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**2019**

OCTOBER 21-23  
ARLINGTON, VA



# Do Tweets Document the Constitutional Duties of the President?

## Social Media and the Presidential Records Act

Will Stringfellow, Federal Depository Coordinator, Vanderbilt University Central Library

Hannah Bergman, Information Policy Counsel, National Archives & Records Administration



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# Presidential Documents and the Office of the Federal Register

OFR, Presidential documents, and social media

Will Stringfellow, Federal Depository Coordinator  
Vanderbilt University



# National Archives and Records Administration

- NARA established as an independent agency in the executive branch Oct. 19, 1984 (44 U.S.C 2101 et seq.), effective Apr. 1, 1985
  - Constitutionally part of the executive branch, but independent of presidential control
- Is the successor agency to the National Archives and Records Services
  - 1949 NARS was incorporated into General Services Administration (GSA)
  - SuDoc GS 4.---:
- “NARA safeguards and preserves the records of our Government, ensuring that the people can discover, use, and learn from this documentary heritage; establishes policies and procedures for managing U.S. Government records; manages the Presidential Libraries system; and publishes the laws, regulations, and Presidential and other public documents.”<sup>1</sup>



## How are Presidential documents published (OFR)?

- The Office of the Federal Register is an office within NARA
  - SuDoc AE 2.---:
- Executive Orders, Proclamations and certain Administrative Orders appear in the *Federal Register*
- Also published in the *Daily Compilation of Presidential Documents* prepared by Office of the Federal Register
- Executive Orders and Proclamations are codified in Title 3 of the *Code of Federal Regulations* (AE 2.106/3:3/)
- *Public Papers of the President*, compiled and published by the Office of the Federal Register, contains papers and speeches of the President issued by the Office of the Press Secretary
- Both DCPD and PPP fall under 1 C.F.R. 10.2
- None of these publications contain Presidential Social Media, e.g. Tweets and other social media communication forms



## Public Papers of the President (PPP)

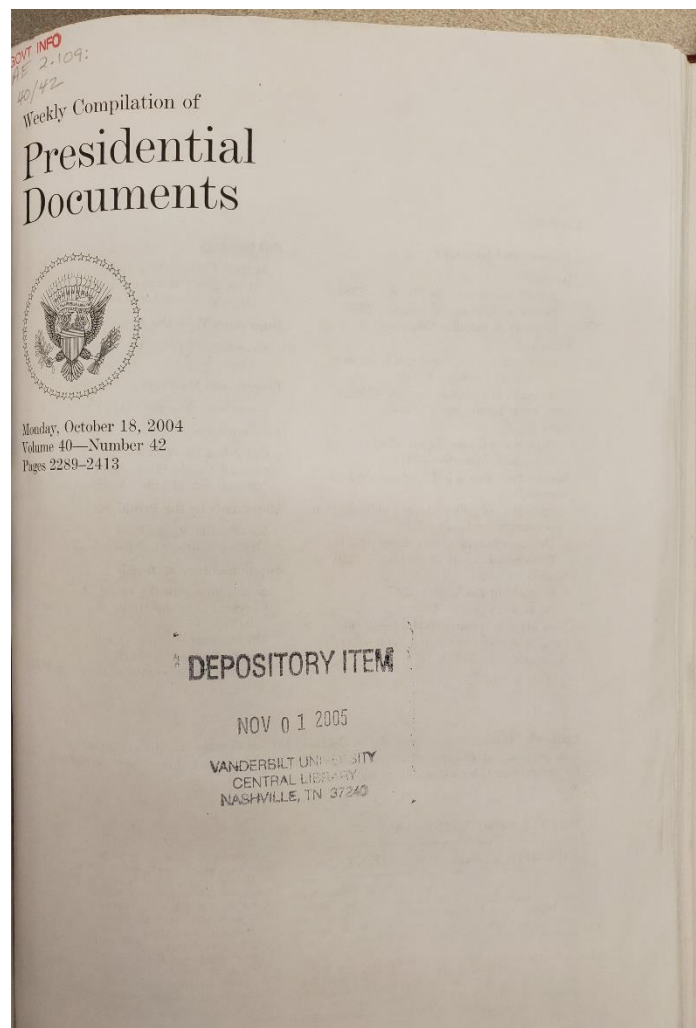
- SuDoc
  - AE 2.114:
  - GS 4.113:
- Began in 1957
- Covers administrations beginning with President Hoover through President Obama
- Papers of President Franklin Roosevelt were published privately and are not included in the office Public Papers Series
- Papers and speeches issued by the Office of the Press Secretary
- Currently, published approximately twice a year and each volume covers approximately a 6-month period
- Published under authority of the Federal Register Act (44 U.S.C Ch.15)
- See Reference 2 for more information





