowing style with a large initial "R".

The Honorable Don W. Wilson  
Archivist of the United States  
National Archives and Records Administration  
Washington, D.C. 20408



THE WHITE HOUSE  
WASHINGTON

June 9, 1981

RECEIVED  
N 6/11/81

Dear Dr. Warner:

Pursuant to the provisions of the "Presidential Records Act of 1978," I specify that access shall be restricted to all categories of Presidential records set forth in Section 2204(a) of the Act for 12 years after the termination of my service as President of the United States.

At a later time, my staff or I will review and discuss with you the possible reduction of these restriction periods for certain categories of records.

Under the conditions set forth in Section 2204(d) of the Act, I hereby designate Nancy Reagan and Edwin Meese III as my representatives with authority to exercise all discretion or authority granted to me under the Act.

Sincerely,

*Ronald Reagan*

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

ACCESS SHALL BE RESTRICTED WITH RESPECT TO INFORMATION IN A PRESIDENTIAL RECORD, WITHIN ONE OR MORE OF THE FOLLOWING CATEGORIES:

I. Exemption (a)(1) of the PRA and (b)(1) of the FOIA [category A on the withdrawal sheet]: "(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."

-- The requirements under Exemptions (a)(1) of the PRA and (b)(1) of the FOIA are the same.

-- Reviewers must familiarize themselves with the requirements of Executive Order 12356.

-- Reviewers should presume that information bearing classification markings is appropriately classified. If it does not appear to be properly classified, the reviewer should bring it to the attention of the Supervisory Archivist or the Library's national security specialist.

1. Security classified material should be conspicuously stamped "TOP SECRET", "SECRET", OR "CONFIDENTIAL". These markings usually appear at the top and bottom of each page and may be accompanied by additional markings.

2. Classified documents may contain various markings unaccompanied by a normal security classification marking which may not be immediately intelligible. Such markings may appear at the top and/or bottom of the page or they may appear in the text of a document, often in capital letters. These markings or codewords often identify highly classified

intelligence gathering systems or operations and are especially sensitive. If reviewers encounter documents with these markings they should immediately be referred to the Supervisory Archivist or a staff member with the appropriate clearances to handle such documents.

3. Material marked "Atomal", "Cosmic", and "NATO Restricted" are the NATO equivalents of U.S. classified markings and should be so treated. These documents should also be referred to the Supervisory Archivist or the Library's TOP SECRET control officer.

4. Although security classified markings are intended to be highly visible, they often are not. This is particularly true with respect to cable messages and photocopied documents. Care must be taken in review of documents that may contain security information in order to identify such classified materials.

5. Security classification markings should not be confused with administrative markings. Generally, documents containing no classification markings and stamped with markings of "Administratively Confidential", "Personal and Confidential", "Official Use Only", "Limited Distribution", or "Limited Official Use" while generally sensitive documents are not national security documents and materials thus labeled should be treated as unclassified, although the materials may fall within another of the restricted categories.

-- Sometimes documents that contain classified information



are not properly marked. If reviewers see information they suspect should be marked or treated as classified, it should be referred to the Supervisory Archivist or the national security specialist. Information that should be considered for classification or treated as classified includes:

1. military plans, weapons, or operations;
2. the vulnerabilities or capabilities of systems, installations, projects, or plans relating to the national security;
3. foreign government information (including all Head of State correspondence)
4. intelligence activities (including special activities), or intelligence sources or methods;
5. foreign relations of foreign activities of the United States;
6. scientific, technological, or economic matters relating to national security;
7. United States Government programs for safeguarding nuclear materials or facilities;
8. cryptology;
9. a confidential source; or
10. other categories of information that are related to the national security and that require protection against unauthorized disclosure as determined by the President or by agency heads or other officials who have been delegated original classification authority by the President.

II. Exemption (a)(2) of the PRA [category B4 on the withdrawal sheet]: "relating to appointments to Federal office."

-- President Reagan, in his letter to the Archivist of September 10, 1991, waived closure of all documents and information covered by this category, unless either:

(a) the document contains clearly confidential personal information, such as a social security number, salary, medical history or other information that would otherwise require it to be restricted under category (6) of the Act [B3 on the withdrawal sheet], or

(b) the document comes from, or contains any substantive notation thereon from a member of the White House staff or other member of the Administration or other person who should be regarded as an "adviser" to the President (such as a Senator or Congressman who writes to the President as a personal friend and trusted adviser, rather than in his or her official capacity), or would otherwise require it to be restricted under category (5) of the Act [B5 on the withdrawal sheet].

- THIS CATEGORY WILL NO LONGER APPLY AS A REVIEWING CATEGORY AFTER JANUARY 20, 2001.

III. Exemption (a)(3) of the PRA and (b)(3) of the FOIA [category B1 on the withdrawal sheet]: "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."

-- Statutes falling within category A include, but are not limited to:

1. 6(e) of the Federal Rules of Criminal Procedure, which regulates disclosure of matters occurring before a grand jury;
2. Rule 32 of the Federal Rules of Criminal Procedure, governing the disclosure of presentence reports;
3. Sections 8(b) and 9(a) of the Census Act, which regulates data regarding population, agriculture and housing;
4. Section 3104(c) of the International Investment Survey Act of 1976;
5. Section 2055(a)(2) of the Consumer Product Safety Act, protects the same information as protected under (a)(4) of the PRA and (b)(4) of the FOIA.
6. Section 2518(8) of the Omnibus Crime Control and Safe Streets Act of 1968, which regulates disclosure of contents of wire tap intercepts.

-- Statutes falling within category B include, but are not limited to:



1. Section 2055(b)(1) of the Consumer Product Safety Act, which requires prior notice to manufactures or labelers of information to be publicly disclosed that might disclose the identity of the manufacturer or labeler;

2. Section 403(d)(3) of the National Security Act, which requires the Director of the CIA to protect "intelligence sources and methods;"

3. Section 2411(c)(1) of the Export Administration Act, which governs the disclosure of export licenses and applications;

4. Section 777 of the Tariff Act, governing withholding of "proprietary information;"

5. Section 12(d) of the Railroad Unemployment Insurance Act;

6. Section 122 of the Patent Act, concerning patent applications and information concerning them;

7. Section 7114(b)(4) of the Civil Service Reform Act, concerning the confidentiality of certain labor relations training and guidance materials;

8. Section 301(g) of the Collection and Publication of Foreign Commerce Act and Section 2411(c) of the Export Administration Act of 1979, both pertaining to shippers export declarations;

9. Section 130 of the Department of Defense "technical data" statute, governs disclosure of data with military or space application;

10. Section 12 of the Commodity Exchange Act.

-- Statutes falling within both categories include, but are not limited to:

1. 18 U.S.C. 1202(f), pertaining to the issuance or refusal of visas and permits to enter the United States;

2. 6103 of the Internal Revenue Code, concerning tax return information

IV. Exemption (a)(4) of the PRA and (b)(4) of the FOIA [category B2 on the withdrawal sheet]: "trade secrets and commercial or financial information obtained from a person and privileged and confidential".

-- The requirements under Exemption (a)(4) of the PRA and (b)(4) of the FOIA are the same.

-- Reviewers must familiarize themselves with the requirements of Executive Order 12600: Predisclosure Notification Procedures for Confidential Commercial Information.

-- Before making any confidential commercial or financial information public, the reviewer must notify the submitter, in order to obtain his or her position on disclosure (see E.O. 12600).

-- This exemption covers two broad categories of information:

1. trade secrets;

2. information which is (1) commercial or financial, (2) obtained from a person, and (3) privileged or confidential.

-- With respect to the first category:

A trade secret is judicially defined as "a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities that can be said to be the end product of either innovation or substantial effort."

-- With respect to the second category:

1. Any information that relates to business or trade is considered to be "commercial or financial". Commercial information can include material submitted by a nonprofit entity. Examples of items regarded as commercial or financial include: business sales statistics, research data, technical designs, customer and supplier lists, profit and loss data, overhead and operating costs, and information on financial condition.

2. Protection for financial information is not limited to economic data generated solely by corporations or other business entities: it has been held to apply to personal financial information as well.

3. The term "person" refers to a wide range of entities, including corporations, state governments and foreign governments. It does not, however, apply to the Federal government, although government documents containing information supplied by outside sources is covered.

4. Commercial or financial matter is "confidential" "if disclosure of the information is likely to have either of the



following effects:"

- to impair the government's ability to obtain necessary information in the future. That is, the business provided the information voluntarily and would not have provided it if it were subject to disclosure.

- to cause substantial harm to the competitive position of the person from whom the information was obtained. Examples include assets, profits, losses and market share, data describing a company's workforce which would reveal labor costs, selling prices, purchase activity, etc.; or

- to impair other government interests, such as program effectiveness and compliance.

-- Not restricted by this exemption is routine business information provided voluntarily by persons or corporations and information that corporations by law must file with the Securities and Exchange Commission that is publicly available; such as corporate registration statements, periodic reports to shareholders, tender offers, and ownership reports.

V. Exemption (a)(5) of the PRA [category B5 on the withdrawal sheet]: "Confidential communications requesting or submitting advice between the President and his advisors, or between such advisors."

-- Exemption (a)(5) protects records of an advisory nature that were generated by or for the President or among his staff. This includes, but is not limited to, policy or legal

advice. While any document created by the White House staff could be considered advisory, since the purpose of the staff is to provide advice to the President, this restriction is not designed to limit all intra-staff communications. Its purpose is to protect the free flow of advice in the White House by restricting access to documents that directly reflect the advice giving process.

Such communications should be presumed to embrace confidentiality, unless the circumstances clearly indicate that confidentiality was not intended. Advice is sought by and provided to the President and his advisors with the understanding that the requests and advice will remain confidential. Records protected under this exemption could include:

1. Policy, legal or similar advice provided to the President by an employee or consultant of the Executive Branch, or by a close personal friend of the President.

2. Requests for policy, legal or similar advice from the President to any employee or consultant of the Executive Branch, or to a close personal friend of the President.

3. Policy, legal or similar advice provided by a member of the White House staff or other employee or consultant of the Executive Branch to another member of the White House staff or other employee or consultant of the Executive Branch.

4. Requests for policy, legal or similar advice made by a member of the White House staff to another member of the

White House staff or other employee or consultant of the Executive Branch.

-- This exemption protects all formats of documentary materials containing advice or requests for advice, including final memoranda, draft memoranda, notes from meetings, letters, etc.

-- Records falling within the advice or request for advice categories should be reviewed (opened or closed) strictly on content, regardless of whether they contain any administrative marking (e.g., Administratively Confidential, Limited Official Use Only, Eyes Only) or any other indication in the record itself that it was meant to remain confidential.

-- Not all communications between the President and his advisors or between such advisors must be closed under this restriction category. In a letter to the Archivist, dated September 10, 1991, President Reagan modified this category by removing or waiving any restriction from records that may have been used in the advisory process but do not directly reflect the process.

The following ten categories of documents are examples of those that may be opened under President Reagan's waiver (provided no other restriction applies):

1. informational or factual materials provided to the President or staff member.

2. routine position papers, reports, or studies that examine an issue but do not advocate a particular decision or



convey advice.

3. routine scheduling recommendations and plans that do not include advisory comments concerning the proposed visitor.

4. routine administrative requests for information, studies, or action, as well as information or studies submitted, from staff member or agency official to another staff member or agency official.

5. memorandums from staff members to other staff members that present proposals on routine administrative matters for approval or disapproval by a staff member.

6. documents reflecting conversations among staff members with other staff members, agency officials, or members of the public concerning administrative or factual matters.

7. requests from White House staff members to other staff members or agency officials for information and guidance on preparing routine responses to inquiries on specific subjects, and information received.

8. recommendations for approval of routine bills or resolutions.

9. staffing memorandum worksheets, action tracking worksheets, and similar document cover and transmittal sheets when these sheets give no substantive information.

10. routine editing of speeches, statements, or reports that do not result in a substantive change in the content of the speech, statement, or report.

-- THIS CATEGORY WILL NO LONGER APPLY AS A REVIEWING CATEGORY AFTER JANUARY 20, 2001

VI. Exemption (a)(6) of the PRA and (b)(6) of the FOIA [category B3 on the withdrawal sheet]: "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy."

-- Exemption (a)(6) of the PRA is broader in scope than Exemption (b)(6) of the FOIA. While FOIA law requires balancing the privacy interest to be protected under (b)(6) against the benefits to the public of disclosure, no such balance is required for (a)(6) of the PRA. Under the PRA, the balance is struck by removing the (a)(6) restriction altogether after 12 years.

-- This exemption has two requirements:

1. First, information must be either "personnel", "medical" or "similar" files, and

2. Second, disclosure must constitute "clearly unwarranted invasion of personal privacy".

-- Under the first requirement:

1. Information must pertain to a specific individual;
2. The term "similar files" is to be interpreted broadly.

All information which applies to a particular individual meets the first requirement for protection.

-- Under the second requirement:

1. Generally, only individuals, not corporations or

associations possess protectable privacy interests, except when a corporation or entity is virtually an "alter ego" for an individual. Caselaw protects the release of information that would readily identify an individual;

2. Where the information is particularly well-known or unquestionably within the public domain, the privacy interest while not automatically eliminated may not exist;

3. Examples of information to be protected include details concerning legitimacy of children, medical condition, welfare payments, family fights and reputation, Social Security numbers, military service numbers, bank account numbers, citizenship, and criminal histories;

4. Information on the personal details of a federal employee's service is also to be protected. Examples of such information include names of persons on a reduction-in-force list, contents of an FBI investigation concerning Federal judicial appointment or appointment to the Executive Branch, and job performance evaluations. Information concerning a Federal employee's job responsibilities, assignments, placement in the organization, etc., would not be considered restricted under this exemption;

5. While all persons are to be presumed to be living, death usually extinguishes the privacy rights of deceased persons, although their surviving family members or close associates may have privacy interests in sensitive personal information about the deceased;

6. Unlike under exemption (b)(6) of the FOIA, under exemption (a)(6) of the PRA, the privacy interest is not to be balanced against the public interest in disclosure.

VII. Exemption (b)(7) of the FOIA [category B7 on the withdrawal sheet]: "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual."

-- Information protected under this exemption must meet two requirements:



1. first, the information must have been compiled for law enforcement purposes;

2. second, the disclosure of such must threaten one of the enumerated harms found in the exemption's six subparts.

-- Under the first requirement:

1. All information compiled for law enforcement purposes, regardless of the physical format, is protected. If originally compiled for law enforcement purposes, the information does not lose its protected status merely because it is maintained in or recompiled in a non-law enforcement record. However, information not initially compiled for a law enforcement purpose may nonetheless qualify for protection if it is subsequently recompiled for a valid law enforcement purpose.

2. Law enforcement includes both civil and criminal statutes, as well as statutes authorizing administrative proceedings.

3. Any record of a criminal law enforcement agency if even arguably related to law enforcement should presumptively be protected.

4. Records compiled to enforce state law as well as Federal law should be protected.

5. Included in the category of "law enforcement" information are: (1) investigations of attorneys' professional conduct; (2) background security investigations by government units such as FBI investigations of applicant for Federal

employment or CIA background investigations; (3) law enforcement manuals; and (4) program oversight reports.

-- Under the second requirement:

1. Information is to be protected under A if it "could reasonably be expected to interfere with enforcement proceedings". Whether information falls within category A requires a two-step analysis:

- first, it requires either pending or prospective law enforcement proceedings;

- second, release of information about that proceeding will be protected if it could reasonably be expected to cause some articulable harm. In making this determination, reviewers must consult with the particular law enforcement agency involved.

2. Information is to be protected under B if it "would deprive a person of a right to a fair trial or an impartial adjudication."

3. Information is to be protected under C if it "could reasonably be expected to interfere with enforcement proceedings". Whether information falls within category C requires a two-step analysis:

- First, there must be a privacy interest at stake.

... It is generally recognized that the mention of an individuals' name or other information that would be sufficient to identify an individual in a law enforcement file is likely to constitute an invasion of privacy.

... Federal, state and local law enforcement personnel have a privacy interest in having references to them in investigatory files protected as do individuals who provide information to law enforcement agencies.

