

**The original documents are located in Box 55, folder “President - Swimming Pool (1)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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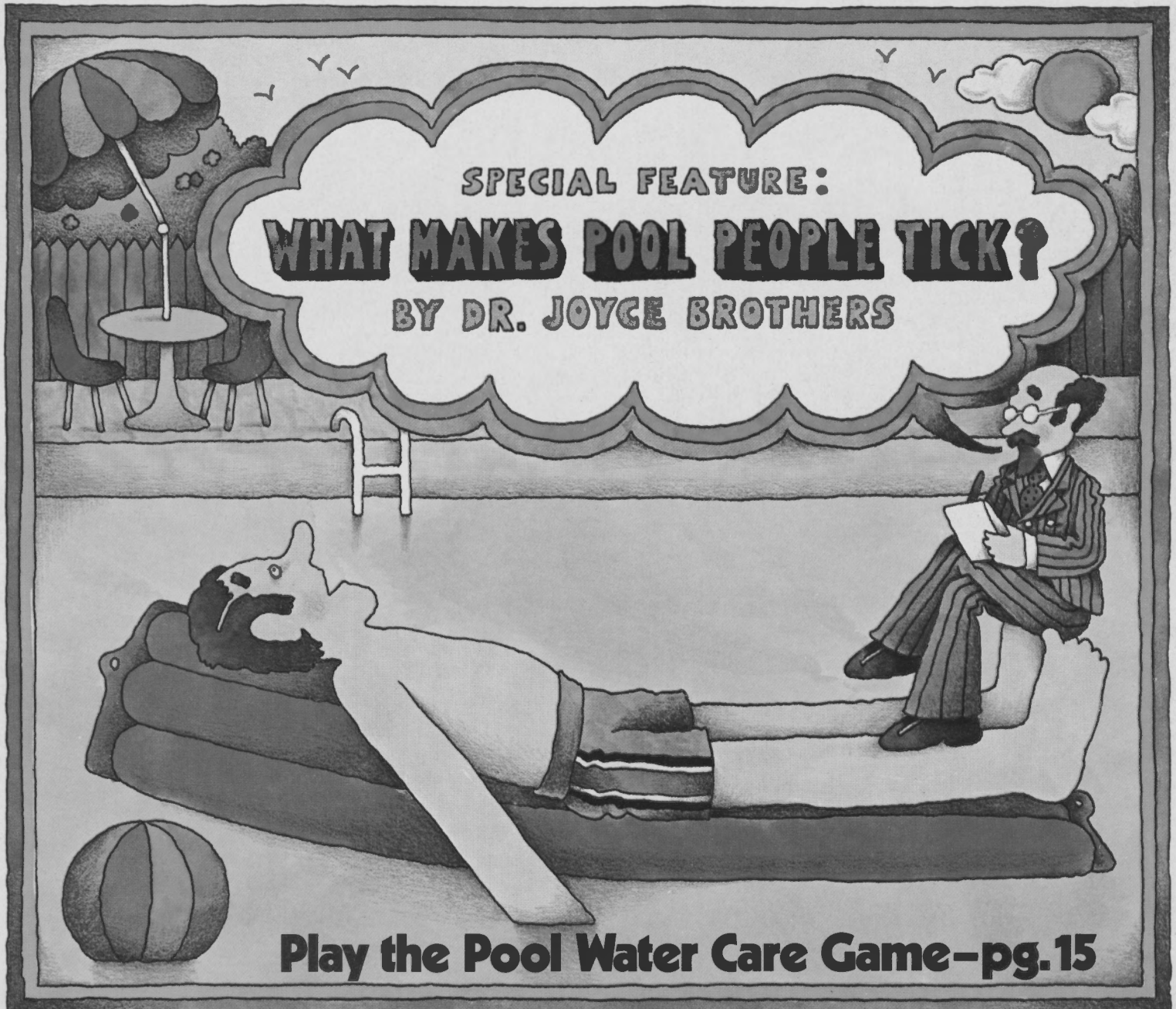
# POOL LIFE

THE MAGAZINE FOR POOL FAMILIES



Cartoons!  
Water Care Tips!  
Crossword Puzzle!

Jacques Cousteau: Into the silent world / The Water Scientist  
How Chlorine kills bacteria / The 3 key factors in water care



The White House pool(s) you'll never see - pg. 9

*Kalish*

# The White House Pool Returns?

When President Nixon turned the then White House pool into a press room in 1970, he took away what had been a popular presidential watering place for 37 years.

POOLIFE had the full story in 1972: "What Ever Happened to the White House Pool?" The last paragraph of

However, the White House desperately needs more than just a pool. A complete facility to provide relaxation and recreation for the president is needed. But this new facility must not intrude on the simple and historic beauty of the White House setting.

At present, the NSPI is heading an

## **But, what if . . .**

We're sure the NSPI's efforts will bring a very worthwhile and needed addition to the White House. But we couldn't help wondering what would happen if, instead of the NSPI, different governmental agencies got in on the act. Would the pool turn out quite dif-

SWIMMING POOL

Trammel Crow  
President  
Trammel Crow Company  
2001 Bryan Street  
Dallas, Texas 75201

Wants to give about \$100,000

President supposedly spent a weekend some time in the recent past in Dallas.

Roger Whyte (an advance man) gave this information to Bobbie Boland, Mr. Robert Miller's office -- Economic Organization office) Rm. 263 Ext. 2903



Memorandum for: Philip Buchen  
From: Jay French  
Barry Roth  
Subject: Inaugural committee  
Contribution for the Swimming Pool

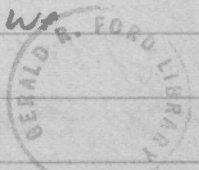
While the ultimate <sup>legal</sup> determination as to the acceptance of up to \$200,000 from the Inaugural Committee for the swimming pool ~~must~~ <sup>must</sup> be made by the National Park Service and the National Park Foundation, we believe that ~~such a donation~~ <sup>there are no involuable</sup> ~~is~~ <sup>would be proper.</sup> We recommend discussions with Bob Barker, Marriott's counsel on these matters should ~~not have to~~ be brought into such discussions along with Rick Robbins of Interior if we intend to pursue this further.

~~Marriott has~~

Although Marriott spoke with Dave Hoopes less than 3 weeks ago, it is Bill Casselman's understanding ~~that~~ <sup>through</sup> Jack Stiles that Marriott is not so strong on this idea at this time. Instead, Stiles has indicated that friends of the Vice President wish to donate the necessary funds.

