

U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Transcript of National Archives History Office Oral History Interview
Subject: Sam Rushay
Interviewer: Jennifer Johnson
March 10, 2020

[BEGIN RECORDING]

Jennifer Johnson: Okay. So we're going to go ahead and start this recording now. Hi, my name is Jennifer Johnson. I am conducting an oral history interview for the National Archives and Records Administration with Sam Rushay. Today's date is March 10th, 2020. Sam, just to get us started, can you briefly describe or explain your career at NARA?

Sam Rushay: Sure. Yes, Jennifer. I'd be happy to do that. I was hired in 1993 to work as an archivist at the Harry S. Truman Presidential Library here in Independence, Missouri. At the time, I was in grad school at Ohio University. I had obtained my master's [degree] in history and was working on a Ph.D. at the time when a job posting became available at the Truman Library. And I'm in Ohio at the time, at Ohio University. And my mentor/advisor was Alonzo Hamby, who is a Truman biographer. And so when the job posting became available, I asked Dr. Hamby, who I had known had done a lot of work here at the Truman Library, "Is this a good place? Would you recommend this as a place to work?" And he had a very high recommendation. He said, "The Truman Library is a wonderful place, wonderful staff, great collection, et cetera." And so I applied for it. And again, I'm in grad school at Ohio University in Athens, Ohio. And, fortunately, I was interviewed by Ray Geselbracht, and Ray hired me, you know. So I came out here from Ohio to Missouri in 1993 and, for four years, worked as an archivist here at the Truman Library. And I would process collections. I did reference work. I wrote a paper as part of the CIDS [Career Intern Development System] program, which was a career development program at that time, and did some public programs and really liked the work. After about four years—well, part of what I did, too, is I did work in the declassification program here at the Truman Library. Executive Order 12958 came out. President Clinton issued that in 1995. And it really helped us declassify a lot of documents here at the Truman Library in the mid-1990s. And I was very happy to be a part of that as I had the appropriate national security clearances and worked with a wonderful colleague, David Mengel, who is still at NARA, who came out here from Archives II and helped provide guidance on how to do this declassification work. And I found it very interesting, very exciting.

Johnson: Real quick, was the executive order specific to Truman records or just kind of a government-wide effort to open up . . . ?

Rushay: Government-wide. Exactly. And it was an effort to try to declassify whatever documents we could throughout the federal government. And, excuse me, the National Archives was very aggressive about implementing 12958. And so we declassified tens of thousands of pages here at the Truman Library as a result of that. We had some onsite review teams come out here as well from other federal government agencies—State Department, et cetera—and they actually provided some kind of hands-on guidance, because this was something new to us on how to do this work. And so these agency people and Dave Mengel were very, very helpful. And on one of these trips, Nancy Smith came out. Nancy Smith was formerly the Administrator of the Office of Presidential Libraries, which was, until recently, LM. We transformed. Now I'm not sure what the new acronym is. But Nancy Smith came out, and in one of these meetings about declassification—oh, this is probably like 1996—she said that the Nixon Presidential Material Staff was going to be doing some hiring for new archivists to review the Nixon White House tapes. Would I be interested? She actually asked me that, and she asked me in front of my boss, Ray Geselbracht of Truman. And it was a little awkward for me to answer. [LAUGHS] I think I said something like, "Well, thank you. I'll consider your nice offer." But in early 1997, there was indeed a job posting for archivists in College Park, Maryland, at Archives II. And things seemed to align pretty well. I mean, I loved my work here at the Truman Library. We did some really great work, particularly like in the declassification program. We also opened some very nice, very good collections, including the Charles Brannan Papers, who actually was a Secretary of Agriculture under Harry Truman. But I used the Brannan Papers, after they were open, of course, but I used them to help me with my dissertation that I wrote to finish my Ph.D. Anyway, the chapter on the Truman Library, the first part of my career—that's 1993 to 1997—ends with my acceptance of the position on the Nixon staff.

Johnson: Yeah. Okay. So then you moved yourself to College Park?

Rushay: Yeah. Yeah. It worked out well, you know. Personally, too, I had just gotten married in early 1997, and so my wife and I were interested in starting a new chapter in our lives. So it was pretty exciting.

Johnson: Good timing, too. And did you know when you moved—not to jump too far ahead—I know you ended up being with the Nixon Project until mid-2007. That's 10 years. Did you have any idea how long the project would be when you first applied and were accepted for it in 1997? Did you have kind of an idea that it would be like a two- or three-year stint or you just kind of went into it and . . . ?

Rushay: You know, that's an excellent question. And, you know, my recollection is that I didn't think it probably would be more than five or six years, as I'm recalling.

Johnson: Okay. Yeah.

Rushay: And that's based on kind of what my impression was of what the work was and what we had to do yet. And the reason they were hiring new staff is there had been, in 1996, a Nixon Tape Settlement Agreement—that is between NARA and the Nixon Estate. President Nixon passed away in 1994, and he had very aggressively fought openings of Nixon White House tapes from the time he resigned as President in 1974 until his death 20 years later, in 1994. You know, by the time President Nixon passed away, only 63 hours of tape were publicly open, and most of that related to—there were the Watergate Trial Tapes and then the Watergate Special Prosecution Force Tapes. Those two bodies of tapes comprised about 63 hours. And in a total body of maybe 3,700 hours of total Nixon White House tapes, that's a pretty small number. And so, you know, after President Nixon passed away in '94, NARA was able to achieve an agreement with the Nixon Estate, the Nixon family and the Nixon lawyers, on a process to open the rest of the Nixon White House tapes with a lot of provisions on what had to be restricted.

Johnson: Sure, sure.

Rushay: But yeah. So [that's an] excellent question, Jennifer, about how long I expected it to be. It turned out to be 10 years. But, you know, the tapes themselves continue to be open. I think 2013 was the last major opening of the final fifth Chron segment.

Johnson: I'm glad you mentioned Chrons. We'll get back to that, because a number of people who we've interviewed were specific to a Chron or maybe couldn't speak to the creation of Chrons.

Rushay: Sure.

