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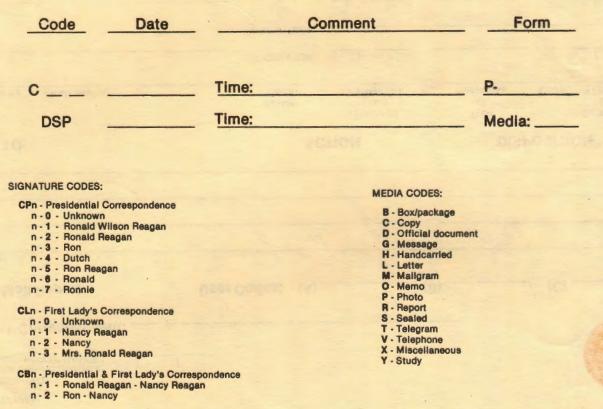
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RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Individual Codes: Correspondents: Media: Prime Secondary Subject Code: Subject Codes:

PRESIDENTIAL REPLY



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THE WHITE HOUSE WASHINGTON

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THE WHITE HOUSE

WASHINGTON

June 16, 1986

MEMORANDUM FOR DONALD T. REGAN CHIEF OF STAFF

FROM: PETER J. WALLISON COUNSEL TO THE PRESIDENT

SUBJECT: Oral History Program

You have asked me to consider the advisability of the President's involvement in an "oral history" program that would be funded by the Ronald Reagan Presidential Foundation.

According to the description provided by Glenn Campbell on May 16, the program would consist of:

- Tapes made of conversations between the President and one or more interviewers, meant to compose a "diary";
- Tapes made of conversations between other Administration officials and one or more interviewers, conducted at the time such officials depart the Government;
- 3) Papers "donated" by Administration officials at the time of their departure from the Government; and
- Tapes made of conversation between interviewers and "associates" of the President, congressional and party leaders, and members of the Reagan family.

Mr. Campbell has asked for your thoughts by June 19, when he will present the idea to the Trustees of the Ronald Reagan Presidential Foundation.

My recommendation is that we not proceed with this proposal. My understanding is that the President intends to write his own memoirs, and the time he devotes to this project would be better used recording his thoughts for his own use. To assist the President in this respect, the staff could draft questions that could be used as the basis for the President's recording of his views on current decisions, but this must be done carefully so as not to create documents that are official papers within the meaning of the Presidential Records Act, and thus subject to control by the Archives after the President leaves office. Another part of the proposal is to make recordings of the views of other Administration officials, during their tenure or after they leave office. In reviewing this matter, it came to my attention that the Executive Clerk's Office has been doing this when top staff leave the White House. I have some question about this practice, which I will be pursuing, but in any event a similar program by the Hoover Institution seems unnecessary.

THE WHITE HOUSE

WASHINGTON

June 2, 1986

MEMORANDUM FOR PETER J. WALLISON

FROM:

: C. CHRISTOPHER COX

SUBJECT: Oral History Program

As requested, I have reviewed the proposal for an oral history program submitted by Glenn Campbell to Don Regan. The program would consist of the following:

1) Tapes made of conversations between the President and one or more interviewers, meant to compose a "diary";

 Tapes made of conversations between other
 Administration officials and one or more interviewers, conducted at the time such officials depart the Government;

3) Papers "donated" by Administration officials at the time of their departure from the Government; and

4) Tapes made of conversations between interviewers and "associates" of the President, congressional and party leaders, and members of the Reagan family.

The widespread creation of tapes covering, in a desultory fashion, every aspect of the conduct of the Administration might or might not be a boon to history in general and to the history of this President in specific. That, in any case, is not the most serious issue. As Michael Shepherd outlined in his May 29, 1986 memo to you concerning Edmund Morris, the more important issues are the maintenance of executive privilege, exemptions from FOIA requests, and the confidentiality of national security information.

According to Michael Shepherd's memo, at page 6, "[d]eliberately providing information to Morris is likely to be held to constitute a waiver of executive privilege and, at least for any period after he may publish, of the deliberative exemption to the Freedom of Information Act." The memo also concludes that claims of privilege under the Presidential Records Act might be challenged because the information has been disclosed to Morris. Finally, only the proposed letter agreement stands in the way of public disclosure by Morris of national security information inadvertently disclosed to him.

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These issues are multiplied in the context of the oral history proposal. Not just Edmund Morris, but several interviewers will be involved. Not just the President, but an indeterminate number of Administration officials, Reagan family members, party officials and the like will be interviewed. The risks of confidential information becoming public are thus far greater. The inference of waiver is stronger. The political bases for Congressional and other demands will be more solid. The arguments for evenhandedness in dealing with other historians will have more merit. The chances of uncontrollable behavior--political, commercial or otherwise--by those in possession of such information are increased. In short, the oral history project presents all of the Morris problems in spades without the correlative benefits.

The fact that the President seems not to be keeping a current diary is a problem worth addressing, however. One cure is simply to schedule diary taping sessions without the presence of outside interviewers, based on questions they submit. Indeed, videotapes could be used as well as audio tapes, and might present a more interesting source of history. To the extent necessary, other officials could create such tapes as well, in the same manner. The important point is to defeat the inference of waiver and the spread to outsiders of currently nonpublic information by keeping them from such information to begin with.

Attached for your recommended use is a memorandum to Don Regan responding to his request.

THE WHITE HOUSE WASHINGTON -415388₄ oter TO: FROM: **DONALD T. REGAN CHIEF OF STAFF** What do yn Unich J Cres: involvement, WMK 5:1-86

THE RONALD REAGAN PRESIDENTIAL FOUNDATION

May 16, 1986

The Honorable Donald T. Regan Chief of Staff The White House Washington, D.C. 20500

Dear Don:

It was very gracious of you to take time to see me Wednesday afternoon, particularly since you had just returned from such a successful summit meeting and had so many important legislative issues with which to deal.

