

**The original documents are located in Box 24, folder “Kennerly, David - Project” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

### **Copyright Notice**

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*Photo Office*

THE WHITE HOUSE

WASHINGTON

December 30, 1974

MEMORANDUM FOR: TOM DECAIR

FROM: PHILIP W. BUCHEN *P.W.B.*

SUBJECT: Proposed Photo Book of  
White House

This proposal appears acceptable, so long as we are prepared to grant similar favors to others.

Your letter of acceptance should include the following:

"This permission is granted subject to your agreement that no representation or suggestion will be made in the book that it is an "official" White House book or project, or that it has been endorsed in any way by any one in the White House. For this purpose, please sign in the place indicated below and return one signed copy to me.

"It is agreed that any publication resulting from the permission to take photographs in the White House will conform to the above stated terms, and that any publication violating them will be recalled and be subject to legal processes to prevent its marketing or distribution.



Signature \_\_\_\_\_

Title & Authority \_\_\_\_\_ "

18B

11/5

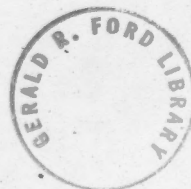
THE WHITE HOUSE  
WASHINGTON  
November 5, 1974

NOTE FOR: Phil Buchen

FROM: TOM DECAIR

In view of the White House Historical Association's occasional production of books on the White House, we seek your guidance on this request before even considering giving them any help. Obviously, they intend to make some money from this venture

Thank you for your counsel.



THE WHITE HOUSE  
WASHINGTON

TO: <sup>on</sup> Nessen

---

FROM: PAUL THEIS

I think the attached which came  
to Ann Morgan on my staff more  
logically falls under your  
responsibility, Ron. What  
think?

*Paul*





LEO GREENLAND, CHIEF EXECUTIVE OFFICER

October 14, 1974

Ms. Ann Morgan  
The White House  
Washington, D. C. 20500

Dear Ms. Morgan:

We would want to publish a non-political book about the White House in celebration of the Bicentennial.

Working title: "The White House, Inside In."

# pages: 250-300.

Illustrations: Half color, mostly photographs,  
400-500 pix.

Text: 30,000-40,000 words descriptive narrative.

Trim size: 11 X 14 inches.

Bulk: 1.25 inches.

Binding cloth and paper to be determined, but obviously of high quality.

The American public would be brought into the inner functionings of the White House. Of course there will be many areas of interest that would be developed as we get into the project. We would look forward to discussing these areas with people from your Archive Section.

The retail price of the book will probably be in the area of \$29.95 to \$49.95, depending on production costs.

I request permission to proceed with this project and have authorization to schedule photographers to take the necessary photographs in the White House.

Cordially,

*Leo Greenland*

/hh



Ken:

It might be helpful  
to learn how the printing  
of these luxurious books  
was accomplished, although  
I don't see this as a helpful  
precedent to what Kennerley  
wants to accomplish. J?



"Not only are we sincere" in our efforts to correct the situation, Admiral Bagley said, "but we have taken action with encouraging results."

Admiral Bagley said the Navy has about doubled the number of black officers in the past few years. He said the Navy has not been bringing Filipinos or Blacks into the Naval steward ratings for more than two years, because the Navy wanted to break down a "one-race" situation.

- - - -

Arizona Republic, "No time to panic." The economic danger is that somewhere along the line, the public will panic and cause Congress and the Administration to panic in a repetition of Richard Nixon's espousal of Keynesianism and Phases I through IV. Looking back, everyone can see how much damage that did.

- - - -

Sacramento Bee, "Expensive reading." If there were a Nobel prize for doing the unnecessary and doing it better, the Navy should win for its production of a deluxe set of 100 historical books, in color, puffing its top Admirals at a cost of nearly \$200 per copy. Staff writer Leo Rennert reported the price tag, initially estimated at \$4,000, has soared to \$19,500.

- - - -

San Francisco Examiner, "Science's role." The Administration reportedly is considering a re-emphasis on science by strengthening the scientific community's relationship with President Ford. This would be a valuable step forward economically. It would also stimulate the faltering U.S. role in the international scientific arena. This nation has slipped in research and technological development, as well as in esteem.

- - - -

Houston Post, "Twilight of the UN?" The United Nations General Assembly's suspension of South Africa was an impressive act of hypocrisy by many member nations. Unless the responsible third world countries can be made to understand the principles and purposes of the U.N., the U.N. may be in a rush toward dissolution. This twilight of the U.N. sounds all too familiar to those who remember the decline of the League of Nations.

