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THE WHITE HOUSE
WASHINGTON

December 11, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

PHILIP BUCHEN

FROM:

JIM CONNOR *JEC*

SUBJECT:

Presidential Papers

The President reviewed your memorandum of December 4 concerning disposition of his Presidential papers and made the following notation:

"We are working on the list, but he thinks there won't be any major changes."

Please follow-up with appropriate action.

cc: Dick Cheney

THE WHITE HOUSE
WASHINGTON

Dec. 11, 1976

Trudy,

The President gave me this info. this morning. He asked that I give it back to Mr. Buchen today if at all possible.

His message is as follows: "We are working on the list, but he thinks there won't be any major changes."

Dorothy

~~THE PRESIDENT HAS SEEN~~

THE WHITE HOUSE

WASHINGTON

December 4, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP BUCHEN *P.*

Attached at Tab A is the latest draft of an agreement concerning disposition of your Presidential papers.

It differs in one major respect from the earlier draft you reviewed. The difference is that the earlier draft accomplished a present conveyance of title to the University and left it up to the University to re-transfer title to the United States or to accomplish otherwise arrangements that would permit Federal funding for the preservation and processing of the materials and for operation and maintenance of the facilities. The present draft conveys title directly to the United States of America for that purpose, but provides that if the United States should ever fail to abide by the terms of the conveyance, title would vest in the University.

This change was arrived at after long discussions with the Department of Justice, the Archivist, and the University, and after telephone conferences with Dick Ford to receive his comments on the previous draft. The draft also incorporates suggestions made by Jack Marsh and Brent Scowcroft.

There are many reasons why these parties have concluded that the present draft would best serve your purposes and I would be glad to discuss them with you.

There is urgency that we get this transaction completed, so I would appreciate your giving me your comments on this draft as soon as it is possible for us to get together again.

For your information, I am also enclosing at Tab B another copy of explanatory material prepared by the Archivist concerning the program for handling your historical materials.

THE WHITE HOUSE

WASHINGTON

Dear Dr. Rhoads and President Fleming:

This letter is addressed to you, Dr. Rhoads, as the Archivist of the United States (hereinafter referred to as the "Archivist") acting under authority of Chapter 21 of title 44, United States Code, and the authority delegated to you under such statute by and from the Administrator of General Services. This letter is addressed also to you, President Fleming, in your capacity as the duly authorized representative of the Regents of The University of Michigan, a constitutional corporation of the State of Michigan (hereinafter referred to as the "University").

The purposes of this letter are to offer for deposit the materials as described and provided in Annex A attached, to be kept in a Presidential archival depository, and to convey my rights, title and interest in such materials. This letter and accompanying Annexes A and B deal with materials that may have historical, educational or commemorative value because of my life and work:

- (i) as a candidate for election to, and as member of, the Congress of the United States during the period 1948 to 1973,
- (ii) as Vice President of the United States in 1973 and 1974,
- (iii) as President of the United States from August 9, 1974, until the expiration of my term on January 20, 1977,
- (iv) as candidate for nomination and election to become President for subsequent term, and
- (v) as participant in a variety of other public and political activities.

This offer of deposit is made to the Archivist for acceptance pursuant to the following pertinent provisions of Chapter 21 of title 44, United States Code:

"When the Administrator of General Services considers it to be in the public interest he may accept for deposit --

"(1) the papers and other historical materials of a President or former President of the United States, or other official or former official of the Government, and other papers relating to and contemporary with a President or former President of the United States, subject to restrictions agreeable to the Administrator as to their use; ..."
(44 U.S.C. § 2107)

Concurrently with acceptance of this offer of deposit, I convey to the United States of America all my rights, title and interest in the materials accepted for deposit, including my literary property rights in the unpublished portions of such materials, which deposit and conveyance are subject, however, to:

- (i) the reservations in Annex A and to the terms and restrictions that are stated in Annex B attached, and
- (ii) the condition that in the event the United States does not abide by the aforesaid terms and restrictions, as determined by a court of competent jurisdiction, possession of the materials shall be transferred to, and all my rights, title and interest therein shall vest in, the University, subject to the same terms and restrictions.