Johnson: So you might want to lead in with that. But I was going to say, can you describe what your role on the Nixon Tapes Project was, the type of work you were doing, and just kind of start from there?

Rushay: Absolutely. I was a tapes reviewer, and the Nixon Project itself will use that term interchangeably—Nixon Project and Nixon staff. And the Nixon Project was the Nixon Presidential Materials Staff. Those are the same thing. And it was dedicated to processing the Nixon materials. It had different office locations originally. There was an office in Virginia. I can't

remember the name of it offhand, but that was before I came, because I'd heard some of the older archivists—the more senior I should say—more senior archivists talk about their work at this office in Virginia. I'll remember it later. It doesn't matter, I suppose, prior to its move to College Park. And people often ask, "Well, wait a minute. The Nixon Library is in California. Why are you guys working on this stuff in College Park or in Virginia?" And the answer is: That's what the law said we had to do.

Johnson: Oh, interesting.

Rushay: The PRMPA, the Presidential Recordings and Materials Preservation Act, the PRMPA of 1974, stipulated that one of its key provisions was that the Nixon materials must not leave the Washington, DC, area because the concern was that Richard Nixon would, if he got control of them in California, he would destroy them—and because that had been an agreement he had signed with the head of the General Services Administration [GSA], Arthur Sampson, in 1974. It was the Nixon-Sampson Agreement, which basically provided a timeline for, well, basically it said Nixon could retain control of his materials and that . . . his tapes could be destroyed, must be destroyed, by 1984, 10 years after he resigned. Well, when Congress and the media got wind of this Nixon-Sampson Agreement, that's when the PRMPA was implemented, because it was Congress stepping in to say, "This can't happen. The tapes and the papers must remain in the custody of the government." And GSA was the predecessor to NARA in charge of the Archives. And so, basically, with the PRMPA, the Nixon-Sampson Agreement was abrogated. And, you know, the stipulation is that the materials must not leave the College Park area. Now that provision was actually struck again by Congress in the early George W. Bush administration—I can't remember the year—which allowed the materials to leave College Park. And that's why they're all at the Presidential Library in Yorba Linda, California, now, except the original Nixon White House tapes, which are still in College Park. But the papers, the records, are all now in Yorba Linda.

You know, post-Watergate and the Nixon resignation, there was a lot of litigation happening. Nixon himself was pardoned, of course, by Gerald Ford. But a lot of the key administration figures—H. R. Haldeman, John Ehrlichman, John Mitchell, John Dean—I mean, there's a dozen-plus [who] were undergoing trials of their own, litigation of their own. And so that's part of the reason why Congress didn't want the material to be destroyed, because it was evidence in ongoing litigation and trials. Plus, of course, there's historical value in the material. So, NARA took physical—well GSA at that point—took physical possession of the Nixon White House tapes in 1977 following the Supreme Court upholding the PRMPA, the Presidential Recordings and Materials Preservation Act. So during the 1980s, this is before I'm hired, but review is continuing on the papers and on the tapes, actually, which included NARA being required by

court subpoenas to provide transcripts of certain sections needed in court. So this is happening. A lot of work is happening before I come on board is mainly my point, and I want to emphasize, just in terms of litigation, just the credit that's due to the archivists that preceded me. And I don't want to jump ahead, but . . .

Johnson: No, that's okay. I actually was going to ask you about that because, in your article, you [said] how grateful you were to the Nixon staff before you that had to deal . . . [CROSS-TALKING]. What you're saying is with all this litigation happening, meaning there were not quite direct policies on what to do, like archivists were still having to get intellectual control of the records in whatever way they could . . .

Rushay: That's correct.

Johnson: . . . as lawyers were figuring out what that meant legally.

Rushay: Exactly.

Johnson: Wow. And that was at 20 years, basically. It wasn't until '94. Just to clarify.

Rushay: Exactly. You're absolutely right.

Johnson: Okay.

Rushay: And these archivists and the administrators, particularly Karl Weissenbach, the late Karl Weissenbach, were very helpful in smoothing the way for young archivists like myself who could get in and start doing the work and not have to worry so much about being interrupted by court orders or trials of various kinds—trials is not the right word—but court orders to stop us.

Johnson: Sure.

Rushay: In the early 90s—and I'll probably give you more information than you need—but in the early 90s, I'll just briefly say that Public Citizen, which is a lobby group, and historian Stanley Kutler sued the National Archives basically saying, "Why are you not opening these tapes?" This is before Nixon passes away. And so there's this kind of fierce litigation [in the] early 1980s over this. And I'm simplifying. There's a lot more . . . some that I don't even remember. But anyway, the Public Citizen suit is very important. And it also helps smooth the way because, eventually, Public Citizen sues the Archives and then Nixon countersues, and NARA is stuck in the middle

here, you know. Then Nixon passes away. And honestly, that probably does help expedite an agreement which is reached in 1996, the year before I am hired.

Johnson: Gotcha. Okay.

Rushay: I'm sorry if I'm giving you too much or not.

Johnson: No, no. This is great! No, it's a lot to cover. So you come online in 1996–97.

Rushay: '97. Yes. Right. [COUNTER-TALKING] June.

Johnson: And can you, if you haven't already covered something you want to, can you talk about kind of the process just a single tape would go through. I read that two different archivists would listen to it.

Rushay: Sure.

Johnson: And talk a little bit about the process for. . . .

Rushay: Yeah. No, that's great. You know, I was one of several archivists on the team, Jennifer. I can recall an average of maybe, oh, four review archivists at any given time, and that number would fluctuate up and down. Now, I was not involved in the tape's technical aspects directly, although I did work with the technical team on matters such as audio enhancement.

Johnson: Okay.

Rushay: And again, I want to give them a lot of credit, too. Bill Cowell, Jerome Bozeman, to people you probably should talk to if you have a chance to. I emailed those names, I think, to Anna Smallwood. They're still at NARA, and they're both very smart men and very, very, very helpful. They helped make my job a lot easier, too. But, you know, I was involved directly or indirectly with all five Chrons, by the way.