- - - -



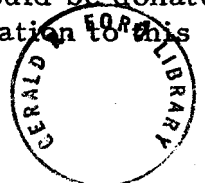
THE WHITE HOUSE  
WASHINGTON

For file re  
'Dove Kennedy Project'



TALKING POINTS  
RE KENNERLY PROJECT

1. General. Assuming that he is willing to abide by the restrictions and conditions which are discussed below, Mr. Kennerly may produce and publish a pictorial essay on President Ford.
2. Restrictions on Copyrights. Mr. Kennerly may copyright the book itself but not any of the photographs which are selected for inclusion.
  - a. Released photographs. Photographs which have already been released and are thus within the public domain may not be copyrighted (17 U.S.C. §8).
  - b. Unreleased photographs. Under copyright law, unreleased photographs which are the personal property of the President (Opinion of the Attorney General dated September 6, 1974) would be subject to copyright with the approval of the President. However, the standards of conduct applicable to White House employees would bar this type of personal benefit to Mr. Kennerly as a result of his official position [see 3 CFR 100.735-15(b)].
  - c. Waiver of Copyright. As discussed above and with the approval of the President, photographs eventually included in any publication should be accompanied by a notation along the lines of: "No copyright is claimed with respect to the official government photographs contained herein." This was the form utilized in Eye on Nixon, published by Clement Stone in 1972.
  - d. Note. In two instances copyrights have apparently been claimed by or from Presidents for photographs during their term of office (The Memories by Cecil Staughton, President Kennedy's photographer and The Vantage Point by LBJ). However, in these instances the publication and the claim occurred after completion of the term of office.
3. Restrictions on Production. During the course of production of such a book, two requirements should be met.
  - a. Approval. Mr. Kennerly's superior (Ron Nessen?) would have to formally approve such a project based upon the conclusion that it would not be incompatible with Mr. Kennerly's official duties [3 CFR 100.735-15(c)].
  - b. Costs. Photographs selected for inclusion should be paid for in full by the publisher.
4. Financial Restriction. Two points should be made with respect to royalties and profits from any such book.
  - a. Ban on compensation. Mr. Kennerly should not accept any compensation or royalties under the contract governing publication [18 U.S.C. §209 and 3 CFR 100.735-13].
  - b. Profits. Similarly, all profits on the book should be donated directly to a charity by the publisher and a notation to this effect should appear in the book.





Tuesday 1/7/75

9:45 Dave Kennerly said in connection with the book, instead of a charity, how about establishing a scholarship fund for photography for some underprivileged student.

9:55 Mr. Buchen talked with him.



THE WHITE HOUSE

WASHINGTON

July 18, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: JACK MARSH 

I think you should be aware of a proposed project for which Presidential participation is requested, involving the Bicentennial.

It is called Photo 200, and arises from a suggestion which appeared in Parade Magazine. In addition to a number of well known National media people and publications, it has as its honorary Chairman, David Kennerly.

It is envisioned that Photo 200 would be incorporated as a non-stock, non-profit, tax exempt corporation under the provision of 501C3 of the Revenue Code. It is further anticipated that the project would be presented to ARBA ~~under~~ <sup>for</sup> their official sanction.

As you will note from the first two pages, Dave has attracted the President's interest in the program.

Dave spoke with me yesterday and is requesting guidance on how to proceed, and I am sending you this memo and attachments, and also sending a copy to Ted Marrs. I believe that he was already talked with Ken Larazus.

cc: Ted Marrs



Fellow Americans:

*suggested text  
we should re-do.  
O.H.K.*

I am proud to announce, as a vital part of the Bicentennial celebration, a photographic project without parallel: the commissioning of a portrait of America and its citizens, to be taken by a group of outstanding American photographers. It is to be called PHOTO-<sup>200</sup>USA.

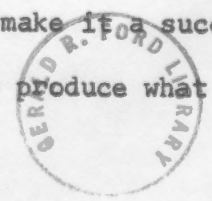
Let us openly do an American family album that can act as a mirror in which to examine ourselves....an honest portrait of our time. Let us do it for the eyes of all men, and for history.

PHOTO-<sup>200</sup>USA will be supported through both public and private sources.

This is an ambitious project, one that will take a measure of our enterprise, imagination and strength -- but it is not a novel project. In the past America used the camera to document and save vast areas of our wilderness, to record how we fared in the great depression of the 1930's and to record our victory in World War II.

This new project will touch every geographical area and Americans from all walks of life. PHOTO-<sup>200</sup>USA will be the kind of picture study that can hang on museum walls as well as be seen in classrooms, can become a book as well as a collection. I am pleased that The Library of Congress has agreed to preserve it for future generations.