This conveyance to the United States is made for acceptance pursuant to the following pertinent provisions of Chapter 21 of title 44, United States Code:

". . . The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers,

documents, or other historical materials accepted and deposited under section 2107 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in a Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Administrator may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository."

"(d) When the Administrator considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository."
(44 U.S.C. § 2108 (c) and (d) as amended by P. L. 94-575 on October 21, 1976).

Also, this conveyance is made on terms that will allow for additional cooperation with and reliance on the University or other appropriate organization by the Government as may be permitted by law.

This conveyance does not affect the rights or obligations that I may have as President or former President or as former Vice President, or that a President in office may have, to assert and enforce any applicable privilege in respect of confidential Presidential or Vice Presidential portions of the material conveyed; or the rights I may have as a former member of Congress to assert and enforce any applicable privilege in respect of confidential Congressional portions of the materials conveyed.

Following are reasons for this office of deposit and the conveyance and for the terms and restrictions to which they are subject:

- (a) To enable the United States to maintain and operate an archival facility to be constructed by the university for all the described materials that are of a documentary nature, upon which students, historians and other scholars may draw in order accurately to recount and judge the political history of our times and my participation in the events of that history.
- (b) To have such archival facility embrace the full scope of my materials relating to my entire political and public career in the three different Constitutional offices I have held.
- (c) To permit the establishment and operation of such archival facility in Ann Arbor, Michigan, in connection with a long-established, diversified and distinguished institution of higher learning, where it will be readily available to a large resident faculty and student body and to visiting scholars and researchers from throughout this nation and from other countries, and where the usefulness of the materials deposited will be enhanced by the availability of many other scholarly resources within the University and by the general stimulation and support for scholarly research and educational activities which the University provides.
- (d) To take advantage on a temporary basis of facilities on the campus of the University that will allow archival accession and other processing of the conveyed materials until completion of a new structure which the University is to provide as a permanent archival facility for these materials; and to build upon the extensive work of processing already done by the University at its own expense on virtually all of the documentary materials related to my elections and career as a Member of the Congress.

- (e) To enable the United States to maintain and operate a museum in Grand Rapids, Michigan, as another facility of my Presidential archival depository, in a building to be provided by an appropriate organization, for housing and exhibiting the many articles of commemorative and educational value among the conveyed materials, together with tangible gifts received by the United States during and because of my service as President, where they will be readily available for viewing by the people in the area of my home town whom I represented in the Congress for 25 years and by interested visitors, researchers, educators and students from throughout the nation in the manner that similar materials of former Presidents Hoover, Roosevelt, Truman, Eisenhower, and Johnson have become available within their respective home areas for that purpose.
- (f) To express my deep appreciation to the people of the State of Michigan and to the University for their many benefits to me and helpful influences upon my life, and to demonstrate my grateful cooperation with the University, the citizens of my former Congressional district, especially the members and supporters of the present Gerald R. Ford Commemorative Committee, and other interested persons in their plans to raise the necessary funds for the construction of the archival facility and the museum which, when in operation with the materials conveyed, will serve as national resources of historical, commemorative, and educational importance.

Additional materials similar in nature to those conveyed hereby and suitable to the uses and purposes for which this conveyance is made, including those related to my life and work as former President after January 20, 1977, may hereafter be conveyed by me, or by any other person having title, right, or interest therein, simply by intentional delivery to, and acceptance by, the Archivist

or by an instrument of conveyance that makes reference to this letter. Such additional materials shall be subject to the terms and restrictions of Annex B hereto except as otherwise specified by the donor at the time they are conveyed.