A number of political considerations are obviously involved and since Bill is apparently <sup>the only</sup> member of the office who is <sup>most</sup> ~~is~~ <sup>knowledgeable</sup> ~~is~~ <sup>as to</sup> ~~the~~ <sup>aware</sup> of ~~the~~ <sup>current</sup> ~~the~~ <sup>plans</sup>, we recommend that ~~Bill~~

Stiles has kept Bill informed as to his efforts, but Bill sees a number of political considerations that must be taken into account before acceptance of this or other donations for the pool. We



recommend that ~~this office~~ continue to be ~~active~~ kept  
~~in close touch~~ with this ~~progress~~ problem until  
the ~~final~~

this office continue to be involved in all phases  
of the planning for the pool until the final decisions  
are made and that we wait for Bill's return  
on Monday in order to straighten things out.

imposed by the donor, and to apply it for the purpose designated. It is customary in accepting such gifts for the Congress to enact legislation authorizing an officer or instrumentality of the Government to accept a specific conditional gift or specific types of conditional gifts and apply them in accordance with the donor's wishes. To this effect, the United States Court of Appeals, District of Columbia Circuit has held:

" Gifts to the United States which involve any duty, burden, or condition . . . are not accepted by the Government unless by the express authority of Congress. The national legislature, which controls the property of the United States (Const., Art. IV, Sec. 3), is consulted in such a case." (Story v. Snyder 184 F.2d 454, at 456).

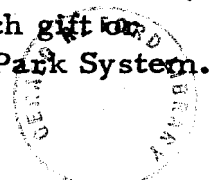
There are, in fact, numerous statutes authorizing designated officers or instrumentalities to accept gifts or bequests to the United States for specific purposes.

Clearly the gift to the United States of a swimming pool to be constructed on the White House grounds or the gift or donation of monies to be used for the construction of related facilities is a conditional gift or at least a gift involving a burden to the United States. We are unable to find any specific authorization for the acceptance of gifts or donation to the United States for the purpose of making improvements to the grounds of the White House. By inference, however, such authority appears to be vested in the Secretary of the Interior.

Since 1961, by Act of Congress, the White House has been administered as part of the National Park System (75 Stat. 586). As used in the Act the term "White House" includes the surrounding grounds. 16 U.S.C. 6 provides in part: "The Secretary of the Interior . . . is authorized . . . to accept . . . monies which may be donated for purposes of the national park and monument system." Section 6(a) further provides that nothing shall prohibit "the Secretary of the Interior from accepting in the name of the United States, gifts or bequests of money . . . or . . . property in the interest of the National Park Service."

Therefore, we conclude that inherent authority exists in the Secretary of the Interior to accept on behalf of the United States the gift of a swimming pool to be constructed on the White House grounds and to accept the gift or donation of monies for construction of related facilities, where the Secretary has determined that the acceptance of such gift or donation is consistent with and in the interest of the National Park System.

cc: Philip W. Buchen





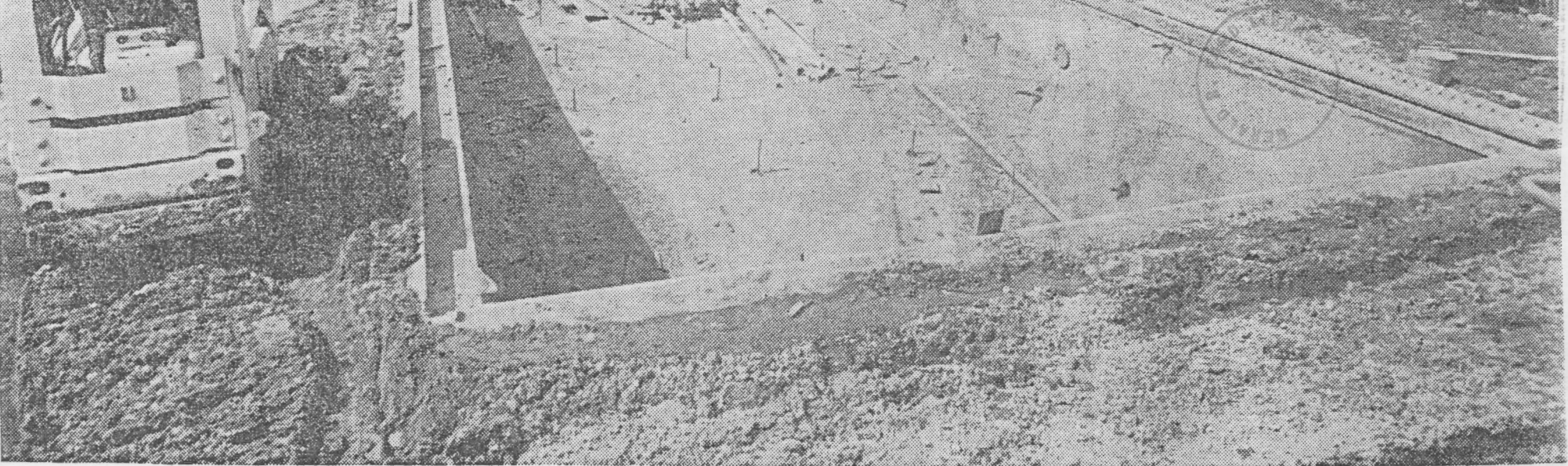
## Pol.

1. When considered earlier - economic times seem bad
2. In general money identified with <sup>rich</sup> fat cats
3. The 200,000 comes from a source w/o conflict -
- 4.

## Legal

1. Organizational Committee -
2. NPS (D.O.I.) accepts - NPS has authority to accept gifts  
Nat'l Park Foundation NPF has quasi
1. Who gets money - by what authority is the money collected
2. Organizational Committee - what charter -
3. Legal approval of Comm of Fine Arts
4. Are donations to NPF deductible -
5. Check Fed law on unincorporated comm.
- 6.





—Associated Press

## *White House Pool Taking Shape*

Construction of a White House swimming pool continues at a steady pace. The \$61,000 pool, near

the President's office, is being financed through private contributions. President Ford, before he

became chief executive, used the backyard pool of his home in Alexandria almost every morning.