Photography, with its built-in ability to teach, report and reflect America, as no other medium can, is a natural tool for the Bicentennial. This project will be hard work and I ask all Americans to help make it a success, to join PHOTO-USA's director, Ken Heyman, and his colleagues to produce what will be one of the most exciting documents in American history.





Application to:

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

For Recognition of:

200  
PHOTO-~~UNIT~~

A project implemented by a committee  
of photographic experts assembled at  
The White House at the request of  
President Gerald R. Ford.



APPLICATION FOR ARBA OFFICIAL RECOGNITION

June 2, 1975

I. General Background

1. Sponsor: Committee appointed at request of President Ford;  
David Hume Kennerly, Honorary Committee Chairman
2. The White House, Washington, D.C.  
202 456-1414
3. Title: PHOTO-USA
4. Director: Ken Heyman  
64 East 55th Street  
New York, N.Y. 10022  
212 421-4512  
Temporary
5. Members of the Board of the sponsoring organization include:  
  
David Hume Kennerly  
White House Official Photographer  
  
Carl Stover, Director  
Bicentennial Resources  
National Endowment for the Arts  
  
Gifford Hampshire  
Documerica  
Environmental Protection Agency  
  
Jess Gorkin, Editor  
PARADE  
  
Arthur Rothstein  
Photo Editor  
PARADE  
  
Robert Gilka  
Director of Photography  
NATIONAL GEOGRAPHIC  
  
Brian O'Doherty, Director  
Visual Arts Program  
National Endowment for the Arts



Rod Goldstein  
Department of Photography  
National Endowment for the Arts

Byron Schumaker  
Chief of Photography  
Department of Agriculture

Alan Fern  
Director of Photography  
Library of Congress

Virginia Hart  
Department of the Interior

John Morris  
Director  
THE NEW YORK TIMES News Service

John Durniak  
Photography Editor  
TIME Magazine

Eugene Ostroff  
Director of Photography  
Smithsonian Institution

These experts met four times at The White House. This committee concluded that this project would be most effective if it were set up outside the Government as a non-profit, self-liquidating corporation, established for the sole purpose of hiring photographers to photograph the USA. After considering many individuals for the position of Director, they chose Ken Heyman, a world-renowned photographer. Mr. Heyman recently completed his eleventh photography book. Entitled WORLD ENOUGH, it has text by Dr. Margaret Mead, and will be published in October.

6. Not applicable.
7. Formal announcement of the project by The White House will be made in the next month.

II. 1. (a, b, c, d, e)

PHOTO-USA is a project implemented by a committee of photographic experts assembled at The White House at the suggestion of the President, to compile a pictorial record of the United States in the Bicentennial year.





Every state and territory of the nation will be represented in the final selection of photographs that will constitute a permanent record of this project. All age, ethnic and regional categories will be included in the picture subject material, and the results will be available to all. Books and exhibitions drawn from the pictures will further this availability. The main purpose of the project is to gather a historical record for both the present and future generations. It is expected the project will result in the most important visual statement of our time.

2. (a)

The project will demonstrate how the basic principles on which this nation was founded have become translated into the realities of today.

(b)

Through its diversity of subject matter, the project reflects all the themes of Heritage '76, Festival USA, and Horizons '76.

(c)

The project will result in a better understanding and appreciation of our heritage by making it graphically visible to all.

(d)

The project will result in citizen participation in the commemoration by affording all the opportunity to view the visual record of Americans in their manifold activities and achievements.

(e)

The project will help citizens improve their quality of life by helping to nourish their morale and their pride in their accomplishments, and also by illustrating areas where additional progress is still needed.

(f)

The three themes of the Bicentennial will be emphasized, in line with President Ford's request that the project produce a comprehensive historical record for the future.

(g)

Since the project will result in a permanent collection to be housed in the Library of Congress, it will be an enduring portrait of American life in the Bicentennial Year.



3. (a)

Time-plan: The only photographs used in the project will be those taken during the official Bicentennial Year. Many photographers will be given contracts because no photographer will be given more than a one-month assignment. All work will be completed by the end of 1976. The Library of Congress has agreed to preserve this collection in archival form -- a process to be completed by May, 1977.

(b) Timing of project

- (1) Duration of project: 2 years
- (2) Period of major emphasis: June 1975 - December 1976

(c) Estimated cost of project

- (1) Total estimated cost: \$2,250,000
- (2) Funds on hand: \$ 13,000
- (3) Additional funds required: \$2,237,000

(d) Source of funding on hand

Corporation: \$ 3,000  
Other: \$10,000 (Individual)

(e) Anticipated source of additional funding

- (1) Federal: \$1,500,000
- (4) Corporation: \$ 400,000
- (5) Foundation: \$ 137,000
- (6) Other: \$ 200,000 (book, film and television rights)



CERTIFICATE OF INCORPORATION

OF  
253  
PHOTO-~~253~~, INC.