Johnson: Okay, there were five Chrons.

Rushay: There were five. Exactly. And I can give you details on those, too, if you want. But you know, those first four Chrons, I added up [that they were] about 1,527 hours, which was about 41 percent of the total estimate of the total number of Nixon White House tapes that exist. But

I was also involved with the fifth Chron review prior to my leaving in 2007. So I reviewed tapes for the fifth Chron, from November and December 1972, and June of 1973. Okay?

Johnson: So, real quick . . . Chrons means—is that short for chronological, you decided . . .

Rushay: I'm sorry.

Johnson: . . . or the group . . . ?

Rushay: Yes. Correct.

Johnson: That's okay. Yeah.

Rushay: Yeah. Correct. And that was part of the . . .

Johnson: It was like a systematic organization for the tapes?

Rushay: Exactly. It was supposed to be a scheduled opening and that was per, again, the 1996 Tapes Agreement.

Johnson: Oh, wow! Okay.

Rushay: It actually spelled out there will be chronological releases. Now, the timeline ended up slipping. You know, we ended up taking more time than the original tapes agreement stipulated. And I don't remember if the actual years were given in the 1996 Tapes Settlement Agreement. But the point is that, you know, there were chronological releases at certain given times . . .

Johnson: I see.

Rushay: . . . because of staffing restrictions, staffing limitations. And there was litigation happening, too, during the period I was at Nixon, and it involved two main issues, and that is the so-called original tapes issue—that is the matter of cutting and splicing original Nixon White House tapes. Were those segments going to be physically returned to the Nixon Estate? So the original tapes agreement and then the compensation suit—that is where the Nixon Estate argued that the government had taken private material, the Nixon Papers, and had not given due compensation. And so those were two big cases that, you know, the original tapes agreement and then the compensation suit that did take a lot of our time, too.

Johnson: Yeah.

Rushay: And my involvement with that would be to provide, oh, documents that either the Nixon lawyers wanted or the government wanted for the—they were like trials, you know. I remember going down to the federal courthouse in Washington and watching some of this happen. Very interesting stuff. And experts would testify about the monetary value of artifacts as it extended to the gifts. And I believe the total settlement that they settled out of court, I believe, for like \$18 million was the total.

Johnson: Really?

Rushay: Yeah.

Johnson: I did not know that. So the Nixon Foundation or family argued that the tapes that were—because all these tapes came from different areas of the White House, correct?

Rushay: Yes. Yes, they were. There are different places where the recording system happened, you know, the Oval Office and the White House telephones and the Camp David recordings to the EOB—the old Executive Office Building.

Johnson: Oh, that's right. That's right. I remember—but all happening during what you would consider, like, President Nixon's business day. But they were just arguing that maybe he would have had a conversation about some personal matter and NARA had . . .

Rushay: Yeah. That's actually . . .

Johnson: But their argument was that there was personal . . .

Rushay: You know, there's actually [CROSS-TALKING] two issues.

Johnson: Not to confuse it—I just did not realize that.

Rushay: There's two issues. The one issue is the monetary value of White House gifts and papers.

Johnson: Sure. Sure.

Rushay: And they tried to put a monetary value on everything, because they claim that, well, a President like President Truman donated his papers and artifacts and audiovisual materials, et cetera, to the government. Those were his property. He decided to donate them.

Johnson: I see.

Johnson: Richard Nixon was denied that opportunity to do that. If Truman or another one of the Presidents had wanted to, you know, they could have disposed of them any way they wanted to. He could have sold them, if he wanted to. There's no stipulation you have to donate the collections to the government, to NARA. So, therefore, because the government seized Nixon's materials, Nixon and his family were denied the compensation they were potentially due. That's my understanding.

Johnson: Sure. No, it makes more sense.

Rushay: A lawyer might say, "Well, Sam, you only have a partial understanding." So, there was a settlement out of court. Actually, there was money provided to the Nixon Foundation. I think the lawyers probably got most of the money. [LAUGHS] But anyway, and then the second part is about the property rights to what we used to call the purely personal or purely political conversations on the Nixon White House tapes, or in documents, where the only discussion is of a personal matter—a family matter, medical, financial—involving just Nixon himself, personal interests, and/or his family. We were mandated that we had to identify that material in our tape review and then remove it physically—at one point, physically cutting and splicing tapes. You know, [there were] bags with the segments, which is just useless. . . . And then we're seeing this thinking, "What's the point of this? You're destroying an original record by altering it, by splicing it. And then you're also, you know, denying the American people and researchers access to some of this material." But anyway. So, purely personal, purely political . . . material that did not relate to President Nixon's constitutional and statutory duties, C & S—constitutional and statutory—we talked about that a lot. Again, it was per the PRMPA and the implementing agreements.

So we were responsible for, basically, listening to every single second of Nixon White House tapes and making decisions on all of it, what to do with all of it from six-hour tapes. You had to listen to every second, you know—and there's hundreds of these tapes—and then determine, well, okay, does what I'm hearing relate to President Nixon's official duties? The answer is yes. If the answer is yes, then can we provide public access? Can we open it? . . . The answer would be yes unless it dealt with, like, a national security matter or a privacy matter. And the PRMPA spelled out six or eight different restriction categories, but the big ones were National Security

and Privacy. Okay. Now that's different, though, than the personal returnables or the political returnables. So if I'm listening to a segment and there's mention of a national security matter, and we determine that because there's a discussion of a foreign country and we use the guidelines that were provided by mainly the State Department—very helpful guidelines in most cases, [but] there were gray areas, too—it deals with a country, and the guidelines indicate we must close this. It doesn't mean we're returning it to the Nixon Estate. That's a totally different category. It just means we're closing it to the public until an agency reviewer has a chance to listen to it. Okay? Similarly with privacy, a third-party living person—we dealt with this a lot—we would determine, is the person they're talking about—they were usually not in the room—is that person now living at the time we're doing the review? Yes/no. If the answer is no, we open it regardless. However, you can think of one example where we determine, well, okay, the person they're talking about, he's not in the room. He's now dead. But what they're talking about is of such a nature that, would his widow be—would it be invading her privacy or hurting her privacy in the exact definition? But this is a really rare exception, Jennifer. But we closed that.