"National Park Foundation"  
(make notation - for White House pool)

Mr. W. J. Schuiling  
President  
Financial General Bank Shares Inc.  
12th Floor  
1701 Pennsylvania Avenue, N. W.  
Washington, D. C. 20006

298-6200



NOVEMBER 25, 1970

## OFFICE OF THE WHITE HOUSE PRESS SECRETARY

## THE WHITE HOUSE

REMARKS OF THE PRESIDENT  
AT A CEREMONY LIGHTING THE SOUTH SIDE  
OF THE WHITE HOUSE

AT 5:50 PM EST

Ladies and gentlemen: Mrs. Nixon and I are very happy to welcome you on this Thanksgiving eve to one of those occasions that comes very seldom in the history of the White House, a significant change in terms of how it will appear to the American people and people all over the world.

Seventy years ago -- or eighty years ago, I should say -- in the Presidency of Benjamin Harrison, electricity first came to the White House. And when Theodore Roosevelt was President, 68 years ago, the White House, for the first time, had some external lights which he planned. Those lights which he planned you perhaps have noticed, but in recent days they have been removed because a change is going to take place which you will see in just a moment.

No change in the external lighting of the White House has occurred in the past 68 years, and the change which you will see tonight came as a result of two coincidences:

First, as you know, a lot of mail comes to the White House, to the President and to the First Lady. The First Lady also is one who reads a lot of mail and listens to a lot of people.

Several months ago she reported to me that a number of people who had written to the White House, and some of the visitors -- the over a million-and-a-half visitors who come through this House every year -- had remarked about the fact that at night Washington is a very beautiful city; that the Washington Monument is lighted; that the Lincoln Memorial is lighted; and also that the Capitol is lighted.

The question was asked over and over again by scores of people in letters and personally: Why can't the White House be lighted, because it is such a beautiful house? We would like for all of our people to see it at night as well as in the daytime.

Mrs. Nixon raised that question with me. I had to give her the same answer that I am presently giving to people in the Cabinet who ask for increases in the budget. I pointed out: Where are we going to get the money?

Now came the coincidence. Mr. Willard Marriott, the chairman of the Inaugural Committee reported several months ago that there was a surplus after the last Inauguration,

MORE



as sometimes there is, and that it was the custom to ask the First Lady to designate where that surplus might be used.

So Mrs. Nixon made the decision that the surplus from the Inaugural Committee of January 1969 would be given as a gift to the Nation, and the gift to the Nation is the lighting of the White House, the external lighting of the White House.

MORE

In a moment, Mrs. Nixon will do the honors of pushing the button that will allow you to see the House as it has been lit.

The reason that it has been kept a secret is that they have been doing their practicing very late at night. But if you have seen a glow from this House at 4:00 or 5:00 in the morning, it isn't because it has been on fire. It is because they have been trying to light the White House so we could have the final result of it available tonight, throughout the Thanksgiving and the Christmas season and all the years to come.

I just close with one other historical reference. Once this House is lighted at night, it will be seen by millions of Americans and will be more simply than having the building physically lit, because it will be a symbol of something, I hope, to all Americans and to people around the world.

Woodrow Wilson, speaking in Independence Hall in 1914, expressed the feeling that I deeply share, and that I know most Americans share with me, when he said that a patriotic American is never so proud of the great Flag under which he lives as when it comes to mean to others as well as to himself a symbol of hope and liberty.

I only hope, as this House now will be lighted for all to see, that, as it appears before us here, it will be now and in the years to come a symbol of hope and liberty to all Americans and to all people throughout the world.

\* \* \* \* \*

And now, ladies and gentlemen, we can't invite you all in, but I do want to urge all of you not only to see it from this side but to go around and look at it from the front. I think it is even more beautiful from the front with the lighting.

Thank you very much and a very happy Thanksgiving to everybody who is here.

Thank you.

END

(AT 5:57 P.M. EST)

THE WHITE HOUSE  
WASHINGTON

April 2, 1970

Dear Mr. Marriott,

I was very pleased to learn from Director Hartzog that the Inaugural Committee's most generous gift of \$100,000 has been received by the National Park Service.

It seems most appropriate that these funds be a gift to the American people and that they be used for the enhancement of our nation's most historic and revered house. You may be assured that they will indeed be used for this purpose.

Again, my sincere appreciation to you and to the Committee for your thoughtfulness.

Sincerely,

*Patricia Duffon*

Mr. J. Willard Marriott, Chairman  
Inaugural Committee 1969  
The Pension Building  
440 G Street, NW.  
Washington, D. C. 20025





UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

F90-A

MAR 27 1970

Mr. J. Willard Marriott, Chairman  
Inaugural Committee 1969  
The Pension Building  
440 G Street, N. W.  
Washington, D. C. 20025

Dear Mr. *Marriott*:

I acknowledge with thanks the Inaugural Committee's gift of \$100,000, tendered with your letter of March 18, to be used to defray expenses of redecorating and refurnishing certain public rooms in the Executive Mansion. The donation is being accepted by the National Park Service under authority of the Act of July 10, 1935, 49 Stat. 478 16 USC 6(a), and will be deposited in a special donations account in the United States Treasury for expenditure as specified in your letter.

The action of the Inaugural Committee in making the funds available for this most worthy purpose is commendable and very much appreciated.

Sincerely yours,

*[Handwritten Signature]*  
Director







INAUGURAL COMMITTEE 1969  
THE PENSION BUILDING  
440 G STREET, N. W.  
WASHINGTON, D. C. 20025

J. WILLARD MARRIOTT, CHAIRMAN

5161 River Road  
Washington, D. C. 20016  
March 18, 1970

Mr. George B. Hartzog, Jr.  
Director, National Park Service  
Department of the Interior  
Washington, D. C. 20240

Dear Mr. Hartzog:

On behalf of the 1969 Inaugural Committee, I hereby wish to confirm the conditions of the gift of \$100,000 given to the National Park Service this morning. It is the desire of the Inaugural Committee that these funds be used to defray expenses of redecorating and refurnishing certain public rooms in the Executive Mansion.

It is understood that these funds can be accepted by the National Park Service under the Act of July 10, 1935; 49 Stat. 478, 16 USC. 6(a); and deposited in a special donations account from which such expenditures may be made for the purpose specified.

The donation is tendered with the understanding that it will be available for expenditure without regard to the usual requirements of the Government with respect to such matters as procurement of supplies, material, and equipment; contracting; and employment of personnel. It will be subject, however, to the usual Federal Government accounting and auditing requirements and such supervision as is felt appropriate by the Park Service.