Enclosed is the description of the oral history project that I promised to send you during our discussion. The meeting that Martin Anderson refers to in his memorandum took place a little over a year ago at which time Michael Deaver indicated that he was going to discuss the project with the President. After you have had a chance to study the enclosed memoranda, I trust you will agree that the project is an important one and that it should be started as expeditiously as possible. Needless to say, your advice, cooperation and participation will be indispensable to the success of the project.

I plan to put the project before the Trustees of the Ronald Reagan Presidential Foundation at their next meeting on June 19. Thus, if I could hear from you before that date, and you could give me the name of your designated representative with whom I should deal, I would appreciate it.

I am also enclosing some renderings by Hugh Stubbins, the architect for the Presidential Library, as well as a description of the Foundation's program, all of which I believe you will find of interest.

Once again, thank you for your courtesy and your generous offer of full cooperation in respect to the program of the Reagan Presidential Foundation.

Sincerely yours,

Glenn Campbell

Enclosures

1025 THOMAS JEFFERSON STREET, N.W., SUITE 820 WASHINGTON, D.C. 20007 202-342-2900

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May 8, 1986

MEMORANDUM FOR THE TRUSTEES OF THE REAGAN FOUNDATION

DRAFT

FROM MARTIN ANDERSON

SUBJECT ORAL HISTORY PROJECT

Last year Michael Deaver suggested we look into the feasibility of an oral history project for President Reagan and other key people in the adminiatration. It was noted that some of the most critical decisions and events are not reflected in official government documents or recorded in any way, and that President Reagan, unlike some former presidents, has not kept any personal diary or notes of key events. The original group that Mike assembled to discuss this issue included David Chew, from Don Regan's office, Samuel Vaughn, now an editor of Random House, Dick Darman and myself.

Other events have continually taken priority since then, and there is still no systematic way of compiling historical notes that would be of invaluable use to President Reagan when he writes his memoirs. I have discussed this with Charles Palm, the archivist of the Hoover Institution and one of the leading experts on oral histories, and he has put together a draft program for us to consider (see attachment).

The proposed project would not conflict with the biography being prepared by Edmund Morris. Instead it would complement and supplement that effort.

Done properly, an oral history project would not only be valuable to President Reagan, his family and key people in the administration, it would also be an extremely important addition to the history of the United States.

DRAFT

RONALD REAGAN PRESIDENTIAL ORAL HISTORY PROGRAM

Oral history programs have been an integral and important part of many Presidential Libraries. Properly done, such a program would be invaluable for the Reagan Presidential Library and for the preparation of the President's memoirs.

For a Reagan Oral History Program, a three-phase approach is recommended. First, a presidential diary, consisting of interviews conducted with President Reagan intermittently over the next few years, will document the private incidents, motivations, and thoughts that only the President himself can provide. Second, short exit interviews will capture the immediate impressions of departing administration officials and create opportunities to obtain donations of papers. Third, a program of formal oral history interviews, based on well researched questions and designed to fill gaps in the written record, will systematically and objectively record the recollections of major figures in the administration, associates of President Reagan, congressional and party leaders, and members of the Reagan family. The interviews will record for history the contributions to our nation's public life of the many distinguished individuals who have served in the Reagan Administration.

The most critical and important component of the program is the presidential diary. Nothing illustrates the

value of a presidential diary more than the presidential memoirs that have been based on them. Two recent presidents -- Nixon and Carter -- relied extensively on diary notes in writing their memoirs, as explained in the very first pages of both publications:

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Throughout my public career I have had the habit of making extensive handwritten notes about my ideas, conversations, activities, and speeches. These notes, most of them made on yellow legal pads, total more than 20,000 pages extending from my outlines for the debates in the 1946 campaign to the outlines of my resignation speech in 1974. They range from offhand observations to extremely detailes passages of dialogue.

Between 1954 and 1957, while I was Vice President, I made diary-type dictations covering 112 different meetings, conversations, or events. I cannot remember why I started or why I stopped making them, and they cover such a wide variety of subjects and personalities that there does not seem to have been any single purpose behind them. These diaries, which were dictated on Edison Voicewriter platters, were transcribed in 1961 when I wrote <u>Six Crises</u>, but I did not use them directly in that book and they are quoted here for the first time.

During the presidency, from November 1971 until April 1973 and again in June and July 1974, I kept an almost daily dictated diary. In this book these passages are introduced by the heading <u>Diary</u>.

(From <u>RN, The Memoirs of Richard Nixon</u>, by Richard Nixon)

Immediately after returning home from the White House on January 20, 1981, I unpacked eighteen large black volumes of diary notes which I had accumulated during my four years as President. Generally, several times a day, during my term, I had picked up a miniature tape recorder and dictated my impressions of the peopole I met and the interesting or disconcerting events that filled my life. No one but the secretary who transcribed it had access to my diary while I was

in office. These highly personal papers -- some 5,000 pages of them -- have been the primary source for this book, augmented by my own memory and the official records of my administration.

•••

(From <u>Keeping Faith, Memoirs of a President</u>, by Jimmy Carter)

A series of oral interviews of President Reagan, conducted at suitable intervals over the next few years, will constitute a Reagan Presidential Diary -- an invaluable source for future scholars as well as an aid and guide for the President when he writes the memoirs of his presidency.

The oral history program will be carefully developed in the following ways:

<u>Funding</u>. The program will be funded entirely by the Ronald Reagan Presidential Foundation.

Staffing. The Ronald Reagan Presidential Foundation will direct the program, using an oral history interviewer who is acceptable to the interviewee and who meets progressional standards.

Access. Since the interviews will be privately funded and serve no official function, they will not constitute government records subject to the provisions of the Presidential Papers Act of 1978 or the Freedom of Information Act. Therefore, the interviewee may restrict the oral history for any number of years, during which time it would be available only to him/her. After the taped sound recordings have been transcribed, the interviewee will have an opportunity to review the transcript and delete any

information he/she wishes. The tapes and verbatim transcripts will be destroyed, and only the edited transcript will be preserved in the library.