Johnson: I see. I see.

Rushay: And we technically think, well, you know, should we have—and we're not applying the Privacy Act. It's a special privacy restriction within PRMPA, you know, a clearly unwarranted invasion of privacy, I think is how it went. And many times we opened material because it's Nixon being Nixon. We said that a lot.

Johnson: Yeah.

Rushay: Because if we closed every time he kind of bad-mouths or criticizes someone, we would be closing a lot. [LAUGHS]

Johnson: Sure. Sure.

Rushay: And so our stipulation was, well, you know, does it deal with—and if the person was still living in the late 1990s or early 2000s, there still were several Nixon administration officials still living. Well, it's a critical comment about a living person. Okay. Does it deal with that person's finances? Yes/no. Does it deal with that person's health or personal habits or lifestyle? Yes/no. Okay. That was another measure of how we determined, you know. So anyway, it got to be . . .

Johnson: Did you have a mental flowchart or did you have some kind of . . .

Rushay: That's a good way to put it.

Johnson: . . . a kind of legal document to be able to say yes/no? I mean, I just can't imagine, like, the lunchtime conversations dissecting what you just heard that morning or something.

Rushay: Oh yeah, Jennifer. You know, when the segment a couple of months ago was released, Ronald Reagan [was] speaking to Richard Nixon—and Reagan at this point is not President of the United States. He would be a future President of the United States. But he's talking about—he's very upset—and he talks to Nixon on the phone about the behavior of certain African delegates at the United Nations when the vote was to admit Communist China to be the representative of China instead of Taiwan. Taiwan's our ally. Communist China, you know, we had an opening in China. But anyway, Reagan is very upset about the behavior. And I remember hearing that segment and, at the time, we decided to close it. Well, we just opened it a couple of months ago as a result of, I think, a FOIA [Freedom of Information Act request] or a mandatory . . . it had to be a mandatory review request. I remember where it came out in the press, and I remember just smiling, thinking I remember that segment. I remember discussions about it.

Johnson: Sure.

Rushay: And my view at the time was that we should have opened it, even though Ronald Reagan was still living at the time.

Johnson: Because of the language he used, I think I remember reading about this.

Rushay: It was kind of racist.

Johnson: Sure. Right. Very colorful and offensive.

Rushay: Very colorful, derogatory, offensive, but not Privacy, in my view. And I remember talking to colleagues and, I think, maybe a NARA council saying, you know, basically, I think the . . . I should say . . .

Johnson: Whatever you want.

Rushay: Yeah, I think the concern was . . . [CROSS-TALKING].

Johnson: It definitely paints about what an enormous . . .

Rushay: Let's put it this way. I think it was, all right, the agency trying to avoid embarrassment.

Johnson: Sure.

Rushay: But it had nothing to do with the PRMPA. And that's just Sam speaking as an archivist.

Johnson: Yeah. Right. [CROSS-TALKING] But an enormously difficult task! Yeah!

Rushay: There's other considerations, too.

Johnson: Sure.

Rushay: And I respect that. But I know my job as a reviewer was to pay attention to PRMPA, as I understood it. And there were other segments, too, that I could talk about. And NARA really, to their credit, really let us do our jobs. And it was rare that one of these things happened. I do want to say that, almost always, NARA had our back, and particularly Karl Weissenbach, who was the Director there at the Nixon [Presidential Library]. He fought a lot of battles for the Nixon staff and protected us and let us do our jobs. And he had a lot of conversations that kind of insulated us so that we could do our daily work. So the Reagan-Nixon conversation was an exception. The Nixon Estate also had an onsite reviewer that would audit everything we wanted to open. So every time we would propose a tape review—Sam's finished with first review—second review is taking place by a second archivist, and then the tape is given to the Nixon reviewer, you know, and he would listen and maybe raise objections about something we proposed to open, usually on the lines that it's . . . the property of the Nixon Estate because it's purely personal or it's purely political. It's nothing to do with the President's official duties.

And so that's another layer. And so, usually, before we would issue a *Federal Register* notice—which is what we'd have to do every time we did an opening—Mr. [Robert] Nedelkoff . . . would say, "Okay, NARA, we object to the following tapes," and then the process might be different. I don't think Robert directly talked to us, but he would submit his list of problems, and we would go back and listen to them or just kind of dissect them. Okay. "Well, our justification for opening this is this." And, Jennifer, you . . . wonder why these Chrons took so long to open. We would spend time kind of challenging or coming back to them and saying, "Well, no. Here's our justification for opening this." But the actual process would be, we would listen to every second. We would annotate what's called a Tape Subject Log, which is a written summary of

what's on the tape. It's not a transcript. And that's a whole other issue, which you probably don't have time to get into. But we did not prepare transcripts.

Johnson: I read in your article the reason why is that you consider that it wasn't a—not you, yourself—but it was ruled that transcripts weren't necessarily inherent to the, like— they weren't exactly the same as what the tape said. So it wasn't necessarily exactly a one-for-one copy, for lack of a better word.

Rushay: Right. Right. They were not always reliable.

Johnson: Right. And mishearing words.

Rushay: That's exactly it.

Johnson: I remember . . . yes, that some people might have said the Ambassador is this, so you can't guarantee that it's . . .

Rushay: Right.

Johnson: . . . precise.

Rushay: Yeah. Exactly. And, so yeah, that's exactly it. So we thought, well, it seems like a summary is a comfortable medium between not having any description and then trying to do a transcript, which is very time consuming, too.

Johnson: Yes. Yes.

Rushay: And so, we would annotate these subject logs, which . . . we already had a draft of from a review in the 1980s. Okay? The archivist then had prepared these basic tape subject logs. So that was very helpful to us, too. And so we would listen and then actually refer to this kind of broad outline of what the conversation is, and then we would add information to it based on the enhancement we're hearing. You know . . . we were listening to digital audio tapes at the time, DAT recordings. And so the quality of the recording was better in the 90s and early 2000s, than it was in the 1980s, because the first thing NARA did when it got custody in 1997—well, GSA technically—which was to make an analog copy, and then later a digital copy, of the original White House tapes. So we're not reviewing original tapes at any point. The only time the originals were handled was during that brief time, when actual physical splicing was

happening. And that's something that Jerome Bozeman and Bill Cowell can speak to, if you're interested in that.

