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# Dispute on Kissinger's Documents

Washington

The National Archives says federal law does not support Henry Kissinger's contention that transcripts he made of his phone conversations while secretary of state and national security adviser are his personal property.

In a letter sent to Kissinger last Friday, James B. Rhoads, chief archivist of the United States, said Kissinger's refusal to allow examination of the documents runs counter to established practices, regulations and the law.

The former secretary has classified the transcripts as his personal property. As such, he has donated them to the Library of Congress under conditions that prohibit access for 25 years.

Kissinger based his contention on an opinion written by former State Department legal adviser Monroe Leigh.

That opinion said there are no regulations setting out standards for distinguishing personal from official papers, and that existing legislation leaves it to each federal agency to make such determinations.

In his letter, Rhoads asked that Kissinger change his position voluntarily. The archivist cited the opinion of the general counsel of the General Services Administration to bolster his view.

Charging that Leigh overlooked, misstated and simply was in error, the GSA general counsel, Donald P. Young, says that federal law, regulations and policy clearly make the National Archives the proper agency for determining whether documents are public or private.

Young further recommended that if Kissinger rejects or declines to answer Rhoads' newest request, the Department of Justice should be brought into the situation.

*Associated Press*