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Security. All interview transcripts will be stored in a 24-hour alarmed vault at the Hoover Institution, which meets the security requirements for storage of national security documents classified through top secret. Only the archivist of the Hoover Institution has access to the storage area.

<u>Uses</u>. The Ronald Reagan Presidential Foundation will deposit the transcripts of the presidential diary, exit interviews, and oral histories in the Reagan Presidential Library for use by future scholars. The collection will represent an important and irreplaceable addition to the library holdings. It will become a source for scholarly research on the Reagan Administration in particular and government operations and policy in general.

> Charles Palm Archivist The Hoover Institution May 9, 1986

THE RONALD REAGAN PRESIDENTIAL FOUNDATION

On February 27, 1985, The Ronald Reagan Presidential Foundation was created to fund the design, construction, endowment, and supervision of a Presidential Library and a Center for Public Affairs and to develop and maintain other activities related to the study of the Presidency and public affairs.

The Reagan Presidential Library will be the ninth library in the Presidential Library system. The practice, begun by President Franklin D. Roosevelt with the dedication of his library in 1940, preserves all documents of the President, provides public access to Presidential records in a single facility meeting the highest professional standards, and enhances research opportunities for scholars and students through the generosity of private philanthropy.

The Ronald Reagan Center for Public Affairs will encourage and facilitate the advanced study of public affairs in the United States, focusing on the major national and international policy issues this country will face in the years ahead. To support this program, the Foundation seeks to build and operate the finest research center in the world.

THE RONALD REAGAN PRESIDENTIAL FOUNDATION

1025 THOMAS JEFFERSON STREET, N.W. SUITE 820 WASHINGTON, D.C. 2007 (202) 342-2900

THE RONALD REAGAN PRESIDENTIAL FOUNDATION HAS BEEN CLASSIFIED BY THE INTERNAL REVENCE AS A SEC.50400 NON-PROFIT, TAX EXEMPT EDUCATIONAL INSTITUTION.

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PRESENTATION SUMMARY

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The Ronald Reagan Presidential Foundation is chartered to fund the design, construction, endowment and establishment of a Presidential Library and a Center for Public Affairs and to develop and maintain other activities related to the study of the Presidency and public affairs.

The Foundation is inaugurating its fundraising efforts to meet an unprecedented challenge: Dedication of the Presidential Library during the President's second term of office.

- The Library will be located on a 20-acre site overlooking the Stanford University campus, the San Francisco Bay and the coastal mountain range.
- The Center for Public Affairs will provide research facilities for visiting fellows and hold international conferences where past and present heads of state, cabinet secretaries and ministers can interact with scholars, businessmen and other leading national and international experts.
- The building projects, as well as the maintenance and operation of the Center, will be supported by private philanthropy. Upon completion, the Library will be turned over to the National Archives for maintenance and operation as a public facility.
- Gift opportunities are numerous. Among the various methods available to donors are:
 - Cash, Stocks and Bonds, Matching Grants, Bequests, Deferred Gifts, Fellowships and Endowed Chairs.
- Under Internal Revenue Service Rulings, contributions to the non-partisan, non-profit Foundation are tax-deductible.









THE RONALD REAGAN PRESIDENTIAL LIBRARY

When President Ronald Reagan concludes his second term, his Presidential papers will be shipped to the Ronald Reagan Presidential Library which will become a preeminent resource for scholarly research.

The Boards of Trustees of The Ronald Reagan Presidential Foundation and Stanford University have chosen a twenty-acre hillside site on the Stanford campus with views of the San Francisco Bay and the coastal mountain range. The building is expected to project a Western ambiance with extensive use of redwood, Spanish tile, adobe tile, functional patios, roof overhangs, frequent and easy access to the out-of-doors and the sound of moving water. Once constructed by the Foundation, the Library will be turned over to the Federal government for maintenance and operation.

The interior will accommodate the unprecedented volume of Presidential documents while providing easy access for researchers as well as meeting their functional needs. The Library will contain extensive archives (an estimated 60,000 linear feet) of the nation's first full two-term Presidency in nearly 30 years, including the personal and White House papers of the President and his associates, as well as photographs, motion pictures, sound and video tapes. An exhibition area will provide a vivid educational experience for both students and the general public by showing the formulation of public policy, the operation of government, and the record of the Reagan Presidency. Additional library programs will include documentary publications and an oral history project.

The Library will require extensive storage space to protect thousands of documents from deterioration and theft. State-of-the-art audio-visual and computer equipment will facilitate access to and use of the historic material.

Reading rooms, conference and seminar rooms, and an auditorium for films and scholarly lectures will be necessary in addition to basic facilities and amenities found in other research libraries and public buildings.

President Reagan's association with Stanford University dates from 1975, when he placed his gubernatorial papers at the Hoover Institution. He has continued to deposit his non-Presidential papers there and is also an Honorary Fellow of the Institution.

THE RONALD REAGAN CENTER FOR PUBLIC AFFAIRS

President Reagan's distinguished public career has been devoted to achieving and maintaining peace and economic prosperity while protecting and expanding our individual liberties. The Center for Public Affairs will facilitate advanced study in these areas and provide the resources for objective research and analysis upon which sound public policy must be based.

The Center will sponsor small conferences enabling the world's leading experts to meet heads of state and other distinguished leaders in order to discuss and analyze the most important public affairs issues of the time. Residential units for key conference participants will create a congenial setting for the exchange of ideas.

A group of visiting fellows, for whom the Center will provide residential units as well as offices and research support, will constitute the major portion of the research effort. The visiting fellows, appointed for specific terms, are expected to come from colleges and universities, other research institutions, government, the media, business, and the professions. Interacting in a scholarly, interdisciplinary environment, they will pursue independent inquiries and publish works on public policy issues.