Upon acceptance of this letter, along with accompanying annexes, by your respective signatures on all three copies hereof (one of which copies is to be returned to me, and the others of which shall be kept by the two of you, respectively) the offer and acceptance for deposit and the conveyance evidenced by this letter and accompanying annexes shall be effective for all purposes, and the terms thereof shall not be altered or amended except by mutual agreement in writing between the Archivist, the University and me or, after my death, by agreement between the Archivist, the University and my duly appointed and acting executor or executors. In no event, however, shall any amendments to this letter and accompanying annexes revert or restore to me or to my estate any rights of ownership in the conveyed materials.

Sincerely,

The Honorable James B. Rhoads
Archivist of the United States
Washington, D. C. 20408

and

Mr. Robben W. Fleming
President,
The University of Michigan
Ann Arbor, Michigan 48104

Attachments

TO THE HONORABLE GERALD R. FORD:

Pursuant to my authority under Chapter 21 of title 44, United States Code, as delegated to me by the Administrator of General Services, I accept on behalf of the United States of America this letter, along with accompanying annexes, and the offer of deposit and the conveyance made by you to the United States of America that are evidenced thereby, for the uses and purposes and subject to the terms and restrictions as stated, by signing each of the three copies of this letter that have previously been signed by you.

James B. Rhoads

Date

TO THE HONORABLE GERALD R. FORD

On behalf of the Regents of The University of Michigan, I accept this letter, along with accompanying annexes, and the executory interest inuring to the University as evidenced thereby, for the uses and purposes and subject to the terms and restrictions as stated, with the understanding that the University will use its best efforts to raise the necessary funds for, and to accomplish the design and construction of, the contemplated archival facility, by signing each of the three copies of this letter that have previously been signed by you.

R. W. Fleming

Date

DESCRIPTION OF MATERIALS CONVEYED

I. General description. Subject to the provisions of paragraphs II and III below, all documents, papers, correspondence, notes, records, pamphlets, brochures, magazines, newspapers, clippings, books, pictures, prints, photographs, negatives, illustrations, maps, films, vocal or visual recordings, works of art, mementos, souvenirs and the like, including those already placed with the University, that relate to my candidacy for, and election or appointment to, the public offices and positions I have held or still hold, that relate to my life and work in such public offices and positions and to my other political and public activities, and that have been prepared, produced, obtained or received in connection with any of the foregoing.

II. Excluded materials. These conveyances do not include any of the following items:

- (1) Household furniture, furnishings, goods and equipment which have been obtained or received by me and are being or have been used by me or my family to equip or furnish any home or living quarters now or previously occupied by me or any members of my immediate family;

- (2) My personal effects and equipment such as wearing apparel, jewelry, pipes and pipe accessories, and skiing, golf, and tennis equipment;
- (3) Correspondence, notes, memoranda, or objects that came to me from my wife or any of my children, from my parents or from my brothers, their wives or their children;
- (4) My personal and family records, correspondence, and other materials related to banking, savings, insurance, tax, employment, compensation, business, professional, income, investment, purchase, sales, payment, property, financial and legal matters; and materials concerning our opportunities and plans for the period after I have left office or related to my future service to my political party;
- (5) Books and retained copies of periodicals in my personal residence library or collection;
- (6) Any other materials that were not prepared, produced, obtained or received in connection with any public offices or positions I have held or any of my political and other public activities, including the personal files and materials of members of my Presidential staff;

- (7) Documentary materials that I refrain from delivering to the Archivist which are merely duplicates or facsimiles of papers or records otherwise included in these conveyances and which I may need for on-going reference purposes, as well as those duplicates or facsimiles that are retained for their purposes by members of my Presidential staff or that are left by them at the end of my Presidential term for members of the transitional staff or Presidential staff of the succeeding President and his successors;

and, whether or not they fall in any of the above categories, all of the following are excluded from these conveyances:

- (8) My busts of Abraham Lincoln and of Thomas Jefferson as Ambassador to France; framed plates showing Abraham Lincoln, eagles and eaglets; sculpture of an eagle alighting; "Constitution" frigate; mounted sailfish; and my golden plate award;

- (9) My Weidenaar watercolor; my painting of the Friendship Fire Engine Company of Alexandria; and my set of seven wood paintings;
- (10) Utilitarian objects consisting of my desk equipment; a metal cash box; barometers; clocks; and metal serving tray with seal of Michigan;
- (11) The items in my personal numismatic and philatelic collections and in my respective personal collections of miniature elephant statuary and of space flight pictures;
- (12) My personal or family collection of photographs made over the years that are now in albums, in our private files or mounted in frames;
- (13) | Special letters of a personal nature which have been kept separate from correspondence in my regular or official files;
- (14) Framed original copies of my documented oath as President documents, and my documented oath as Vice President; and

(15) Selected gifts to me or my family while I have been President which have been personally made or crafted for that purpose by private individuals, which are not among foreign or domestic gifts treated or required to be treated as belonging to the United States, and which I omit from delivery to the Archivist so that I may hold or dispose of them elsewhere at no financial gain or tax advantage to me or my family.

III. Exclusion and reservation of literary property rights. All literary property rights in any works commercially published prior to this time that I have written or to which I have contributed are excluded from this conveyance. Also, I reserve for myself, my heirs, successors or assignee all my literary property rights in any other works I may hereafter write for publication or to which I may hereafter contribute for publication, based in whole or in part on the conveyed materials, including the right to license any publisher of such works; and I further reserve the nonexclusive right to make any literary use of the conveyed materials.

TERMS OF DEPOSIT AND CONVEYANCE

The following terms and restrictions apply to the deposit of materials and the conveyance of possessory and property rights therein that are evidenced by the accompanying letter from Gerald R. Ford to James B. Rhoads as the Archivist of the United States (hereinafter referred to as the "Archivist") and to Robben W. Fleming for the Regents of The University of Michigan (hereinafter referred to as the "University") and by Annex A to such letter; and this Annex B sets forth the uses and purposes for which the deposit and conveyance are made.

1. Division of materials into collections for archival facility and for museum. In order to provide for different uses and eventual separate placements of those materials having primary interest to historians and researchers and, secondly, of those materials that are of a more general interest, the materials conveyed shall be appropriately divided into an archival collection and a museum collection. To be allocated to the archival collection shall be all papers, records, photographs, illustrations, films, vocal or visual recordings and the like. To be allocated to the museum collection shall be all other items and objects

of an historical, artistic, educational or commemorative value. However, if the materials include more than one copy of a documentary or illustrative item, which would otherwise be allocable to the archival collection but which would also be of interest or value for the museum collection, one of the copies may be allocated to the museum collection. In addition, temporary reallocations may be made from one collection to the other as circumstances warrant from time to time.

2. Separate placement of the two collections.

The archival collection is to be located at Ann Arbor, Michigan, in a Presidential archival facility on a campus of the University, space for which is to be provided there temporarily in an existing facility and as soon as practicable on a permanent basis in a suitable new building to be constructed and owned by the University and designated as the Gerald Ford Library. The museum collection is to be located as soon as practicable on a permanent basis within Grand Rapids, Michigan, or its environs after a suitable building for that purpose has been provided by an appropriate organization (such as the Gerald R. Ford Commemorative Committee or other local civic group, a municipality or State agency, the University

or another institution of higher learning) which shall be designated as the Gerald R. Ford Museum. Until such time as the arrangements set forth above can be implemented, materials for either or both collections may be kept in whole or in part, under appropriate safeguards, at such other locations as the Archivist may from time to time determine, in concurrence with the University, including, if I so request, placement of specific portions of the collections at a designated office that is provided for my use by the United States Government. The use by the United States for the foregoing purposes of land, buildings or equipment owned by the University or other appropriate organization shall be on available terms that the Archivist considers proper; and the respective facilities to be used on a permanent basis for housing and preserving my collections shall together constitute the Presidential archival depository for the historical materials of my Presidency and of the other offices I have held.