(a Delaware Non-Stock Corporation)

I, the undersigned, in order to form a non-stock corporation under the General Corporation Law of the State of Delaware, do hereby certify as follows:

1. Name

The name of the corporation (the "Corporation") is  
253  
PHOTO-~~253~~, INC.

2. Registered office and agent

The registered office of the Corporation is 100 West 10th Street, City of Wilmington, County of New Castle, State of Delaware. The name of its registered agent is The Corporation Trust Company, whose address is 100 West 10th Street, in said city.

3. Purposes and powers

3.1 The objects and purposes of the Corporation shall be exclusively charitable, educational, scientific and literary within the meaning of section 501(c)(3) of the United State Internal Revenue Code of 1954, as the same





may be amended from time to time.

3.2 In furtherance of its objects and purposes as set out in section 3.1 hereof, but not for any other object or purpose, the Corporation shall have the following powers, in addition to those powers granted by the General Corporation Law in the State of Delaware, to the extent permitted by law:

3.2.1 To make a comprehensive photographic record of America today, in all its aspects, as a project of the nation's Bicentennial celebration, to reflect life of America in the mid-1970's.

3.2.2 To record, through a photographic documentary, the way of life achieved in the United States after two centuries of existence, in the cities, farmlands, scientific complexes, cultural centers, and in financial, commercial, and athletic activities and social, religious and educational institutions.

3.2.3. To contribute the aforesaid photographic record and documentary to the Library of Congress, to place said record and documentary on public exhibition throughout the United States and otherwise to disseminate through any and all appropriate media, including print, television and motion pictures, the aforesaid photographic record and documentary.

3.2.4 To solicit, accept, hold and administer funds exclusively for the Corporation's objects and purposes set forth in section 3.1 hereof, and to that end to take and receive, by bequest, devise, gift or benefit of trust, any property, real or personal, tangible or intangible, wheresoever located;



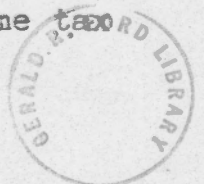
3.2.5 To transfer or distribute funds to organizations which are exempt from income tax under section 501(c)(3) of the United States Internal Revenue Code of 1954, or contributions to which are deductible under section 170(c)(1) of such Code, as such sections and such Code may be amended from time to time;

3.2.6 To exercise its rights, powers and privileges by holding meetings of its Members and Board of Trustees, by keeping its books, by employing personnel, and by establishing one or more offices, branches, subdivisions and agencies, within or without the United States of America; and

3.2.7 To do everything and anything reasonably and lawfully necessary, proper, suitable or convenient to achieve the objects and purposes set forth in section 3.1 hereof;

provided, however, that the Corporation may not exercise any power, either express or implied, in such a manner as to disqualify the Corporation from exemption from income tax under section 501(c)(3) of the United States Internal Revenue Code of 1954, as the same may be amended from time to time.

3.3 It is the intention of the Corporation at all times to qualify and remain qualified as exempt from income tax





under section 501(c)(3) of the United States Internal Revenue Code of 1954, as the same may be amended from time to time. Accordingly:

3.3.1 The Corporation shall not be conducted or operated for profit, and no part of the net earnings of the Corporation shall inure to the benefit of any private member or individual; nor shall any of such net earnings nor any of the property or assets of the Corporation be used other than for the objects and purposes of the Corporation as set forth in section 3.1 hereof;

3.3.2 No substantial part of the activities of the Corporation shall consist of carrying on propaganda, or otherwise attempting, to influence legislation; nor shall the Corporation participate in, or intervene in (by the publishing or distributing of statements or otherwise), any political campaign on behalf of any candidate for public officer;

3.3.3 In the event of a liquidation, dissolution, termination or winding up of the Corporation (whether voluntary, involuntary or by operation of law), none of the property or assets of the Corporation shall be made available in any way to any individual, corporation, or other organization, except to corporations or other organizations which qualify as exempt from income tax under section 501(c)(3) of the United States Internal Revenue Code of 1954, as the same may be amended from time to time.



#### 4. Incorporation

The name and mailing address of the incorporator is:

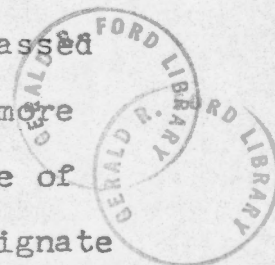
<u>Name</u>	<u>Address</u>
Ken Heyman	64 East 55th Street New York, New York 10022

#### 5. Trustees

5.1 The affairs of the Corporation shall be managed and all powers of the Corporation shall be exercised by the Board of Trustees, except as otherwise provided by law, but the Trustees shall act only as a Board and the individual Trustees shall have no power as such. The Board of Trustees shall be deemed to be a Board of Directors for all purposes under the General Corporation Law of the State of Delaware.