The names of witnesses, their home and business addresses, and their telephone numbers have been properly protectable under 7(c).

... The exemption cannot be invoked to shield the fact that a third party has been investigated once the agency has publicly confirmed the existence of an investigation.

- Second, the privacy interest must be balanced against the public interest that would be served by disclosure.

The public interest favors nondisclosure under certain circumstances, including avoiding impairment of ongoing and future law enforcement investigations.

The public interest in disclosure must be very significant to overcome legitimate privacy interests.

4. Information is to be protected under D if it "could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a 'confidential

source'."

This category offers broad protection.

- The statutory enumeration is not exhaustive. The term "source" includes a broad variety of individuals and institutions not legislatively specified, such as citizens providing unsolicited allegations of misconduct.

- "Confidentiality" in this instance need not be the result of an express promise but may be inferred from the circumstances.

- These protections cannot be lost through the mere passage of time. For example, the safeguards of D remain undiminished by the death of the source.

5. Information is to be protected under E "which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law." Category E provides two distinct protections.

- Under the first clause, law enforcement records, to the extent that they can be fairly regarded as reflecting techniques or procedures, are entitled to categorical protection.

- Under the second clause, law enforcement guidelines which satisfy the broad "could reasonably be expected to risk circumvention of law" standard can be protected.

6. Information is to be protected under F if it "could reasonably be expected to endanger the life or physical safety



of any individual." Although coverage under category F may in large part be duplicative of that afforded by category C, F is potentially broader in scope than C because no balancing of the public interest is required for withholding.

VIII. Exemption (b)(2) of the FOIA [category B6 on the withdrawal sheet]: "related solely to the internal personnel rules and practices of an agency."

-- This exemption has been interpreted by the courts to allow the withholding of a great variety of internal rules, procedures and guidelines, not simply those related to personnel matters.

-- This exemption generally has been interpreted to encompass the following two distinct categories of information:

1. internal matters of a relatively trivial nature, that are of no genuine public interest;

2. more substantial internal matters the disclosure of which would allow circumvention of a statute or agency regulation;

3. among the types of records that should be withheld under the category protecting against circumvention of a statute or agency regulation are: (1) general guidelines for conducting investigations; (2) law enforcement manuals setting out guidelines for criminal investigations; (3) guidelines concerning when to pursue an investigation; (4) agreements between state and Federal agencies concerning when to exchange

information relevant to potential tax law violations; (5) computer codes used by law enforcement agencies; and (6) hiring plans and job applicant testing materials.

-- Under the "mosaic" theory, information which would not by itself reveal sensitive law enforcement information should nonetheless be protected to prevent damage that could be caused by the assembly of different pieces of similar information. For example, while the release of any one individual's tax score would not disclose how tax returns are selected for audit, the routing release of such scores would enable the sophisticated requestor to discern, in the aggregate, the audit criteria, this facilitating circumvention of the tax laws.

IX. Exemption (b)(8) of the FOIA [category B8 on the withdrawal sheet]: "contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation of supervision of financial institutions."

-- Stock exchanges are considered to be "financial institutions."

-- Among the types of documents covered by this exemption are bank examination reports and related documents of both Federal and state and regulatory agencies and reports examining bank compliance with consumer laws and regulations.

-- The protection afforded by this exemption also covers

records on financial institutions that are no longer in existence.

X. Exemption (b)(9) of the FOIA [category B9 on the withdrawal sheet]: "geological and geophysical information and data, including maps, concerning wells."

## DOCUMENT WITHDRAWAL SHEETS

Documents that contain restricted information will be removed during the process of review and a withdrawal sheet prepared, comprised of an original and a copy for each parallel file of closed material (security-classified and non security-classified).

The exact original file location of withdrawn items will be marked by replacing the withdrawn item with a document/page location sheet in order to ensure that the item(s) will be properly refiled when it is opened. Archival bond paper should be used for all withdrawal and location sheets.

1. A withdrawal sheet and as many copies as necessary to properly control withdrawn materials will be prepared for each folder containing material that is to be removed. The original withdrawal sheet is filed in front of the folder which contained the restricted material, and a control copy is placed with the removed material from each folder in a segregated parallel file.

The withdrawal sheet fulfills three functions: (a) provides the researcher with the information that restricted material has been withdrawn; (b) provides the researcher with sufficient information to identify items for restriction appeals and mandatory review; and (c) assists the Library staff in maintaining archival control over the removed material. To assure proper refiling, the control copy or copies should be retained with the removed documents at all times.

2. The withdrawal sheet, which is essentially a listing of



items withdrawn, will contain an entry for each document removed, except as noted below. If the entire contents of a file folder are restricted, a new folder containing only the withdrawal sheet should be substituted in its place.

When the contents of an entire box are removed (rare for Presidential records), a withdrawal sheet for the entire box should be folderized and placed in a properly labeled box in sequential order with the open material. When the contents of an entire series are removed (not likely for Presidential records), the withdrawal sheet for the series should be folderized and placed at the end of the preceding box and series. Withdrawal sheets for entire boxes and series need not list each item withdrawn. Instead, a notation to the effect that the entire box or series has been withdrawn will be inserted including a general description of the withdrawn material. It should be noted, however, that it is rare for the contents of an entire box or series to be removed.

3. In instances of which a number of fairly routine consecutive documents of the same type within a folder, an entire folder, or even a box, are closed for the same reason, a summary description of the following kind may suffice: "20 letters from the general public relating to loss of medicare benefits" or "30 letters of inquiry relating to jobs in the FBI".

4. When reviewing collections containing security classified materials, the Library staff will separate classified material from non-classified documents during the withdrawal process. The control copy for the classified parallel file will also indicate

the classification level of the withdrawn items.

A separate file will also be kept (by the Top Secret control officer) of copies of withdrawal sheets containing references to Top Secret materials for the Top Secret inventory, as required by ISOO Directive Number 1.

It is possible, therefore, to have as many as three copies of a withdrawal sheet made: one for the non-classified parallel file, one for the security classified parallel file, and one for the Top Secret inventory if a Top Secret item is removed.

5. In the space provided for COLLECTION, the collection title and series title should be indicated. In the space for FILE LOCATION, the folder title should be indicated.

6. It is the policy of the National Archives to provide researchers with as much information on restricted materials as possible without divulging information prejudicial to the reason for restriction. The withdrawal sheet therefore allows space in the first column for document number and type or form.

For each folder, all withdrawn items are numbered in the left or first column in sequence (1, 2, 3 ...), with the document type or form (letter, memo, report, etc) also indicated, followed by the file ID number for WHORM Subject File items - indicating the case file from which the item was withdrawn.

When an entire case file is removed it should be identified in the first column as "case file", followed by the case file ID number for WHORM Subject File items; when more than one item is withdrawn from a case file, but not the entire case file, the

sequence is preceded in the first column by an underlined designation "ltr. case" or "letter case", followed by the case file ID number for WHORM Subject File items.

Normally, when an entire case file is removed a single "case file" entry is indicated. If the case file, however, includes security classified documents (in whole or in part) each classified document, and unclassified items if included, should be listed under the "case file" heading. Classified NSC Profile sheets, however, that are attached to classified documents maybe indicated or noted in the second column as part of the classified document entry; e.g., (4 pp., including NSC Profile sheet).

7. The second column allows space for name of correspondents or title and a brief description of the subject content. If the reviewer feels that providing such information would compromise security-classified or restricted information, either an abridgement can be made (e.g. "Letter to President, May 3, 1983"; or "Memo, President to William Clark"), or the original withdrawal sheet can remain blank except for a note that an item has been withdrawn ("item withdrawn").

Never cite any National Security Agency document except by control number. Also, never give the title of: any CIA report or study, National Security Study Directive (NSSD), or National Security Decision Directive (NSDD). Even identification by number (e.g., "NSSD 112") may in the context of surrounding material reveal more than is proper. These prohibitions are necessary because the very existence of a document may be classified. In

such instances, the reviewer may simply note on the withdrawal sheet "item withdrawn". When in doubt, consult with the Supervisory Archivist or project supervisor.

Also in the second column, indicate the exact number of pages of the item withdrawn if more than one page. This entry should be placed in parenthesis after the item description using the abbreviation for pages (3 pp.).

When the reviewer restricts or withdraws an unmarked item because its content is virtually identical to that of another restricted item within the same folder, he may indicate "copy of item number \_\_\_\_".

8. In the third column indicated the date of the withdrawn items. If an item is undated, so indicate (n.d.).

9. The fourth column on the form allows space for a letter or letter-number designation of the restriction authority (A, B1 through B9, and C). Interpretation of the restriction code or letters is located at the bottom of the withdrawal sheet.

On the control copy of the withdrawal sheet for the classified parallel file, indicate the classification level of the classified item in parenthesis next to the "A": A(C), A(S), A(TS). "Restricted Data" and "Formerly Restricted Data" should be indicated as follows: A(TS-RD).

10. When restricted or withdrawn material is returned or refiled in the original file, the entry on the original withdrawal sheet and the control copy will be lined out and the date the material is opened will be recorded next to the lined out entry.



The person lining out an entry will also initial each action. The item location sheet will also be removed.

When a withdrawn document or item is later sanitized (redacted) or opened in part, the sanitized copy is inserted in the open file and the entry on the original withdrawal sheet and the control copy should be annotated with "opened in part", followed by the date and the initials of the person making the entry. It is not necessary to annotate the withdrawal sheet if the item is sanitized on initial/first review.

11. When all restricted or withdrawn material listed on a withdrawal sheet has been returned to the file, all control copies will be destroyed, but the original (open file) copy will be retained as a permanent record of restrictions and openings. This record will be available to researchers.

See examples of completed withdrawal sheets following this section.

# WITHDRAWAL SHEET

## Ronald Reagan Library

| DOCUMENT<br>AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|----------------------|---------------|------|-------------|
|                      |               |      |             |
| COLLECTION:          |               |      |             |
| FILE LOCATION:       |               |      |             |

### RESTRICTION CODES

A. National security classified information.

B. Presidential Records Act

B1. Release would violate a Federal statute.

Release would disclose trade secrets or confidential commercial or financial information.

B3. Release would constitute a clearly unwarranted invasion of personal privacy.

B4. Relating to appointment to Federal office.

B5. Release would disclose confidential advice between the President and his advisors, or between such advisors.

B6. Release could disclose internal personnel rules and practices of an agency.

B7. Release would disclose information compiled for law enforcement purposes.

B8. Release would disclose information concerning the regulation of financial institutions.

B9. Release would disclose geological or geophysical information concerning wells.

C. Closed in accordance with restrictions contained in donor's deed of gift.

## **RONALD W. REAGAN LIBRARY**

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER \_\_\_\_\_ LISTED ON THE  
WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

## PROCESSING GUIDELINES

Processing historical materials, whether they be Presidential records, Federal records, or personal papers, is a major function of each Presidential library. Processing consists of arrangement, description, preservation, and review. Each of these tasks should be accomplished before materials are made available for research.

All processing assignments will be made by the Supervisory Archivist, who will issue (in most cases) a Processing Worksheet to the staff member at the time the project is assigned.

### ARRANGEMENT

Arrangement is the proper ordering of materials within a collection and the placement of materials in archival storage areas. Within a collection, arrangement involves the proper ordering of materials at the series and subseries level, at the folder level, and within each folder. All files should be kept in original order if they have any logical order, such as the alphanumeric arrangement of the WHORM Subject File. If the folders and documents are not arranged systematically, they should be placed in a logical order. A useful approach to overall organization is to place the most comprehensive series, either by date or by subject coverage, at the beginning, followed by more specific series arranged alphabetically or chronologically.

For White House Staff Member and Office Files (SMOFS) and most personal paper collections, the records should generally be



arranged in the following order of importance:

1. The most important files are those denoting responsibilities, scope of job, policy formulation and implementation, relationships with the President and White House aides, official chronological files, official diaries, subject-memoranda files, and files containing the working papers of White House conferences and task forces.

2. Second in importance are such files as administrative and housekeeping files, personal chronological files, appointment calendars, files of speeches declined, sympathy or congratulatory correspondence, and personal invitations.

3. Least important are printed materials, files containing only transcripts of press conferences, and files of press releases and news clippings.

4. After the processor gains familiarity with a body of materials and is able to determine a likely arrangement, he/she should then write a brief arrangement proposal and present it to the Supervisory Archivist or project supervisor. No arrangement should be attempted until the proposal is approved.

Since the processor must usually do a folder by folder review, and if necessary a page by page review, arrangement and review below the series level will usually be completed in one operation. [For withdrawal and segregation procedures, see manual sections on Review, Review Guidelines, and Review Withdrawal Sheets.]

Integration of Oversize Attachments into the WHORM Subject File. Oversize attachments that were removed from a case file or

document, by the WHORM staff during record classification, are indicated on the first page of the case file or document by a stamp "Enclosures Filed in Oversize Attachment #\_\_\_\_\_". Much of the material removed as "oversize" are not legitimate or true oversize attachments. Therefore, all references to oversize attachments encountered during the course of review should be checked to determine if the material can be physically combined or reunited with the case file.

If an OA item is physically reunited with the case file, the folders should be adjusted and the OA stamp should be lined out (with an archival pen).

Transferring or Relocating Documents or Case Files in the WHORM Subject File. When the reviewer of a WHORM Subject File category/code encounters a document or case file with a different subject code, that document or case file should be refiled in its appropriate location. When the reviewer of a WHORM Subject File category/code encounters a document or case file that has obviously been classified with the wrong subject code, the reviewer should re-classify the document or case file with the appropriate Subject File code and fill out a Document Transfer Sheet. The item should then be transferred or relocated to its appropriate location, the original Document Transfer Sheet filed in the former location, and a copy attached to the item transferred or relocated.

REFOLDERING AND REBOXING. Most records will be refoldered and reboxed into acid-free folders and acid-free archives boxes. This

function is necessary for preservation as well as rearrangement and accessibility to the material.

1. The amount of material included in a folder should be limited to about 50-60 pages, or enough to fill the standard folder to the first crease.

2. Where possible (for straight alpha or straight chron arrangements), material of the same letter of the alphabet or date span should be in a folder.

3. If an original folder must be broken into additional folders, they should be numbered sequentially within square brackets following the folder title; e.g. [1 of 5], [2 of 5], etc..

4. In most cases, "identical" duplicate records should be removed from the file for eventual disposal.

5. Boxes should be filled or packed to avoid "slumping", but not so full or tight as to hinder the removal of items. When more than a small amount of material is withdrawn from a box during the review process, resulting in "slumping" of the folders, spacer boards (folder supports) should be inserted to support the folders within the box in an upright position.

6. In reboxing it is important to remember to leave sufficient space (but not excessive space) for refiling withdrawn restricted items when they eventually are opened to research.

7. Processors should number boxes for an entire collection or major series in one sequence.

8. Letter size folders and boxes should be used, unless more than a few pages (over 5%) of material within a box are legal size

- then legal size folders and boxes should be used. If, an occasional legal size document appears, fold the bottom extension to letter length. Letter size folders should not be placed in legal size boxes.

Please also consult manual section re Preservation.



# National Archives



Washington, DC 20408

Date : January 12, 1994

Reply to  
Attn of : NL

Subject : Changes to incorporate for the draft processing manual for  
the Reagan Library

To : NLS

I have asked Nancy Smith to review your draft processing manual and recommend changes that make the manual more factually correct. Overall this is an excellent manual providing good advice and assistance for the processing archivist. NL requests the following changes which are keyed to the page number of the manual.

1. Page 1, first paragraph, line ten, should be changed from project supervisor to Library Director or Assistant Director, depending on who Ralph wishes to make responsible for handling questions regarding the processing manual in addition to the supervisory archivist.
2. Page 6, first paragraph, third sentence, since you are citing specifically from the Presidential Records Act, please include the statutory cite, USC 44 2201 et. seq.
3. Page 6, second paragraph, last sentence, starting "with the exception..." should be deleted. The definitions in the Act speak clearly as to what is Presidential and Personal record. We should not do an interpretation that may not always hold true.
4. Page 9, the third and fourth paragraphs, the description for the WHORM subject file should be consistent with former President Reagan's letter of December 27, 1993, which states that PP and PL are personal records. Therefore, the manual should drop the references to political material in these two paragraphs. You may also want to separate out from the Alphabetical Listing, or in some way indicate a different status, on the listing of Primary Subjects of WHORM for the subject categories designated as Personal by former President Reagan.
5. On page 16, second paragraph, first sentence, strike the words "at least" for the period of time the Presidential restrictions can apply. The Presidential restriction categories only last for twelve years, after that period any material that is restricted would need to be restricted

under a FOIA exemption.