3. Integrity of the respective collections. This conveyance has been made comprehensive to include and, except as provided in paragraphs 1 and 2, to keep together on a permanent basis all materials that relate in any way to each of the different offices I have held and each of my political and other public activities over the entire period since 1948. In the protection,

care and administration of the materials, as and after they are accessioned, this integrity shall at all times be maintained; provided, however, that no provision of this conveyance shall be construed to preclude:

- (a) Additions to the collections of related materials from any source, whether temporary or permanent.
- (b) Temporary or terminable loans to other institutions or exhibits of items or objects from the collections under appropriate safeguards and for purposes consistent with the historical, commemorative, and educational value of the collections and the public interest therein.
- (c) Temporary loans to me or to any member of my immediate family of objects from the museum collection or of extra copies from the archival collection.
- (d) Return to me or, as the case may be, to any other rightful owner of items received by the Archivist which were not by the terms of these conveyances intended to be conveyed or which could not under valid existing and applicable law have been conveyed for the uses and purposes stated.

- (e) Disposal in any manner of materials that do not appear to have sufficient administrative, legal, research or historical value to warrant their further preservation as part of the collections, provided the University shall have the right of first refusal to any of the archival materials the Archivist proposes for disposal.

4. Administration of the collections and operation of the library and museum. The respective collections and facilities in which they are located shall be administered and operated in a manner consistent with the terms and restrictions stated in this Annex and with the uses and purposes for which the deposit and conveyance have been made, including the following particular provisions:

- (a) Each collection and permanent facility shall be under the direction and supervision of a qualified director, or a single such director may serve for both collections and permanent facilities. Each director shall be appointed by the Archivist, and the appointment for the archival collection and facility shall be made only after prior consultation

with and approval by, the University, so that, if at all possible, the director to be appointed may have or be given faculty status by the University. Such directors are hereinafter referred to respectively as directors of the library and the museum. Each such director shall be entitled to act for and in behalf of the Archivist to the extent of the authority delegated to him, subject to any restrictions or qualifications imposed by the Archivist.

- (b) For the archival collection, the University shall appoint a council of not less than five members who shall initially hold office for such staggered terms, respectively, as the University shall designate at the time of appointment and whose successors shall be appointed by the University for terms equal to the longest of the initial terms or equal to the unexpired portion of a term for which a vacancy may have occurred. For so long as possible, members shall be appointed primarily from among persons who have been identified or associated with my public life. For the museum collection, whenever funds for a suit-

able building have been provided, the local civic group or other organization by which or under whose auspices the funds have been provided or raised shall appoint a similar council of not less than five members on the same basis and shall appoint or make provisions for appointments of successor members on the same basis. The council for the archival depository shall advise and make recommendations to or through the University for the benefit of the administration of the archival collection and facility; and the council for the museum collection shall advise and make recommendations to the Archivist or the museum director for the benefit of the administration of the museum collection and facility. The Archivist and each director, and when appropriate, the University shall seek and receive advice and recommendations from the applicable council on matters of general policy in the administration of the respective collections and facilities, on any arrangements made pursuant to subparagraph (c) below, and on significant questions of interpretation and

and application of the terms and restrictions of this conveyance.

- (c) Notwithstanding any other provisions of this annex, to the extent provisions of Federal law may allow for administration and operation by the University or other appropriate organization of the collections and of the respective facilities in which they are located, under contract, subsidy or other arrangement with or from the Federal Government, then on terms the Archivist considers proper, the University or other appropriate organization may succeed to the authority and responsibility otherwise to be exercised by the Archivist.

