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**Collection:** Roberts, John G.: Files  
**Folder Title:** JGR/National Archives and  
Records Administration Act of 1984  
(2 of 2)  
**Box:** 33

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THE WHITE HOUSE

WASHINGTON

April 11, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Archivist Letter to Administration Officials

This has been "on hold" on my desk for some time. You will recall that we held it up in light of Nixon library concerns and the establishment of the new National Archives and Records Administration (independent of GSA). At this point I think any effort to obtain personal papers of Administration officials should be coordinated with the Ronald Reagan Presidential Foundation. Accordingly, this particular item should be closed out.

Attachment

# WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) \_\_\_\_\_Name of Correspondent: Marie Allen☐ MI Mail Report

User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Memo to Jean Lamb asking for approval  
of out going form letter for the personal papers  
of Administration officials

## ROUTE TO:

## ACTION

## DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>WJHOU</u>	ORIGINATOR	<u>84,02,08</u>			<u>1 1</u>
	Referral Note:				
<u>WAT18</u>	<u>A</u>	<u>84,02,08</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				

## ACTION CODES:

A - Appropriate Action  
 C - Comment/Recommendation  
 D - Draft Response  
 F - Furnish Fact Sheet  
 to be used as Enclosure

I - Info Copy Only/No Action Necessary  
 R - Direct Reply w/Copy  
 S - For Signature  
 X - Interim Reply

## DISPOSITION CODES:

A - Answered  
 B - Non-Special Referral  
 C - Completed  
 S - Suspended

## FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer  
 Code = "A"  
 Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.  
 Send all routing updates to Central Reference (Room 75, OEOB).  
 Always return completed correspondence record to Central Files.  
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

THE WHITE HOUSE

WASHINGTON

April 17, 1985

MEMORANDUM FOR RICHARD A. HAUSER

FROM: JOHN G. ROBERTS 

SUBJECT: Archives Issues

You requested that I prepare a list of issues to discuss with the candidate for appointment as Archivist of the United States. This list follows:

1. What is your understanding of the position of the Archivist in the Government? The National Archives and Records Administration Act of 1984 provides that the National Archives and Records Administration is "an independent establishment in the executive branch." What is your understanding of that provision?
2. Do you consider the Archivist to be subject to the direction and control of the President? By law, the President may remove the Archivist, but must communicate his reasons for doing so to Congress. Do you view failure to follow instructions as a justifiable reason for removal? What sort of Presidential instruction would you decline to follow?
3. Are you familiar with the Presidential Records Act of 1978? That Act gives to the Archivist custody and control of Presidential records -- the most sensitive Executive branch documents.
4. Do you recognize why the Archivist must be completely within the Executive branch and subject to Presidential control, if he is to have custody and control of the most sensitive Presidential records?
5. Many Presidential records -- and many non-Presidential records from throughout the Executive branch departments and agencies -- are subject to executive privilege. What is your understanding of the doctrine of executive privilege?
6. The constitutionally-based doctrine of executive privilege recognizes that the President must be able to receive candid and unfettered advice if he is to discharge his constitutional duties, and that to preserve the free-flow

of such advice some information must be protected from disclosure, not only to the public but to Congress as well. As the Archivist, would you consider executive privilege in reviewing records for public access?

7. How would you reconcile a statutory obligation to open records to the public with a direction from the President or Attorney General to withhold such records on grounds of executive privilege?

8. Do you think executive privilege can protect even old documents from disclosure? Older than twelve years?

9. What role should consideration of personal privacy have in reviewing the possible release of a document? Should individuals discussed in a record be given notice of the intended release and an opportunity to object?

THE WHITE HOUSE  
WASHINGTON

4/23/85

TO:

JGR

FROM: Richard A. Hauser *RHS*  
Deputy Counsel to the President

FYI:

For Files

COMMENT:

ACTION:



A24

## WASHINGTON TALK

# Briefing

### *The Archivist Race*

On April 1 the National Archives shed the General Services Administration as its parent and became an independent agency, the National Archives and Records Administration. But the restructured agency still lacks a permanent head.

Under the revised structure, an Archivist of the United States is to be appointed by the President and confirmed by the Senate. The job, which pays \$73,600 a year, is considered by historians, librarians, researchers and others to be one of the most prestigious professional appointments in the country.

So far, four men who want the job have had White House interviews, according to historians and Government officials keeping track of the appointment. The four are: John Agresto, the deputy chairman of the National Endowment for the Humanities; Charles Blitzer, a former Smithsonian Institution official now at Duke University's National Humanities program; Theodore Carter, who heads the American Philosophical Society in Philadelphia, and Peter J. Duignan, the head of the African program at the Hoover Institution for War, Revolution and Peace at Stanford University in Palo Alto, Calif.

In recent days, some historians in the capital say, Mr. Duignan has become the front-runner. And expectation is growing, with some misgivings, that Mr. Duignan will be named by President Reagan. The misgivings stem from concern that Mr. Duignan is identified as an outspoken political conservative who once used the word "swine" to describe Anatoly F. Dobrynin, the Soviet Ambassador to the United States.

Meanwhile, the archives are being supervised by Frank Burke, who replaced Robert W. Warner when he retired this month. Mr. Warner held the Archivist's job under the old system, before it became a Presidential appointment.

THE WHITE HOUSE

WASHINGTON

April 17, 1985

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*yes*  
2. Do you consider the Archivist to be subject to the direction and control of the President? By law, the President may remove the Archivist, but must communicate his reasons for doing so to Congress. Do you view failure to follow instructions as a justifiable reason for removal? What sort of Presidential instruction would you decline to follow?

*no*  
3. Are you familiar with the Presidential Records Act of 1978? That Act gives to the Archivist custody and control of Presidential records -- the most sensitive Executive branch documents.

*yes*  
4. Do you recognize why the Archivist must be completely within the Executive branch and subject to Presidential control, if he is to have custody and control of the most sensitive Presidential records?

5. Many Presidential records -- and many non-Presidential records from throughout the Executive branch departments and agencies -- are subject to executive privilege. What is your understanding of the doctrine of executive privilege?

6. The constitutionally-based doctrine of executive privilege recognizes that the President must be able to receive candid and unfettered advice if he is to discharge his constitutional duties, and that to preserve the free-flow



of such advice some information must be protected from disclosure, not only to the public but to Congress as well. As the Archivist, would you consider executive privilege in reviewing records for public access?

*yes. most  
certainly.*

7. How would you reconcile a statutory obligation to open records to the public with a direction from the President or Attorney General to withhold such records on grounds of executive privilege?

*could  
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*not open  
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*European trade  
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files seen by anyone*

*believer in confidentiality of records.*