6. On page 17, first paragraph, sentence starting "This means that release.." to the end of the paragraph, NL would recommend deleting. This is an interpretation of the Act and while correct, leaves us open to be sued over the interpretation. It is probably better to let the Act speak to balancing release with the review for the restriction categories.

7. On page 17, second paragraph, NL would recommend modifying this paragraph. While NL agrees with reviewers being careful about premature release, we think it should be phrased along the following lines: "Reviewers should remember that a decision to restrict access to a document under the Presidential Records Act does not preclude access at a later date. The adverse consequences of premature release may never be remedied and may act as a disincentive to continued full documentation by future Presidents."

8. Page 18, #4, please delete the second sentence. NL does not feel reviewing a whole file segment in its entirety for opening or closing is any more common in personal paper collections than in Presidential records.

9. Page 18, #5, is NLS currently doing a line-by-line review on the first review, or are review decisions being made on a document basis? This sentence needs to reflect NLS's current review policy.

10. Page 21, first paragraph, sixth sentence needs the addition of and after law to make sense.

11. Page 22, beginning with the second paragraph, please separate the FOIA exemptions from the Presidential restrictions throughout the manual. It causes confusion to consolidate these two restriction categories and may end up causing review problems.

12. Page 22, third paragraph, needs to be changed to clarify what we are saying. The second sentence should be modified along the following lines:

For example, an unofficial leak does not mean that a document loses its protected status. Information in the public domain must still be reviewed to see if it falls into one of the six PRA exemptions, unless the reviewer knows that it was made public by the President or by an advisor to the President.

13. Page 24, for clarity please deal separately with FOIA and PRA restrictions. The sentence starting "the requirements under..." should be changed to reflect NLS's current policy.

14. Page 24, #2 goes into too much detail about certain types of national security information. NL suggests changing the language to read as follows:

2. Classified documents may contain various markings unaccompanied by a normal security classification marking which may not be immediately intelligible. If reviewers encounter documents with markings that they are not familiar with they should immediately refer these items to the Supervisory Archivist or a staff member with specific expertise in national security information.

15. Page 33, first paragraph, the sentence starting "While any document" should be deleted. This is our interpretation and may not in all cases be accurate. The last sentence in the second paragraph should be changed to reflect generally the types of records that could be closed under this exemption. Suggested language for this sentence is: "records protected under this exemption could include policy, legal or similar advice provided to the President by his advisers. NL recommends using this general language and then deleting numbers 1 - 4 which basically restate the above more general advice.

16. Page 34, third paragraph, starting "records falling within the advice or request..." should be modified for clarity. There could be cases where a marking on a document, i.e., eyes only or confidential, assisted the reviewer in determining whether the item falls into the "confidential advice" restriction, however, they are not the determining factor. Perhaps, this paragraph could be modified along the following lines, if NLS feels it is important to leave this idea in:

Records falling within the advice or request for advice categories should be reviewed (opened or closed) primarily on content. Markings such as eyes only or confidential, while not dispositive, may assist the reviewer in determining whether the advice falls within the confidential advice restriction.

17. Page 34, fourth paragraph, should delete our interpretation of former President's Reagan's September letter. This may not be the former President's interpretation. We are better off just using the language or citing his letter.

18. Page 36, once again do not compare FOIA and PRA restrictions. Perhaps, you should handle PRA restrictions first and then FOIA exemptions. The third paragraph starting "exemption (a)(6) of the PRA" should be deleted as it is interpretative and may not always hold true. The language used in the Act for this

restrictive category should be our review guide. Point number 2 under the first requirement should, on the same logic, be deleted as it is our interpretation of the term similar files - just use the exact language of the restriction.

The underlined sentence on this page should be changed for clarity to read as follows: "Information that is restricted because it falls into "personnel", "medical", or "similar" files must apply to specific individuals, not groups or organizations."

19. Page 38, number 6, strike this interpretation and let the restriction language speak to this point.

20. Page 48, point 6, is not totally accurate and should be modified along the following lines: "It is the policy of the National Archives to provide researchers with enough information on restricted items that these items can be appealed. This information would normally would include date and the names of the correspondents."

21. On page 49, last paragraph, this probably gives too much detail about national security information. Could this be handled more generally along the following lines:

Use special care in citing specific intelligence documents. For further clarification of how to handle these documents talk to the Supervisory Archivist or an archivist with specific national security expertise.

These changes are NL's interim guidance on the manual. I have referred this memo to Miriam Nesbit for further comment or guidance. Please let me or Nancy Smith know if you have any problems with the suggested changes.



JOHN FAWCETT  
Assistant Archivist  
for Presidential Libraries



## DESCRIPTION

The purpose of description is to provide archival control over the Library's holdings and to facilitate reference service through the development of finding aids. The primary types of finding aids are: a preliminary list of holdings (which will later evolve into a Guide to the Historical Materials in the Ronald Reagan Library); a register for fully processed collections; a container list for unprocessed collections or series; and an Accession Registration statement for accessioned collections or accretions to collections.

Completed finding aids will be located permanently in the research room. The staff will inform researchers of their availability. Security copies and additional copies for staff use will be located in various Library locations not available to researchers.

## REGISTERS

Registers, commonly referred to as John Doe registers or preliminary inventories, will be prepared for most collections. These registers somewhat resemble registers used at the Library of Congress, but have evolved over the years at various Presidential libraries to their current format. The registers consist of a scope and content note or introduction, biographical sketch where applicable, series descriptions, and a container (folder title) list. See register format examples in the appendix.

For many series the processing archivist will find it convenient to take notes on each folder in a box, recording significant items as well as information about the contents of the folder

and major correspondents. These notes will serve as background for developing the series descriptions, preparation of the scope and content note of the register, and subject annotations for the folder title list (when justified).

Not every folder will contain information of sufficient importance to be recorded beyond the folder title (i.e., subject annotations or indexes); a general statement in the series description is usually adequate in most cases. As a general rule, descriptive detail will vary among series and collections depending upon the substance and importance of the material being described.

#### Scope and Content Note

The scope and content note (introduction) includes a description of the activities and responsibilities that led to the creation of the materials; a brief description of what is included and not included (if logically expected to be included); gaps and inconsistencies; organization and function of the office; primary subjects and correspondents reflected in the collection; and a brief description of related material within the Library's holdings. Except for large and important collections, the scope and content note should rarely exceed 400 words or about one page in length.

#### Series Descriptions

Series descriptions include physical types of material, significant and predominant subjects and activities documented, problems and values unique to the series, and arrangement format.

Duplication of information within the scope and content should be avoided.

#### Container (folder title) List

The container or box list is the foundation and most basic element of the register, and for some collections will serve as the only finding aid for an extended period of time until the remainder of the register or finding aid can be completed. The list, also referred to as a folder title list, should also include items that are not in folders but are part of the collection.

It is important that file folder titles be consistent, clear, and as specific as folder contents allow.

1. The original file folder title should be retained, unless it clearly does not describe the contents of the folder.

2. If the folder title is vague or incomplete, information may be added to the title and must be enclosed in square brackets to differentiate it from the original title; e.g., "Diary - 1982 [Meese's Chron File]".

3. If an abbreviation or acronym is unclear, it should be spelled out in brackets on the folder title list; e.g., "NARA [National Archives and Records Administration]".

4. If all or most of the folder titles are assigned by the processor, it is not necessary to place the titles within brackets, but a statement that the titles were assigned should appear in the series description or collection scope and content note.

5. Empty folders (with titles) should be retained as an indication that material was either anticipated (a folder set up

but nothing filed in it) or removed. After the title of an empty folder, "[Empty]" should be written on the folder and on the folder title list.

6. Include dates or date span as an extension of the folder title when appropriate; e.g., Trade Legislation [June 1982 - December 1984].

7. On the folder title list, selectively use brackets to clarify, downplay or highlight when appropriate:

Motor Vehicle Safety Standard 121 [airbrakes]

Rome Airport Bombing [press release]

Florida, Orlando 3/8/83 [includes analysis of political situation in the state of Florida]

It is not necessary to place bracketed information on the actual folder, only on the container (folder title) list.

8. Folder titles of key people should be identified in brackets on the folder title list (not on the actual folder); e.g., "Pauken, Thomas W. [Director of Action]".

9. For the WHORM Subject File, the folder title should indicate the subject code and name followed by document/case identification number sequence [within brackets] for material within each folder; e.g., FG016-02 Civil Air Patrol [000001 - 389999].

10. Avoid the use of "Miscellaneous" or "Miscellany" as a folder title. If these words are used, try to be more specific; e.g., [Miscellaneous Correspondence re Speech Invitations].

Additional finding aids, such as indexes and subject cross-references within a collection or series, and subject guides to the



Library's holdings, may be developed as workload permits and as the staff perceives the need.

#### Folder Title Labels

Typed file folder labels will be prepared for collections and series of the greatest historical value, staff resources permitting. Before permanent labels are affixed to the folders, the folder title should be written (using a #2 pencil or pens with archival ink) in the upper left corner of the folder tab. Labels should be prepared only after processing has been completed for a series or collection. The folder labels need not contain all the information within brackets located on the folder title list.

#### Labeling Boxes

Box labeling follows reboxing and processing of the entire body of records. There is usually last minute shuffling to be done before box labels may be affixed. Temporary labels may be fastened with paper clips during processing (preferable option) or the information may be written lightly in pencil on the front of each box. Box labels should include the title of the collection, series and subseries, the inclusive folder contents (i.e., the first and last folder titles), and the box number.

Example:                      RONALD REAGAN LIBRARY

WHITE HOUSE OFFICE OF RECORDS MANAGEMENT:  
Subject File, 1981-89

CA    Civil Aviation

CA - CA002    249999

Box 18

#### VERTICAL (REFERENCE) FILE

Processing archivists should tab for copying useful openable documents, discovered during review, that would be useful as an addition to the Vertical or reference file in the Research Room. This material would include factual information, biographic sketches and obituaries of prominent people associated with Ronald Reagan or his Administration, clippings, conference papers, articles, selected speeches, etc..

#### SIGNATURE AND HANDWRITING FILE

Processing archivists should look for good examples of the handwriting of key people associated with Ronald Reagan and his Administration (excluding members of Congress). Copies of representative handwriting samples will be placed, in alphabetical order by last name, within the Signature/Handwriting File in the research room for use by staff and researchers.

Originals of Reagan handwriting (excluding signatures and initials) and the handwriting originals (excluding signatures and initials) of notable people associated with President Reagan will be maintained in the Reagan Handwriting File and the Historical Handwriting File.

## PROCESSING NON-TEXTUAL AND BULKY MATERIALS

There will be audiovisual (photos, slides, video and audio tapes), museum (3-dimensional) objects, maps, books and other publications in many files. Materials other than audiovisual or museum items should generally be left with the records if they have annotations or other clear indications that they were used in connection with the files. If materials are removed, a "Transfer Sheet" will be placed in the file.

### Publications

Books and other publications not directly related to the files should be transferred to the Library's Book Collection. Each item should have the following annotations in pencil on the inside of the front cover; (1) name of collection and series; (2) accession number; (3) date removed; (4) initials of the transferring archivist

A "Transfer Sheet" (for audiovisual material, books, museum and other items) will be prepared. The original will be left in the original location of the publication removed and a copy will be transferred with the item. In addition to the basic information on the bottom of the Transfer Sheet (file location, etc.) it should include the following information: (1) author; (2) title; (3) publisher; (4) date of publication; (5) name of donor (if applicable)

The archivist should keep in mind that if a publication is a signed report required by law or regulation to be submitted to the President, it is a document and should be kept with the records.

### Museum Objects

In most cases, preservation of the records requires that museum objects be removed from the files. Virtually all museum objects, including unique or valuable items, should be sent to the museum collection, along with copies of relevant textual materials. The processing archivist should insert a Transfer Sheet in the files for each item, and forward a copy with the object to the museum curator. Information on the Transfer Sheet should include description and provenance of the object.

### Audiovisual Materials

Motion picture films, video tapes, sound recordings, most black and white and color photographs, slides and transparencies in the files should be transferred to the audiovisual archivist with a copy of the Transfer Sheet. Transfer of such items, however, should wait until processing of the series or collection has been completed.

1. The original Transfer Sheet will be inserted in the files.
2. The processing archivist should not attempt to play audiovisual materials, but should record information from labels, containers, or accompanying documents.
3. Video tapes, audio tapes, phonograph records (discs), and other sound recordings should be described by exact type; e.g., 3/4" video tape, audio cassette, 33 1/3 rpm LP disc, etc..
4. When still photographs are transferred, an electrostatic copy of the photographic print(s) should be made and attached behind the original Transfer Sheet within the files.



5. If a letter or page gives useful information about a withdrawn item, it should be copied and the copy sent along with the item and Transfer Sheet copy to the audiovisual archivist.

6. A photograph may be retained with the papers if it is simply a snapshot from the general public, accompanies a resume, or is useful if left in its original location; but it should be placed in a polyester sleeve or a negative envelope for smaller items.

#### Scrapbooks

1. If a scrapbook contains only photographs or a combination of photographs and newspaper clippings, it should be transferred to the audiovisual archivist, using procedures for the removal of audiovisual materials.

2. If a scrapbook contains only newspaper clippings, the processing archivist should consult with the Supervisory Archivist or project supervisor.

#### Maps

Maps should be kept in the files unless they are oversize or of extraordinary historical value. Oversize maps should be unfolded or flattened and handled as oversize publications, or transferred to the audiovisual archivist for placement in the flat file (where most oversize maps will be stored).

## PRESERVATION

The following guidelines are intended to instruct archivists in a full range of advisable routine preservation actions short of laboratory treatment. They are not meant to be hard and fast rules, but rather represent the best practice for most situations. Common sense will reveal exceptions, as will archival judgements about the use, intrinsic value, condition, and space available for storage of the records being considered.

### 1. Reboxing Documents.

A. When placing records into acid-free archives boxes, care must be taken to neither overfill nor underfill boxes. Folders should be snug within a box, but not tight to the point where it is difficult to remove and refile a folder. If too many records are placed in a box, damage will occur as they are forced in and out. On the other hand, if there are too few records in a box, they will bend and slump, resulting in documents that are curved and distorted. Corrugated acid-free spacer boards should be used in partially filled archives boxes to keep folders upright.

B. Records must be placed in boxes that are large enough to accommodate them without damage. Archives boxes in a variety of sizes and formats are available to meet the diverse storage requirements of archival records. Items that are too large for letter or legal size archives boxes should be placed in half-suit boxes or an appropriate size archival box.

C. If an item is too large for a box, it should be placed

flat on the shelf in an oversize storage area (usually at the end of the series or collection). A transfer sheet should be left in the file indicating the location and description of the oversize item.

## 2. Refoldering Documents.

A. Records must be placed in acid-free file folders or envelopes that are large enough to accommodate them safely.

B. Folders or envelopes should not be overfilled, as records will not be properly supported and protected during handling and storage. The creases or score lines on a folder should be used as a guide to limit the number of items/pages that can be safely placed within the folder. Preferably, the amount of material within a folder should be no thicker than the first crease or score line at the bottom of the folder (c. 50-60 pages), and definitely no thicker than the width of the second crease or score line. The appropriate scored lines should be creased, but only when the volume of material justifies it (over 40 pages or so).

C. Unbound records that are currently stored in boxes without folders should be placed in acid-free file folders for support and protection. Material should also be removed from ring binders and placed in acid-free folders. If a binder has some historical significance, it should be boxed at the end of the series or collection (along with other oversize items).

