

EXHIBIT A

January 4, 1977

Honorable Henry Kissinger  
Secretary of State  
Washington, D.C. 20520

Dear Mr. Secretary:

It has come to my attention that materials relating to your public service are being deposited in the Library of Congress under terms that are based upon the presumption that such materials are or were personal property. Among these materials you have included a set of transcripts or notes that were systematically kept reflecting the substance of telephone conversations.

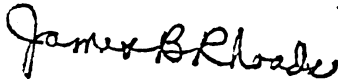
I recognize that you obtained the advice of legal counsel in the Department of State concerning these telephonic transcriptions. I also appreciate fully the sensitive nature of your responsibilities in the national security and foreign relations areas and the concomitant requirement that candid and unguarded conversation in the conduct of foreign relations must be duly protected.

Nonetheless, as Archivist of the United States, by authority delegated to me by the Administrator of General Services, I am responsible by law (sections 2103, 2904, 2905, and 3303a of title 44, United States Code) for ascertaining that Federal agencies create, maintain and dispose of their records in an efficient and lawful manner, and that they preserve records of permanent historical value for eventual deposit in the national archival system. Further, in accordance with Title I of the Presidential Recordings and Materials Preservation Act (P.L. 94-526; 44 U.S.C. 2107 note), I am responsible for assuring custody and control of the Presidential historical materials of the Nixon administration. I believe these statutory authorities and responsibilities require that I conduct an inspection of the documentary materials mentioned above to verify the conclusions made and actions taken concerning them.

To carry out these responsibilities I enlist your cooperation in permitting qualified archivists from my staff to be given the opportunity to examine the telephonic transcriptions and any related documents that you have deposited with the Library of Congress. These professional archivists will determine whether such materials are, indeed, personal property or whether some portions of them may be Federal records or Nixon historical materials. I guarantee the protection of any confidential information which these archivists may encounter during their inspection. In addition, I ask your cooperation as Secretary of State in providing access to any memoranda of conversations or other pertinent records in the Department of State that may assist our archivists in carrying out their task.

I would appreciate your making arrangements with the Librarian of Congress so that my staff can have access to these materials for the purposes of this determination. When the process is completed I plan to formulate a report, including recommendations, which I shall transmit to you and, as appropriate, to officials in the White House and the Department of State.

Sincerely,



JAMES B. ROADS  
Archivist of the United States