The Board of Trustees of the Foundation is actively seeking a site for the Center in the San Francisco Peninsula area near the Reagan Presidential Library. The Center will consist of a state-of-the-art conference facility with audio-visual and computer capabilities, simultaneous translation equipment and television and recording studios. Seminar rooms, meeting rooms and a small auditorium will be available to meet the Center's conference requirements. Offices for the staff and resident scholars of the Center, as well as a small library, will be included.

Through the activities of its fellows and conference program, the Center will attract worldwide attention and make a substantial contribution to the nation's continued prosperity and to the preservation of its freedom.





ID #416929 CU WHITE HOUSE 1A CORRESPONDENCE TRACKING WORKSHEE H - INTERNAL I I . INCOMING Date Correspondence Received (YY/MM/DD) Deborahk, Owen Alt Name of Correspondent: **MI Mail Report User Codes:** (B) home Subject: **ROUTE TO:** ACTION DISPOSITION Tracking Туре Completion Date Date Action of YY/MM/DD YY/MM/DD Response Code Office/Agency (Staff Name) Code 103119 C ORIGINATOR **Referral Note:** 86 10315 Mat **Referral Note: Referral Note: Referral Note: Referral Note:** ACTION CODES: **DISPOSITION CODES:** A - Answered A - Appropriate Action 1 - Info Copy Only/No Action Necessary C - Completed Comment/Recommendation R - Direct Reply w/Copy B - Non-Special Referral S - Suspended C · Draft Response S - For Signature D **Furnish Fact Sheet** X - Interim Reply FOR OUTGOING CORRESPONDENCE: to be used as Enclosure Type of Response = Initials of Signer Code "A Completion Date = Date of Outgoing a Hached Comments

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PRESIDENTIAL REPLY

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CLn - First Lady's Correspondence n - 0 - Unknown n - 1 - Nancy Reagan		R - Report S - Sealed T - Telegram	
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THE WHITE HOUSE

WASHINGTON

March 19, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM:

DEBORAH K. OWEN

SUBJECT: Presidential "Library"

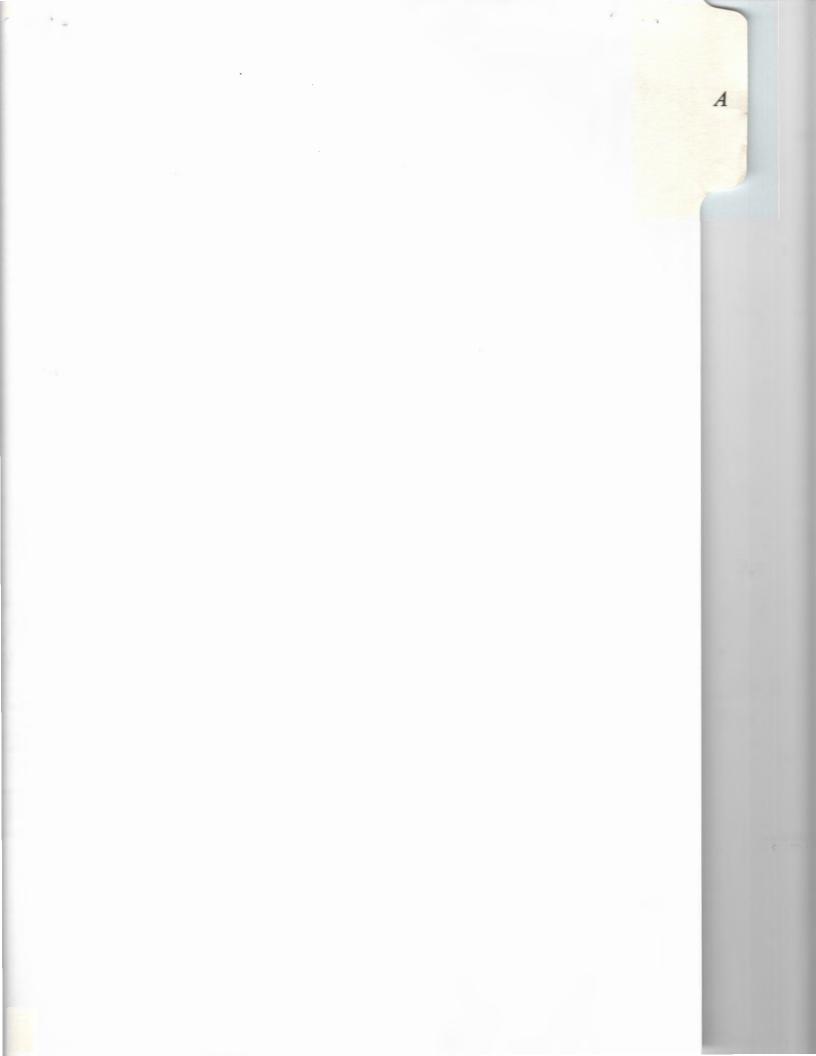
You recently asked if Presidential "library" is a term of art mandated by 44 U.S.C. §2122 (Tab A), which permits the Archivist of the United States, "in the public interest," to take title to, and maintain, such a facility.

Under 44 U.S.C. §2101(1), a copy of which is attached at Tab B, the operative phrase is "Presidential archival depository," which "means an institution operated by the United States to house and preserve the papers and books of a President or former President of the United States, together with other historical materials belonging to a President or former President of the United States, or related to his papers or to the events of his official or personal life." 44 U.S.C. §2112 envisions that the Presidential archival depository will include some non-library features, since Subsection (e) permits the Archivist to charge fees for visiting exhibit rooms and museum space in the depository, and Subsection (f) permits "reasonable office space" to be provided there for the personal use of the former President.

As a result, the term "library" need not be used. However, there might be some question about authority for government expenditures for any facilities which are not described above. In this regard, one should keep in mind that, under 44 U.S.C. §2112(a), the Archivist may not take title to the library until the expiration of a specified period of time after he submits a report to Congress describing the proposed acquisition.