D. Records should be unfolded and flattened. Letters and items within envelopes should be removed, unfolded, and

stapled (preferred option using rustproof staples) or clipped together with the envelope behind the top left corner.

### 3. Written Notations on Archival Records.

A. No marks or information should be written directly on archival records without authorization from the Supervisory Archivist or project supervisor.

B. All authorized notations should be written in archival ink as neatly and unobtrusively as possible, and should be enclosed within brackets to indicate that the information was added by the Library staff.

C. Only non-acidic and non-bleeding ink should be used to stamp archival records with the "Ronald Reagan Library" stamp, declassification notices or other markings.

### 4. Fasteners.

A. Metal fasteners, office-quality paper clips, rubber bands, bull-dog clips, colored cloth tape, and similar devices should not be used to unite permanently valuable archival records. Many metal fasteners can rust, causing permanent staining and weakening of paper. Bulky fasteners, such as "bull-dog" clips, can cause physical distortion of paper records and keep them from lying flat. NOTE: All metal clips, that do not show signs of rust, should be retained for non-archival Library staff use.

B. Non-corrosive, rustproof staples should be used in instances when paper records are strong and flexible, although no staples should be used on records of high intrinsic value



or if the records are weak and brittle (such as records that are often copied).

#### 5. Preservation Photocopying.

A. Highly acidic records (such as newspaper clippings, telegrams, and thermofax copies) should be copied onto archival bond paper or placed in acid-free envelopes.

B. Valuable original records, such as documents containing Ronald Reagan handwriting (aside from signatures or initials) and handwriting of other prominent people, should be removed from the file. A copy of the item should be left in the file, and the original placed in a polyester sleeve; the original Ronald Reagan handwritten item should be transferred to the "Reagan handwriting" file and originals of other handwriting transferred to the "historical handwriting" file.

C. Photocopies made for preservation purposes should be made on electrostatic copy machines using archival bond paper. All copies should be stamped "Preservation Copy". Clippings and bad photocopies, that are reproduced for preservation, should not be thrown into the trash, but placed in the "disposal box" for systematic disposal at a later date.

D. Caution must be exercised to ensure that records are not damaged, torn, or broken during photocopying.

September 17, 1991

MEMO FOR THE RECORD

SUBJECT: Longest lasting paper, ink, pen

I contacted Susan Lee-Bechtold (FTS 241-5734) of the Research & Testing office, Document Conservation Branch of the Preservation Policy and Services Division of NARA. Their finding are as follows:

- Acid content in ink and paper is the top priority in determining permanence.

INK:

- The best ink they have found is a pigma micron pen by Sakura. It can be purchased for about \$2.00 at most office supply stores. It is often used for signing artwork and quilts. Lee-Bechtold recommends its permanence for use on papers. (She has tested the black ink only.)
- She noted that while President Reagan was in office, Parker Pen developed an ink for him that performed as well as the pigma micron pen. They supplied him with refill cartridges for his soft tip pen. She does not know what has happened to any excess cartridges, but does know they are no longer at the White House (because they contacted her to complain about the quality of the ink in their pens).

PAPER:

- The Joint Committee on Printing sets specifications for paper quality. The government then purchases paper that meets all the specifications. Their recommendation for the best permanent paper is called JCP-A270. This paper has:
  - a specific ph requirement
  - alkaline reserve
  - fold endurance value
  - tear resistance

/Lou Anne

MANUSCRIPT PROCESSING WORKSHEET

8/1/91

\_\_\_\_\_ (Collection) Assigned Archivist \_\_\_\_\_  
\_\_\_\_\_ (Series) Date Assigned \_\_\_\_\_  
\_\_\_\_\_ (Subseries) Date Completed \_\_\_\_\_  
Date Opened \_\_\_\_\_  
for Research \_\_\_\_\_

ARRANGEMENT

preliminary \_\_\_\_\_ final \_\_\_\_\_ stack location: \_\_\_\_\_

items transferred: memorabilia (museum items) \_\_\_\_\_  
photos \_\_\_\_\_ audio tapes \_\_\_\_\_  
video tapes \_\_\_\_\_ other AV \_\_\_\_\_  
books & pub's \_\_\_\_\_ maps \_\_\_\_\_

REVIEWING

2nd review completed \_\_\_\_\_ withdrawal sheets prepared \_\_\_\_\_

open pages: \_\_\_\_\_

closed pp. (including sec class & non-sec class): \_\_\_\_\_

security class pp.: \_\_\_\_\_ (TS \_\_\_\_\_; RD \_\_\_\_\_; SI \_\_\_\_\_)

Total pages reviewed: \_\_\_\_\_

DESCRIPTION

finding aid (kind/type) \_\_\_\_\_; edited \_\_\_\_\_; filed \_\_\_\_\_

box labels prepared \_\_\_\_\_ folder labels prepared \_\_\_\_\_

PRESERVATION

reboxed \_\_\_\_\_ refolderized \_\_\_\_\_ preserv. copying \_\_\_\_\_

poly sleeves/negative envelopes used \_\_\_\_\_

other preservation problems \_\_\_\_\_

COMMENTS:

**TRANSFER SHEET**  
**RONALD W. REAGAN LIBRARY**

**COLLECTION:**

**ACC. NO.:**

The following material was withdrawn from this segment of the collection and transferred to the \_\_\_\_\_  
AUDIOVISUAL COLLECTION \_\_\_\_\_ BOOK COLLECTION \_\_\_\_\_ MUSEUM COLLECTION \_\_\_\_\_  
OTHER (SPECIFY: \_\_\_\_\_ )

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**DESCRIPTION:**

|                           |                          |
|---------------------------|--------------------------|
| <b>SERIES</b>             | <b>BOX NO.</b>           |
| <b>FILE FOLDER TITLE:</b> |                          |
| <b>TRANSFERRED BY:</b>    | <b>DATE OF TRANSFER:</b> |



WHITE HOUSE OFFICE OF RECORDS MANAGEMENT: Subject File

FILE TRANSFER  
BY THE REAGAN LIBRARY STAFF

Previously filed: \_\_\_\_\_

New file location: \_\_\_\_\_

Date of transfer: \_\_\_\_\_

# PRESIDENTIAL RECORDS <sup>1</sup>

(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.<sup>2</sup>  
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) <sup>3</sup> 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—

<sup>1</sup> 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.

<sup>2</sup> So in original. Does not conform to section catch line.

<sup>3</sup> 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.

- 1270.10 Scope of part.  
1270.12 Application.  
1270.14 Definitions.

## Subpart B—Actions Taken on Behalf of Former Presidents

- 1270.20 Designation of person or persons to act for former President.  
1270.22 When Archivist may act for former President.

## Subpart C—Disposal of Presidential Records

- 1270.30 Disposal of Presidential Records by incumbent President.  
1270.32 Disposal of Presidential Records in the custody of the Archivist.

## 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

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§ 1270.32

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—

36 CFR Ch. XII (7-1-91 Edition)

(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.



National Archives and Records Administration

§ 1270.50

§ 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

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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.



## Chapter 3—Executive Office of the President

and the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget).

(c) In the performance of its advisory duties the Board shall conduct a continuing review and assessment of economic policy, and shall report thereon to the President whenever requested.

SEC. 3. *Administration.* (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Board such information with respect to economic policy matters as it may require for the purpose of carrying out its functions. Information supplied to the Board shall, to the extent permitted by law, be kept confidential.

(b) Members of the Board shall serve without any compensation for their work on the Board. However, they shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(c) Any expenses of the Board shall be paid from funds available for the Expenses of the Domestic Policy Staff.

SEC. 4. *General.* (a) Notwithstanding any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, shall be performed by the President, except that, the Administrator of General Services shall, on a reimbursable basis, provide such administrative services as may be required.

(b) The Board shall terminate on December 31, 1982, unless sooner extended.

EDITORIAL NOTE: The President's Economic Policy Advisory Board was continued until Sept. 30, 1989, by Executive Order 12610 of Sept. 30, 1987, 52 FR 36901, 3 CFR, 1987 Comp., p. 250. Executive Order 12610 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Board, except that of reporting annually to Congress, shall be performed by the Director of the Office of Policy Development in accordance with guidelines and procedures established by the Administrator of General Services.

### Executive Order 12667—Presidential records

SOURCE: The provisions of Executive Order 12667 of Jan. 16, 1989, appear at 54 FR 3403, unless otherwise noted.

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. 98-497, 98 Stat. 2287), codified at 44 U.S.C. 2201-2207.



## Codification of Presidential Proclamations and Executive Orders

(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.

### 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 Presi-

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dent believes that the privilege, the issue is the President and

(d) If the President to the President the Attorney General specific Presidential notice, the Archivist directed to do so

### SEC. 4. *Claim of Executive Privilege.*

(a) Upon receipt of the notice, the Archivist the Assistant Attorney General Counsel to the President appropriate conclusion honor the former President the Presidential records termination under not be invoked by the Archivist's determination privilege.

(b) In making a determination, the Archivist incumbent President court order. The President of his determination Presidential records circumstances set forth Copies of the notice to the President (through the Attorney General (through the Office of Legal Counsel). The copy of the notice shall be delivered to the President or his designated representative.

SEC. 5. *Judicial Review.* internal management create any right of review by a party aggrieved person.



### Chapter 3—Executive Office of the President

dent 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 FREEDOM OF INFORMATION ACT

5 U.S.C. §552

As Amended

§552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public--

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying--

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable, in which case the agency shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if--

(i) it has been indexed and either made available or published as provided by this paragraph; or

(ii) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency, upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.

(4)(A)(i) In order to carry out the provisions of this section, each agency shall promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests under this section and establishing procedures and guidelines for determining when such fees should be waived or reduced. Such schedule shall conform to the guidelines which shall be promulgated, pursuant to notice and receipt of public comment, by the Director of the Office of Management and Budget and which shall provide for a uniform schedule of fees for all agencies.

(ii) Such agency regulations shall provide that --

(I) fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use;

(II) fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media; and

(III) for any request not described in (I) or (II), fees shall be limited to reasonable standard charges for document search and duplication.

(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public



interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(iv) Fee schedules shall provide for the recovery of only the direct costs of search, duplication, or review. Review costs shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purposes of withholding any portions exempt from disclosure under this section. Review costs may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section. No fee may be charged by any agency under this section --

(I) if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or

(II) for any request described in clause (ii)(II) or (III) of this subparagraph for the first two hours of search time or for the first one hundred pages of duplication.

(v) No agency may require advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$250.

(vi) Nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records.

(vii) In any action by a requester regarding the waiver of fees under this section, the court shall determine the matter de novo, provided that the court's review of the matter shall be limited to the record before the agency.

(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action.

(C) Notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.

(D) [Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection, and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest



practicable date and expedited in every way.] Repealed.  
Pub. L. 98-620, Title IV, 402(2), Nov. 8, 1984, 98 Stat.  
3335, 3357.

(E) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends.

(G) In the event of noncompliance with the order of the court, the district court may punish for contempt the responsible employee, and in the case of a uniformed service, the responsible member.

(5) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall--

(i) determine within ten days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection.

(B) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request--



(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(iii) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(C) Any person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records. Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

(b) This section does not apply to matters that are--

(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) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters 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 matters to be withheld;

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

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

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

(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion

of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.

(c)(1) Whenever a request is made which involves access to records described in subsection (b)(7)(A) and --

(A) the investigation or proceeding involves a possible violation of criminal law; and

(B) there is reason to believe that (i) the subject of the investigation or proceeding is not aware of its pendency, and (ii) disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings,

the agency may, during only such time as that circumstance continues, treat the records as not subject to the requirements of this section.

(2) Whenever informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier are requested by a third party according to the informant's name or personal identifier, the agency may treat the records as not subject to the requirements of this section unless the informant's status as an informant has been officially confirmed.

(3) Whenever a request is made which involves access to records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in subsection (b)(1), the Bureau may, as long as the existence of the records remains classified information, treat the records as not subject to the requirements of this section.

(d) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.



(e) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include--

(1) the number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

(2) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to subsection (a)(4)(F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by such agency regarding this section;

(6) a copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section; and

(7) such other information as indicates efforts to administer fully this section.

The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsections (a)(4)(E), (F), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

(f) For purposes of this section, the term "agency" as defined in section 551(1) of this title includes any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

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Section 1804. Effective Dates [not to be codified].

(a) The amendments made by section 1802 [the modification of Exemption 7 and the addition of the new subsection (c)] shall be effective on the date of enactment of this Act [October 27, 1986], and shall apply with respect to any requests for records, whether or not the request was made prior to such date, and shall apply to any civil action pending on such date.

(b)(1) The amendments made by section 1803 [the new fee and fee waiver provisions] shall be effective 180 days after the date of the enactment of this Act [April 25, 1987], except that regulations to implement such amendments shall be promulgated by such 180th day.

(2) The amendments made by section 1803 shall apply with respect to any requests for records, whether or not the request was made prior to such date, and shall apply to any civil action pending on such date, except that review charges applicable to records requested for commercial use shall not be applied by an agency to requests made before the effective date specified in paragraph (1) of this subsection or before the agency has finally issued its regulations.



# EXECUTIVE ORDERS

Executive Order 12356 of April 2, 1982 (3 CFR 1982 Comp.)

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This Order prescribes a uniform system for classifying, declassifying, and safeguarding national security information. It recognizes that it is essential that the public be informed concerning the activities of its Government, but that the interests of the United States and its citizens require that certain information concerning the national defense and foreign relations be protected against unauthorized disclosure. Information may not be classified under this Order unless its disclosure reasonably could be expected to cause damage to the national security.

NOW, by the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered as follows:

## PART 1. ORIGINAL CLASSIFICATION

### Section 1.1 *Classification Levels.*

(a) National security information (hereinafter "classified information") shall be classified at one of the following three levels:

(1) "Top Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

(2) "Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security.

(3) "Confidential" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security.

(b) Except as otherwise provided by statute, no other terms shall be used to identify classified information.

(c) If there is reasonable doubt about the need to classify information, it shall be safeguarded as if it were classified pending a determination by an original classification authority, who shall make this determination within thirty (30) days. If there is reasonable doubt about the appropriate level of classification, it shall be safeguarded at the higher level of classification pending a determination by an original classification authority, who shall make this determination within thirty (30) days.

### Sec. 1.2 *Classification Authority.*

(a) Top Secret. The authority to classify information originally as Top Secret may be exercised only by:

- (1) the President;
- (2) agency heads and officials designated by the President in the Federal Register; and
- (3) officials delegated this authority pursuant to Section 1.2(d).

(b) Secret. The authority to classify information as Secret may be exercised only by:

- (1) agency heads and officials designated by the President in the Federal Register;
- (2) officials with original Top Secret classification authority; and
- (3) officials delegated such authority pursuant to Section 1.2(d).

(c) Confidential. The authority to classify information originally as Confidential may be exercised only by:

- (1) agency heads and officials designated by the President in the Federal Register;
- (2) officials with original Top Secret or Secret classification authority; and



may be by individual documents or categories of information. The agency shall be responsible for notifying holders of the information of such extensions.

(c) Information classified under predecessor orders and marked for declassification review shall remain classified until reviewed for declassification under the provisions of this Order.

#### Sec. 1.5 Identification and Markings.

(a) At the time of original classification, the following information shall be shown on the face of all classified documents, or clearly associated with other forms of classified information in a manner appropriate to the medium involved, unless this information itself would reveal a confidential source or relationship not otherwise evident in the document or information:

(1) one of the three classification levels defined in Section 1.1;

(2) the identity of the original classification authority if other than the person whose name appears as the approving or signing official;

(3) the agency and office of origin; and

(4) the date or event for declassification, or the notation "Originating Agency's Determination Required."

(b) Each classified document shall, by marking or other means, indicate which portions are classified, with the applicable classification level, and which portions are not classified. Agency heads may, for good cause, grant and revoke waivers of this requirement for specified classes of documents or information. The Director of the Information Security Oversight Office shall be notified of any waivers.

(c) Marking designations implementing the provisions of this Order, including abbreviations, shall conform to the standards prescribed in implementing directives issued by the Information Security Oversight Office.

(d) Foreign government information shall either retain its original classification or be assigned a United States classification that shall ensure a degree of protection at least equivalent to that required by the entity that furnished the information.