5. Access to materials in the archival collection.

- (a) Steps in the processing of materials for the purposes of affording access. For purposes of this Annex B and related documents, the term "processed materials" refers to those materials belonging to a coherent segment that in its entirety has been physically readied for research use, has been described in the form of finding

aids, and has been reviewed for the purpose of identifying materials subject to any of the restrictions specified in subparagraph (c) below. Materials shall be processed as soon as possible. Also, in order to comply in any particular instance with subparagraphs (d), (e) or (f), those particular materials to which access is required, if not already processed materials, shall be processed promptly to whatever minimum extent will serve that purpose only and will assure compliance with the other terms and restrictions of this Annex.

- (b) General standards for access to processed materials. Paragraphs 1 through 6 of the "Standards for Access to Research Materials in Archival and Manuscript Repositories" adopted by the Society of American Archivists on December 29, 1973, (copy of which is attached) shall be applicable to all processed materials insofar as practicable, subject, however, to application of restrictions upon access, as contemplated by paragraph 7 of such standards, that are stated below.

(c) Restricted materials. Except for access by qualified persons employed and engaged in the performance of normal archival work on the materials and except as otherwise provided in subparagraphs (d), (e) and (f), no materials coming within any of the following categories shall be made available for inspection, reading, copying, or other use, whether or not processed:

(i) Material relating to my personal, family, and confidential business affairs or to those of other persons in their communications to me.

(ii) Material relating to investigations of individuals and organizations, to proposed appointments to office, or to personnel matters.

(iii) Material involving communications made in confidence to me or between my advisors for the purpose of assisting or advising me in my duties and responsibilities as a Member of Congress or as Vice President or President.

(v) Material containing information or statements that are exempt or protected from examination or disclosure by statutory restrictions.

(vi) Material containing statements or information, the divulgence of which might prejudice the conduct of foreign relations of the United States of America or which would adversely affect the security of the United States of America.

(vii) Materials that are security-classified pursuant to law or Executive Order.

Except as required by law or Executive Order, and subject to the other provisions hereof, material originally falling within any of the foregoing categories, shall not continue to be restricted beyond January 20, 1987, unless and to the extent the director of the library determines otherwise, and then only for such additional period or periods for particular materials in any category as may be reasonable under the then existing circumstances. Except with regard to materials restricted under categories (v), (vi), or (vii), above,

particular materials originally restricted may be sooner made available when in the judgment of the director of the library the reasons for having restricted such materials no longer exist. Materials originally restricted under categories (v), (vi) or (vii) may be made available at any time only when in the judgment of an appropriate Federal official(s) or committee the reasons for having restricted them no longer exists.

- (d) My access and that of former appointees or staff members.

I or any designated agent of mine, during my lifetime, shall have the full right of access to otherwise restricted materials for purposes of inspection, reading and copying. Also, the same right of access shall be afforded, with my written permission and on such terms as I may set (or in the event of my disability or after my death, by permission of the director on such terms as he may set) to any former Presidential appointee who served in my Administration or a former member of my

Congressional, Vice Presidential or Presidential staffs in respect of materials authored or prepared by such person or by any of his assistants and not otherwise available to such person.

In addition, I or any member of my immediate family shall be entitled to receive temporary loans of existing duplicates in the collection of materials that are not restricted, upon consent of the director and on such terms and under such safeguards as he may determine.

- (e) Access for current official business of the White House Office of the President.

The director of the library shall make available for reading or copying otherwise restricted materials relating to my official duties as President while I held office, upon written request in each instance from the Counsel to the President, then in office, describing with specificity the materials required, stating that the information they contain is needed for current official business of the White House Office of the President then in office,

and is not otherwise available, and undertaking to protect the restrictions set forth herein and to deliver to the director all copies received or made or restricted materials.

Access for reading of any such materials or receiving or reading any copies thereof as provided under the terms of this subparagraph, shall be limited to the President himself, the Counsel to the President, and such other responsible and qualified staff member of the White House Office of the President as shall have been named and authorized in the written request to read the materials or to receive a copy thereof and who makes in writing the same undertaking that the Counsel to the President has made.