5.2 The powers of the Board of Trustees, unless otherwise specified by the Members, shall include the power to borrow money and give security in the name of the Corporation without limit as to amount, but only in furtherance of the stated objects and purposes of the Corporation.

5.3 The Board of Trustees may, by resolution passed by a majority of the whole Board, designate one or more committees, each committee to consist of two or more of the Trustees of the Corporation. The Board may designate



one or more Trustees as alternate members of any committee, who may replace any absent or disqualified member at any meeting of the committee. Any such committee, to the extent provided in the resolution, shall have and may exercise the powers of the Board of Trustees in the management of the business and affairs of the Corporation, and may authorize the seal of the Corporation to be affixed to all papers which may require it.

5.4 The Corporation shall not have authority to issue any capital stock.

5.5 The number of Trustees which shall constitute the whole Board shall be fixed by the By-laws, but in no case shall the number be less than three.

5.6 Election of Trustees, their term of office, quorum and voting requirements, classes of Trustees, and filling of vacancies shall be as provided by the By-laws.

## 6. By-laws

6.1 The Corporation shall adopt By-laws, which shall set forth the procedures for the election of Members and Trustees of the Corporation, and may contain such other provisions for the regulation of the affairs of the Corporation as from time to time shall be deemed advisable. Such By-laws, to the extent permitted by law and this Certificate of Incorporation, are to be adopted in the first instance by the person named





in section 4 hereof as the incorporator of the Corporation, and thereafter the Board of Trustees may from time to time make By-laws, and amend or repeal By-laws (other than By-laws which provide that they may be amended or repealed only by the Members); provided, that any By-law made, amended or repealed by the Board of Trustees may be amended or repealed, and any By-laws may be made, by the Members.

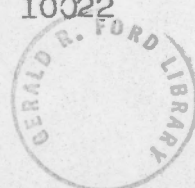
6.2 The Members of the Corporation shall, in the first instance, be elected by the person named in section 4 hereof as the incorporator of the Corporation; thereafter, the admission of all other persons to membership in the Corporation, the conditions of membership, the rights and obligations of Members and the classification of Members, if any, shall be as provided in the By-laws.

7. Miscellaneous

The private property of the Members, Trustees and officers of the Corporation shall not be subject to the payment of corporate debts to any extent whatsoever.

In witness whereof, I have signed and acknowledged this Certificate of Incorporation this            day of            , 1975.

Ken Heyman  
64 East 55th Street  
New York, New York 10022



STATE OF NEW YORK    )  
                          :   ss.:  
COUNTY OF NEW YORK   )

Be it remembered, that, on the        day of        ,  
1975, before me, a notary public in and for the County  
and State aforesaid, personally came Ken Heyman, a  
party to the foregoing Certificate of Incorporation,  
known to me personally to be such, and acknowledged  
the said Certificate to be the act and deed of such  
signer, and that the facts therein stated are truly  
set forth.

Given under my hand and seal of office the day  
and year aforesaid.

\_\_\_\_\_  
Notary Public



NICKERSON, KRAMER, LOWENSTEIN, NESSEN, KAMIN & SOLL

919 THIRD AVENUE

NEW YORK, N.Y. 10022

(212) 688-1100

STEVEN T. ATKINS  
MARTIN BALSAM  
HARVEY BRECHER  
CHARLOTTE M. FISCHMAN  
HARVEY L. FRIEDMAN  
ROBERT M. HELLER  
STEPHEN A. HOCHMAN  
SEYMOUR HOZORE  
GEOFFREY M. KALMUS  
SHERWIN KAMIN  
PETER S. KOLEVZON  
MICHAEL PAUL KOROTKIN  
ARTHUR B. KRAMER  
LOUIS LOWENSTEIN  
MICHAEL J. NASSAU  
MICHAEL S. NELSON  
MAURICE N. NESSEN  
EUGENE H. NICKERSON  
THOMAS P. PEACOCK  
GEORGE SOLL  
RICHARD S. WEISBROAT

HERMAN N. FINKELSTEIN

COUNSEL

CABLE ADDRESS

NICKRAL

TWX NUMBER

710 581-5340

June 6, 1975

BY HAND

Mr. Ken Heyman  
64 East 55th Street  
New York, N.Y. 10022

PHOTO-USA, INC.

