

President's Papers

By James Reston

WASHINGTON, Aug. 15—One of these days the moving vans will be backing up to the White House and carting off all of President Nixon's personal and official papers to San Clemente, Calif. This is the way it has been since the beginning of the Republic: By tradition, which now has the force of law, the departing President decides which papers he wants to take away, and they are regarded as his "private property."

This means that these papers, which are the memory of the nation, are very largely under the control of the departing President and his heirs, who can edit them selectively, or even destroy them, or under the will of the President upon his death, arrange to conceal their contents for as long as he chooses.

Nevertheless, the principle that Presidential papers "belong" to the departing President and can be trucked away, and disposed of as he and succeeding generations of his family see fit, raises some awkward questions.

For example, the White House has just announced that all the tape recordings of Mr. Nixon's conversations, those published and those still secret, are his "personal property." Is he, therefore, free to lock up the still-secret White House tapes for a hundred years, like the Adams papers,

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or burn them as Warren Harding's widow is reported to have destroyed some of the records of the Harding scandals?

Also, the modern Presidency, since the invention of the transoceanic telephone and the tape recorder, now contains official records of conversations that are vital to an understanding of foreign relations.

President Nixon bugged not only his political "enemies" and members of his own staff, but also his conversations with visiting Presidents and Prime Ministers, without their knowledge. What promises or commitments, if any, did he make to foreign governments in these talks, which succeeding Presidents have to recognize? And how will President Ford know what promises were made if the records are under the sole control of Mr. Nixon?

It is important to be clear about what is not at issue here. The question is not whether the departing President has a right to the records of his Administration—of course he has—but whether he has the sole right to take them away under his

own and his family's control, without at least leaving behind copies.

In some cases, he does have this right. For example, in his private correspondence about appointing members of his Cabinet or members of the Supreme Court, there will undoubtedly be letters opposing his appointments on the ground that his nominees were drunkards or womanizers. This could be inaccurate, vindictive gossip, harmful to the characters of the people concerned, so obviously the President has the right and duty to edit out scurrilous personal attacks.

But issues of policy, official conversations with other heads of government, tapes of conversations that produced the first resignation of an American President, are quite different. These have to do with the history of the country, and should not be entirely under the control of the departing President.

Since Franklin Roosevelt, the papers of the Presidents have gone back to memorial libraries in their home towns, and the system has worked very well. The libraries have been built by the financial contributions of their friends and supporters. They have been maintained by the Federal Government, which has paid professional librarians and archivists, who have organized, copied, computerized, and in the Lyndon B. Johnson Library in Austin, Tex., even captured the voice and pictures of the departed President.

The way things are now at San Clemente, what students and scholars see and hear depends entirely on what the departed President and his family, not only in this, but in the next and succeeding generations, want them to hear. It is all up to him and his heirs to decide: To turn the record over to the national archives, to leave the whole record to history and succeeding generations or to edit it, or fiddle with it, or burn it.

Nothing in the law obliges Mr. Nixon to turn all his papers over to the Federal archives and let the Government maintain a Nixon library in San Clemente. By tradition and present law he can keep them to himself and turn them over in his will to his children and grandchildren. They are his "personal property," as things now stand, and, on the record, nobody is full of trust about what he will do.

The chances are that, like the Presidents from Roosevelt to Kennedy and Johnson, he will want that library in San Clemente, and submit to the vague rules of what papers now belong to him and what really belong to the nation, and from his point of view, it's a good deal.

Giving the President all the papers he wants to take home is okay, letting him and his family control them, and exploit them is understandable, but in the end they are not really personal papers or private property. They are the record and memory of the nation, and should be preserved in the original or by copies for that purpose.