Sincerely,

J. Willard Marriott





UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SOLICITOR  
WASHINGTON, D.C. 20240

Mr. Robert Barker  
Attorney-at-Law  
1616 H Street, N. W.  
Washington, D. C. 20006

MAR 17 1970

Dear Bob:

I have discussed with George Hartzog, Director of the National Park Service, the proposed gift of \$100,000, from the Inaugural Committee 1969, toward the cost of redecorating and refurbishing certain of the public rooms in the Executive Mansion.

Under the act of July 10, 1935, 49 Stat. 478, 16 U.S.C. 6a, the National Park Service may receive donations of money for the activities of the Park Service, which it can then spend directly for the purposes specified by the donor without going through the appropriation process. As you know, the maintenance of the Executive Mansion is a responsibility and activity of the National Park Service.

George Hartzog informs me that the Service has a special donations account to take care of such situations as the Committee has in mind. I understand, also, that Bill Marriott and he have discussed the donation and they are supposed to meet tomorrow when Bill will deliver the check.

It is important that you specify the purposes to which you wish the moneys to be put. Accordingly, I am taking the liberty of attaching a draft of letter for your use, with such changes as you consider desirable. After tender of the donation, the Park Service will send the Committee an acknowledgment.

I hope this answers your questions about the way this matter can be handled.

With best personal regards, I am,

Sincerely yours,

*MS* Mitchell Mellich

Solicitor

Enclosure



THE WHITE HOUSE

WASHINGTON

February 24, 1970

Dear Mr. Marriott:

I have discussed with Mrs. Nixon the disposition of the \$100,000 which the Inaugural Committee has so very generously offered to her for one of her projects.

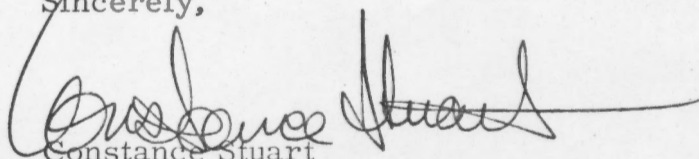
Mrs. Nixon has decided that she would like this money to be a gift to the White House, and thereby a gift to the nation. As you know, Mrs. Nixon has consistently shown a great concern for the many Americans, both tourists and guests, that pass through this house each year. She strongly feels that for those visitors, this house should be perfect in every respect. Mrs. Nixon takes great pride in sharing this house with the public, and would like it to be in tip-top shape at all times.

At this time, Mrs. Nixon would prefer to present the contribution of \$100,000 to the National Park Service in the person of Mr. George Hartzog, Jr. She would also prefer that this gift be made quietly and in good taste.

At your convenience, would you please contact me at my office so that we can work out the details of this transaction.

With many thanks for your generosity and your patience in this matter,

Sincerely,



Constance Stuart  
Staff Director  
to Mrs. Nixon

Mr. J. Willard Marriott  
4500 Garfield Street, N. W.  
Washington, D. C. 20007



## White House Decor and Decorum

Most Americans would probably agree with Clement Conger, the White House curator, that the President's mansion ought to be furnished the way our forefathers *should* have furnished it, but didn't— for lack of public and/or private funds, taste and/or interest in a stately decor. We all would have the White House represent the grandeur and dignity of

ernment seems to have gone on a veritable antique furniture binge. Private donors are asked to furnish the Diplomatic Reception Rooms of the State Department (which already has a better collection than the White House) and now the Archives, and the Supreme Court are furnished by similar means. Though this may raise our national pride, it also

Wash. Post  
Wed., Dec. 6 1972



# INAUGURAL COMMITTEE, 1969

PENSION BUILDING  
440 G STREET, N.W.  
WASHINGTON, D.C. 20025

## VOUCHER



NAME OF CLAIMANT NATIONAL PARK SERVICE

MAILING ADDRESS Washington, D. C.

**DETAILS**  
(Attach Original Invoice when one is furnished by Claimant)

Contribution to defray expenses of redecorating  
and refurnishing certain public rooms in the  
Executive Mansion

UNIT PRICE

AMOUNT

75,000.00

TOTAL

75,000.00

I certify that the above-described articles or services have been delivered in good order or satisfactorily performed.

Signature *Glenn M. ...*  
Chairman 1969 Inaugural Committee Committee

Approved:

Signature \_\_\_\_\_  
Executive Director

November 9, 19 72

Approved \_\_\_\_\_, 19 \_\_\_\_\_  
Chairman

Approved for payment in the amount of . . . . . \$ \_\_\_\_\_  
\_\_\_\_\_, 19 \_\_\_\_\_  
COMPTROLLER

GENERAL LEDGER

BUDGET LEDGER

GENERAL LEDGER				BUDGET LEDGER			

Paid by Check No. \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_ Voucher No. \_\_\_\_\_



INAUGURAL COMMITTEE 1969

J. WILLARD MARRIOTT

CHAIRMAN

5161 RIVER ROAD

BETHESDA, MARYLAND 20016



Mr. Clement E. Conger  
The White House  
Washington, D. C.



INAUGURAL COMMITTEE 1969

J. WILLARD MARRIOTT

CHAIRMAN

WASHINGTON, D. C.

November 9, 1972

5161 RIVER ROAD  
BETHESDA, MARYLAND 20016

Dear Mr. Hartzog:

On behalf of the 1969 Inaugural Committee, I am enclosing a check for \$75,000 to be used to defray expenses of redecorating and refurnishing certain public rooms in the Executive Mansion.

It is understood that these funds can be accepted by the National Park Service under the Act of July 10, 1935; 49 Stat. 478, 16 USC 6(a); and deposited in a special donations account from which such expenditures may be made for the purpose specified.

The donation is tendered with the understanding that it will be available for expenditure without regard to the usual requirements of the Government with respect to such matters as procurement of supplies, material, and equipment; contracting; and employment of personnel.

Best wishes to you.

Sincerely,

J. Willard Marriott



Mr. George B. Hartzog, Jr.  
Director, National Park Service  
Washington, D. C. 20240

Jim O'Neill:

Please enclose the \$75,000 check with the letter to Mr. Hartzog and the note to Clem Conger, in the attached envelope to Clem Conger.