Dear Ken:

This letter will confirm our understanding that, as soon as possible after filing of the Certificate of Incorporation of PHOTO-USA, INC., we shall file an application with the Internal Revenue Service for a determination letter which will establish the following:

1. PHOTO-USA, INC. is exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954, as an organization organized and operated exclusively for charitable, educational, scientific and literary purposes.

2. Contributions to PHOTO-USA, INC. will be deductible for Federal income, gift and estate tax purposes.





Mr. Ken Heyman

Page 2

3. PHOTO-USA, INC. will be treated as a publicly supported charity, rather than as a private foundation. This will assure donors of the most favorable set of rules to govern deductions for contributions to PHOTO-USA, INC. It will also permit private foundations to make grants to PHOTO-USA, INC. without having to police use of the grant money by exercising "expenditure responsibility".

Filing of the above application will be made on Form 1023, a copy of which has been furnished to you. As set forth on that form, the application must contain a detailed description of how PHOTO-USA, INC. intends to operate, the expected sources of its funds, and pertinent information as to its officers and directors. I already have some of this information, and understand that you will furnish me with the balance as soon as you can.

Sincerely,

*Michael J. Nassau*

Michael J. Nassau

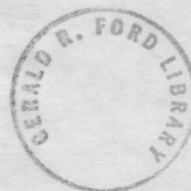
MJN:SM



*Kennerly  
David*

Thursday 5/22/75

5:00 At Mr. Buchen's request, called Dudley and asked if he would call Mr. Hyman in Dave Kennerly's office and discuss a project that is to have the President's blessing.





THE WHITE HOUSE  
WASHINGTON

July 21, 1975

MEMO FOR: PHIL BUCHEN  
FROM: KEN LAZARUS *KL*  
SUBJECT: Photo-USA

Attached is a copy of my memorandum to Dave Kennerly on the subject noted above.

It is my belief that the most fruitful step which we can take at this point is to schedule a brief meeting with Jack Marsh, Dave Kennerly and any other interested individuals in order to discuss the matter further.

May I have your guidance.

Attachment



June 24, 1975

MEMORANDUM FOR: DAVE KENNERLY  
FROM: KEN LAZARUS  
SUBJECT: PHOTO-USA

I have reviewed the material which you sent to me earlier this week and offer the following:

- (1) Any support of the project by the President should be clearly a matter of public record. In this regard, I might note that the draft Presidential statement is perhaps a bit hyperbolic and needs some editorial work.
- (2) I see no problem in your serving as a member of the board of PHOTO-USA, Inc. Additionally, it would be entirely appropriate for your name to be carried on the masthead of the organization and on any published materials. However, it would be entirely inappropriate for you to promote any government funding of the project. Thus, I would advise you to refrain from any personal contact with representatives of ARBA and to instruct the operating officers of the corporation to be sensitive to my concerns in this regard.
- (3) I assume that you do not intend to accept any compensation from the subject corporation.

It might be worthwhile for us to get together for a few minutes in order to discuss this matter further.

KAL:dln



THE WHITE HOUSE  
WASHINGTON

*Kennerly  
Project*

July 22, 1975

MEMORANDUM FOR:

JACK MARSH

FROM:

PHILIP BUCHEN

*T.W.B.*

SUBJECT:

Photo-200

Attached is a copy of an earlier memo that Ken Lazarus prepared for Dave Kennerly. I suggest you set up a meeting to include yourself, Dave Kennerly, Ken Lazarus, me and anyone else you may wish to include.

Attachment



July 21, 1975

David  
WH 5  
Kennerly  
Project

MEMO FOR: PHIL BUCHEN  
FROM: KEN LAZARUS  
SUBJECT: Photo-USA

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It is my belief that the most fruitful step which we can take at this point is to schedule a brief meeting with Jack Marsh, Dave Kennerly and any other interested individuals in order to discuss the matter further.

May I have your guidance.

Attachment

Note: Returned incoming from Jack Marsh to PWB.

KAL:dln



Monday 7/28/75

Meeting  
7/29/75  
10 a.m.

4:10 At the request of Sandra Eisert in Dave Kennerly's office,  
we have scheduled a meeting for Ken Heyman on Tuesday 7/29  
at 10 a.m. concerning the Dave Kennerly bicentennial project.

He will probably bring his picture editor, Carol <sup>KISMARIC</sup>~~Karismerik~~.

Do you want Ken Lazarus to join you?



A handwritten signature consisting of the letters "fh" in a cursive, flowing script.

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.



# He's 28, Gutsy—And the President's Personal Eye

## How David Kennerly "Got There"

By Frances Spatz Leighton

**D**on't call me the court jester. Don't call me the President's best friend," said Presidential photographer David Kennerly to this reporter after an exclusive interview in his hectic, noisy, White House basement office. "That's not my bag. Show me just the way I am—a photographer doing a job."