## Compilation of Presidential Documents

- SuDoc
  - GS 4.114:
  - AE 2.109:
  - AE 2.109/2: (Online)
- Includes *Daily Compilation of Presidential Documents* & predecessor *Weekly Compilation of Presidential Documents*
- Weekly began Vol. 1, no.1 (Aug. 2 ,1965)
- Daily began with Jan. 20, 2009
- Began as a printed pamphlet
- From 1977 onward, all material appearing in compilations is incorporated into PPP
- Also published under the authority of the Federal Register Act, (44 U.S.C. Ch. 15)





# Social Media Limitations

- The DCPD and PPP fall under regulations 1 CFR 10
- *Daily Compilation of Presidential Documents* is a special edition of the *Federal Register* (1 CFR 10.1)
- 1 CFR 10.2 (a) states “The text of the publication consists of oral statements by the President or of writing subscribed by the President, and selected from transcripts or text issued by the Office of the White House Press Secretary,”
- Since the President’s tweets are not issued by the Office of the White House Press Secretary, they are not included in either the DCPD nor PPP



# References

- 1 <https://www.federalregister.gov/agencies/national-archives-and-records-administration>
- 2 <https://www.archives.gov/federal-register/publications/presidential-papers.html>
- <https://www.archives.gov/federal-register/publications/presidential-compilation.html>





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Hannah Bergman, Information Policy Counsel,  
National Archives and Records Administration



# What is the National Archives and Records Administration?

- An archives
  - We operate archival facilities for Federal records throughout the country
  - We operate 14 presidential libraries containing the papers of prior administrations
- A cultural institution
  - We operate a museum in downtown Washington, D.C. and several museums at presidential libraries
- A regulatory institution
  - We issue regulations interpreting the Federal Records Act, and explaining how agencies within the government must manage their records
- And more!
  - Federal Register
  - Office of Government Information Services
  - Information Security Oversight Office



## Research Facilities – Presidential Libraries – Federal Records Centers

• Denver, CO

• Seattle, WA

• Riverside, CA

• San Francisco  
(San Bruno), CA

• Kansas City, MO  
• Lee's Summit, MO  
• Lenexa, KS  
• St. Louis, MO  
• Valmeyer, IL