Thanks very much,

James A. Councilor

FROM *J. Willard Marriott*

Dear Clem:

These are the funds we promised you as soon as the Certificates of Deposit matured.

Best wishes.



De Groot

(616) 459-6251

THE WHITE HOUSE  
WASHINGTON

Eva:

Inasmuch as  
Jack Marsh seems  
to be involved in  
subject of the  
swimming pool, please  
~~show him~~ give him copy  
of note re DeGroot  
of G. R. Press column.  
Tell him I owe  
Vern P. a call-back.  
P.





*A First Step*

# *Toward a Pool*

*By Sarah Booth Conroy*

President Gerald Ford may be able to keep his trim figure, if plans for a \$100,000, 20x50-foot glassed swimming pool on the

press secretary Jerry ter-Horst said yesterday that some of Ford's Grand Rapids, Mich., friends were talking about a nationwide campaign to build a pool at the

THE WHITE HOUSE

WASHINGTON

8/16/74

3:10 The Privacy Committee advises  
that Dr. DeGroot would like to  
talk with you ----- (616) 459-6251

wants to make a donation of  
a swimming pool to the  
White House.



G. R. Press

8/15



Vern

Plagenhoef

*A Pool for*

*The President*

Civic pride in Grand Rapids has reached a zenith now that Gerald R. Ford has reached the White House following 25 years of service as your congressman.

The fast-paced events of recent days

*Card*

8/16/74

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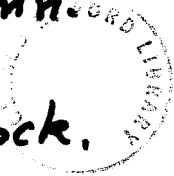
THE WHITE HOUSE  
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of E. R. Press column.

Tell him I owe  
Vern P. a call-back.

P.



# *A First Lap Toward a Pool*

*By Sarah Booth Conroy*

President Gerald Ford may be able to keep his trim figure, if plans for a \$100,000, 20x50-foot glassed in swimming pool on the White House grounds work out. The pool would be a press secretary Jerry Horst said yesterday that some of Ford's Grand Rapids, Mich., friends were talking about a nationwide campaign to build a pool at the White House. School children during the first Frank-

THE WHITE HOUSE

WASHINGTON

8/16/74

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Vern  
Plagenhoef

## A Pool for The President

Civic pride in Grand Rapids has reached a zenith now that Gerald R. Ford has

lege; one, incidentally, who was named national junior college coach-of-the-year. He's political in nature, too, serving as volunteer water safety chairman for the Red Cross in Kent County and as secretary of the Caledonia School Board. He's also a man of reason and that's why I listened.

"It's something the community would want to do," said Clark "and it's something President Ford would want. We're not talking about sending him a basket of fruit. It would be a genuine expression of appreciation and that's the kind of community Grand Rapids is."

Financing would be easy, according to Clark. Possible means of finance are marathon swims, swimathons, donations or even bank financing, although it would be pretty debilitating if the total populace of the Grand Rapids area was unable to raise sufficient funds for a 40-foot pool such as the one the President left when he and his



8/20

July 18  
Papers  
given to

Casselman



August 22, 1974

**MEMORANDUM FOR:** General Alexander M. Haig, Jr.

**FROM:** William E. Casselman II

**SUBJECT:** Authority for Construction of Swimming Pool and Related Facilities on White House Grounds

You have asked whether authority exists for the United States to accept the gift of a swimming pool to be constructed on the White House grounds. You have further asked whether authority exists to accept gifts or donations of money for purposes of constructing related facilities. These questions will be considered jointly.

The acceptance of gifts to the United States is generally provided for by custom and usage. The Supreme Court has stated: "We have no doubt that the receipt of gifts, testamentary or non-testamentary, is within the ambit of federal powers. Uninterrupted usage from the foundation of the Government has sanctioned it." (United States v. Burnison, 339 U.S. 87)

It has been the prevailing practice for the United States to accept unconditional gifts and bequests of money, personal property, and real property without express statutory authority. The statutes appear to assume such authority and merely deal with the administration or disposition of the property after it has been received. (See, for example, 31 U.S.C. 757(e), directing the redemption of government securities donated or bequeathed to the United States, and 40 U.S.C. 304, providing for the disposal of lands acquired by the United States by devise).

Where, however, a gift is made to the United States for a designated purpose the question invariably arises whether any specific officer of the United States has authority to accept it, subject to the conditions



imposed by the donor, and to apply it for the purpose designated. It is customary in accepting such gifts for the Congress to enact legislation authorizing an officer or instrumentality of the Government to accept a specific conditional gift or specific types of conditional gifts and apply them in accordance with the donor's wishes. To this effect, the United States Court of Appeals, District of Columbia Circuit has held:

" Gifts to the United States which involve any duty, burden, or condition . . . are not accepted by the Government unless by the express authority of Congress. The national legislature, which controls the property of the United States (Const., Art. IV, Sec. 3), is consulted in such a case." (Story v. Sawyer 184 F.2d 454, at 456).

There are, in fact, numerous statutes authorizing designated officers or instrumentalities to accept gifts or bequests to the United States for specific purposes.

Clearly the gift to the United States of a swimming pool to be constructed on the White House grounds or the gift or donation of monies to be used for the construction of related facilities is a conditional gift or at least a gift involving a burden to the United States. We are unable to find any specific authorization for the acceptance of gifts or donation to the United States for the purpose of making improvements to the grounds of the White House. By inference, however, such authority appears to be vested in the Secretary of the Interior.

Since 1961, by Act of Congress, the White House has been administered as part of the National Park System (75 Stat. 586). As used in the Act the term "White House" includes the surrounding grounds. 16 U.S.C. 6 provides in part: "The Secretary of the Interior . . . is authorized . . . to accept . . . monies which may be donated for purposes of the national park and monument system." Section 6(a) further provides that nothing shall prohibit "the Secretary of the Interior from accepting in the name of the United States, gifts or bequests of money . . . or . . . property in the interest of the National Park Service."

Therefore, we conclude that inherent authority exists in the Secretary of the Interior to accept on behalf of the United States the gift of a swimming pool to be constructed on the White House grounds and to accept the gift or donation of monies for construction of related facilities, where the Secretary has determined that the acceptance of such gift or donation is consistent with and in the interest of the National Park System.

cc: Phillip W. Buchen

WEC:bw



THE WHITE HOUSE  
WASHINGTON

*For filing*

August 22, 1974

MEMORANDUM FOR: General Alexander M. Haig, Jr.  
FROM: William E. Casselman II *WEC*  
SUBJECT: Authority for Construction of Swimming  
Pool and Related Facilities on White House  
Grounds

You have asked whether authority exists for the United States to accept the gift of a swimming pool to be constructed on the White House grounds. You have further asked whether authority exists to accept gifts or donations of money for purposes of constructing related facilities. These questions will be considered jointly.