Attachments

416929 Cu



PUBLIC PRINTING AND DOCUMENTS

ere shall be supplied to the Superintendent of Documents not to and twenty-five copies each of all Government publications, ad bound copies of the Congressional Record, for distribution to ments which agree, as indicated by the Library of Congress, to tates similar publications of their governments for delivery to ress. Confidential matter, blank forms, circular letters not of a blications determined by their issuing department, office, or required for official use only or for strictly administrative or which have no public interest or educational value, and publicaeasons of national security shall be exempted from this requirebinding, and distribution costs of any publication distributed in is section shall be chargeable to the department, office, or g the publication.

-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189.)

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26

ER 19-DEPOSITORY LIBRARY PROGRAM

1916. Designation of libraries of accredited law schools as depository libraries.

PubiL. 95-261, § 2, Apr. added item 1916. Pub.L. 92-368, § 1(b), t. 507, added item 1915. nagement Provisions With-Authority and responsi-

ppellate court libraries as

raries.

bilities under chapter not limited or repealed by Federal Records Management Amendments of 1976, see section 5(b) of Pub.L. 94-575, Oct. 21, 1976, 90 Stat. 2727, set out as a note under acction 2901 of this title.

ion to depositories; designation of additional libraries; justifiauthorization for certain designations

Public Library as Deposi-943, c. 243, 57 Stat. 568, ablic Library of the District constituted a designated ental publications, and the

Superintendent of Documents shall supply to such library one copy of each such publication, in the same form as supplied to other designated depositorict."

State appellate court libraries as depository libraries

st of the highest appellate court of a State, the Public Printer is ignate the library of that court as a depository library. The on 1911 of this title shall not apply to any library so designated.

8, § 1(a), Aug. 10, 1972, 86 Stat. 507.)

For legislative history and	Library References
2-368, see 1972 U.S.Code	United States \$58(1).
p. 2919.	C.J.S. United States \$5 75 to 79.

PUBLIC PRINTING AND DOCUMENTS 1

1916. Designation of libraries of accredited law schools as depository libraries

(a) Upon the request of any accredited law school, the Public Printer shall designate the library of such law school as a depository library. The Public Printer may not make such designation unless he determines that the library involved meets the requirements of this chapter, other than those requirements of the first undesignated paragraph of section 1909 of this title which relate to the location of such library.

(b) For purposes of this section, the term "accredited law school" means any law school which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner of Education for such purpose or accredited by the highest appellate court of the State in which the law school is located.

stAdded Pub.L. 95-261, § 1, Apr. 17, 1978, 92 Stat. 199.)

Effective Date. Section 3 of Pub.L. 95-261 provided that: "The amendments made by this Act [enacting this section] shall take effect on October 1, 1978."

Transfer of Functions. The functions of the Commissioner of Education were transferred to

the Secretary of Education pursuant to section 3441(a)(1) of Title 20, Education.

Legislative History. For legislative history and purpose of Pub.L. 95-261, see 1978 U.S.Code Cong. and Adm. News, p. 553.

CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Sec.	Sec.
2101. Definitions.	2109. Preservation, arrangement, duplication, exhibition of records.
2102. Establishment.	2110. Servicing records.
2103. Officers.	2111. Material accepted for deposit.
2104. Administrative provisions.	2112. 'Presidential archival depository.
2105. Personnel and services.	2113. Depository for agreements between States.
2106. Reports to Congress.	2114. Preservation of motion-picture films, still
2107. Acceptance of records for historical pres-	2115. Reports; correction of violations.
2108. Responsibility for custody, use, and with-	 2116. Legal status of reproductions; official seal; fees for copies and reproductions.
drawal of records.	2117. Limitation on liability.
e new .	.2118. Records of Congress.
attended a state of the state	

1984 Amendment. Pub.L. 98-497, Title I, items 2102 to 2106 and redesignated former its § 102(c)(1), Oct. 19, 1984, 98 Stat. 2282 added 12103 to 2114 as items 2107 to 2118.

6 2101. Definitions

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As used in this chapter of this title-

(1) "Presidential archival depository" means an institution operated by the United States to house and preserve the papers and books of a President or former President of the United States, together with other historical materials belonging to a President or former President of the United States, or related to his papers or to the events of his official or personal life,

...(2) "historical materials" including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value:

(3) "Archivist" means the Archivist of the United States appointed under section 2103 of this title; and

(4) "Administration" means the National Archives and Records Administration established under section 2102 of this title.

(As amended Pub.L. 98-497, Title I, § 102(b), Oct. 19, 1984, 98 Stat. 2282.)

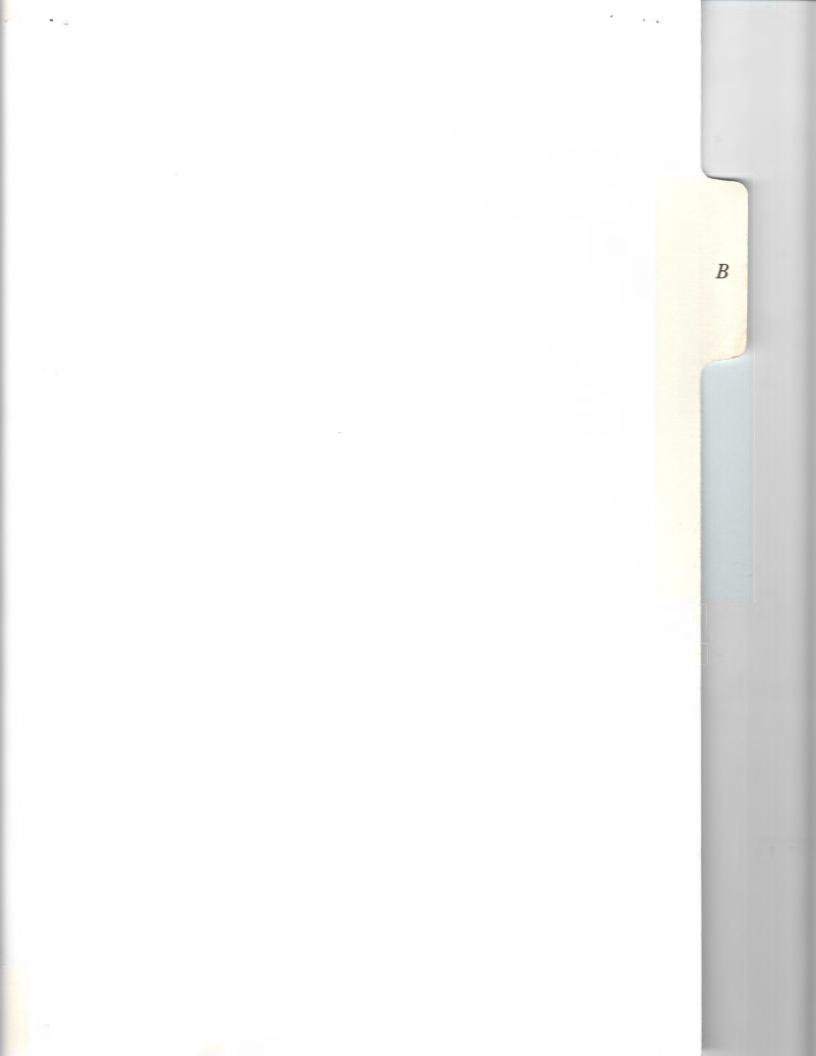
1984 Amendment. Introduction. Pub.L. Par. (1). Pub.L. 98-497, § 102(b)(1), designat-98-497, § 102(b)(2), substituted "As used in this ed the provisions defining "Presidential archival chapter" for "As used in sections 2103-2113 of undepository" as par. (1). this title", and the con