- (f) Access for compliance with subpoena or other lawful process. Subject to any rights, defenses, or privileges which the Federal Government or any other organization or person may invoke, the materials, whether or not processed, shall be subject to subpoena or other lawful process. The director of the

library shall develop procedures for providing notice to the Federal Government, to me, and, within practical limits, to any other organization or person who may invoke such rights, defenses, or privileges in particular instances covered by this subparagraph.

(g) Security-classified information. All access to the materials is subject to the requirement that information which is security-classified or protected from divulgence pursuant to law or Executive Order shall be made available and shall be used only in accordance with procedures established by law or Executive Order governing the availability and use of such information.

6. Access to materials in the museum collection.

Materials in the museum shall be temporarily or permanently displayed or exhibited for public viewing on a selective basis as the museum director may from time to time determine. I, or any member of my immediate family, shall have full right of access to any of the materials in the museum for the purpose of inspecting, photographing, or duplicating them. Temporary loans to me or to any member of my family of specific materials may be

requested, and they shall be granted upon consent of the director and on such terms and under such safeguards as he may determine.

Other uses of, and access by researchers, educators, and students to, museum materials shall be in accordance with such generally applicable rules or policies as the museum director shall from time to time promulgate.

7. Availability and use of materials for remainder of my Presidential term. Notwithstanding any other provisions hereof, such of the conveyed materials as are now available to me or staff members of the White House Office or Executive Office of the President within the White House and related facilities shall continue to be so available to me and to such staff members and their permittees for use in the conduct of Government business during the remainder of my Presidential term.
8. Interim provisions. Pending a further appointment, the director of both the library and museum and the depositories in which the conveyed materials are temporarily placed shall be the Archivist. He shall have the full authority granted the library and museum director or directors under the terms of this conveyance and the right or

power to delegate all or any portion of such authority from time to time as he determines. Pending implementation of provisions herein for appointment of a library council or of a museum council, requirements hereunder for seeking and receiving advice and recommendations from the applicable council may be compiled with by consulting with me or with any other person whom I shall have designated to serve for me in such consultative capacity.

"STANDARDS FOR ACCESS TO RESEARCH MATERIALS
IN ARCHIVAL AND MANUSCRIPT REPOSITORIES"

Adopted By The Society of American Archivists
on December 29, 1973

1. It is the responsibility of an archival and manuscript repository to make available research materials in its possession to researchers on equal terms of access. Since the accessibility of material depends on knowing of its existence, it is the responsibility of a repository to inform researchers of the collections and archival groups in its custody. This may be accomplished through a card catalog, inventories, and other internal finding aids, a published guide and reports to NACMC where appropriate, and the freely offered assistance of staff members.
2. To protect and insure the continued availability of the material in his custody, the archivist may impose several conditions. (a) The archivist may limit the use of fragile or unusually valuable materials so long as suitable reproductions are made available for the use of all researchers. (b) All materials must be used in accordance with the rules of and under the supervision of the repository. Each repository should publish and furnish to potential researchers its rules governing access and use. Such rules must be equally applied and enforced. (c) The archivist may refuse access to unprocessed materials, so long as such refusal is applied to all researchers. (d) Normally, a repository will not send research materials for use outside its building or jurisdiction. Under special circumstances a collection or a portion of it may be loaned or placed on deposit with another institution. (e) The archivist may refuse access to an individual researcher who has demonstrated such carelessness or deliberate destructiveness as to endanger the safety of the material.
3. Each repository should publish a suggested form of citation crediting the repository and identifying items within the collection for later reference. Citations to copies of which the originals are in other repositories should include the location of the originals.

