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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

Business Manager for Ansel Adams

c/o ANSEL ADAMS ROUTE 1 BOX 181 CARMEL CA 93921 (408) 625-1803

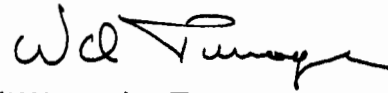
THE PRESIDENT HAS SEEN.....

P. OK ?

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 black ink, appearing to read "W. A. Turnage". The signature is fluid and cursive, with a long horizontal stroke 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 ^{The President? Mr. Cheney?} (~~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.