(e) Information assigned a level of classification under predecessor orders shall be considered as classified at that level of classification despite the omission of other required markings. Omitted markings may be inserted on a document by the officials specified in Section 3.1(b).

#### Sec. 1.6 Limitations on Classification.

(a) In no case shall information be classified in order to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency; to restrain competition; or to prevent or delay the release of information that does not require protection in the interest of national security.

(b) Basic scientific research information not clearly related to the national security may not be classified.

(c) The President or an agency head or official designated under Sections 1.2(a)(2), 1.2(b)(1), or 1.2(c)(1) may reclassify information previously declassified and disclosed if it is determined in writing that (1) the information requires protection in the interest of national security; and (2) the information may reasonably be recovered. These reclassification actions shall be reported promptly to the Director of the Information Security Oversight Office.

(d) Information may be classified or reclassified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of this Order (Section 3.4) if such classification meets the requirements of this Order and is accomplished personally and on a document-by-document basis by the agency head, the deputy agency head, the senior agency official designated under Section 5.3(a)(1),<sup>1</sup> or an official with original Top Secret classification authority.

### PART 2. DERIVATIVE CLASSIFICATION

#### Sec. 2.1 Use of Derivative Classification.

(a) Derivative classification is (1) the determination that information is in substance the same as information currently classified, and (2) the application of the same classification markings. Persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.

(b) Persons who apply derivative classification markings shall:

(1) observe and respect original classification decisions; and

(2) carry forward to any newly created documents any assigned authorized markings. The declassification date or event that provides the longest period of classification shall be used for documents classified on the basis of multiple sources.

#### Sec. 2.2 Classification Guides.

(a) Agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information.

(b) Each guide shall be approved personally and in writing by an official who:

(1) has program or supervisory responsibility over the information or is the senior agency official designated under Section 5.3(a)(1),<sup>1</sup> and

<sup>1</sup> Editorial Note: The correct citation is Section 5.3(a).



2107, 2107 note, or 2203 of title 44, United States Code. Review procedures developed by the Archivist shall provide for consultation with agencies having primary subject matter interest and shall be consistent with the provisions of applicable laws or lawful agreements that pertain to the respective presidential papers or records. Any decision by the Archivist may be appealed to the Director of the Information Security Oversight Office. Agencies with primary subject matter interest shall be notified promptly of the Director's decision on such appeals and may further appeal to the National Security Council. The information shall remain classified pending a prompt decision on the appeal.

(c) Agencies conducting a mandatory review for declassification shall declassify information no longer requiring protection under this Order. They shall release this information unless withholding is otherwise authorized under applicable law.

(d) Agency heads shall develop procedures to process requests for the mandatory review of classified information. These procedures shall apply to information classified under this or predecessor orders. They shall also provide a means for administratively appealing a denial of a mandatory review request.

(e) The Secretary of Defense shall develop special procedures for the review of cryptologic information, and the Director of Central Intelligence shall develop special procedures for the review of information pertaining to intelligence activities (including special activities), or intelligence sources or methods, after consultation with affected agencies. The Archivist shall develop special procedures for the review of information accessioned into the National Archives of the United States.

(f) In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of this Order:

(1) An agency shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under this Order.

(2) When an agency receives any request for documents in its custody that were classified by another agency, it shall refer copies of the request and the requested documents to the originating agency for processing, and may, after consultation with the originating agency, inform the requester of the referral. In cases in which the originating agency determines in writing that a response under Section 3.4(f)(1) is required, the referring agency shall respond to the requester in accordance with that Section.

## PART 4. SAFEGUARDING

### Sec. 4.1 *General Restrictions on Access.*

(a) A person is eligible for access to classified information provided that a determination of trustworthiness has been made by agency heads or designated officials and provided that such access is essential to the accomplishment of lawful and authorized Government purposes.

(b) Controls shall be established by each agency to ensure that classified information is used, processed, stored, reproduced, transmitted, and destroyed only under conditions that will provide adequate protection and prevent access by unauthorized persons.

(c) Classified information shall not be disseminated outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch.

(d) Except as provided by directives issued by the President through the National Security Council, classified information originating in one agency may not be disseminated outside any other agency to which it has been made available without the consent of the originating agency. For purposes of this Section, the Department of Defense shall be considered one agency.

### Sec. 4.2 *Special Access Programs.*

(a) Agency heads designated pursuant to Section 1.2(a) may create special access programs to control access, distribution, and protection of particularly sensitive information classified pursuant to this Order or predecessor orders. Such programs may be created or continued only at the written direction of these agency heads. For special access programs pertaining to intelligence activities (including special activities but not including military operational, strategic, and tactical programs), or intelligence sources or methods, this function will be exercised by the Director of Central Intelligence.

(b) Each agency head shall establish and maintain a system of accounting for special access programs. The Director of the Information Security Oversight Office, consistent with the provisions of Section 5.2(b)(4), shall have non-delegable access to all such accountings.

### Sec. 4.3 *Access by Historical Researchers and Former Presidential Appointees.*

(a) The requirement in Section 4.1(a) that access to classified information may be granted only as is essential to the accomplishment of authorized and lawful Government purposes may be waived as provided in Section 4.3(b) for persons who:

(1) are engaged in historical research projects, or

(2) previously have occupied policy-making positions to which they were appointed by the President.



(b) Officers and employees of the United States Government, and its contractors, licensees, and grantees shall be subject to appropriate sanctions if they:

(1) knowingly, willfully, or negligently disclose to unauthorized persons information properly classified under this Order or predecessor orders;

(2) knowingly and willfully classify or continue the classification of information in violation of this Order or any implementing directive; or

(3) knowingly and willfully violate any other provision of this Order or implementing directive.

(c) Sanctions may include reprimand, suspension without pay, removal, termination of classification authority, loss or denial of access to classified information, or other sanctions in accordance with applicable law and agency regulation.

(d) Each agency head or the senior official designated under Section 5.3(a)(1) shall ensure that appropriate and prompt corrective action is taken whenever a violation under Section 5.4(b) occurs. Either shall ensure that the Director of the Information Security Oversight Office is promptly notified whenever a violation under Section 5.4(b)(1) or (2) occurs.

## PART 6. GENERAL PROVISIONS

### Sec. 6.1 Definitions.

(a) "Agency" has the meaning provided at 5 U.S.C. 552(e).

(b) "Information" means any information or material, regardless of its physical form or characteristics, that is owned by, produced by or for, or is under the control of the United States Government.

(c) "National security information" means information that has been determined pursuant to this Order or any predecessor order to require protection against unauthorized disclosure and that is so designated.

(d) "Foreign government information" means:

(1) information provided by a foreign government or governments, an international organization of governments, or any element thereof with the expectation, expressed or implied, that the information, the source of the

information, or both, are to be held in confidence; or

(2) information produced by the United States pursuant to or as a result of a joint arrangement with a foreign government or governments or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence.

(e) "National security" means the national defense or foreign relations of the United States.

(f) "Confidential source" means any individual or organization that has provided, or that may reasonably be expected to provide, information to the United States on matters pertaining to the national security with the expectation, expressed or implied, that the information or relationship, or both, be held in confidence.

(g) "Original classification" means an initial determination that information requires, in the interest of national security, protection against unauthorized disclosure, together with a classification designation signifying the level of protection required.

### Sec. 6.2 General.

(a) Nothing in this Order shall supersede any requirement made by or under the Atomic Energy Act of 1954, as amended. "Restricted Data" and "Formerly Restricted Data" shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and regulations issued under that Act.

(b) The Attorney General, upon request by the head of an agency or the Director of the Information Security Oversight Office, shall render an interpretation of this Order with respect to any question arising in the course of its administration.

(c) Nothing in this Order limits the protection afforded any information by other provisions of law.

(d) Executive Order No. 12065 of June 28, 1978, as amended, is revoked as of the effective date of this Order.

(e) This Order shall become effective on August 1, 1982.



**A BASIC GLOSSARY FOR ARCHIVISTS,  
MANUSCRIPT CURATORS, AND  
RECORDS MANAGERS**

**FRANK B. EVANS  
DONALD F. HARRISON  
*and* EDWIN A. THOMPSON  
*Compilers***

**WILLIAM L. ROFES, *Editor***

# **A Basic Glossary for Archivists, Manuscript Curators, and Records Managers**

FRANK B. EVANS, DONALD F. HARRISON  
and EDWIN A. THOMPSON, *Compilers*  
WILLIAM L. ROFES, *Editor*

THE COMMITTEE ON TERMINOLOGY of the Society of American Archivists has developed this glossary of terms it regards as basic to the disciplines of the archivist, the manuscript curator or librarian, and the records manager. The committee has spent several years in planning this glossary, defining its scope, and soliciting terms from a wide range of practitioners in the three professions. The contributors represent a cross-section of the Society's interests, its expertise, and its experience in both the public and private sectors, in Canada as well as in the United States.

Because of the committee's conviction that professionalism demands precision, which in turn implies standardization, this glossary presents the preferred term and meaning in each case. Whenever possible the definitions conform with meanings that have evolved from the basic literature and the policies and practices of leading North American institutions. Canadian usage is indicated. Since the language of our disciplines is not static, practitioners are constantly inventing new terms for convenience. Such terms, particularly when appropriated from other disciplines, frequently obscure or confuse more than they convey the intended meaning. Nevertheless some of these new terms and meanings have become sufficiently established for inclusion here. In the main, however, the compilers have attempted to include only those terms controlled by one or more of the three designated disciplines. They have not presumed to define terms controlled by other professions, regardless of the frequency of their use. For such terms the reader should consult one or more of the works listed in the bibliographic appendix. Finally, since a glossary is not a substitute for a dictionary, no terms are included for which satisfactory definitions are given in a standard dictionary.

In thus limiting its purpose and scope, the committee is convinced that this glossary will more completely reflect and serve the basic interests and needs of all three professions. Its widespread use should



promote more effective communication within our professional community and with related professions.

A subcommittee undertook the tasks of compilation and original drafting, and the whole committee carefully reviewed successive drafts, providing independent criticism and consideration of various points of view. This procedure afforded close consultation, and it kept in balance "federal" or "public-records" usage with that of the private sector. Inclusion of a relatively high number of terms designated as "U.S. Govt." is simply a recognition of the important contributions made to their professions by archivists, manuscript curators, and records managers in the U.S. federal government.

During the preparation of the glossary, principal responsibility for selecting and drafting definitions of archival terms was assumed by Frank B. Evans; for records management terms, by Donald F. Harrison; and for manuscript terms, by Edwin A. Thompson. Those drafts were reviewed by the other members of the committee: C. F. W. Coker, Dorothy Hill Gersack, David E. Horn, John D. Knowlton, Alan D. Ridge, William F. Sherman, Mary F. Whalen and A. Robert N. Woadden. The final copy was prepared by Mrs. Dorothy Hassett and was edited by Committee Chairman William L. Rofes. Reprints of this glossary are available from the Society of American Archivists.

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**ABBREVIATIONS.** First letter abbreviations are frequently used to indicate the physical form of a manuscript; for example, *C* for card, *D* for document, *L* for letter, and *N* for note. Other common abbreviations are *S* for signature, *A* for autograph, and *Df* for draft.

**ACCESS.** (1) The availability of or the permission to consult records, archives, or manuscripts. (2) (U.S. Govt.) The ability and opportunity to obtain security classified or administratively controlled information or records. *See also* CLEARANCE; RESTRICTED ACCESS.

**ACCESSION.** (1) The act and procedures involved in a transfer of legal title and the taking of records or papers into the physical custody of an archival agency, records center, or manuscript repository. In records center operations, transfer of legal title may not be involved. (2) The materials involved in such a transfer of custody. *See also* DEPOSIT.

**ACCRETION.** An addition to an accession which is sometimes known as an *addition* or, in Canadian usage, an *accrual*.

**ACCRUAL.** *See* ACCRETION.

**ACTION COPY.** That copy of a communication directed to a particular agency, office, or individual responsible for action, as opposed to an *information copy*.

**ACTIVE RECORDS.** *See* CURRENT RECORDS.

**ADDITION.** *See* ACCRETION.

**ADMINISTRATIVELY CONTROLLED INFORMATION.** (U.S. Govt.) Privileged or other non-security-classified information in records sometimes bearing designations such as *For Official Use Only*, or *Limited Official Use*, to prevent its unauthorized disclosure. *See also* CLASSIFIED INFORMATION; CLOSED FILE.

**ADMINISTRATIVE VALUE.** In appraisal, the usefulness of records to the originating or succeeding agency in the conduct of current business. In nongovernment use, the phrase *operational value* is also used. *See also* EVIDENTIAL VALUE; INFORMATIONAL VALUE.

**ALIENATION.** The act of transferring or losing custody or ownership of records to an agency or person not officially related to the institution or organization whose records are involved. *See also* ESTRAY; REPLEVIN.

**APPRAISAL.** (1) The process of determining the value and thus the disposition of records based upon their current administrative, legal, and fiscal use; their evidential and informational or research value; their arrangement; and their relationship to other records. Sometimes referred to as *Selective retention*. (2) The monetary evaluation of gifts of manuscripts. *See also* INTRINSIC VALUE.

**ARCHIVAL AGENCY.** *See* ARCHIVES.

**ARCHIVAL ARRANGEMENT.** *See* ARRANGEMENT.

**ARCHIVAL INTEGRITY.** The standard that requires that archival holdings be identified and arranged by provenance, maintained in their original filing order, and preserved in their entirety without mutilation, alteration, or unauthorized destruction of any part of them.

**ARCHIVAL PRINCIPLES.** *See* PROVENANCE; REGISTRY PRINCIPLE.

**ARCHIVAL VALUE.** The determination in appraisal that records are worthy of indefinite or permanent preservation by an archival agency. Sometimes referred to as *historical, continuing, or enduring value*.

**ARCHIVES.** (1) The noncurrent records of an organization or institution preserved because of their continuing value; also referred to, in this sense, as archival materials or archival holdings. (2) The agency responsible for selecting, preserving, and making available archival materials; also referred to as an archival agency. (3) The building or part of a building where such materials are located; also referred to as an archival repository (or, in U.S. Govt., archival depository). In American usage, the term *archives* is generally a plural or collective noun, although the form *archive* has been applied to a number of special collections.

**ARCHIVES ADMINISTRATION.** The management or direction of the program of an archival agency, including the following basic functions: appraisal, disposition, accessioning, preservation, arrangement, description, reference service, exhibition, and publication.

**ARCHIVES BOX/CONTAINER.** A storage box, for archives or manuscripts, of pressed cardboard, either in letter or legal size, and usually with



a ca. / of about one-third cubic foot. *See also* DOCUMENT CASE; RECORDS CENTER CONTAINER/CARTON.

ARCHIVES GROUP. *See* RECORD GROUP.

ARCHIVIST. A person responsible for or engaged in one or more of the following activities in an archival repository: appraisal and disposition, accessioning, preservation, arrangement, description, reference service, exhibition, and publication. *See also* MANUSCRIPT CURATOR; RECORDS MANAGER.

ARRANGEMENT. The process and results of organizing archives, records, and manuscripts in accordance with accepted archival principles, particularly provenance, at as many as necessary of the following levels: repository, record group or comparable control unit, subgroup(s), series, file unit, and document. The process usually includes packing, labeling, and shelving of archives, records, and manuscripts, and is intended to achieve physical or administrative control and basic identification of the holdings. *See also* PROCESSING.

AUDIOVISUAL RECORDS/ARCHIVES. Records and archives in pictorial or aural form, regardless of format, and related textual records. *See also* ICONOGRAPHIC COLLECTION; PHOTOGRAPHIC RECORDS/ARCHIVES.

AUTHENTICATION. Determination that a record or a reproduction of a record is what it purports to be. Frequently but incorrectly used as synonymous with *Certification*.

AUTOGRAPH. (1) Traditionally, a signature. (2) A manuscript, signed or unsigned, in the hand of the author. (3) A typescript signed by the author. *See also* HOLOGRAPH.