The acceptance of gifts to the United States is generally provided for by custom and usage. The Supreme Court has stated: "We have no doubt that the receipt of gifts, testamentary or non-testamentary, is within the ambit of federal powers. Uninterrupted usage from the foundation of the Government has sanctioned it." (United States v. Burnison, 339 U.S. 87)

It has been the prevailing practice for the United States to accept unconditional gifts and bequests of money, personal property, and real property without express statutory authority. The statutes appear to assume such authority and merely deal with the administration or disposition of the property after it has been received. (See, for example, 31 U.S.C. 757(e), directing the redemption of government securities donated or bequeathed to the United States, and 40 U.S.C. 304, providing for the disposal of lands acquired by the United States by devise).

Where, however, a gift is made to the United States for a designated purpose the question invariably arises whether any specific officer of the United States has authority to accept it, subject to the conditions



imposed by the donor, and to apply it for the purpose designated. It is customary in accepting such gifts for the Congress to enact legislation authorizing an officer or instrumentality of the Government to accept a specific conditional gift or specific types of conditional gifts and apply them in accordance with the donor's wishes. To this effect, the United States Court of Appeals, District of Columbia Circuit has held:

" Gifts to the United States which involve any duty, burden, or condition . . . are not accepted by the Government unless by the express authority of Congress. The national legislature, which controls the property of the United States (Const., Art. IV, Sec. 3), is consulted in such a case." (Story v. Snyder 184 F.2d 454, at 456).

There are, in fact, numerous statutes authorizing designated officers or instrumentalities to accept gifts or bequests to the United States for specific purposes.

Clearly the gift to the United States of a swimming pool to be constructed on the White House grounds or the gift or donation of monies to be used for the construction of related facilities is a conditional gift or at least a gift involving a burden to the United States. We are unable to find any specific authorization for the acceptance of gifts or donation to the United States for the purpose of making improvements to the grounds of the White House. By inference, however, such authority appears to be vested in the Secretary of the Interior.

Since 1961, by Act of Congress, the White House has been administered as part of the National Park System (75 Stat. 586). As used in the Act the term "White House" includes the surrounding grounds. 16 U.S.C. 6 provides in part: "The Secretary of the Interior . . . is authorized . . . to accept . . . monies which may be donated for purposes of the national park and monument system." Section 6(a) further provides that nothing shall prohibit "the Secretary of the Interior from accepting in the name of the United States, gifts or bequests of money . . . or . . . property in the interest of the National Park Service."

Therefore, we conclude that inherent authority exists in the Secretary of the Interior to accept on behalf of the United States the gift of a swimming pool to be constructed on the White House grounds and to accept the gift or donation of monies for construction of related facilities, where the Secretary has determined that the acceptance of such gift or donation is consistent with and in the interest of the National Park System.

cc: Philip W. Buchen

THE WHITE HOUSE

WASHINGTON

August 22, 1974

MEMORANDUM FOR: General Alexander M. Haig, Jr.

FROM: William E. Casselman II *WEC*

SUBJECT: Authority for Construction of Swimming Pool and Related Facilities on White House Grounds

You have asked whether authority exists for the United States to accept the gift of a swimming pool to be constructed on the White House grounds. You have further asked whether authority exists to accept gifts or donations of money for purposes of constructing related facilities. These questions will be considered jointly.

The acceptance of gifts to the United States is generally provided for by custom and usage. The Supreme Court has stated: "We have no doubt that the receipt of gifts, testamentary or non-testamentary, is within the ambit of federal powers. Uninterrupted usage from the foundation of the Government has sanctioned it." (United States v. Burnison, 339 U.S. 87)

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Where, however, a gift is made to the United States for a designated purpose the question invariably arises whether any specific officer of the United States has authority to accept it, subject to the conditions

Friday 8/23 /74

MEETING

8/23/74 4 p. m.

10:05 The meeting with John Marsh, Jerry terHorst, Bill Casselman  
and you this afternnon is scheduled for 4 p. m. -- to discuss

-- pool problem

-- renaming of Grand Rapids airport

*Cancelled*



THE WHITE HOUSE  
WASHINGTON

August 23, 1974

MEMORANDUM FOR: PHIL BUCHEN

FROM: ROLAND L. ELLIOTT



In the past couple of days, President Ford has received about 8 letters enclosing contributions for the construction of a swimming pool and I expect more gifts will be forthcoming. Long standing policy in the past has required that such personal contributions be returned to the sender. I do not know if this is based simply on tradition or on Article II., Section I. of the Constitution with respect to emoluments. In either case, I would appreciate your guidance and recommendations on the handling of these letters and contributions.

Attached are the letters we have received so far and a suggested draft of a letter returning the contributions.

Many thanks.

Attachments

Per request of Dr. Ted Marrs, this material has been delivered over to Colonel George Joulwan in Gen. Haig's office.



Philip W. Buchen





THE WHITE HOUSE  
WASHINGTON

August 23, 1974

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FROM: ROLAND L. ELLIOTT



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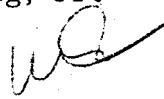


Philip W. Buchen



THE WHITE HOUSE  
WASHINGTON

August 29, 1974

MEMORANDUM FOR: General Alexander M. Haig, Jr.  
FROM: William E. Casselman II   
SUBJECT: Construction of Swimming Pool and  
Related Facilities on White House  
Grounds

The following is an outline of possible funding sources and contracting options open to the President in constructing a swimming pool and related facilities on the White House grounds. If the recommended project proposal is approved, a detailed implementation plan will be drawn up by this office and the Department of the Interior.

OBJECTIVE: To construct a swimming pool and related facilities for the use of the President, his family and guests as part of National Park Service, Reservation 1 (White House).

POSSIBLE PARTICIPANTS:

1. National Park Service (NPS):

Has administrative responsibility over White House mansion and grounds, including authority to undertake construction and authority to accept donations of both funds and equipment, 75 stat. 586; 16 U.S.C. 1 et seq. NPS has authority to construct pool with appropriated funds. However, such funds are not presently available. All NPS contracting would be subject to government regulations. NPS has available expertise to oversee construction activities. Donations to NPS are tax deductible.