But what a job! One that gives him the rare privilege of opening the door of the President's office, no matter who is inside, and just walking in. Or sharing a drink at the end of the day. If that isn't being at least a good friend, it will do.

It was having that kind of easy relationship that resulted in the smoke-filled Presidential portrait on this page, David Kennerly's favorite of all the hundreds of pictures he's taken of Gerald Ford.

"It happened at Camp David," he recalled, between phone calls and other interruptions. "The President was deep in thought while working over some papers. The photo was taken in his study and I just used available lighting. I had come in quietly, sensed his mood and snapped a few shots of him concentrating. Something about this one—the total absorption, the quiet mood and the pattern of smoke—captured the real feeling of what it's like when the President is working in his shirt-sleeves. Anyway, it's my favorite." Kennerly adds, "I don't think the President was even aware that I was there when I took it."

That's the way it is a lot of the time. Kennerly slouches in, wearing his soft desert boots, and just lurks around till he gets the picture he wants. Several times the President has rung for his photographer, wanting to

get a certain person's visit to the Oval Office recorded for history, only to have Kennerly tell him, "I've already done it."

Never in the memory of White House press has a photographer enjoyed such a free-and-easy relationship with a President. Surely, no lensman would have dared to barge into the Presidential offices of Truman, Kennedy, Johnson or Nixon. Kennerly literally is a law unto himself, even deciding which pictures to print, which to use. In Lyndon Johnson's day, no White House picture of the President or even of his dogs, could go to a newspaper or magazine unless it had been cleared by the President himself.

As for his clothes, no White House photographer before Kennerly had ever dared show up in full beard, blue jeans, turtle-neck sweater and sports jacket. But that's practically his uniform and the outfit he wore on the day of this interview with FAMILY WEEKLY. But at least he had on shoes. Secretaries outside the Oval Office are sometimes thrown into a state of shock by Kennerly's sprawling around without shoes while waiting for some VIP guest to be ushered into the President's office. Sometimes the irreverent photographer barely manages to get his shoes back on before the Very Important Person arrives.

Kennerly's own young life (he's 28) and career certainly show how far one can go on guts—and talent. When he was just 16 and a student at Roseburg (Oregon) High School, the school photographer got sick, and the startled David was told to rush out to the ball field and shoot a baseball picture. He didn't say he didn't know how.



Kennerly's favorite picture is this one, which captures

**"That was when Jerry Ford found out how gutsy I was. At the time, Kennerly barely recognized that he brashly told Ford, 'I'm going to disappear for a while. I see you next, I will be on top of the mountain with you.'"**

He just grabbed the big Crown Graphic and was on his way. "By lucky chance," he recalls, "I got a clear shot of a guy sliding into home plate. When I saw my name under that picture in the school paper, called the *Orange R*, I knew what I wanted to do."

But it wasn't that easy. Though he kept taking pictures, his journalism teacher frequently told him how terrible they were, what was wrong and sometimes even threw them on the floor to make his point. Instead of giving up, young David determined to show that teacher.

But before he had a chance, his family moved to a suburb of Portland. Instead of being modest and waiting for someone to discover him, he expounded on his genius with a camera and demanded and got a job on the school paper. The amusing thing is that only then did he sign up for a course in photography.

And it was here, at Linn High, that David took his own as a photographer, taking pictures for the yearbook and selling sports photos on the street to the town paper at \$1.00 a print. "I will always be grateful to the photo teacher at Linn," says Kennerly. Darrell Greenlee, and I can help him inspire others he did me."

But selling photos at \$1.00 a throw was still a long way from the White House. When he graduated from high school, David worked 12 hours a day loading sacks of flour and making enough money to buy a camera with three lenses—28-mm, 50-mm and 105-mm. Before he had completed his first year at Portland State College, he quit and went into the newspaper office, the *Oregon Journal*. He demanded the editor with "my portfolio of pictures," and he got it.

THE WHITE HOUSE  
WASHINGTON

Ken:

Is this O.K. ?

If so, keep for  
your records  
P.





THE WHITE HOUSE  
WASHINGTON

April 5, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:       DAVID KENNERLY  
FROM:                 JIM CONNOR  
SUBJECT:             Talking Points - the Kennerly  
                      Book

Dick Cheney advised that the President has seen and ok's the provisions of the attached paper.