BARROW PROCESS. A process of document repair and restoration named after William J. Barrow (1904-67) that involves deacidification, the use of tissue to increase the strength of the original, and thermoplastic lamination. *See also* DEACIDIFICATION.

CALENDAR. A chronological list of individual documents, either selective or comprehensive, usually with a description giving one or more of the following: writer, recipient, date, place, summary of content, type of manuscript, and page or leaf count.

CARTOGRAPHIC RECORDS/ARCHIVES. Records and archives containing information depicting, in graphic or photogrammetric form, a portion of a linear surface, such as maps and related materials (globes, topographic and hydrographic charts, cartograms, relief models, and aerial photographs), and related textual records.

CASE FILE. A folder or other file unit containing material relating to a specific action, event, person, place, project, or other subject. Sometimes referred to as a *Project file* or *Dossier*.

CENTER CARTON. *See* RECORDS CENTER CONTAINER/CARTON.

CENTRAL FILES. The files of several offices or organizational units physically and/or functionally centralized and supervised in one location.

CERTIFICATION. (1) The act of attesting the official character of a record or a reproduction thereof. (2) The document containing such an attestation. *See also* AUTHENTICATION.

CHARGE OUT. (1) The action of recording the receipt and loan of documents from a file, or loan of the entire file. (2) The document used to record this action.

CHECKLIST. (U.S. Govt.) A finding aid, usually for a particular accession, created by an archival agency and consisting of a preliminary listing of records with or without summary description of their informational content. With the development of the record group concept this finding aid evolved into the inventory.

CHRONOLOGICAL FILE. *See* READING FILE.

CINE FILM. (Canada) Motion picture film.

CLASSIFICATION. (1) The predesignated filing system for a record series. (2) The act of identifying documents or records in accordance with a predesignated filing system.

CLASSIFIED INFORMATION. (1) (U.S. Govt.) Official records or information requiring, in the interest of national security, protection against unauthorized disclosure. The degree of protection is specified by one of the following: Top Secret, Secret, Confidential, Restricted Data, Formerly Restricted Data, and (prior to 1953) Restricted. (2) In nongovernment organizations, sometimes used to designate information/records over which the organization desires to exercise a greater degree of security than normal. *See also* ADMINISTRATIVELY CONTROLLED INFORMATION; CLOSED FILE; DECLASSIFICATION; DOWNGRADE.

CLEARANCE. (U.S. Govt.) An administrative determination that an individual may have access to security-classified records or information of a specified category in connection with official duties or for research on an approved topic.

CLOSED FILE. (1) A file unit or series containing documents on which action has been completed and to which additional documents are not likely to be added. (2) A file unit or series to which access is limited or denied. *See also* ADMINISTRATIVELY CONTROLLED INFORMATION; CLASSIFIED INFORMATION.

COLLECTION. (1) An artificial accumulation of manuscripts or documents devoted to a single theme, person, event, or type of record. (2) A body of manuscripts or papers, including associated printed or near-print materials, having a common source. If formed by or around an individual or family, such materials are more properly termed *personal papers* or *records*. If the cumulation is that of a corporate entity, it is more properly termed *records*. (3) In singular or plural form, the total holdings—accessions and deposits—of a repository. *See also* MANUSCRIPTS; PAPERS; RECORD GROUP; RECORDS.

COLLECTIVE RECORD GROUP. A modification of the *record group* concept which for purposes of convenience brings together the records of a number of relatively small and short-lived agencies that have an administrative or functional relationship, the records of each such agency constituting a separate subgroup. *See also* GENERAL RECORD GROUP; RECORD GROUP.

COMPREHENSIVE RECORDS PLAN. (U.S. Govt.) A document describing all



or part of the records of an agency or institution, specifying records to be preserved as having archival value, and authorizing, on a continuing basis, the disposition of specified recurring series of records. See also RECORDS RETENTION PLAN.

CONTINUITY FILE. See READING FILE.

CONVENIENCE FILE. Extra copies of records, personal papers, or publications, maintained for ease of access and reference. Sometimes known as *Personal file*.

COPY. A reproduction of the contents of an original document, prepared simultaneously or separately, usually identified by function or by method of creation. Copies identified by function include action copy, comeback copy, file or record copy, information or reference copy, official copy, stayback copy, and tickler copy. Copies identified by method of creation include carbon copy, mimeograph copy, ribbon copy, and electrostatic copy. See also FACSIMILE.

COPY, CERTIFIED. See CERTIFICATION.

CORRESPONDENCE. Letters, postcards, memoranda, notes, telecommunications, and any other form of addressed, written communications sent and received.

CORRESPONDENCE MANAGEMENT. Application of records management techniques to correspondence to increase efficiency, improve quality, and reduce costs. In Canadian usage, *treatment of correspondence*.

CUBIC FEET. A measurement of volume for records, archives, and manuscripts. See also LINEAR FEET. (*equiv. to 2,500 pp.*)

CURRENT RECORDS. Records necessary for conducting the current business of an office and which therefore must be maintained in office space and equipment. In Canadian usage, *active records*. In Canadian and U.S. Govt. usage records are regarded as current or active if there is at least one reference use per cubic foot per month; in business usage, four references per file drawer per month. See also NONCURRENT RECORDS; SEMICURRENT RECORDS.

CUSTODY. The guardianship of records, archives, and manuscripts which, in a strict sense, includes both physical possession (protective responsibility) and legal title (legal responsibility). See also DEPOSIT.

DATA ARCHIVES. See MACHINE-READABLE ARCHIVES.

DAY FILE. See READING FILE.

DEACIDIFICATION. The process by which the pH of paper documents is raised to a minimum of 7.0 to assist in their preservation. The process is now generally used before documents are thermoplastically laminated. See also BARROW PROCESS; LAMINATION.

DECLASSIFICATION. The determination that classified information no longer requires, in the interest of security, protection against unauthorized disclosure. A removal or cancellation of the security classification designation is normally involved. See also DOWNGRADE.

DEED OF GIFT. A signed, written instrument constituting a voluntary transfer of title to real or personal property without a monetary consideration. This frequently takes the form of a contract establishing conditions governing the transfer of title and specifying any restrictions on access or use. Sometimes known as *Instrument of gift*.

DEPOSIT. Archives or manuscripts placed in the physical custody of a repository without transfer of title. Sometimes referred to as *courtesy storage*. See also ACCESSION; CUSTODY.

DEPOSITORY. See REPOSITORY.

DESCRIPTION. The process of establishing intellectual control over holdings through the preparation of finding aids. See also PROCESSING.

DESCRIPTIVE INVENTORY. See INVENTORY.

DESTRUCTION SCHEDULE. See DISPOSITION SCHEDULE.

DIRECTIVES MANAGEMENT. The application of records management techniques to the preparation, issuance, distribution, and maintenance of directives.

DISPOSAL. See DISPOSITION.

DISPOSAL LIST. A document providing one-time authorization for the legal destruction of specified existing record series.

DISPOSAL SCHEDULE. See DISPOSITION SCHEDULE.

DISPOSITION. The actions taken with regard to noncurrent records following their appraisal. The actions include transfer to a records center for temporary storage, transfer to an archival agency, donation to an eligible repository, reproduction on microfilm, and destruction. The term includes but is not synonymous with *disposal*, which in U.S. Govt. usage means destruction.

DISPOSITION SCHEDULE. A document governing, on a continuing basis, the retention and disposition of the recurring records series of an organization or agency. Also known as a *records schedule*, a *records control schedule*, a *retention schedule*, and a *records retention schedule*. The provisions of such schedules are mandatory in the U.S. Govt. See also GENERAL RECORDS SCHEDULE.

DOCUMENT. (1) Recorded information regardless of medium or characteristics. Frequently used interchangeably with *record*. (2) A single record or manuscript item. When abbreviated, *D.* or *Doc.*, it designates any manuscript that is not a letter. See also ITEM; RECORD.

DOCUMENT CASE. A container, approximately 15 x 10 x 3 inches, for the flat filing of archives or manuscripts. Sometimes known as *clamshell box*. See also ARCHIVES BOX/CONTAINER.

DOSSIER. An accumulation of documents in a folder or other file unit, concerned with the same purpose and gathered together to give information about a real or corporate person. The term is sometimes applied to a case file or a particular transaction or proceeding. See also CASE FILE.

DOWNGRADE. To determine that classified information no longer



requires, in the interest of security, the same degree of protection against unauthorized disclosure as originally provided. A change of the classification designation to reflect an appropriate lower degree of protection is involved. *See also* DECLASSIFICATION.

ESTRAY. The legal term applied to a record or document not in the custody of the original records creator or its legal successor. *See also* ALIENATION; REPLEVIN.

EVALUATION. *See* APPRAISAL.

EVIDENTIAL VALUE. A phrase, popularized by T. R. Schellenberg, that refers to the value of those records of an agency that are "necessary to provide an authentic and adequate documentation of its organization and functioning." *Modern Archives: Principles and Techniques* (Chicago: University of Chicago Press, 1956), p. 140. *See also* ADMINISTRATIVE VALUE; INFORMATIONAL VALUE.

FACILITATIVE RECORDS. *See* HOUSEKEEPING RECORDS.

FACSIMILE. A duplicate of a document in content, form, and appearance, but not necessarily in size. The emphasis is on the similarity of appearance.

FILE. (1) An accumulation of records maintained in a predetermined physical arrangement. Used primarily in reference to current records, the term in archival usage may refer to either a series or a file unit such as a folder or dossier. (2) To place documents in a predetermined location according to an overall plan of classification. (3) In machine-readable records/archives, two or more data records of identical layout treated as a unit. The unit is larger than a data record, but smaller than a data system, and is sometimes known as a *data set*. (4) Storage equipment, such as a filing cabinet. *See also* SERIES.

FILES. A collective term usually applied to all records of an office or agency.

FILES ADMINISTRATION. The application of records management techniques to filing practices, in order to maintain records easily and to retrieve them rapidly, to ensure their completeness, and to facilitate the disposition of noncurrent records.

FINDING AIDS. The descriptive media, published and unpublished, created by an originating office, an archival agency, or manuscript repository, to establish physical or administrative and intellectual control over records and other holdings. Basic finding aids include guides (general or repository and subject or topical), inventories or registers, location registers, card catalogs, special lists, shelf and box lists, indexes, calendars, and, for machine-readable records, software documentation.

FONDS. A term widely used in Europe to designate for control purposes the archives of a particular type of institution or organization; a term comparable to the concept of the record group.

FORM. Any document, printed or otherwise produced, with space(s) for inserting information, descriptive material, or addresses.

FORMS MANAGEMENT. The application of records management tech-

niques to forms design, construction, production, logistics, maintenance, and use to provide improved quality, increased efficiency, and reduced costs.

FUMIGATION. The process of exposing records, archives, and manuscripts, usually in a vacuum or other airtight chamber, to poisonous gas or vapor, to destroy insects, mildew, or other forms of life that may endanger them.

GENERAL RECORD GROUP. Record groups with titles usually beginning "General Records of . . ." established for most executive departments and several independent agencies as a practical modification of the record group concept. Such record groups include the records of the office of the head of the department or agency and the records of other units concerned with matters, such as fiscal and personnel, that affect the department or agency as a whole. Several of the record groups of this type include records that were produced by bureaus or comparable units but that were incorporated into central files maintained for the entire department or agency. *See also* COLLECTIVE RECORD GROUP; RECORD GROUP.

GENERAL RECORDS SCHEDULE. A records control schedule, also called a *general schedule*, governing the retention and disposition of specified recurring records series common to several or all organizations. Sometimes known as *Common records schedule*. *See also* DISPOSITION SCHEDULE.

GUIDE. At the repository level, a finding aid that briefly describes and indicates the relationships between holdings, with record groups, papers, collections, or comparable bodies of material as the units of entry. Guides may also be limited to the description of the holdings of one or more repositories relating to particular subjects, periods, or geographical areas. *See also* SUMMARY GUIDE.

HAND LAMINATION. *See* LAMINATION (2).

HISTORICAL MANUSCRIPTS. *See* MANUSCRIPTS.

HOLDING AREA. Space assigned for the temporary or transitory storage of semicurrent records.

HOLDINGS. The total accessions and deposits of a repository. *See also* COLLECTION (3).

HOLOGRAPH. A document in the handwriting of the person who signs it. The term is used to indicate that the entire document, not only the signature, is autograph.

HOUSEKEEPING RECORDS. Records of an organization that relate to budget, fiscal, personnel, supply, and similar administrative or facilitative operations normally common to all agencies, as distinguished from program or substantive records that relate to an organization's primary functions. *See also* PROGRAM RECORDS.

ICONOGRAPHIC COLLECTION. A collection or group of pictures, photographs, illustrations, prints, and similar material sometimes with related documents, clippings, and printed items. *See also* PHOTOGRAPHIC RECORDS/ARCHIVES.

INACTIVE RECORDS. *See* NONCURRENT RECORDS.



**INFORMATION MANAGEMENT.** The administration of information, its use and transmission, and the application of theories and techniques of information science to create, modify, or improve information handling systems.

**INFORMATIONAL VALUE.** A phrase, popularized by T. R. Schellenberg, referring to the value of records that derives from the information they contain "on persons, place, subjects and the like with which public agencies deal; not from the information that is in such records on the public agencies themselves." *Modern Archives: Principles and Techniques* (Chicago: University of Chicago Press, 1956), p. 148. See also **ADMINISTRATIVE VALUE**, **EVIDENTIAL VALUE**.

**INSTRUMENT OF GIFT.** See **DEED OF GIFT**.

**INTRINSIC VALUE.** Inherent value and, in manuscript appraisal, the worth, in monetary terms, of a document dependent upon some unique factor, such as its age, the circumstances regarding its creation, a signature, or an attached seal.

**INVENTORY.** (1) A basic archival finding aid that generally includes a brief history of the organization and functions of the agency whose records are being described; a descriptive list of each record series giving as a minimum such data as title, inclusive dates, quantity, arrangement, relationships to other series, and description of significant subject content; and, if appropriate, appendices which provide such supplementary information as a glossary of abbreviations and special terms, lists of folder headings on special subjects, or selective indexes. (2) In records management the term is used to describe a survey of records prior to disposition or the development of records retention schedules. See also **REGISTER** (2).

**ITEM.** The smallest unit of record material which accumulates to form file units and series, e.g., a letter, memorandum, report, leaflet, photograph, or reel of film or tape. See also **DOCUMENT**; **RECORD**.

**LAMINATION.** (1) A mechanically assisted process, generally preceded by deacidification, of reinforcing weak or damaged paper documents by enclosing them between two sheets of plastic foil, usually cellulose acetate, and two sheets of tissue which, through the application of heat and pressure, become thermoplastic and impregnate the original. More properly referred to as thermoplastic lamination to distinguish it from hand lamination or commercial and industrial lamination processes. (2) A manual process for protecting or reinforcing a weak or damaged paper document by enclosing it between two sheets of cellulose acetate which are bound to the document by acetate. See also **BARROW PROCESS**; **SILKING**.

**LEGAL CUSTODY.** See **CUSTODY**.

**LEGAL SIZE.** (1) A standard paper size  $8\frac{1}{2} \times 14$  inches (U.S. Govt.  $8 \times 12\frac{1}{2}$  inches). (2) Capable of holding legal size papers or documents. See also **LETTER SIZE**; **METRIC SIZE**.

**LETTER BOOK.** (1) A book of blank or lined pages on which letters have been written. The letters may be drafts written by the author or

fair copies made by the authors or clerks. (2) Copies of letters, originally on loose sheets and most frequently carbon copies, bound together, usually in chronological order. Sometimes spelled as one word, *letterbook*.

**LETTERPRESS COPYBOOK.** A book of tissue papers in which documents (usually letters sent) were copied by transfer of ink through direct contact with the original using moisture and pressure in a copy press. A copy of a single document produced by this method is referred to as a letterpress copy or press copy. This copying method was frequently used between 1820 and 1920.

**LETTER SIZE.** (1) A standard paper size  $8\frac{1}{2} \times 11$  inches (U.S. Govt.  $8 \times 10\frac{1}{2}$  inches). (2) Capable of holding letter size papers or documents. See also **LEGAL SIZE**; **METRIC SIZE**.