• Fort Worth, TX

• Chicago, IL

• Dayton, OH

• Pittsfield, MA

• Boston (Waltham), MA

• New York, NY

• Philadelphia, PA

• Suitland, MD

▲ College Park, MD

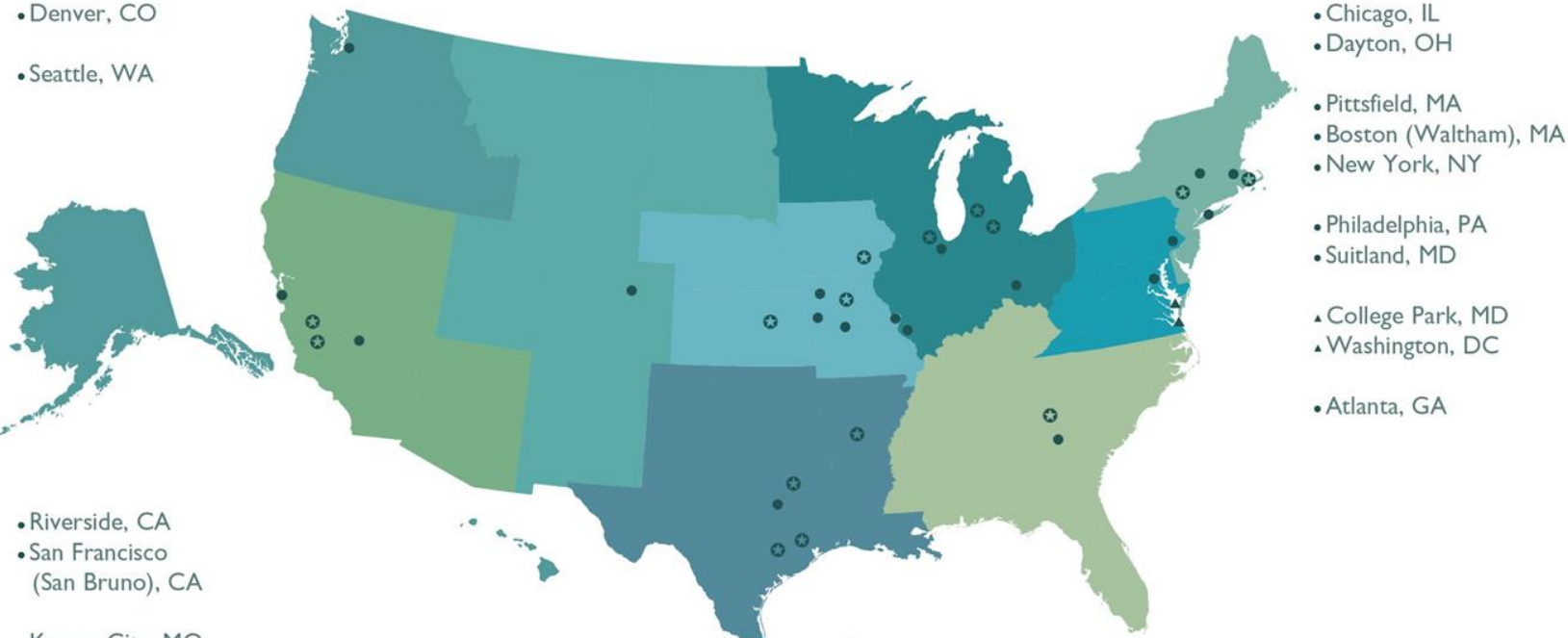
▲ Washington, DC

• Atlanta, GA

### Presidential Libraries & Museums

- ✦ Herbert Hoover Library, West Branch, IA
- ✦ Franklin D. Roosevelt Library, Hyde Park, NY
- ✦ Harry S. Truman Library, Independence, MO
- ✦ Dwight D. Eisenhower Library, Abilene, KS
- ✦ John F. Kennedy Library, Boston, MA
- ✦ Lyndon B. Johnson Library, Austin, TX
- ✦ Richard Nixon Library, Yorba Linda, CA

- ✦ Gerald R. Ford Library, Ann Arbor, MI
- ✦ Gerald R. Ford Museum, Grand Rapids, MI
- ✦ Jimmy Carter Library, Atlanta, GA
- ✦ Ronald Reagan Library, Simi Valley, CA
- ✦ George Bush Library, College Station, TX
- ✦ William J. Clinton Library, Little Rock, AR
- ✦ George W. Bush Library, Dallas, TX
- ✦ Barack H. Obama Library, Hoffman Estates, IL

