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DEPARTMENT OF STATE

DPC 241

TRANSCRIPT OF DAILY NEWS BRIEFING
MONDAY, DECEMBER 27, 1976, 12:42 P. M.

MR. TRATTNER: I have no announcements.

Q Do you have a list of Mr. Vance's appointments?

A Murrey, I think he is going off to talk with the President-elect today.

Didn't we post that on a small piece of paper?

Q Yes.

A He is going to St. Simons Island. I think he was to leave about an hour ago.

Q John, with respect to the discussion about Secretary Kissinger's telephone records, on November 15, 1976 the archivist of the United States James B. Rhoades signed a GSA Bulletin FPMR-65 to the heads of all federal agencies which says, in part, and I quote:

"The definition of personal papers covers material pertaining solely to an individual's private affairs. In other words, correspondence designated 'personal, confidential, or private', etc., but relevant

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to the conduct of public business is nonetheless an official record subject to the provisions of federal law pertinent to the maintenance and disposal of such records. Official records are public records and belong to the office rather than the officer."

My question is: How do you square this with the idea that Secretary Kissinger can treat as his personal property records of his telephone calls which cover material clearly other than that pertaining solely to his private affairs?

A Well, Don, the only answer I can give you on that is that I think Bob Funseth went through this last week at some length, gave the Department's reasoning on it, and I do not have anything to add to it today.

Q Would you find out how the Department can get around this November 15, 1976 ruling by the archivist of the United States?

A I can try to look into it, Don, yes.

Q While you are trying I wish you would try one more thing. That is that the Department's own records, management documents, communication and records --

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This is a State Department document -- Item No. 432, which is called separation of personal from official records says, I quote:

"Records of a personal character which pertain only to an individual's private affairs and which are kept in the office of a departmental or post employee are to be clearly designated as personal. They are to be filed separately from the official records of the office at all times. When official policy matters are discussed in personal correspondence that portion pertaining to functions or activities of the Department or a post is to be extracted and made a part of the official records."

In view of this, are all portions of the telephone memoranda which pertain to the functions or activities of the Department being extracted and made a part of the official records?

A I think we said last week that in discussing the Legal Advisor's memo to the Secretary I think he makes that recommendation. I think we pretty clearly said that the study, that the review of all of these records

is under way and that extracts or summaries would be made.

Q I beg your pardon. What was said was that extracts would be made if the same material was not found some other place, which is a quite different thing.

A All right. Let me look into that, Don.

Q If you could get an answer we would appreciate it.

A I will try.

Q You have no further business that the State Department is engaged in these days?

A Well, that depends on what you want to ask, Murrey.

Q Do you have any ongoing activities concerning the South African situation, for example, Southern Africa, Rhodesian situation?

A Well, we are following it closely, as we have said many times. As you know, the Geneva Conference is in recess. I think it is to convene the middle of next month -- reconvene.

Mr. Richard, as you know, is undertaking an