**LINEAR FEET.** (1) A measurement for descriptive and control purposes of shelf space occupied by archives, records, or manuscripts. For vertical files (records filed on edge) the total length of drawers, shelves, or other equipment occupied is calculated; in the case of material filed horizontally (flat or piled up), the total vertical thickness is used. Linear feet, except for card indexes, may be equated with cubic feet on a one-to-one basis for description of textual records. (2) A measurement for descriptive and control purposes of the length of film, tape, or microfilm. (Usually expressed as feet.) See also **CUBIC FEET**. (equiv. to 2,000 pp.)

**LITERARY MANUSCRIPT.** Manuscripts, including drafts and proofs, of literary compositions, such as novels, essays, plays, and poetry.

**LITERARY PROPERTY RIGHT.** The common law right under which the author of a letter or manuscript or his heirs retain the right of first publication of the documents, regardless of the ownership or location of the originals. Unlike statutory copyright, common law literary property rights are perpetual and are terminated only by general publication or positive dedication.

**MACHINE-READABLE RECORDS/ARCHIVES.** Records and archives whose informational content is usually in code and has been recorded on media such as magnetic discs, drums, tapes, punched paper cards, or punched paper tapes, accompanied by finding aids known as software documentation. The coded information is retrievable only by machine.

**MAIL MANAGEMENT.** The application of records management techniques to the flow of mail to provide rapid handling and accurate delivery.

**MANUSCRIPT.** A handwritten or typed document, including a letterpress or carbon copy. A mechanically produced form completed in handwriting or typescript is also considered a manuscript.

**MANUSCRIPT COLLECTION.** See **COLLECTION**.

**MANUSCRIPT CURATOR.** A person usually engaged in one or more of the following activities in a manuscript repository: solicitation, accessioning, processing, preservation, reference service, exhibition, and publication. See also **ARCHIVIST**; **RECORDS MANAGER**.

**MANUSCRIPT GROUP.** An organized body of related papers or a collec-

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tion comparable to a record group, for control purposes. See also RECORD GROUP.

**MANUSCRIPTS.** Documents of manuscript character usually having historical or literary value or significance. All manuscript records may thus be regarded as manuscripts, but generally the term is used to distinguish nonarchival from archival material. Included in the term are bodies or groups of personal papers with organic unity, artificial collections of documents acquired from various sources usually according to a plan but without regard to provenance, and individual documents acquired by a manuscript repository because of their special importance. See also COLLECTION; PAPERS.

**METRIC SIZE.** As used in paperwork management, an international system of paper measurement based on the subdivisions of a square meter. See also LEGAL SIZE; LETTER SIZE.

**NONCURRENT RECORDS.** Records no longer required in the conduct of current business that can therefore be accessioned by an archival repository or destroyed. See also CURRENT RECORDS; SEMICURRENT RECORDS.

**NONRECORD MATERIAL.** Material not usually included within the definition of records, such as unofficial copies of documents kept only for convenience or reference, stocks of publications and processed documents, and library or museum material intended solely for reference or exhibition.

**OFFICE FILE.** (1) Records relating or belonging to an office or position, or connected with one holding an office or position. (2) Documents or copies of documents kept by or for a public or other official for his or her private and personal use, relating directly or indirectly to his or her official duties.

**OFFICIAL RECORD.** In law, a record having the legally recognized and judicially enforceable quality of establishing some fact.

**ORAL HISTORY.** An aural record, or a transcript of an aural record, originally recorded on a magnetic medium, and as a result of a planned oral interview.

**PAPERS.** (1) A natural accumulation of personal and family materials, as distinct from records. (2) A general term used to designate more than one type of manuscript material. See also COLLECTION; MANUSCRIPTS; PERSONAL PAPERS.

**PAPERWORK MANAGEMENT.** The application of cost reduction principles and techniques to records creation, use, maintenance, and disposition processes, particularly those involving correspondence, forms, directives, and reports. As popularized in the U.S. Govt. by the Second Hoover Commission, paperwork management is the program provided for by the Federal Records Act of 1950. See also RECORDS MANAGEMENT.

**PERMANENT/DURABLE PAPER.** A term generally applied to pH neutral papers. (Archival bond)

**PERMANENT RECORDS.** See ARCHIVES.

**PERMANENT WITHDRAWAL.** The permanent transfer of records from the physical and legal custody of a repository.

**PERSONAL PAPERS.** The private documents accumulated by an individual, belonging to him or her and subject to his or her disposition. See also OFFICE FILE; PAPERS.

**pH VALUE.** A measure of the intensity of the acid content of paper. Also referred to as hydrogen ion concentration, pH is expressed in terms of a logarithmic scale from 0 to 14. 7.0 is the neutral point; values above 7 are alkaline; values below 7 are acid.

**PHONOTAPE.** The generic term used to designate a sound recording on magnetic tape. Sometimes known as *audiotape*.

**PHOTOGRAPHIC RECORDS/ARCHIVES.** Records or archives that take the form of pictures or photographs, sometimes with related textual records. See also ICONOGRAPHIC COLLECTION.

**PHYSICAL CUSTODY.** See CUSTODY.

**PIECE.** (1) A discrete object or individual member of a class or group, as a letter. In this sense, piece is synonymous with item or document. (2) A fragment or part separated from the whole in any manner, for example by cutting or detaching, as a separated leaf of a multipage document.

**PRELIMINARY INVENTORY.** See INVENTORY.

**PRESERVATION.** (1) The basic responsibility to provide adequate facilities for the protection, care, and maintenance of archives, records, and manuscripts. (2) Specific measures, individual and collective, undertaken for the repair, maintenance, restoration, or protection of documents.

**PRESS COPY.** See LETTERPRESS COPYBOOK.

**PRIVATE RECORDS/ARCHIVES.** The records and archives of nongovernmental organizations and institutions.

**PRIVATE PAPERS.** See PERSONAL PAPERS.

**PRIVILEGED INFORMATION.** See ADMINISTRATIVELY CONTROLLED INFORMATION.

**PROCESSING.** The activities intended to facilitate the use of personal papers and manuscript collections generally comparable to arrangement, description, and preservation of archival material.

**PROGRAM RECORDS.** Records created or received and maintained by an agency in the conduct of the substantive functions for which it is responsible. The term is used in contrast with housekeeping or facilitative records. See also HOUSEKEEPING RECORDS.

**PROJECT FILE.** See CASE FILE.

**PROVENANCE.** (1) In general archival and manuscript usage, the "office of origin" or records, i.e., that office or administrative entity that created or received and accumulated the records in the conduct of its business. Also the person, family, firm, or other source of personal papers and manuscript collections. (2) Information of successive transfers of ownership and custody of a particular manuscript. (3) In archival theory, the principle that archives of a given records creator must not be intermingled with those of other



rec creators. The principle is frequently referred to by the Fre. expression, *respect des fonds*. A corollary, frequently designated as a separate principle, is the Principle of Sanctity of the Original Order (or *respect pour l'ordre primitif*, *Registratur Prinzip*, or Registry Principle).

PUBLIC RECORDS. (1) In general usage, records accumulated by government agencies. (2) Records open to public inspection by law or custom.

PURGE. See WEED.

QUESTIONED DOCUMENT. A document whose origin or authorship has been challenged and whose authenticity is in doubt.

READING FILE. A file containing copies of documents arranged in chronological order. Sometimes known as a *chronological* or *chron file* or a *day file* and, in Canadian usage, as a *continuity file*. Reading files may be circulated to other persons for reference; *chronological files* are usually retained by the author for his or her reference.

READING ROOM. See RESEARCH ROOM.

RECORD. (1) Recorded information regardless of media or characteristics. (2) In machine-readable records/archives, two or more data fields in predetermined order and treated as a unit. See also DOCUMENT; ITEM; OFFICIAL RECORD.

RECORD COPY. See COPY.

RECORD GROUP. A body of organizationally related records established on the basis of provenance with particular regard for the administrative history, the complexity, and the volume of the records and archives of the institution or organization involved. Collective and general record groups represent modification of this basic concept for convenience in arrangement, description, and reference service. See also COLLECTION; COLLECTIVE RECORD GROUP; GENERAL RECORD GROUP; MANUSCRIPT GROUP; SUBGROUP.

RECORD SERIES. See SERIES.

RECORDS. All recorded information, regardless of media or characteristics, made or received and maintained by an organization or institution in pursuance of its legal obligations or in the transaction of its business.

RECORDS CENTER. A facility, sometimes especially designed and constructed, for the low-cost and efficient storage and furnishing of reference service on semicurrent records pending their ultimate disposition.

RECORDS CENTER CONTAINER/CARTON. A corrugated cardboard box designed to hold one cubic foot of records, either legal or letter size, and used chiefly in records centers. (PRC 60X)

RECORDS CONTROL SCHEDULE. See DISPOSITION SCHEDULE.

RECORDS DISPOSITION. See DISPOSITION.

RECORDS MANAGEMENT. That area of general administrative management concerned with achieving economy and efficiency in the creation, use and maintenance, and disposition of records. See also PAPERWORK MANAGEMENT.

RECORDS MANAGER. The person responsible for .. engaged in a records management program. Sometimes known as a *records officer* or *records administrator*. See also ARCHIVIST; MANUSCRIPT CURATOR.

RECORDS RETENTION PLAN. (U.S. Govt.) A two-part plan for identifying the permanently valuable records of an agency; the first part designates categories of records that deserve preservation, or those functions and activities for which the documentation should be preserved, and the second part, the location and titles of particular series or segments of series in which the documentation or categories can be found. See also COMPREHENSIVE RECORDS PLAN.

RECORDS RETENTION SCHEDULE. See DISPOSITION SCHEDULE.

RECORDS RETIREMENT. See DISPOSITION.

RECORDS SCHEDULE. See DISPOSITION SCHEDULE.

REFERENCE SERVICE. The basic function of providing information about or from archives, manuscripts, and records; making holdings available for use; and providing copies or reproductions, either certified or uncertified, from holdings.

REGISTER. (1) The list of events, letters sent and received, actions taken, etc., usually in simple sequence, as by date or number, and often serving as a finding aid to the records, such as a register of letters sent or a register of visitors. (2) (U.S. Govt.) A term applied to the finding aid developed in the Manuscript Division of the Library of Congress to describe groups of papers, collections, and records by giving their provenance and conditions of administration; scope and general content including span and bulk dates; a biographical note about the person, family group, or organization whose material it is; its arrangement; a container list which is essentially a folder listing; and, on occasion, selective document indexes. See also INVENTORY.

REGISTRY PRINCIPLE. The basic archival principle, sometimes referred to as the Principle of Sanctity of the Original Order, *respect pour l'ordre primitif*, or *Registratur Prinzip*, which maintains that archives should be retained in their original organizational pattern or structure and in their original filing arrangement in order to preserve all relationships. See also PROVENANCE.

REHABILITATION. See PRESERVATION.

REPAIR. See PRESERVATION.

REPLEVIN. (1) The recovery of property—records, archives, or manuscripts—by an institution or organization claiming ownership. (2) The writ and legal act by which an institution or person takes over such property.

REPORTS MANAGEMENT. The application of records management techniques to reporting practices to increase efficiency, improve quality, and reduce costs.

REPOSITORY. A place where archives, records, or manuscripts are kept. Frequently used as synonymous with *depository*.

RESEARCH ROOM. That area in a repository, generally enclosed, where



at and manuscripts are consulted by researchers under the supervision of the repository staff. Sometimes referred to as *reading room* or *search room*.

**RESPECT DES FONDS.** See **PROVENANCE**.

**RESTORATION.** See **PRESERVATION**.

**RESTRICTED ACCESS.** A limitation on the use of a body of archives, manuscripts, or records, or on those containing information of a specific kind or of a particular form. The restriction may limit the use for a time to particular persons or classes of persons or may exclude all potential users. Restrictions may be imposed by law or by the repository, but more commonly they are imposed by officials of transferring agencies or by donors and are enforced by the repository. See also **ACCESS**; **CLEARANCE**.

**RETENTION PLAN.** See **COMPREHENSIVE RECORDS PLAN**.

**RETENTION SCHEDULE.** See **DISPOSITION SCHEDULE**.

**SCREEN.** To examine records or archives to determine the presence of restricted documents or information and to remove such documents from the files. See also **STRIP**; **WEED**.

**SEARCH ROOM.** See **RESEARCH ROOM**.

**SECURITY-CLASSIFIED RECORDS.** See **CLASSIFIED INFORMATION**.

**SELECTIVE RETENTION.** See **APPRAISAL (1)**.

**SEMICURRENT RECORDS.** Records required so infrequently in the conduct of current business that they should be moved to a holding area or directly to a records center. See also **CURRENT RECORDS**; **NONCURRENT RECORDS**.

**SERIES.** File units or documents arranged in accordance with a filing system or maintained as a unit because they relate to a particular subject or function, result from the same activity, have a particular form, or because of some other relationship arising out of their creation, receipt, or use. Sometimes known as a *record series*.

**SIGNATURE.** The name of a person written in his own hand. Sometimes known as an *autograph*.

**SILKING.** The reinforcement of documents by pasting silken gauze or a substitute on both sides of each page with a thin flour paste containing a small amount of glycerin. See also **LAMINATION**.

**SPECIAL LIST.** (U.S. Govt.) A finding aid listing series, file units, or documents, to call attention to these particular items within a record group, to bring together information on all such items in several record groups relating to a particular topic, or to expand the descriptive detail provided in series entries in inventories.

**STRIP.** (Canada) To remove for disposition items from within file units. See also **SCREEN**; **WEED**.

**SUBGROUP.** A body of related records within a record group, usually consisting of the records of a primary subordinate administrative unit. Subgroups may also be established for related bodies of records within a record group that can best be delimited in terms of functional, geographical, or chronological relationships. Subgroups, in turn, are divided into as many levels as are necessary to reflect the successive organizational units that constitute the

hierarchy of the subordinate administrative that will assist in grouping series entries in terms of their relationships. See also **RECORD GROUP**.

**SUBSERIES.** An aggregate of file units within a record series readily separable in terms of physical class, type, form, subject, or filing arrangement.

**SUBSTANTIVE RECORDS.** See **PROGRAM RECORDS**.

**SUMMARY GUIDE.** A preliminary guide to the holdings of a repository, generally lacking in descriptive detail regarding the informational content of record and manuscript groups, subgroups, and series. See also **GUIDE**.

**TEXTUAL RECORDS/ARCHIVES.** The term usually applied to manuscript or typescript, as distinct from cartographic, audiovisual, and machine-readable records and archives.

**TRANSFER FILE/BOX.** A container used to transfer custody or physical location of records, sometimes used for long-term storage.

**TREATMENT OF CORRESPONDENCE.** See **CORRESPONDENCE MANAGEMENT**.

**UNSCHEDULED RECORDS.** Records for which no ultimate disposition has been determined.

**VALUATION.** See **APPRAISAL (2)**.

**VERTICAL FILE.** A file in which items are placed in an upright (on-edge) rather than in a flat (faceup) position.

**VITAL RECORDS MANAGEMENT.** The application of records management techniques to the records of an organization to provide continuity, recovery capability, and protection of organizational interests in an emergency or after a disaster.

**WEED.** To examine records in order to remove permanently file units lacking continuing value. Sometimes known as *purge*. See also **SCREEN**; **STRIP**.

**WORKING PAPERS.** Documents such as rough notes, calculations, or drafts assembled or created and used in the preparation or analysis of other documents.

## APPENDIX

This bibliography includes several glossaries and professional dictionaries, but most of the citations are to general works and treatises which contain useful definitions or include a glossary. The citations are grouped into four categories: Archives, Manuscripts, Records Management, and Additional References.

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WHITE HOUSE OFFICE OF RECORDS MANAGEMENT  
Subject File, 1981-89

AGRICULTURE (AG)  
(7.4 linear feet; boxes 1-19)

A primary subject category containing information pertaining to the acquisition and dissemination of information on agricultural and experimental programs, research in crop and livestock production, farm and household management, and rural development.