Please follow up with appropriate action.

encl.

cc: Phil Buchen w/encl. ✓



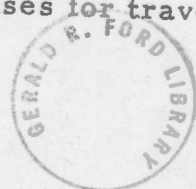
**WILLIAM A. TURNAGE**  
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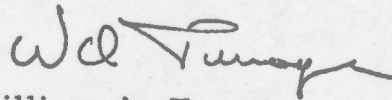


TALKING POINTS  
THE KENNERLY BOOK

- I. Purpose - A visual history of the Ford Administration to January 1977.
- II. Subject - The book would include the President, His Family and close associates on the White House staff (particularly Dick Cheney), as well as Cabinet, Executive Branch and Congress. The President's travels and meetings with world leaders would be an integral part of the book.
- III. Approach - A generally chronological approach, beginning with appointment as Vice President.
- IV. Photographs - Photographs by David Kennerly, with very limited exceptions. The book will be a personal historical essay by Kennerly, not a compendium or anthology of news photos.
- V. Text - Text by a noted political historian (e.g. Daniel J. Boorstin). A preface by Kennerly; a brief introduction by Ansel Adams in re: the role of photography as history; and, ideally, a brief foreword by the President in re: Kennerly and their relationship, DHK's role as seen by the President, etc.
- VI. Publication - Plan for publication in Spring 1977. Potential publishers include Little, Brown & Co., Viking Press, Houghton Mifflin, Knopf. Ken Lazarus (Associate White House Counsel) has agreed that publisher may make a "reasonable" return on investment (any "windfall" return above an agreed level to be donated to charity).
- VII. Legal - Project reviewed and approved by Mr. Lazarus. Requires formal approval of Mr. Cheney. Contract will be reviewed prior to signing with Mr. Lazarus. A formal proposal with full documentation will be prepared for Mr. Cheney's approval - probably in May 1976. Publisher may desire a letter of concurrence and copyright release (per 2b of Lazarus "Talking Points" memo) signed by the President.
- VIII. Personnel - David Kennerly, Photographer; Sandra Eisert (WH staff), Editor; William Turnage, Project Coordinator responsible for publishing and production matters; David H. Vena, Attorney (Latham and Watkins, Los Angeles).
- IX. Expenses - No direct or indirect cost to USG. All use of USG photo labs, materials, etc. to be fully reimbursed. No royalties or compensation to Kennerly or Turnage (other than actual out-of-pocket expenses for travel,



etc.). Hourly fee to Sandra Eisert for editorial work on project (done on personal time). Legal and other expenses as required.

A handwritten signature in dark ink, appearing to read 'W. A. Turnage', with a stylized flourish at the end.

William A. Turnage





TALKING POINTS  
RE KENNERLY PROJECT

1. General. Assuming that he is willing to abide by the restrictions and conditions which are discussed below, Mr. Kennerly may produce and publish a pictorial essay on President Ford.
2. Restrictions on Copyrights. Mr. Kennerly may copyright the book itself but not any of the photographs which are selected for inclusion.
  - a. Released photographs. Photographs which have already been released and are thus within the public domain may not be copyrighted (17 U.S.C. §8).
  - b. Unreleased photographs. Under copyright law, unreleased photographs which are the personal property of the President (Opinion of the Attorney General dated September 6, 1974) would be subject to copyright with the approval of the President. However, the standards of conduct applicable to White House employees would bar this type of personal benefit to Mr. Kennerly as a result of his official position [see 3 CFR 100.735-15(b)].
  - c. Waiver of Copyright. As discussed above and with the approval of the President, photographs eventually included in any publication should be accompanied by a notation along the lines of: "No copyright is claimed with respect to the official government photographs contained herein." This was the form utilized in Eye on Nixon, published by Clement Stone in 1972.
  - d. Note. In two instances copyrights have apparently been claimed by or from Presidents for photographs during their term of office (The Memories by Cecil Staughton, President Kennedy's photographer and The Vantage Point by LBJ). However, in these instances the publication and the claim occurred after completion of the term of office.
3. Restrictions on Production. During the course of production of such a book, two requirements should be met.
  - a. Approval. Mr. Kennerly's superior <sup>*The President? Mr. Cheney?*</sup> (~~Ron Nessen?~~) would have to formally approve such a project based upon the conclusion that it would not be incompatible with Mr. Kennerly's official duties [3 CFR 100.735-15(c)].
  - b. Costs. Photographs selected for inclusion should be paid for in full by the publisher.
4. Financial Restriction. Two points should be made with respect to royalties and profits from any such book.
  - a. Ban on compensation. Mr. Kennerly should not accept any compensation or royalties under the contract governing publication [18 U.S.C. §209 and 3 CFR 100.735-13].
  - b. Profits. Similarly, all profits on the book should be donated directly to a charity by the publisher and a notation to this effect should appear in the book.

CHANGED →

PUBLISHER CAN MAKE A  
REASONABLE RETURN  
ON INVESTMENT.