So by the time it was in my hand, I had a little DAT tape, and there might be several DATs for a particular tape. And then I had a machine, and I would just plug it in and listen with headphones to the recording from start to finish and counting for every single second. Now, I didn't have to actually write down what I wanted to open, but I did have to write down what I wanted to close—either close and keep, because it's National Security or Privacy, and so not available to researchers but NARA is retaining custody of it, versus the personal returnables, which is material that NARA is not going to keep custody of and is going to return to the Nixon Estate. So I annotated tape subject logs for researchers to see—that's the subject summary—and I'd also fill out a withdrawal sheet, as we called it, beginning and ending time code for, and beginning and ending words for restriction A or B or, I guess, B was National Security and D was Privacy [LAUGHS] and add to it. Room noise we might hear, which is unintelligible. We had to account for that. We can't open it. We don't know what to do with it. We have to do something. It's room noise, but you can hear something happening. So we had to account for that. Well, is President Nixon in the room? Yeah, I think he is. Well, that's personal returnable. Or room noise, is he not in the room but you hear a cleaning crew or somebody coming into the White House Oval Office? We're going to close it, but NARA is going to retain it. So anyway, it was very complicated, very challenging, and very exciting and rewarding, too, Jennifer. And part of it is my colleagues were just great to work with, and it was a lot of fun a lot of the time because you'd hear something and think, "Well, gosh, Mark Fischer, can I get your listen on this? I think I'm hearing this." Or "John Powers, what do you think of this?" Or A. J. Lutz, or Greg Goodell, Steve Glenn . . .

Johnson: Well I would imagine you'd all have to have a very strong—I mean, how many Nixon books were you reading during those days that you could have . . .

Rushay: Well, we relied a lot . . .

Johnson: . . . because if they mentioned this or that on the tape, you'd have to be very knowledgeable about exactly what they're talking about.

Rushay: Exactly, Jennifer. Exactly. We would rely a lot on Nixon biographies. We used various archival and secondary sources: Nixon biographies; *A Facts on File* was a good secondary source; the *New York Times Index*; Richard Nixon and Henry Kissinger's memoirs. . . .

Johnson: Oh, wow. Yeah.

Rushay: Yeah. And then, of course, the main primary sources were the Nixon Papers, which we had right there on site. So we'd use the President's personal files a lot; the President's office files; news summaries; the NSC files—very helpful, the National Security Council files—H. R. Haldeman's diaries; John Ehrlichman's notes; Charles Colson's notes. . . . I mean, a lot would depend on who's in the room, too. . . . H. R. Haldeman was in the room quite a bit as Chief of Staff, and so it would be great to listen to him. And then often he would be, as you're hearing him on the tapes and looking at his handwritten notes of that same meeting, it was really cool because there might be something I'm not hearing quite right. But then I realize, oh, this is the context right here.

Johnson: Yeah.

Rushay: The documents provide a context for what we're listening to, and it was a very rich source for us.

Johnson: I bet. I bet. So did you come to recognize voices almost instantly by the time you got in?

Rushay: Yeah. I mean, yes. And, you know, part of the value of these documents is that we could refer to the President's calendar.

Johnson: Right, and know who was in the room.

Rushay: So we would know the date of the meeting, and if I heard a voice I wasn't quite sure of, I could look at maybe that and recognize that voice in that one. Well, maybe the third voice I'm not recognizing is that person, because he's listed right here in the diary. So there's some deduction that you do, too. And the other thing I forgot is there was a third sheet that we had to annotate. I said the tape subject log, the withdrawal sheet, and then there was a sheet—we called it the Determination Sheet—and we would list the number of conversations in the tape, and it might be 10-20 conversations. So Conversation One begins at this time and ends at this time. And then we note the determination, according to the PRMPA, why we are retaining it. So I said that incorrectly before. We did indicate why we're retaining and why we want to close or return material. So we want to retain the conversation, because it deals with legislative duties. That's a number four according to there's, like, 10–12 categories of why you are retaining something: Scheduling, Legislative Duties, Ceremonial Duties, Heads of State, Foreign Affairs. . . . Again, we're not necessarily closing anything, but this is why we're retaining this conversation,

because it deals with these C & S duties—as I said before, constitutional statutory. And so, uh. Yeah, I lost my train of thought. Sorry. [LAUGHS]

Johnson: Well, I think you were just talking about in terms of recognizing—I'd asked you about, I mean, to me, it just seems like an incredible—and I can see why it was fulfilling—like an investigative task to piece together. You have the textual and then you now have an audio, which your task is to be able to describe and decipher and determine where they go. So, real quick, I think I'm skipping around too much, but . . .

Rushay: That's okay. Sorry. I think I'm doing that as well.

Johnson: So today, if you were a researcher, you could access them at All and also at the Nixon Library. And then are they available online? Is that what . . . ?

Rushay: Yes.

Johnson: Okay, so you could essentially access these tapes due to the efforts that the Nixon Tape Staff did over those 10, 12, 15 years?

Rushay: That's correct. That's correct. They digitized the tapes and put them online. And most of that was done after I left in 2007. NixonLibrary.gov. And there's also a private website. There's probably others, too. Nixontapes.org is another site that has a lot of tapes online. [CROSS-TALKING]

Johnson: Oh, go ahead.

Rushay: Oh, sorry, Jennifer.

Johnson: Well, you had written in your article, which was 2007, so right as NARA had gained—I guess the word is—the Nixon Foundation. [The Foundation had] at that point [been in] private custody or private control. But in 2007, it all came under NARA as their way to say . . .

Rushay: That's correct.

Johnson: Okay.