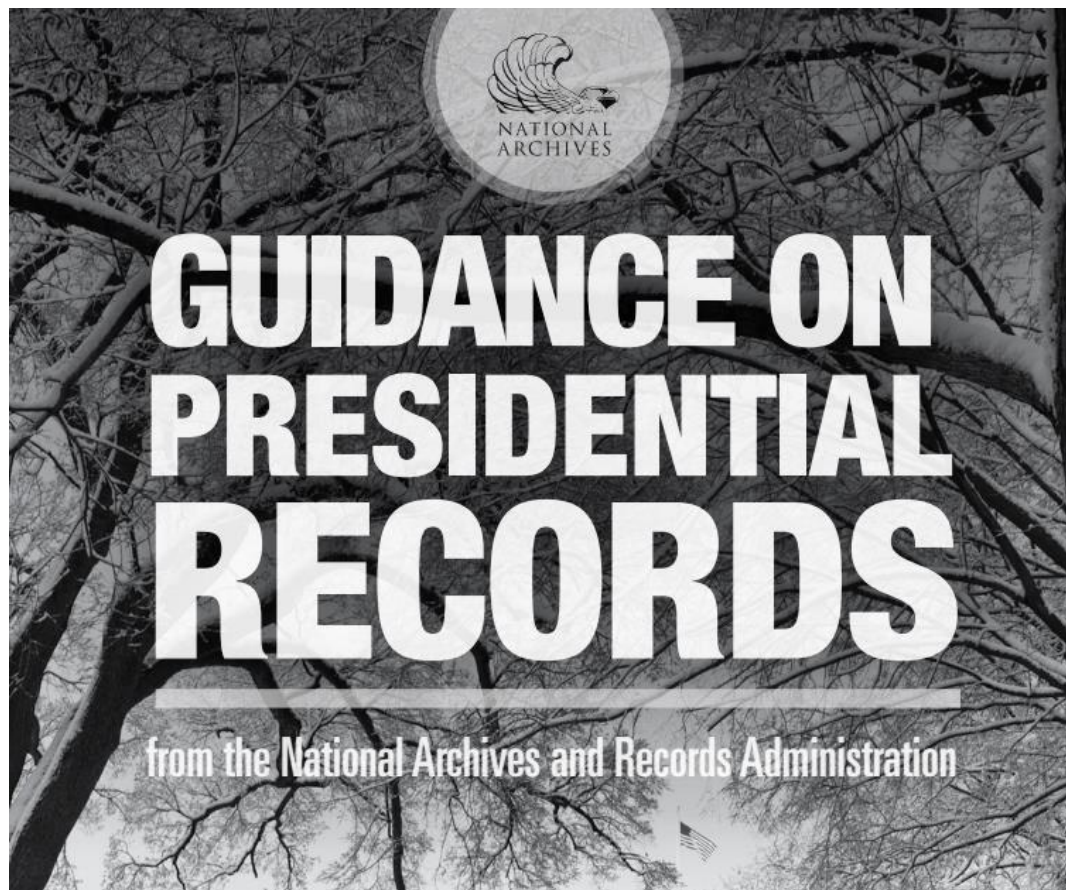




# What is the Presidential Records Act?

- Passed in 1978, post Watergate-era statute
- Governs presidential records beginning with Reagan, or January 20, 1981

<https://www.archives.gov/files/presidential-records-guidance.pdf>





# What does the PRA do?

- Makes presidential records the property of the government, rather than the personal property of the president
- Places responsibility for management of incumbent presidential records with the president
- Allows the incumbent president to dispose of records that no longer have administrative, historical, informational, or evidentiary value once they have obtained the views of the Archivist of the United States.
- Requires separation of the president's personal papers from official records
- Establishes a process for public access to the records 5 years after the president leaves office



# Definition of presidential records

- “documentary materials, or any reasonably segregable portion thereof, created or received by the President, the President’s immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President.” 44 U.S.C. § 2201(2)



# Who creates presidential records?

- Not just the president, but also not everyone in the White House
- To be a PRA record, must be created by a component of the Executive Office of the President that advises and assists the president
  - These components are not subject to the Freedom of Information Act while the President is in office
  - The PRA applies to these components
    - White House Office
    - Office of the VP
    - Council of Economic Advisors
    - National Security Council
    - Foreign Intelligence Advisory Board
    - Intelligence Oversight Board
    - National Economic Council
    - Office of Administration



# How is the PRA administered?

- Incumbent president is responsible for capture and management of their records
  - Includes social media records of the administration
  - Captured using tools such as X1 Social Discovery, PageFreezer, ArchiveSocial, etc.
  - Throughout the administration NARA advises on records management issues and plans for the transition of records to NARA on January 20 at the change of Presidential administrations.
    - For Obama, this meant a bi-weekly meeting between the White House Digital Office and NARA on social media





# The challenge with social media

- Format of the data exports
  - CSV, PDF, HTML, Concordance load files
  - Zip files now available at <https://www.obamalibrary.gov/research/archived-white-house-websites-and-social-media>
    - Twitter
    - Facebook
    - Vine
- Great for preservation in NARA's Electronic Records Archive
- Not so great for regular people
- “look and feel” not always captured
- When you capture “look and feel” sometimes other data elements suffer
- Link shorteners → will the links continue to work, particularly for paid services after payments cease



# Preserving the online accounts

- Are the accounts going to remain “live”?
- Who will keep the passwords?
- What if the accounts contain PRA records but the person started the account before they came to the administration, and they want to use it after they leave?
  - Can they keep their followers?
  - Can the content stay live?
  - What is the public perception if the content disappears?
- If the accounts go offline, links will break. How does that effect the information ecosystem?
- For accounts that are tied to an office (rather than a person), should content be deleted as the new office head comes in?