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PUBLIC PRINTING AND DOCUMENTS

affirmed 97 S.Ct. 2777, d 867.

nd to accept as conclusive of executive continuity as president and his successposition of materials and uring the former presi-Administrator of General 408 F.Supp. 321, af-33 U.S. 425, 53 L.Ed.2d

s implementing Presidenterials Preservation Act. us acction, for creation of embers of the public can tape recordings made by ot overbroadly infringe ge of confidentiality on means of accomplishing ave been chosen, where creening of materials and made public until former ose rights or privileges sure had an opportunity ad obtain judicial review tion. Nixon v. Freeman, U.S.App.D.C. 188, cer-445, 459 U.S. 1035, 74

would, in the course of aterials of former presiw both materials outside idential Recordings and Act, set out as a note materials which were private property as well contain confidential or about a wide range of trate that Congress, in d to employ the most o screen materials effectrator of General Servic-Supp. 321, affirmed 97 53 L.Ed.2d 867.

stire range of purposes nterest in preserving a torical record, Presidenrials Preservation Act, his section, is not over-

utional one-house veto Recordings and Materiut as a note under this ability did not save the ice revised by virtue of llen v. Qarmen, D.C.D.

g Presidential Recordation Act, set out as a are to differentiate bereedom of Information and accesses otherwise tion Act; regulations al guidelines for each . Sampson, D.C.D.C.

1977, 437 F.Supp. 654, reversed on other grounds 591 F.2d 944. 192 U.S.App.D.C. 335.

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28. Persons entitled to compensation

Any subsequent reassertion of ownership by former White House Chief of Staff in personal property which he left in White House following his resignation so that the President could assert ownership, claim executive privilege and refuse to release it, did not entitle him to compensation under the Presidential Recordings and Materials Preservation Act, set out as a note under this section, for period during which property was retained pursuant to court order to maintain status quo pending final resolution of a case. Haldeman v. Freeman, D.C.D.C. 1983, 558 F.Supp. 514.

29. Compensable time periods

Even if former White House Chief of Staff reasserted ownership in personal property which he left in White House so that President could assert ownership, claim executive privilege and refuse to release it, he was not entitled to compensation under the Presidential Recordings and Materials Preservation Act, set out as a note under this section, for subsequent period of archival processing; three-year delay between initiation of processing and final return of property was reasonable due to volume of materials involved and surrounding circumstances, entire dispute was engendered by plaintiff's decision not to assert ownership of property when he left White House, and any damages suffered would have been avoided if he had made photocopies. Haldeman v. Freeman, D.C.D.C.1983, 558 F.Supp. 514.

30. Persons entitled to maintain action

As individuals sought to be protected by Presisiential Recordings and Materials Preservation Act, set out as a note under this section, and recognized as having protectable rights under the Act by earlier courts, plaintiff former holders of positions in executive branch during the presidency which spawned the Act had standing to maintain constitutional challenge to Act's one-house veto provision. Allen v. Carmen, D.C.D.C.1983, 578 F.Supp. 951.

31 Lachas

Former holders of positions in the executive branch were not guilty of laohes in connection with constitutional challenge to one-house veto provision of Presidential Recordings and Materials Preservation Act, set out as a note under this section, notwithstanding that first legislative veto was exercised in 1975 and it was not until 1983 that suit was filed as it was not until August of 1983 that plaintiffs were aware of nature of documents acheduled to be opened and they acted diligently thereafter, recent Supreme Court decision was first time the court had definitively decided one-house veto question, and processing which had occurred would have independent utility if plaintiffs prevailed. Allen v. Carmen, D.C. D.C.1983, 578 F.Supp. 951.

32. Exhaustion of administrative remedies

Exhaustion of administrative remedies was not prerequisite to constitutional challenge to onehouse veto provision of Presidential Recordings and Materials Preservation Act, set out as a note under this section, as agency expertise did not extend to determining whether release of specific documents would violate certain privacy or consti-

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agency regulations, in light of plaintiffs' claims, was necessary to a proper disposition, notwith-

tutional rights and ruling on constitutionality of standing possibility of alternative relief. Allen v. -Carmen, D.C.D.C.1983, 578 F.Supp. 951.

8 2112. Presidential archival depository

(a) When the Archivist considers it to be in the public interest he may accept, for and in the name of the United States, land, buildings, and equipment offered as a gift to the United States for the purposes of creating a Presidential archival depository, and take title to the land, buildings, and equipment on behalf of the United States, and maintain, operate, and protect them as a Presidential archival depository, and as part of the national archives system; and make agreements, upon terms and conditions he considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, buildings, and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States, and maintain, operate, and protect the depository as a part of the national archives system.