Rushay: From 1990 until 2007, there was a privately run library in Yorba Linda, California. It was an actual physical library. And this is before Nixon passes away. So this is 1990 until 2007. And

it's privately funded. It's privately run, privately administered, by the Nixon Foundation. And then that all changes in 2007. And I'm right on the cusp of that involvement in early 2007. In 2006, I helped draft—because by then, the Chron review had been, I guess you'd say, suspended. My actual heavy tape work was 1997—almost immediately by the time I was in, 1997 June, until maybe 2004, when my role started to change, too. I took on a little bit more administrative duties and was involved in helping draft a processing manual for archivists to use. As a result, well, a couple of important things are happening. One is that NARA has made an agreement. That is, Allen Weinstein, the Archivist of the United States, helped engineer an agreement with the Nixon Foundation or Nixon Estate—I use those interchangeably—to allow for that privately run library to be federalized and become part of the NARA family of Presidential Libraries. And I think it's July of 2007 that that actually happens. So Nixon Library is now a full fledged member of the 14 Libraries that are currently in the system. And so that's part one, and I have no involvement with any of that.

My involvement has to do with the establishment of a deed of gift wherein, as it applies to the Nixon tapes and the textual collection, the Nixon Estate now agreed to donate the political conversations. That is what we previously had to return to Nixon. We're now allowed to retain and open—that's important—retain and open the political conversations. And there were a lot of them, particularly in 1972. So the period of the tapes is February '71 until July of 1973. And there's a lot of discussion about politics on these tapes. And we previously, during my review experience, had to identify, close and return—and return is the key term for the political conversations—and some of the personal conversations that were purely personal. I'll get back to that phrase: purely political, purely personal. I think they loosened up a little bit on what we could retain and open on the personal. So there was a deed of gift that was signed. And so my job was to help create a processing manual, because this is a brand new stuff. And what's kind of cool about it, Jennifer, is that I returned in 2011 to do a two-week detail, and they were using the manual that I helped draft. And that was rewarding. And I did my detail there actually reviewing tapes as part of the fifth Chron. The first four Chrons were opened as separate entities: Chron One, Chron Two, Chron Three, Chron Four on certain dates. But the fifth Chron was opened over the period of several years beginning in 2007 stretching to 2013. Yeah, because Chron Five was big, and it was opened over various years. I don't remember the exact years but . . .

Johnson: So, if this is not impossible to answer, of the 3,700 hours or the 950 tapes, can you guess as to what percentage of them, as of 2013 or as of the most recent iteration of releases, what percentage is now available to researchers or the public?

Rushay: Oh, that's an excellent question. I would say we closed relatively little for Privacy and relatively little for National Security, probably no more than three to five percent.

Johnson: Oh, wow. Okay.

Rushay: Yeah. The vast majority would be these personal returnables.

Johnson: And those have slowly been opening up more since even you worked on it.

Rushay: Yeah, I'm going to say roughly 70 percent.

Johnson: Wow. So more than the majority for sure. And if we can just back up real quick so I can understand the process. . . . So once the team of NARA, the one-two team of archivists, reviewed the tapes and identified or annotated what should be retained or should be returned, and then it was published in the *Federal Register* for comment . . .

Rushay: Right.

Johnson: . . . what then happened after that [CROSS-TALKING]?

Rushay: Forty-five days or sixty days. Sorry, Jennifer.

Johnson: No, no, that's okay. No, that's all right.

Rushay: Yeah.

Johnson: So there'd be a period of 45 to 60 days for review?

Rushay: Yes. I'm really glad you mentioned that, because—and I don't want to interrupt you . . .

Johnson: Sure. No, that's okay.

Rushay: . . . because what you're saying is very important. And that is, the other thing we did, there was another sheet of paper [LAUGHS] where we [had] a list of maybe two dozen men and women—they might have all been men at that time . . . I can't remember—but who were former Nixon administration officials, including Henry Kissinger, [who] was on the list. Charles Colson was on the list. Ronald Ziegler was on. . . . Anyway, there were many, many names. Not everybody. But these were people that wanted to be alerted or informed if we were about to

open conversations that they were mentioned in, but not participants in. We didn't have to say what the matter was. We would just have to point out what tape number it was.

Johnson: Flag it for them.

Rushay: Exactly. So that they or their representatives—their representatives would have an opportunity to do a review, too. "What are you saying? What did Nixon say about me on the tapes?" And what's interesting about it is that if that person was in the room, Henry Kissinger, as an example, was in the room and then he left the room, if we regarded that as still the same conversation, even though he's left, we would not annotate the list to indicate . . . because, at some point, he was in the meeting. He might have stepped out and, as often would happen, Nixon would say something derogatory about it. Unless it was privacy information, we would open it. Okay? Anyway, the point being that, yes, we would, during that 45- or 60-day period, you know, we would send letters actually directly to the people on the list and say, "We're having a Nixon White House tapes opening. You were mentioned on tapes 15, 20," or whatever number they were. I can't recall a time during my experience, though, when any of those people came in to actually listen or that we sent anything to them. Yeah, it may have happened in earlier stages. I think maybe it did. But that was an opportunity during that period of time—and we were required to publish a *Federal Register* notice—that people would have an opportunity, former staff and anyone, frankly, I suppose, to have an opportunity to review or plan to open.

Johnson: And was that pretty robust or was it usually pretty—robust meaning, did a lot of people contribute commentary, or was it more of a kind of pro forma, this is our . . . ?

Rushay: Pro forma. The party that did show an interest in it is the Nixon Estate.

Johnson: Sure. Sure.

Rushay: They were pretty aggressive. A very smart fellow, Robert Nedelkoff, a very bright guy, was the onsite reviewer, and we would bring a tape to him and he'd be very quiet, very diligent. He'd work in his own space there, close to where our offices were. And, you know, his day . . . we sat alone. He sat alone, and he would listen. And at the end of the day, we'd get his tape, put it away, and the next day, "Good morning, Robert. How are you?" [LAUGHS] "Fine, Sam. How are you?" You know, nice. Very, very businesslike. Extremely smart. Anyway, it was a friendly relationship.

Johnson: Sure.

