

APPENDIX 20.—SCOPE OF THE ARCHIVIST'S AUTHORITY TO EXAMINE  
DOCUMENTS TO DETERMINE IF THEY ARE GOVERNMENT OR PERSONAL  
PROPERTY

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION

*National Archives and Records Service*  
Washington, DC 20408



FEB 11 1977

Honorable Henry A. Kissinger  
1800 K Street, NW.  
Washington, D. C. 20006

Dear Dr. Kissinger:

This is in reply to your letter of January 18.

In that letter you declined to permit professional archivists from the staff of the National Archives and Records Service to examine the transcripts or notes of telephone conversations which you have deposited with the Library of Congress. You included with your reply copies of your letter to the Honorable Jack Brooks, Chairman of the House Committee on Government Operations, and a January 14 legal memorandum from the Legal Adviser to the Department of State, Mr. Monroe Leigh.

While those enclosures add some information regarding the deposit of this material with the Library of Congress, they do not resolve the basic issue of whether some or all of the transcripts or notes are Federal records, Nixon historical materials, or personal papers.


Consequently, I am writing to you once again to enlist your cooperation in making it possible for qualified archivists from my staff to examine this material in order to make the necessary determinations. As I indicated in my letter of January 4, this work would be done by professional archivists who will protect any confidential information they may encounter. It is my intent to select for this purpose a small team of archivists experienced in diplomatic records, personal papers, and the appraisal of Federal records.

With regard to the legal issue involved and Mr. Leigh's memorandum, I enclose the opinion of the General Counsel of the General Services Administration. As you will note, this opinion concludes that: "The Archivist of the United States has the authority and responsibility to

make an independent determination of the character (federal records, Nixon historical materials or personal papers) of the telephone transcripts and related documents created or received by Former Secretary of State and Assistant to the President for National Security Affairs Henry A. Kissinger during the course of his service in those positions."

In view of this opinion and in order to resolve the basic issue expeditiously, I would appreciate it if you would make the necessary arrangements with the Librarian of Congress so that the members of my staff may have access to the materials in question.

Sincerely,



JAMES B. RHOADS  
Archivist of the United States

Enclosure