The Archivist shall submit a report in writing on a proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives, and include-

a description of the land, buildings, and equipment offered as a gift or to be made available without transfer of title;

a statement of the terms of the proposed agreement, if any;

a general description of the types of papers, documents, or other historical materials proposed to be deposited in the Presidential archival depository so to be created, and of the terms of the proposed deposit;

a statement of the additional improvements and equipment, if any, necessary to the satisfactory operation of the depository, together with an estimate of the cost; and

an estimate of the annual cost to the United States of maintaining, operating, and protecting the depository.

The Archivist may not take title to hand, buildings, and equipment or make an agreement, until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the report is transmitted, computed as follows:

Continuity of session is broken only by an adjournment sine die, but 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.

(b) When the Archivist considers it to be in the public interest, he may deposit in a Presidential archival depository papers, documents, or other historical materials accepted under section 2111 of this title, or Federal records appropriate for preservation.

(c) When the Archivist considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Archivist, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 2111 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in a Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Archivist may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository. Only the first two sentences of this

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PUBLIC PRINTING AND DOCUMENTS

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subsection shall apply to Presidential records as defined in section 2201(2) of this title.

(d) When the Archivist considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository.

(e) When the Archivist considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum space in a Presidential archival depository.

(f) When the Archivist considers it to be in the public interest, he may provide reasonable office space in a Presidential archival depository for the personal use of a former President of the United States.

(g) When the Archivist considers it be in the public interest, he may accept gifts or requests of money or other property for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into the National Archives Trust Fund to be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses as the Archivist determines.

(Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1289, § 2108; Pub.L. 94-575, § 4(a), Oct. 21, 1976, 90 Stat. 2727; Pub.L. 95-591, § 2(b)(3), Nov. 4, 1978, 92 Stat. 2528; renumbered and amended Pub.L. 98-497, Title I, §§ 102(a)(1), 107(a)(6), Oct. 19, 1984, 98 Stat. 2280, 2286.)

1984 Ameadment, Subacc. (a): Pub.L. 98-497, § 107(a)(6)(A) substituted "Archivist" for "Administrator of General Services" after "When the".

Pub.L. 98-497, § 107(a)(6)(B) substituted "Atchivist" for "Administrator" wherever appearing.

Pub.E. 98-497, § 107(a)(6)(C) substituted "section 2111 of this title" for "section 2107 of this title".

1978 Amendment. Subsec. (c). Pub.L. 95-591 limited the application of subsec. (c) when dealing with Presidential records.

1976 Amendment. Subsecs. (b), (c). Pub.L. 94-575 substituted reference to section "2107" for "3106" in subsecs. (b) and (c).

Effective Date of 1984 Amendment. Amendment by Pub.L. 98-497 effective on April 1, 1985, see section 301 of Pub.L. 98-497 set out as a note under section 2102 of this title.

Effective Date of 1978 Amendment. Amendment by Pub. L. 95-591 effective with respect to Presidential records created during a term of office of the President beginning on or after Jan. 20, 1981, see section 3 of Pub. L. 95-591, set out as an Effective Date note under section 2201 of this title.

Transfer of Functions. Transfer of functions from the National Archives and Records Service of the General Services Administration to the National Archives and Records Administration, see section 103 of Pub.L 98-497 set out as a note under section 2102 of this title.

Legislative History. For legislative history and purpose of Pub.L. 94-575, see 1976 U.S.Code Cong. and Adm.News, p. 6150. See, also, Pub.L. 95-591, 1978 U.S.Code Cong. and Adm.News, p. 5732; Pub.L. 98-497, 1984 U.S. Code Cong. and Adm. News, p. 3865.

Federal Practice and Procedure

Summary judgment in actions involving United States, see Wright, Miller & Kanes Civil 2d § 2733.

Notes of Decisions

Authority of Administrator 3 Ownership of documents 4 Proceedings 1, Production of materials 2

1. Proceedings

Proceedings taken by government for purpose of acquiring and preserving certain items of evidence pertaining to assassination of President Kennedy were valid. Nichols v. U.S., D.C.Kan. 1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certorari. denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

2. Production of materials

Fact that various materials pertaining to assassination of President Keanedy were deposited with Archivist Division of General Services Administration in April of 1965, while letter agreement with Keanedy family placing restrictions on use of materials was not entered into until October of 1966, was of no significance in defermining whether materiala could be produced for impection on request. Nichols v. U.S., D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 LEd.2d 232.

Government could justify its refusal to produce for examination items relating to assassination of President Kennedy on ground that items were in possession of Archivist Division of General Services Administration pursuant to a letter agreement with executors of the Kennedy Estate, notwith-

PUBLIC PRINTING AND DOCUMENTS

standing claim that donor did not have full title to thems, since this section and section 2107 of this title governing archival depository do not require that items of property deposited with archivist be owned by donor if they fall within description of those things which may be deposited, and, under provisions of letter agreement, to examination of material could be permitted without permission of a Kennedy family representative. Id.

Antherity of Administrator

Under this section and section 2107 of this title swerning archival depository, Administrator of General Services Administration has a continuing responsibility to negotiste and take such steps for deposit and preservation of presidential historical materials so as to secure for government, as far as pusible, right to have continuous and permanent posession of such materials, and, in fulfilling responsibility, he is authorized to accept papers, documents, or other historical materials (records and not mentioned but presumably intended to be included) subject to such restrictions as to availduity of use as may be specified in writing by

don r or o positors. 1971 325 Supp. certin ri de led 93 L.Ed.26 22

4. Ownership of do

Generally, that whi duced or kept by a p tration and performan of public office belon may not be considered individual. Nizon v 389 F.Supp. 107, stay U.S.App.D.C. 172.