Rushay: The other thing I did—and I know we're running out of time here, Jennifer—but I want to emphasize some of the other . . .

Johnson: Yes, please do.

Rushay: I don't know if you're interested in this or not. But . . .

Johnson: Absolutely!

Rushay: . . . I did more than—and I'm only saying this just for the record . . .

Johnson: Yes, please.

Rushay: Some of the other things I did when I was there [was] I reviewed a lot of documents, including the Kissinger Telephone Conversation Transcripts for the telecoms, which are a very interesting source. And they were published in books like this one here: *Crisis* by Henry Kissinger. And I also reviewed Nixon's National Security Council Files. So I did a lot of textual review, too, during this time and reviewed for declassification. So I'd be reviewing the document according to maybe the same review guidelines I'm using for the tapes. But the written format, of course, is very different. And, you know, we wouldn't do any editing of a document, of course. It was just pass/fail, open/close, depending on what I'm reading. So I did a lot of that.

I responded to reference requests, lots of reference work. It was a working archive, too. I mean . . . a lot of the duties were similar to other Presidential Libraries. We served researchers on the second floor. We didn't have our own research room, of course, but we would bring records upstairs, stack 131 there in Archives II, which was our storage facility. But we would get pulled, and we'd be assigned according to what the schedule was. Sam might have to do pulls at a certain time, and so, like we do here, pull records, but bring them upstairs in the research room. I also conducted oral history interviews and did transcripts. I actually created transcripts after those the old fashioned way, just listening and typing. [LAUGHS] I gave presentations, and did special assignments such as staffing the research room at Archives I when the John Roberts records were opened, for example, in 2005 or something like that, which was all hands on deck. It was such a huge amount of press, and the Supreme Court Justice records were opened. And so, I just wanted to give you a little flavor of some of the other things.

Johnson: Yeah. No, thank you for that. Thank you for that.

Rushay: Sure. You're welcome.

Johnson: Let me just look real quick at my notes. . . . So, as each Chron succeeded its *Federal Register* stage and the information was cleared—I suppose if the Nixon Estate reviewer had objections—what entity would then absorb or make a decision on "Well, this does get held," or "No, we're actually going to go ahead and release it?" Is that NARA's General Counsel or . . . ? Either way, that was the last step before . . . was there a press release that would let people know they were open?

Rushay: Yes, I'm really glad you . . . I'm probably not explaining the process very well. But yes. And part of it is it's a little fuzzy, too.

Johnson: Sure. Of course.

Rushay: But yes. I recall that, most of the time, we were able to handle things kind of informally.

Johnson: Okay. Yeah.

Rushay: And again, this is how valuable Karl was. Karl later became Director of the Eisenhower Presidential Library right here in Abilene, Kansas. And he passed away a couple of years ago. But a very, very valuable colleague and my boss. But he was just always very supportive of the staff. I recall having conversations about what our recommendations were. And I think 9 times out of 10, we handled them informally. When we explained to the Nixon Estate about why we went to open it, normally they would accede to it or agree, but there were times when we had to get our General Counsel, Gary Stern, and other people—again, Gary was very terrific in helping—but that was rare. I remember the Ronald Reagan conversation and we talked about the . . . it was a Billy Graham conversation that we talked about. That's a whole other conversation. Very interesting, though. And so I didn't always agree with final decisions, of course, but I respectfully followed what the reasoning was. I always felt like I could speak my mind, and that was a very important thing . . .

Johnson: I bet.

Rushay: . . . that they cared what the archivists thought.

Johnson: Yeah.

Rushay: The other archivist, John Powers, was really amazing. If you have a chance to talk to him, I really recommend it. He knows a lot more about this stuff than I do. But the fact that I could be in the room and have my voice heard, it didn't, like I said, mean it was always followed, but I could at least speak my mind. I valued that a lot.

Johnson: I'm sure.

Rushay: And I value that about NARA as an agency, the fact that I do feel that I can speak my mind and be listened to, even if it's not always what I want to see happen.

So, you said something very important, which is that a press release was issued. Yes. The *Federal Register* notice, that's after we've made our deliberations. Everything's ready to go. We would create a reference copy, which was audio CDs in the late 90s or early 2000s. And then we would schedule an opening, a certain period of time. It would be at Archives II in one of the—usually, it wasn't in the main research room but in one of the conference rooms, and there'd usually be a lot of media interest. You know, Stanley Kutler, the historian who was a party to the Public Citizen suit in the early 90s, would always show up. He was a fixture of these openings. Other historians would show up. A lot of press and media. George Lardner of the *Washington Post* showed up—the late George Lardner. Jules Witcover showed up quite a bit, an author of, again, the *Washington Post* and Spiro Agnew biographies. Those [are] two names that immediately come to mind, but also the National Security Archive with George Washington University. William Burr showed up quite a bit and showed interest, another representative in the National Security Archive at George Washington University. And we would staff these openings and talk to them, talk to the press, and often they'd want to know where the good stuff is.

Johnson: Sure, of course! Tell us what tape number and what minute to go zero in on.

[LAUGHS]

Rushay: It really kind of goes against my inclination as an archivist because you don't want to spoon-feed people. It seems kind of unethical.

Johnson: Right.

Rushay: But we were also—I'll put this in the past tense—we'd be asked, "Where is the good stuff?" prior to an opening. So I would create—I have one in my . . . I still have it. *Fifth Chron: Recommended Conversations of Interest*, because then I'm listening to them.

Johnson: Sure.

Rushay: And I do it while I'm listening. "Oh, this might be of interest at an opening."

Johnson: Yeah.

Rushay: And again, it feels a little uncomfortable because it feels like you're steering people. But we also have the tape subject logs which allow people to find the stuff themselves, because we would—I can't remember when we would actually make the subject logs available on the website—but at the time of the opening though, yeah, we would have a list of things. And it would be interesting to see what the press would kind of show interest in . . .

Johnson: Yeah.

Rushay: . . . because something you think they might be interested in, they aren't, or something they are interested in, but you wouldn't think they would be interested in.

Johnson: Yeah.