2. National Park Foundation (NPF):

Has authority to accept donations of both funds and equipment to further National Park Service activities including authority to contract for construction projects, 16 U.S.C. 19(e) et seq. NPF does not have existing funds with which to undertake project. Adequate staff to oversee construction activities is available to NPF through the Department of the Interior, 16 U.S.C. 19(h). NPF contracting is not subject to government regulation. Donations to NPF are tax deductible.

3. United States Secret Service (USSS):

Has responsibility for the protection of the President and his family, 18 U.S.C. 3056(a). This would include oversight of construction activities from a security standpoint.

4. National Swimming Pool Institute (NSPI):

By letter of intent dated August 22, 1974, (attached Tab A), has offered funding and construction assistance from the swimming pool industry. NSPI does not have funds or in-house construction capability at this time.

5. Edna McConnell Clark Foundation (EMCF):

Mr. James Henry, Executive Director, has offered financial assistance including an immediate interest free construction loan and indemnification of any funding shortfall. EMCF is willing to grant this assistance anonymously.

6. Inaugural Committee:

Committee Chairman J. Willard Marriott has indicated that the Committee has \$400,000 in excess funds which it is willing to donate to the project.



7. Ad Hoc Fund-raising Group:

A broad-based organization including representatives of NSPI and other swimming-oriented organizations, U.S. Olympic Committee, Congress, etc. could be created to undertake fund-raising efforts. (A memo recommending lead personnel is attached at Tab B).

8. Council for National Cooperation in Aquatics:

Could be approached for fund-raising assistance. Members include NSPI, Red Cross, Boy Scouts, Girl Scouts, YMCA, YWCA, AAU, NCAA, National Safety Council, U.S. Office of Education, U.S. Public Health Service, and other recreation groups.

FUNDING SOURCES:

1. Government Appropriations:

Funds could be secured by direct appropriations to NPS, subject to reimbursement from private donations. Would have advantages of limiting number of participants, and using standardized procedures applicable to government contracting. Disadvantages include: necessity to seek supplemental appropriations and increased project costs as a result of exclusive government contracting (subject to all government contracting restrictions). Also, if not done on a reimbursable basis would result in total cost being borne by taxpayer.

2. Private Donations:

Private funding carries advantages of flexibility, lower project cost, no cost to taxpayer, no direct connection with government. Disadvantages include greater number of necessary participants and need for establishing a central administrative control over fund-raising activities.



Private funding could be secured either from single or limited source donations or from a broad-based fund-raising drive.

Single or limited sources for donations have advantages of immediate implementation and limited administrative problems because of reduced number of participants. The disadvantage relates to possible adverse exposure resulting from use of such sole sources. The advantages and disadvantages of a broad-based fund raising drive are basically the reverse of the above.

However, fund-raising could be done in combination with single source and broad-based drive. The immediate implementation costs could be secured on a loan indemnification basis from a single source, while having project cost borne by subsequent broad-based drive. This carries the advantage of immediate implementation while at the same time reaping public relations benefits of the broad-based campaign.

Donated funds could be funneled to the NPS either directly or through the NPF with spillover funds being dedicated to the U.S. Olympic Committee. Both routes would result in tax advantages to donees.

#### CONTRACTING OPTIONS:

##### 1. Government:

NPS could contract directly for the pool construction. This has the advantages of standardized procedures and government expertise. The disadvantages include necessity to comply with government contracting regulations, higher costs and utilization of appropriated funds.

2. National Park Foundation:

Pursuant to a special use permit from NPS, NPF could contract for the construction of pool and upon completion, transfer title to NPS. This procedure is advantageous in that NPF is not subject to government contracting regulations which results in lower project costs. Contracting and construction expertise is available to NPF from the Department of the Interior.

3. Private:

Because of the statutory restrictions on the acceptance of conditional gifts, there appears to be no viable private contracting options which do not involve the NPF.

RECOMMENDED PROJECT IMPLEMENTATION:

1. Fund Raising:

It is recommended that the cost of the project be borne by funds solicited by a broad-based ad hoc fund-raising group created for this purpose. Funds raised by this group would be channeled into the National Park Foundation. Any spillover funds would be distributed among the twenty-seven sports on the Olympic program. (A memo detailing this spillover recommendation is attached Tab C).

A strict dollar (and value in the case of donated equipment) limitation from any one source should be imposed. Also strict prohibitions concerning product endorsement or advertising should be imposed.

The broad-based funding campaign should be supplemented by using the offer from the Edna McConnell Clark Foundation to advance funds for

the necessary start-up costs and to indemnify the project in case of a funding shortfall. The advance of funds and indemnification should run to the National Park Foundation.

This procedure offers the advantages of immediate implementation and broad-based public relations appeal.

## 2. Design, Construction and Contract Administration:

It is recommended that responsibility for the administration of necessary design, construction, and contracting be vested with the National Park Foundation. This would be accomplished by the issuance of a construction permit to the NPF from the National Park Service. The permit from NPS would involve the necessary environmental impact statement and Fine Arts Commission clearance. The NPF would issue the actual construction contract. Pursuant to NPF authorities, design, construction, and contracting experts would be made available to NPF from the Department of the Interior. All construction activities would be coordinated with the USSS. Initial funding and indemnification would be furnished to the NPF by the EMCF and funds necessary to cover the costs would be funneled to the NPF from the fund raising group as such funds are available.

Upon completion of the project, title to the pool and related facilities would be transferred to NPS by the NPF.

This procedure offers the advantages of immediate implementation, lower costs, and avoidance of government contracting restrictions while at the same time utilizing available government expertise and maintaining close government liaison.

Enclosures

cc: Honorable Philip W. Buchen  
Honorable Jerry H. Jones





ATIONAL  
SWIMMING POOL  
INSTITUTE

1400 K STREET, N. W.  
WASHINGTON, D. C. 20006  
TELEPHONE 202 331-8844

August 22, 1974

General Alexander M. Haig, Jr.  
Chief of Staff  
The White House  
Washington, D. C. 20500

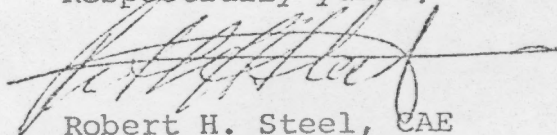
Dear General Haig:

This will serve as a Letter of Intent from the National Swimming Pool Institute.

