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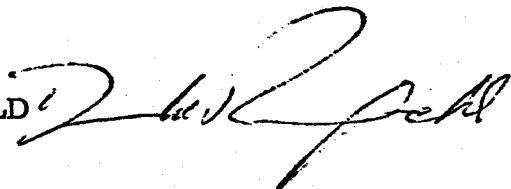
THE WHITE HOUSE
WASHINGTON

December 5, 1974

MEMORANDUM FOR THE PRESIDENT

FROM:

DONALD RUMSFELD
PHILIP BUCHEN



SUBJECT:

Gifts to the First Family from Representatives
of Foreign Governments

The Chief of Protocol has recently approved procedures (copy attached) which were developed through the joint efforts of the State Department, GSA and the White House to govern the acceptance, use and disposition of gifts to members of the First Family from representatives of foreign governments in conformity with applicable legal strictures.

Legal Restrictions

A. General. Art. I, Sec. 9, Cl. 8 of the Constitution prohibits the acceptance of any gift from any representative of a foreign government by any official of the United States government without the consent of Congress. The Foreign Gifts and Decorations Act of 1966 [Pub. L. 89-673] and supporting regulations [22 CFR Part 3] generally codify this constitutional bar, while at the same time providing Congressional consent to the acceptance of certain gifts as discussed below.

B. Coverage of the First Family. The 1966 Act and supporting regulations provide that the restrictions on the acceptance of gifts from representatives of foreign governments are equally applicable to the President, the First Lady and to those children who reside with them [Title 5, U.S.C. 7342 and 22 CFR §3.3(a)].

C. Gifts of minimal value. The statute and regulations authorize the personal acceptance of gifts which have a retail value not in excess of \$50 in the United States. In these instances, title to the gift passes directly from the foreign government to the donee and therefore there are no limits imposed upon the donee's use or disposition of the item. However, the burden of proof is upon the donee to establish minimal value. [22 CFR §§3.3 and 3.5]

D. Gifts of more than minimal value. Gifts valued in excess of \$50 may not be accepted on one's personal behalf. Such gifts may be accepted on behalf of the United States (public property) only when refusal would be likely to cause offense or embarrassment or otherwise adversely affect our foreign relations.

E. Use and ultimate disposition of gifts of more than minimal value. Members of the First Family are authorized to retain and use gifts which qualify as public property but only for "official uses" which are approved by the Chief of Protocol.

Governing Procedures

The attached procedures for the handling of foreign gifts fulfill four purposes as to gifts of more than minimal value. First, they are designed to indicate that such property will be treated as public property upon receipt, with full accountability for each gift and public access to records thereof at the Department of State. Secondly, they contain a general continuing authorization from the Chief of Protocol to use such gifts for:

- a. display or use within the White House complex or at any other location on Federal property in connection with Presidential activity;
- b. uses incident to official Presidential functions regardless of location; and
- c. temporary display in a museum, university or other institutional facility of general availability to the public.

Thirdly, in cases where a desired use of a gift does not fall within these express authorizations, a request can be made to the Chief of Protocol and his approval for that use obtained as required under present law. Finally, the procedures allow for these gifts to be placed in a future Presidential library.

Recommendations

1. Implement and announce these procedures immediately.

Approve _____

Disapprove _____

2. It is clear that the legal restrictions on the acceptance, use and disposition of foreign gifts apply equally to yourself, the First Lady and Susan. However, they do not appear to apply to Michael, Jack or Steven so long as they do not reside in the White House. Nonetheless, our recommendation is that they be treated no differently from the remainder of the First Family because it is clear that any foreign gifts valued in excess of \$50 which they might receive would be solely as a result of your position.

Approve WRE

Disapprove _____