Records of a govern discharge of his offic ments and ownership

Presidential material sations which were ge or kept in the adminis the powers and duties o belonged to the govern property of former pre

\$ 2113. Depository for agreements between States

The Archivist may receive duplicate originals or authenticitents or compacts entered into under the Constitution and tates, between States of the Union, and take necessary action in and servicing.

The L 90-620, Oct. 22, 1968; 82 Stat. 1290, § 2109; renumbered and a file I, §§ 102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286.)

1984 Ameniment. Pub.L. 98-497 substituted Archivist" for "Administrator of General Servic-

Effective Date of 1984 Amendment, Amend-

nt by Pub.L. 98-497 effective on April 1, 1985.

see section 301 of Pub.I. under section 2102 of the

Legislative History. purpose of Pub.L. 98-Cong. and Adm. News,

\$ 2114. Preservation of motion-picture films, still pictures ings

The Archivist may make and preserve motion-picture film sound recordings pertaining to and illustrative of the historica United States Government and its activities, and provide for fitting, scoring, processing, duplicating, reproducing, exhibitin pon-profit educational purposes, motion-picture films, still pic fordings in his custody.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2110; renumbered and a Title I, §§ 102(a)(1), 107(a)(7), 98 Stat. 2280, 2286.)

1954 Amendment. Pub.L. 98-497 substituted Archivist" for "Administrator of General Servic-Cong. and Adm. News,

2115. Reports; correction of violations

(a) In carrying out their respective duties and responsibilitie 25, 23, 31, and 33 of this title, the Archivist and the Administra ports from any Federal agency on such agency's activities

(b) When either the Archivist or the Administrator finds the inform has been or is being violated, the Archivist or the inform in writing the head of the agency concerned of the immendations for its correction; and (2) unless satisfactory

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THE WHITE HOUSE WASHINGTON

June 30, 1986

Dear Denny:

Thank you for your correspondence forwarding a letter and money order for the Ronald Reagan Presidential Foundation and Reagan Presidential Library from Mr. Ben Cortez.

Your special interest is appreciated, and I was pleased to forward this donation and your letter to the Ronald Reagan Presidential Foundation in Washington, D.C.

With best wishes.

Cordially,

Alan M. Kranowitz Deputy Assistant to the President

The Honorable Denny Smith House of Representatives Washington, D.C. 20515

DENNY SMITH STH DISTRICT, OREGON

WASHINGTON ADDRESS: 1213 LONGWORTH HOUSE OFFICE BUILDING WASHINGTON, D.C. 20515 (202) 225-5711

> SALEM ADDRESS: 4035 12TH STREET, S.E. #40 Post Office Box 13089 SALEM, OREGON 97309 (503) 399-5756

Congress of the United States House of Representatives Washington, D.C. 20515

COMMITTEES:

BUDGET INCOME SECURITY TASK FORCE STATE AND LOCAL GOVERNMENT TASK FORCE BUDGET PROCESS TASK FORCE

INTERIOR AND INSULAR AFFAIRS SUBCOMMITTEE ON ENERGY AND ENVIRONMENT SUBCOMMITTEE ON GENERAL OVERSIGHT, NORTHWEST POWER AND FOREST MANAGEMENT SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION

VETERANS' AFFAIRS

MILITARY REFORM CAUCUS

June 16, 1986

The Honorable Alan Kranowitz Deputy Assistant to The President for Legislative Affairs The White House 112 East Wing Washington, D. C. 20500

Dear Alan:

Recently I received the enclosed letter and money order for The Ronald Reagan Presidential Foundation and Reagan Presidential Library Stanford University.

I would appreciate it if you could forward this to the proper person.

Thank you very much. If I can ever be of assistance please contact me.

regards, Deriny Smith ember of Con ress

DS:tjk

Enclosure

(note: The postal money order of \$100 is on page 2).

June 7, 1986

Hon. Denny Smith, M. C. Congress of The United States House of Representatives 1212 Longworth Washington, D. C. 20515

Dear Congressman Smith:

I read your pamplet of March 1986. I was so impressed with your brilliant performance as our Representative of the fifth Congressional District of the State of Oregon, that I have decided to give you my full support in the coming election.

The undersigned is a member, on and off, of President Reagan Presidential Task Force, since 1982.

A few days ago, I received a letter from the Board of Governors, requesting my participation as a sustaining sponsor of The Ronald Reagan Presidential Foundation. And also to have my name entered on the permanent sustaining Sponsor's Register at the Reagan Presidential Library Standford University.

A partial photo copy of the letter is enclosed herewith for your ref. or verification.

Accordingly, I have enclosed herewith a postal money order in the amount of \$100 for the above program.

Honorable Smith, please guide one of your trusted employees to deliver the money order to the Board of Governors sponsoring The Ronald Reagan Presidential Foundation and of the Reagan Presidential Library Standford University.

Trusting to read from your Honor, Sir, I remain.

Sincerely and respectfully,

Ben R. Cortez P. O. Box 285 Salem, Oregon 97308

P. S. The above contribution is small and is purely personal and voluntary. It is not connected with my business financing whatever. It is born of good will and pure admiration for the political and conservative economic policies of the President. His fearless, undaunted, and successful stand to stem the tide of World terrorism for the sake of world peace, American liberty, justice, and freedom for all. I feel proud and happy to support such an awesome and historic personality. I say long live the President! Long live President Ronald Reagan!

Same, B R. C.

The favor of a reply is requested by June 23, 1986



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The Board of Governors

requests the honor of your participation as a

Sustaining Sponsor

The Ronald Reagan Presidential Foundation

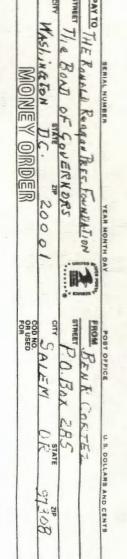
and

invites you to have your name entered on the permanent

Sustaining Sponsors' Register at the Reagan Presidential Library Stanford University 36183484047 860605

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page 2