We would like to propose that a swimming pool be built at The White House for the use of the President, his family, and guests. It is our intention that our Institute might serve to guide the overall project, supply the necessary pool equipment, and spearhead a funding drive which will assist in offsetting the costs of this project. We will seek funds within our industry and among other groups who share our interest in promoting physical fitness through swimming.

With your approval, we will initiate this campaign which will require a period of two months. In the meantime, we will be happy to consult with you during the preliminary planning phase.

Respectfully yours,



Robert H. Steel, CAE  
Executive Vice President



TAB B

August 28, 1974

MEMORANDUM FOR: BILL CASSELMAN

FROM: MIKE HARRIGAN *MTH*  
STEVE MEAD *SKM*

SUBJECT: Recommended Candidates for the "White House Swimming Pool Committee"

Bill, after reviewing our own experience and our files, and after discussing names with several people in the swimming world without explaining the nature of the project, we submit the following list of four very strong candidates and three alternates. Almost all the candidates are known by each other.

SPANNUTH, John: Former head of the AAU Swimming Committee; former President of American Swimming Coaches Association and holder of positions in many swimming organizations. Until recently Executive Director of Joseph P. Kennedy Foundation which deals extensively with sports programs. Has been contacted by National Swimming Pool Institute to help develop a preliminary plan of action for this project.

DeVARONA, Donna: Next to Billie Jean King, perhaps the best known woman sports personality. Wide contacts in the swimming world where she is well respected. A strong supporter of the Administration position in amateur sports.

BOGARD, John: Chairman of the U. S. Olympic Committee Swimming Committee. He is highly recommended by all sources contacted.

TREADWAY, Ken: An executive with Phillips Petroleum and heavily involved in that Company's many sports programs. A major contributor to the successful development of the sport of swimming over the years.

#### ALTERNATES

HIGGINS, John: Former Navy swimming coach and past President of the International Swimming Hall of Fame.

BUSSARD, Ray: Aquatic Director at the University of Tennessee and nationally active in giving swimming clinics and workshops.

Memorandum for Bill Casselman  
Page Two  
August 28, 1974

DuPONT, John: Major contributor to several swimming clubs and a strong supporter of amateur swimming in general.

TAB C

U. S. FORD LIBRARY

August 28, 1974

MEMORANDUM FOR: BILL CASSELMAN

FROM: MIKE HARRIGAN <sup>MMH</sup>  
STEVE MEAD *SM*

SUBJECT: Usage of Spillover Funds on the Swimming Pool Project

Bill, our recommendation on the distribution of any funds remaining after the completion of the swimming pool project would be to divide the funds equally among the twenty-seven sports on the Olympic program. The money should be specifically earmarked for use in athletic development programs prior to and in support of our 1976 Olympic effort. This approach would get broad visibility and tie together two publicly popular efforts: amateur sports and the bicentennial activities.

The money should be granted directly to the body associated with each sport which is internationally recognized to be the United States representative for that sport. These sport governing bodies are charged with the responsibility for the development of each sport in the U.S. The sport governing bodies for each of the Olympic sports are listed at the end of this memo.

Care should be taken in distribution of funds to the AAU (who acts as governing body for eight of the twenty-seven Olympic sports) to assure that funds are expanded equally for each of the sports it represents.

Under a policy of equal distribution among all Olympic sports, the minor sports would receive a disproportionately large benefit. These sports are, however, just the ones which most desperately need additional funds with which to support our 1976 Olympic effort.

We tentatively reject the idea of distributing the funds directly to the U.S. Olympic Committee for two reasons. First, the role of the Olympic Committee is only to transport the athletes to and from the Olympic games. This is a rather limited role. Second, it is our informal understanding that the Olympic Committee foresees that it will have sufficient funds to fulfill this role. We would be glad to further investigate the U.S. Olympic Committee's need for funds if you desire.

As a final thought, Bill, some of this money might be used to fund a President's Commission on Olympic Sports.

THE SPORTS ON THE OLYMPIC PROGRAM AND THEIR  
GOVERNING BODIES, AUGUST, 1974

ARCHERY - National Archery Association

BASKETBALL - Amateur Basketball Association of the U.S.A.

BIATHLON and PENTATHLON - United States Modern Pentathlon and  
Biathlon Association

BOBSLED - Amateur Athletic Union of the United States (AAU)

BOXING - Amateur Athletic Union of the United States (AAU)

CANOEING - American Canoe Association

CYCLING - Amateur Bicycle League of America

EQUESTRIAN - American Horse Shows Association

FENCING - Amateur Fencers League of America

FIELD HOCKEY - Field Hockey Association of America

GYMNASTICS - United States Gymnastics Federation

ICE HOCKEY - Amateur Hockey Association of the United States

JUDO - Amateur Athletic Union of the United States (AAU)

LUGE - Amateur Athletic Union of the United States (AAU)

ROWING - National Association of Amateur Oarsmen

SHOOTING - National Rifle Association

SKATING (FIGURE) - United States Figure Skating Association

SKATING (SPEED) - United States International Skating Association

SKIING - United States Ski Association

SOCCER FOOTBALL - United States Soccer Football Association

SWIMMING, DIVING AND WATER POLO - Amateur Athletic Union of the  
United States (AAU)

TEAM HANDBALL - United States Team Handball Federation

TRACK AND FIELD - Amateur Athletic Union of the United States (AAU)

VOLLEYBALL - United States Volleyball Association

THE SPORTS ON THE OLYMPIC PROGRAM AND THEIR  
GOVERNING BODIES, AUGUST, 1974  
Continued

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WEIGHTLIFTING - Amateur Athletic Union of the United States (AAU)

WRESTLING - Amateur Athletic Union of the United States (AAU)

YACHTING - North American Yacht Racing Union





Friday 8/30/74

11:55 Brenda had a call from Bob Steele (head of the National Swimming Pool Institute) saying Rex Scouten had called and invited him to a 4 o'clock meeting this afternoon.

331-8844

Casselman is out of town; Benton Becker feels he shouldn't go; so they are sending Benton Be-

Apparently Mr. Steele is wondering if there is anything he should know before going to the meeting.

Scouten is heading up the task force on design and construction. Jerry Jones is coordinating the whole thing.