Rushay: I don't think I said that the right way but. . . . So it was interesting. But even more important than that though was that, you know, I think the tapes, along with these other records, really gave historians a deep perspective on Nixon and his Presidency. But I think you have to use them with caution and use them with other sources—the documents, the oral histories, the audiovisual materials—to really create a complete picture of the Nixon administration, which was such an important period of our history with the, as you know, Vietnam War and civil rights concerns; détente with the Soviet Union; of course, Watergate; the opening to China; some of the very important and often overlooked domestic accomplishments of the Nixon administration: the establishment of the EPA [Environmental Protection Agency], the Clean Water Act and Clean Air Act. You know, not that Nixon showed much interest in those things, frankly [LAUGHS], but he had a capable domestic staff headed by John Ehrlichman, who I think in a different setting might have been a very—you wonder what kind of contribution a man like him would have made because he was very gifted, very smart, but he got embroiled!

Johnson: Right.

Rushay: And I'm not trying to defend the things he did, but in a different time and place, men like—and they were men—him and H. R. Haldeman, particularly very gifted, and John Dean, very smart . . . you think, a different time and place and with better judgment, frankly . . .

Johnson: Yeah.

Rushay: . . . what they might have accomplished. And I don't mean to make that sound like I'm being judgmental, but it's just the facts. Anyway, I think that it was very satisfying work. And what's satisfying to me is when I see books that come out and reference [the tapes], you know: John Dean's book about William Rehnquist, *The Rehnquist Choice*—really good book. And he uses the tapes, Dean, himself. And in Kissinger's book and in numerous literature that's come out—and I admit I've not followed it as closely as I used to since I'm in the Truman world.

Johnson: Absolutely. Yeah.

Rushay: And it came full circle in 2007. I had come back to the Presidential Library. It's a homecoming for me. I'm a supervisory archivist, as I am to this day.

Johnson: Yeah. Yeah, it's definitely, to me, an irony that the tapes, that [President Nixon] wanted to record these conversations more for posterity, for him to write—I was reading in your memoir—but they also became wrapped up in this period of the Presidential Records Act being a necessary piece of legislation because that very President wanted to control what it was. I'm fascinated by this period.

Rushay: Yes, that's a very good point.

Johnson: Is there anything else that we haven't covered that you want to cover before we finish the interview today? I can't imagine capturing everything in an hour, but . . .

Rushay: No, it's fine. We talked about the difficulties that I had faced. I mean, the audibility and kind of the free-flowing nature of the discussions was a challenge.

Johnson: Yeah.

Rushay: And it might take an entire workday to review one hour of tape, okay? And you might have to listen to the same segment over and over again. Sorry, I'm referring to my notes a little bit.

Johnson: No, that's fine. I know I had written down the eight hours, because they literally would activate when a voice was heard. Correct?

Rushay: That's actually noise, any noise.

Johnson: Any noise. So you could have completely random . . . ?

Rushay: Yep. Yep. Something that might have activated the sound [was] a whirring helicopter on the grounds of the White House. I come back to the cleaning crew, a custodial crew might activate it. There were segments where President Nixon's not even in Washington, and there's some sound on the Nixon White House tapes, you know. I mean, just kind of the inherent quality or lack thereof of the taping system itself, which, as you mentioned, was designed to help Nixon write his memoirs and have a record of what was said. There's no evidence he used the tapes but to find out, "Well, if someone said something to me in a conversation and goes out and says something different to the press or media, I can then refer to the tapes." I mean, that's kind of what the thinking was. And ironically, Lyndon Johnson had suggested that he implement this system to help write his memoirs, but I think often Nixon just forgot the system was in place. And I think, also, there was this hubris here that "Whatever I say, it's my property anyway. So there's no way that I'll ever have to reveal what's on the tapes anyway."

But, you know, there were numerous ambient noises. There was a ticking clock in the lobby that used to drive us crazy. Doors opening and closing. Helicopters, coughing, sneezing. People talking over each other or interrupting each other. Mumbling—especially Nixon. Sentence fragments, streams of consciousness, changing subjects, glasses, cups and dishes, tapping fingers, elbow or knee bumps against a desk, and a key word would interfere with the clarity of the conversation.

I think the most interesting thing I heard, really, was that the tapes just briefly gained insight into Nixon's mind and his administrative and decision-making process. There was a real immediacy to the tapes—history as it's unfolding. Nixon spent a lot of time discussing his enemies, public-media relations, political implications of decisions—a lot of that. Vietnam and China interested [him] greatly. Domestic issues, less so.

And I would just say, too, Jennifer, to conclude, that my work at Nixon really didn't end in 2007. In 2011, I participated in a two-week detail that I mentioned before. And in 2015, I participated in an interview panel that hired four new archivists, three of whom still work at the Nixon Library. I also wrote a book review of Bob Woodward's *The Last of the President's Men*, which is a book about Alexander Butterfield. And I just want to say it was a real honor and privilege to

work with the great people of the Nixon [Library] staff, to do good work that increased the transparency of our political system and our understanding of the 37th President. And not to brag, but I was part of a group Archivist's Achievement Award in 2007 that the group of archivists got, which, you know, it's a trinket, I suppose. [LAUGHS]

Johnson: Absolutely!

Rushay: It's nice! It's nice. So, anyway, thank you for talking to me.

Johnson: Yeah! Thank you very much!

Rushay: Was there anything else you wanted to cover?

Johnson: I don't think so. I think it's wonderful to have gotten time with you today.

Rushay: Well, thank you, Jennifer!

Johnson: This is such an incredible project! Even for someone who has heard about him for years, I didn't quite appreciate the magnitude of review and things, so I do appreciate your time.

Rushay: Oh, you're welcome!

Johnson: This will be hugely helpful for the oral history project as well.

Rushay: Well, thank you, Jennifer. If there's anything else, maybe I'll let you know, but I don't think there is. And if you need anything . . .

Johnson: Absolutely. Yeah.

Rushay: You mentioned names, so maybe some Truman Library people?

Johnson: Yes, yes. And actually, let me just do this now.

[END RECORDING]