Alex Howard

@digiphile

Follow

This is odd: I'm getting a "user not found" for @jacobwood45, a long-time @ombpress staffer. The @ObamaWhiteHouse worked @USNatArchives to memorialize official accounts up after staff left. Did this @whitehouse delete an official account, or is this a bug?



Jacob Wood

@JacobWood45

@OMBPress/@MickMulvaneyOMB Deputy Comms. Tweets may be archived: [wh.gov/privacy](http://wh.gov/privacy).

Washington, DC [whitehouse.gov/omb](http://whitehouse.gov/omb)

Joined May 2017

136 Following 1,687 Followers

Tweets Tweets & replies Media Likes

Tweets aren't loading right now  
Please tap to retry

User not found.

OK

10:46 AM - 6 Oct 2019

4 Retweets 6 Likes



3

4

6



For a deeper dive into these issues: check out previous presentations on your own

Partnership for Public Service events from 2016

- Presidential Transition in a Digital Age: How You Should Be Archiving Digital Records HD
  - <https://www.youtube.com/watch?v=4XRF7-YmOGE&feature=youtu.be>
  - Features NARA, GSA, Twitter, Facebook
- Presidential Transition in a Digital Age: How to Navigate the Rules and Regulations
  - <https://www.youtube.com/watch?v=iY5qwTwhw4w&feature=youtu.be>
  - Features State, DHS, DOL, HUD, NARA, PTO



# What happened?

the WHITE HOUSE  
PRESIDENT BARACK OBAMA

BRIEFING ROOM | ISSUES | THE ADMINISTRATION | 1600 PENN

HOME · BLOG

## The Digital Transition: How the Presidential Transition Works in the Social Media Age

OCTOBER 31, 2016 AT 4:00 PM ET BY KORI SCHULMAN

Twitter | Facebook | Email

Summary: Take a look at how we plan to preserve and pass on the digital history of the Obama administration.

A photograph of Barack Obama sitting at a desk in the Oval Office. He is wearing a white shirt and a dark tie, and is looking down at a mobile device in his hands. The desk is in front of a large window with red curtains. To the left of the window is the American flag, and to the right is the Presidential Seal. The room is brightly lit with natural light from the window.

<https://obamawhitehouse.archives.gov/blog/2016/10/31/digital-transition-how-presidential-transition-works-social-media-age>



# What happened, continued.

## Twitter

- @POTUS → handle made available for new administration
- @POTUS44 → inherited all content from the @POTUS account
  - Password changed and then maintained by NARA
  - Account no longer updated or moderated; content effectively frozen
  - Accessible to the public
  - Bio updated to reflect archived status
- Same process applied to @FLOTUS, @PressSec, and @VP
- Individual accounts like @KS44 (Kori Schulman, Deputy Chief Digital Officer) went to NARA



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Tweets	Following	Followers	Likes
<b>352</b>	<b>79</b>	<b>15M</b>	<b>3</b>

**President Obama** ✓

@POTUS44

This is an archive of an Obama Administration account maintained by the National Archives and Records Administration (NARA).

Washington, D.C.

[obamalibrary.gov/research/archi...](http://obamalibrary.gov/research/archi...)

Tweets   **Tweets & replies**   Media



**President Obama** ✓ @POTUS44 · 20 Jan 2017

Replying to @POTUS44

I'm still asking you to believe - not in my ability to bring about change, but in yours. I believe in change because I believe in you.

22K   321K   788K



**President Obama** ✓ @POTUS44 · 20 Jan 2017

Replying to @POTUS44



# What happened, continued.

Facebook and Instagram

Content migrated to

- [Instagram.com/ObamaWhiteHouse](https://www.instagram.com/ObamaWhiteHouse)
- [Facebook.com/ObamaWhiteHouse](https://www.facebook.com/ObamaWhiteHouse)

obamawhitehouse Follow

1,948 posts   3.1m followers   30 following

The Obama White House  
This is an archive of an Obama Administration account maintained by the National Archives and Records Administration (NARA).  
[www.obamalibrary.gov/research/archived-white-house-websites-and-social-media](http://www.obamalibrary.gov/research/archived-white-house-websites-and-social-media)