DESCRIPTION OF SECONDARY FILE CODES

| <u>File Code</u> | <u>Description</u>                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AG               | <u>Agriculture</u> (4.4 ft; boxes 1-12)<br>A secondary subject category containing materials relating to United States agricultural policy, the agricultural economy and the farm crisis, agricultural legislation, the 1981 and 1985 Farm Bills, farm debt and farm credit, rural development, vocational agricultural education, the agricultural extension service, agricultural trade, meetings with agricultural groups, and the Farmer's Exchange Program. |
| AG001            | <u>Marketing: Protection Programs</u> (1.2 ft; boxes 12-15)<br>A subject category containing materials relating to Federal Marketing Orders, product liability law, food safety legislation, food inspection and labelling, and drug packaging.                                                                                                                                                                                                                  |
| AG002            | <u>Research Programs</u> (0.8 ft; boxes 15-17)<br>A subject category containing materials relating to the treatment of animals, animal experimentation, medfly spraying, gypsy moth infestation, importation of animals, brucellosis, citrus canker, and the Silver Spring monkey case.                                                                                                                                                                          |
| AG003            | <u>Subsidies, Agricultural</u> (0.5 ft; boxes 17-18)<br>A subject category containing materials relating to tobacco subsidies, the grain reserve, the PIK (Payment-in-Kind) program, the acreage reduction program, dairy price supports, and dairy legislation.                                                                                                                                                                                                 |
| AG004            | <u>Surplus, Agricultural</u> (0.5 ft; boxes 18-19)<br>A subject category containing materials relating to the school lunch program, surplus commodities, the barter of commodities, and food banks.                                                                                                                                                                                                                                                              |



PRESIDENT'S TASK FORCE ON PRIVATE SECTOR INITIATIVES, (RECORD  
GROUP 220): RECORDS, 1981-1982

QUANTITY

16 linear feet (32,000 pp.)

DONOR

U.S. Department of Commerce (accession 90-10)

ACCESS

Open. Some items are temporarily restricted under the Freedom of Information Act, a copy of which is available on request.

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Prepared by: Steve Branch  
February 1992

## INTRODUCTION

On October 14, 1981, by Executive Order 12329 President Ronald Reagan established the President's Task Force on Private Sector Initiatives. The Task Force was established to advise the President and other Executive agency heads on methods of "promoting private sector leadership and responsibility for meeting public needs," make recommendations to the President for fostering public-private partnerships, encourage greater private sector involvement in solving community problems, and serve as a focal point to the private sector in addressing public problems.

The Task Force was terminated December 31, 1982, by Executive Order 12399. No final report was published. On January 21, 1983, the President appointed James K. Coyne Special Assistant to the President and Director of the Office of Private Sector Initiatives. On January 24, 1983, President Reagan announced the establishment and membership of the White House Coordinating Committee on Private Sector Initiatives. Michael K. Deaver was appointed chairman of the committee. The committee was established to show the President's continued support for the private sector initiatives program and to implement final recommendations of the President's Task Force on Private Sector Initiatives.

### Scope and Content

The records of TF on PSI, covering the period from October 1981 to December 1982, are organized into three series, the Executive Director's file, the Program file, and the Communications file. The Executive Director's file, containing the most significant material within the collection, is divided into two subseries, the subject file and the organization file, and is arranged alphabetically. The Executive Director's file documents the organization of the Task Force program and staff and activities of the Executive Director and staff. The majority of the photographs within the collection have been transferred to the Reagan Library audio-visual collection.

The Program file is divided into four subseries and contains material collected by the Committee on Partnership Initiatives organized under the Partnership Program. The subject file is arranged alphabetically and contains examples of community partnerships. Similarly, the state file contains reports, brochures, and correspondence pertaining to the partnership program, and is arranged by state. In addition, the meetings and conferences subseries contains minutes of committee meetings and papers relating to White House meetings documenting activities of the Partnership Program. The final subseries includes the Community Partnership Coordinator Michael Robison's correspondence, regarding a community development program.



The Communication File contains program files of the Communications Committee. The series is divided into five subseries: subject file, speaking engagements/speeches, press, correspondence, and personnel/meetings. The subject file contains project summaries, background material on host organizations, and examples of partnerships including "The Brighter Side of Today's News." Also contained in the subject file are the final individual reports of the eleven committees. The speaking engagements/speeches subseries includes files of individual task force member speeches and copies of speeches. The press subseries includes press clippings, monthly press coverage, and press packets. Various correspondence is included in the next subseries such as congressional, White House, state legislature, task force, and general correspondence. The final subseries entitled personnel/meetings, contains biographies of task force members, travel documents, information on interns, and task force meetings.

#### Organization and Functions of the TF on PSI

On December 2, 1981, President Reagan appointed forty-four members of the Task Force and designated C. William Verity, Chairman of the Armco Steel Company, as chairman of the task force. The Task Force staff headed by the Executive Director, Jerry Guth, was organized under five programs: Policy Development, Partnership Program, Information Services, Marketing, and Constituency Action. The Department of Commerce provided administrative services with a budget of \$142,000 in fiscal year 1982 and \$55,145 in fiscal year 1983.

Task Force members were assigned to two or three of eleven different liaison subcommittees organized under these programs. The eleven subcommittees consisted of: Communications, Community Partnerships, Contributions Strategies, Governors, Incentives, Impediments, Government Liaisons, National Organizations, Marshalling Human Resources, Models, and Recognition & Awards. Meetings of the Task Force and Subcommittee Chairmen were held quarterly. The President, members of his staff, and task force members took an active part in promoting the concept of private sector initiative. The President referred to the PSI program in his State of the Union message of January 20, 1982, and in speeches before the National Religious Broadcasters and National Governors Association. The chairman, William Verity, briefed the President about the program at a full cabinet meeting, February 25, 1982.



## DESCRIPTION OF SERIES

### Containers

### Series

1-3

- I. EXECUTIVE DIRECTOR'S FILE. 1981-82. (1.0 linear feet)

Correspondence, memoranda, reports of the Executive Director, committee membership assignments, minutes of quarterly task force meetings, organization charts and administrative memoranda, relating to the organization of the task force program and staff and activities of the Executive Director and staff.

Arrangement within each of the two subseries is alphabetical by subject.

3-13

- II. PROGRAM FILE. 1981-82. (4.2 linear feet)

Correspondence, published reports, press clippings and releases, and copies of printed material about state and local volunteer programs. The material was collected by the committee for information about local programs. Also included are minutes of committee meetings, Michael Robison correspondence regarding the Community Development Program, and papers relating to White House meetings that document part of the activities of the partnership program.

Arrangement of the subject subseries and state file subseries is alphabetical, and chronological for the meetings/conferences subseries and Michael Robison correspondence subseries.

14-40

- III. COMMUNICATION FILE. 1981-82. (10.8 linear feet)

Correspondence, press clippings and releases, publications, papers pertaining to the program files of the communications committee. Also included are papers relating to other task force committees, biographies of task force members, speeches of task force members, the President, and his staff, status reports, records of the committee's Speaker's Bureau, and the "Brighter Side of the News" radio program, and KAKE-TV project. Also included is correspondence with congress.

Arrangement of the subject subseries, press subseries, correspondence subseries,

and personnel/meetings file subseries is alphabetical. The speaking engagements/speeches subseries is arranged chronologically and alphabetical thereunder.

## CONTAINER LIST

| <u>Container</u> | <u>Contents</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                | <p>SERIES I: EXECUTIVE DIRECTOR'S FILE 1981-82.</p> <p>SUBSERIES A: SUBJECT FILE.</p> <p>Committee Information</p> <p>Communications Committee</p> <p>Constituency Action Program Reports</p> <p>Contributions Strategies Committee</p> <p>Governor's Committee (1 of 2)</p> <p>Governor's Committee (2 of 2)</p> <p>Information Services</p> <p>Liaison with Government Offices Committee</p> <p>Marketing (1 of 2)</p> <p>Marketing (2 of 2)</p> <p>Marshalling Human Resources Committee</p> <p>Models Committee [Progress Report and Action Plan]</p> <p>National Organizations Committee</p> |
| 2                | <p>Partnership Program (1-4)</p> <p>Policy Development</p> <p>Recognition and Awards Committee</p> <p>Speakers Bureau [Speaking Engagements for C. William Verity &amp; Jerry Guth]</p> <p>Volunteerism</p> <p>SUBSERIES B: ORGANIZATION FILE</p> <p>Budget</p> <p>Headquarters Organization</p> <p>Quarterly Meetings of the Task Force (1 of 2)</p> <p>Quarterly Meetings of the Task Force (2 of 2)</p>                                                                                                                                                                                        |



3

Services/Contracts

Staffing

Task Force Members (General)

Travel [Travel Vouchers and Expense Reports]

SERIES II: PROGRAM FILE 1981-82

SUBSERIES A: SUBJECT FILE

American Enterprise Institute

American Red Cross

Amex Contributions

ASPA (Am. Society for Public Admin.)

ARCO/USCM Partnership Conference

Bellagio, Italy Conference July 12-16, 1982

Brookings Institution Seminar - 12/9/81

Buffalo, N.Y. Partnership Background Info. from  
"JG"

Burger, Crisis Intervention [Computer printout of  
Journal articles]

Business Identification System

Business/Industry Council

Case Study Institute

CPHA - Citizens Planning & Housing Assoc.

4

The Cities Congress of 1982, Paul R. Porter;  
Articles of Incorporation of Tahoe Tomorrow  
Foundation

City Venture

Civic Leadership (1 of 2)

Civic Leadership (2 of 2)

Coalition for Human Services Remarks of Charles S.  
Mecham, Jr. (4/17/82)

# National Archives



Washington, DC 20408

Date : September 26, 1991

Reply to  
Attn of : NL

Subject : Proposed opening of Reagan Presidential Records

To :  
NLS

In accordance with President Reagan's letter of September 10, 1991, to the Archivist and the press release by the Office of Ronald Reagan on September 25, 1991, President Reagan has stated his desire to open over six million pages of Reagan Presidential records by November 12, 1991. The Archivist must now give formal notice to President Bush of the Archives' intent to disclose Reagan Presidential records.

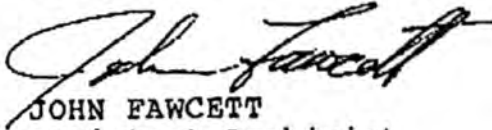
Under the requirements of E.O. 12667 the Archivist in his formal notice is asked to identify any specific materials, the disclosure of which he believes may raise a substantial question of Executive privilege. In the E.O., there are three categories of material which may raise a substantial question of Executive privilege:

- 1) Presidential records which might impair the national security,
- 2) Presidential records dealing with law enforcement, and
- 3) Presidential records dealing with the deliberative processes of the Executive branch.

Could you please have the staff who have reviewed this material make a final review for any records that might fall into one of these three categories. Include in this final review a check of any material showing up on a STAIRS search dealing with Bush, any Bush cabinet members, principal White House advisers, and any other key advisers.

Since E.O. 12667 requires that the formal notice to both former and incumbent Presidents allow for at least thirty days, this final review needs to be done as soon as possible. The results of this search need to be completed.

before the Archivist can send over his final notice to the White House. Please let me know the results of your review as soon as it is completed.

A handwritten signature in cursive script, appearing to read "John Fawcett", written in dark ink.

JOHN FAWCETT  
Assistant Archivist  
for Presidential Libraries



**DRAFT**

FOR IMMEDIATE RELEASE

RONALD REAGAN PRESIDENTIAL LIBRARY  
OPENS TO RESEARCHERS

The Ronald Reagan Presidential Library will officially open its research facilities on Tuesday, November 12, 1991. Over six million pages (approximately 6,350,000 pp.) of material documenting the Reagan administration will be opened to the public. This is the largest volume of records to be opened as part of the initial opening of any Presidential library.

Included among the Presidential records to be opened are ten primary subject categories of the White House Subject File, including Agriculture, Arts, Education, Highways-Bridges, Local Government, Natural Resources, Parks - Monuments, Sports - Recreation, Safety - Accident Prevention, and State Government; the White House Alpha (Name) File; press releases and press briefings of the White House Press Secretary's Office; News Summaries and the Friday Follies, a weekly compilation of political cartoons, prepared by the White House News Summary Office; and the large collection of White House Library Press Clippings.

This is the first bloc of presidential records to be opened under the provisions of the 1978 Presidential Records Act. Additional blocs of material will be opened in the future, after intervals of approximately six months.

The Ronald Reagan Library, dedicated on November 4, is one of nine Presidential libraries administered by the National Archives and Records Administration. In addition to the Reagan Library,

other libraries in the system are the Hoover, at West Branch, Iowa; Franklin Roosevelt, at Hyde Park, N.Y.; Truman, at Independence, MO.; Eisenhower, at Abilene, KS.; Kennedy, at Boston, MA.; Johnson, at Austin, TX.; Ford, at Ann Arbor, MI.; and Carter, at Atlanta, GA.. The presidential materials of Richard Nixon are held by the National Archives at Alexandria, VA.

The Reagan Library is open for research from 9:00 a.m. to 4:30 p.m. Monday through Friday, except for national holidays.

OCT 9 1991

Honorable C. Boyden Gray  
Counsel to the President  
The White House  
Washington, DC 20500

Dear Mr. Gray:

In accordance with the requirements of the Presidential Records Act, 44 U.S.C. 2201, the regulations promulgated thereunder, 36 C.F.R. 1270.46 and Executive Order 12667, this letter is our formal notice to the incumbent President of our intent to open selected Reagan Presidential records on November 12, 1991.

I have enclosed a list of the categories of material being proposed for opening. This opening of Reagan Presidential records is in conjunction with the dedication of the Reagan Library on November 4, 1991. Included in the proposed opening are ten subject categories from the White House Office of Records Management files; the White House Office of Records Management Alpha File; news summaries; a compilation of political cartoons; press releases and briefings; and clippings.

This material has been reviewed for the ten restriction categories imposed by former President Reagan under the provisions of the Presidential Records Act (except for the Alpha File which will be subject to a final review by the Reagan Library staff upon researcher requests for individual names). However, in a September 10, 1991, letter to me, the former President waived his right to restrict certain types of documents under these categories. I am enclosing a copy of his letter which details the types of items within the restricted categories that are proposed to be opened. The material proposed for opening falling within any of these restricted categories will remain tabbed until the end of October should White House Counsel wish to review any of these items.

In accordance with the requirements stated in Executive Order 12667, a final review has been conducted for any materials that might raise a "substantial question of



Page 2

Executive privilege" if opened. The final review has been completed and the Reagan Library staff has not identified any items within the material proposed for opening that might raise a "substantial question of Executive privilege", as defined in Executive Order 12667. Formal notice of the proposed opening has also been provided to the former President pursuant to this Executive Order.

Since this would constitute the first public opening of materials covered by the Presidential Records Act, I would like to summarize some of the procedures followed by NARA to ensure that this opening is in accordance with the statutory authorities governing Presidential records. John Fawcett, the Assistant Archivist for Presidential Libraries and his staff, have provided extensive training in the Presidential Records Act, the regulations and Executive Order to the staff of the Reagan Library. The Reagan Library staff, along with the Office of Presidential Libraries, have continually consulted with Stephen Blitz, former President Reagan's representative on this issue, about the interpretation of the restrictive categories.

Pursuant to section 2(b) of EO 12667, we intend to disclose the above described Presidential records on November 12, 1991, unless we receive an objection or claim of privilege from your office or former President Reagan during the intervening time period.

Ralph Bledsoe and John Fawcett have briefed Mr. Gene Schaerr on your staff on our plans to make select openings of Reagan Presidential records.

If White House Counsel has any questions about the upcoming opening please contact John Fawcett, Assistant Archivist for Presidential Libraries, at 501-5700; Gary Brooks, General Counsel for NARA, at 501-5535; or Ralph Bledsoe, Director of the Reagan Library, at 805-522-8444.

Sincerely,

(signed) DON W. WILSON

DON W. WILSON  
Archivist of the United States

Enclosures

cc. Assistant Attorney General

Office of Legal Counsel

cc: Official file-NL  
Reading file-NL, N, NLS, NSL  
NKSMITH/cbc 10/9/91 501-5702  
DOC:CBOYDENGGRAY:NKS/CBC