

October 15, 1984

MEMORANDUM FOR THE RECORD

Subject: The Frank Church papers at Boise State University

Following the receipt of the September 17, 1984 response of Boise State University to my letter about the Frank Church papers, [redacted] and I agreed that I should meet with the Senate Historian, Richard Baker, before answering Boise State. The purpose of the meeting would be to familiarize myself with the Senate procedures for (1) segregating Committee files from a member's files generally, and Senator Church's specifically; and (2) protecting classified information received by Senate committees. I arranged to meet with Dick Baker on October 11 at the Hart Senate Office Building. He requested and I agreed that Michael Davidson, Senate Legal Counsel, attend the meeting.

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The focus of the meeting was not as anticipated. Although we discussed the pertinent procedures for segregating and protecting classified information, the major topic of conversation was the appropriate means of satisfying the executive branch that the Church collection does not include classified information, as contended by the Boise State and Senate officials. The catalyst for this additional subject was an apparent "SOS" from Boise State to Dick Baker, who frequently consults with universities and historical societies on issues pertaining to a former Senator's donated papers. Despite our best efforts to play this issue down and to allay Boise State's fears, it appears that the University still suspects an executive branch effort to expropriate the Church papers.

Unfortunately, Boise State's reaction has elevated the issue to a potential separation of powers problem. When I suggested that I meet with Boise State officials to discuss the issue and, possibly, review a sample of the papers, Mike Davidson countered that such an action would constitute an executive branch intrusion into the prerogatives of the Senate and of individual Senators. Faced with this combative stance, I was compelled to rebut the contention that the executive branch is out of line on this issue even as I continued to play down the degree of controversy.

Finally, Dick Baker offered an alternative approach to satisfying our concerns. He stated that he had been in touch with Rob Simmons, Staff Director of the Senate Select Committee on Intelligence. Rob had informally agreed that he would be willing to dispatch several "experts" from the Committee staff to Boise to review the Church papers to see if there had been any bleeding of Committee files or classified information. When I asked Dick if Boise State and the Church family had agreed to such an inspection, he replied, "Not as yet," but suggested that they would very likely be agreeable. I then indicated that such

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a proposal held some promise for compromise, but that the executive branch would likely seek some representation to satisfy the legitimate interests of protecting its information. I advised them that I would discuss their proposal with my points of contact and that I would be back in touch with them.

I propose to hold tight pending opportunity to discuss the status of the situation with his colleagues. In any event, I plan to delay our next move until after the election.

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