POSTS   TAGGED

Home  
About  
Photos  
Videos  
Posts  
Welcome  
Engage  
YouTube  
Community  
Events  
[Create a Page](#)

Email or Phone  Password  [Log In](#)

[Forgot account?](#)

[Like](#) [Share](#) [Send Message](#)

Photos

Community  
7,679,435 people like this  
7,558,506 people follow this  
3,756,901 check-ins

About  
(202) 456-1111  
[obamalibrary.gov/socialmediaarchive#socialmed](mailto:obamalibrary.gov/socialmediaarchive#socialmed)  
Government Organization · Landmark & Historical Place · Government Building



# Lots of tracking spreadsheets!

WH Transition Account Tracking Sheet ☆ 🔄  
File Edit View Insert Format Data Tools Add-ons Help

🖨️ 🔍 100% 📄 View only

Status	A	B	C	D	E	F	G	H	I	J
Status	PLATFORM	ACCOUNTS	TRANSITION ACCOUNT	TRANSITION URL	ACCOUNT LIVE?	NARA EMAIL	WH EMAIL ASSOCIATED	IN LASTPASS?	NARA DESCRIPTION?	
	Instagram	DrBiden	DrBiden44	<a href="https://www.instagram.com/dr Biden44/">https://www.instagram.com/dr Biden44/</a>	Y	DrBiden44.social@nara.gov	<a href="mailto:Melanie_J_Garunay@who.eop.gov">Melanie_J_Garunay@who.eop.gov</a>	Y	Y	
	INSTAGRAM	MichelleObama	MichelleObama44	<a href="https://www.instagram.com/MichelleObama44/">https://www.instagram.com/MichelleObama44/</a>	Y	MichelleObama44.Instagram@nara.gov	<a href="mailto:Simone_M_Leiro@who.eop.gov">Simone_M_Leiro@who.eop.gov</a>	Y	Y	
	INSTAGRAM	WhiteHouse	ObamaWhiteHouse	<a href="https://www.instagram.com/ObamaWhiteHouse/">https://www.instagram.com/ObamaWhiteHouse/</a>	Y	ObamaWhiteHouse.social@nara.gov	<a href="mailto:lmiller@who.eop.gov">lmiller@who.eop.gov</a>	Y	Y	
	Instagram	PeteSouza	PeteSouza44	<a href="https://www.instagram.com/PeteSouza44/">https://www.instagram.com/PeteSouza44/</a>	Y	PeteSouza44.social@nara.gov	<a href="mailto:sleiro@who.eop.gov">sleiro@who.eop.gov</a>	Awaiting	Y	
	Instagram	VP	VP44	<a href="https://www.instagram.com/VP44/">https://www.instagram.com/VP44/</a>	Y	VicePresidentBiden44.social@nara.gov	<a href="mailto:zduffy@who.eop.gov">zduffy@who.eop.gov</a>	Y	Y	
	Medium	<a href="https://medium.com/@DrBiden">https://medium.com/@DrBiden</a>	DrBiden44	<a href="https://medium.com/@DrBiden44">https://medium.com/@DrBiden44</a>	N	DrBiden44.social@nara.gov		Y	Y	
	Medium	<a href="https://medium.com/@flotus">https://medium.com/@flotus</a>	FLOTUS44	<a href="https://medium.com/@flotus44">https://medium.com/@flotus44</a>	N	FLOTUS44.social@nara.gov		Y	Y	
	Medium	<a href="https://medium.com/@whitehouse">https://medium.com/@whitehouse</a>	ObamaWhiteHouse	<a href="https://medium.com/@ObamaWhiteHouse">https://medium.com/@ObamaWhiteHouse</a>	Y	ObamaWhiteHouse.social@nara.gov	ObamaWhiteHouse TW	Y	Y	
	Medium	<a href="https://medium.com/@presidentobama">https://medium.com/@presidentobama</a>	POTUS44	<a href="https://medium.com/@POTUS44">https://medium.com/@POTUS44</a>	N	POTUS44.social@nara.gov		Y	Y	
	Medium	<a href="https://medium.com/@vpotus">https://medium.com/@vpotus</a>	VPOTUS44	<a href="https://medium.com/@vpotus44">https://medium.com/@vpotus44</a>	N	VicePresidentBiden44.social@nara.gov		Y	Y	
	Tumblr	<a href="http://tumblr.com/blog/whitehouse">tumblr.com/blog/whitehouse</a>	ObamaWhiteHouse	<a href="http://tumblr.com/blog/ObamaWhiteHouse">tumblr.com/blog/ObamaWhiteHouse</a>	N	ObamaWhiteHouse.social@nara.gov	<a href="mailto:Laura_e_miller@who.eop.gov">Laura_e_miller@who.eop.gov</a>	Y	Y	
	TWITTER	AmbassadorRice	AmbRice44	<a href="https://twitter.com/AmbRice44">https://twitter.com/AmbRice44</a>	Y	AmbRice44.Twitter@nara.gov	<a href="mailto:Jeron_R_Smith@who.eop.gov">Jeron_R_Smith@who.eop.gov</a>	Y	Y	
	TWITTER	DrBiden	DrBiden44	<a href="https://twitter.com/DrBiden44">https://twitter.com/DrBiden44</a>	Y	DrBiden44.social@nara.gov	<a href="mailto:Katharine_S_Gallogly@who.eop.gov">Katharine_S_Gallogly@who.eop.gov</a>	Y	Y	
	TWITTER	FLOTUS	FLOTUS44	<a href="https://twitter.com/FLOTUS44">https://twitter.com/FLOTUS44</a>	Y	FLOTUS44.social@nara.gov	<a href="mailto:cmarketos@who.eop.gov">cmarketos@who.eop.gov</a>	Y	Y	
	TWITTER	LaCasaBlanca	LaCasaBlanca44	<a href="https://twitter.com/LaCasaBlanca44">https://twitter.com/LaCasaBlanca44</a>	Y	LaCasaBlanca44.Twitter@nara.gov	<a href="mailto:Duncan_L_Wolfe@who.eop.gov">Duncan_L_Wolfe@who.eop.gov</a>	Y	Y	
	TWITTER	NSC44	NSC44	<a href="https://twitter.com/NSC44">https://twitter.com/NSC44</a>	Name won't change	NSC44.Twitter@nara.gov		Y	Y	
	TWITTER	WhiteHouse	ObamaWhiteHouse	<a href="https://twitter.com/ObamaWhiteHouse">https://twitter.com/ObamaWhiteHouse</a>	Y	ObamaWhiteHouse.social@nara.gov	<a href="mailto:zduffy@who.eop.gov">zduffy@who.eop.gov</a>	Y	Y	
	TWITTER	OMBPress	OMBPress44	<a href="https://twitter.com/OMBPress44">https://twitter.com/OMBPress44</a>	Y	OMBPress44.Twitter@nara.gov	<a href="mailto:jmaronovich@who.eop.gov">jmaronovich@who.eop.gov</a>	Y	Y	
	TWITTER	PeteSouza	PeteSouza44	<a href="https://twitter.com/PeteSouza44">https://twitter.com/PeteSouza44</a>	Y	PeteSouza44.social@nara.gov	<a href="mailto:Jason_B_Goldman@who.eop.gov">Jason_B_Goldman@who.eop.gov</a>	Awaiting	Y	
	TWITTER	POTUS	POTUS44	<a href="https://twitter.com/POTUS44">https://twitter.com/POTUS44</a>	Y	POTUS44.social@nara.gov	<a href="mailto:sleiro@who.eop.gov">sleiro@who.eop.gov</a>	Y	Y	
	TWITTER	PressSec	PressSec44	<a href="https://twitter.com/PressSec44">https://twitter.com/PressSec44</a>	Y	PressSec44.Twitter@nara.gov	<a href="mailto:rachel_c_kopilow@who.eop.gov">rachel_c_kopilow@who.eop.gov</a>	Y	Y	
	TWITTER	USCTO	USCTO44	<a href="https://twitter.com/USCTO44">https://twitter.com/USCTO44</a>	Y	USCTO44.Twitter@nara.gov	<a href="mailto:kelly_j_smart@who.eop.gov">kelly_j_smart@who.eop.gov</a>	Y	Y	
	TWITTER	VJ44	VJ44	<a href="https://twitter.com/VJ44">https://twitter.com/VJ44</a>	Name won't					





# How did we get there?

- Planning started in summer 2016
- Lots of stakeholder meetings
- Careful coordination with social media platforms
- Dedication to the idea that we did not want the content to disappear, nor did we want to leave it with no owner