4. A repository should advise the researcher that he and his publisher have the sole responsibility for securing permission to publish beyond fair use from unpublished manuscripts in which literary property rights are retained or from materials protected by statutory copyrights, or to publish extensive quotation (beyond fair use) from copyrighted works. A repository should, to the best of its ability, inform the researcher about known retention of literary rights.
5. A repository should not grant privileged or exclusive use of any body of material from any person or persons, or conceal the existence of any body of material from any researcher unless required to do so by law, donor, or purchase stipulations.
6. A repository should, whenever possible, inform the researcher of parallel research by other individuals using the same papers. It may supply names upon request with the prior permission of the researcher.
7. Repositories are committed to preserving manuscript and archival materials and to making them available for research as soon as possible. At the same time, it is recognized that every public agency has certain obligations to guard against invasion of privacy and to protect confidentiality in its records in accordance with law and that every private donor has the right to impose reasonable restrictions upon his papers to protect confidentiality for a reasonable period of time. (a) It is the responsibility of the archivist to inform researchers of the restrictions which apply to individual collections or record groups. (b) The archivist should discourage donors from imposing unreasonable restrictions. (c) The archivist should, whenever possible, require a specific time limit on all restrictions. (d) The repository should periodically reevaluate restricted records and work toward providing access to material no longer harmful to individuals or to national interest.

THE PRESIDENTIAL HISTORICAL MATERIALS
OF GERALD R. FORD

A PROGRAM

As President Ford approaches the end of his Presidency, he should begin to plan for the transfer of his Presidential papers and related historical materials to a permanent archival depository. This paper outlines the options available to the President and the potential role of the national archival Presidential library system in such a transfer.

PRESIDENTIAL LIBRARIES ACT

The Presidential Libraries Act authorizes the Administrator of General Services to

- accept for deposit the papers and other historical materials of a President or former President of the United States, together with the papers of other persons relating to or contemporary with him.
- accept and take title on behalf of the United States to any land, buildings, and equipment offered as a gift for the purposes of establishing a Presidential library.
- enter into agreements with any state, university, institute, or foundation to use as a Presidential archival depository land, buildings, and equipment made available without transfer of title.
- maintain, operate, and protect such land, buildings, and equipment as a Presidential archival depository, part of the national archival system.
- open to the public exhibit rooms or museum space in a Presidential archival depository.
- provide reasonable office space in a Presidential archival depository for the personal use of the former President.

OWNERSHIP OF PRESIDENTIAL PAPERS

While Presidential papers traditionally have been considered private property of the President, they have also been recognized as a form of property in which the Federal Government has a legitimate interest.

- Presidential historical materials form an irreplaceable part of our nation's historical heritage.
- They include classified documents and sensitive materials whose protection is essential to the nation's security.

Ownership and control of Presidential papers are now the subjects of active public debate.

- The status of Presidential materials recently has received wide attention in the news media.
- Reports concerning provisions of the Nixon/Sampson agreement of September 8, 1974, caused public outcry and precipitated an Act of Congress.
- With the passage of the Presidential Recordings and Materials Preservation Act (PL 93-526), Congress has asserted its interest in disposition of Presidential papers. The constitutionality of that Act is pending review by the Supreme Court.
- The Public Documents Commission will make recommendations, expected in March 1977, concerning control, disposition, and preservation of records and documents produced by or on behalf of Federal officials, including the President. These recommendations may affect the status of Presidential papers.

The Presidential library system was established originally as the best compromise between private ownership of Presidential papers and the legitimate interest of the public and the Federal Government in them. The current debate over ownership and possession of Presidential papers confirms the value of the Presidential library system. The President is able to vest title to his papers in the Government for deposit in a Presidential library under restrictions that he himself imposes that are acceptable to the Administrator. He thus is able to assure responsible care for his papers while avoiding damaging debate.

COST

Administration of modern Presidential papers is both complex and costly.

- Functions and activities of the Presidential office have increased. Files created in performing these functions and activities have also expanded. An archival staff must be employed to preserve, process, and perform reference service on these materials.
- Presidential papers include technological forms such as videotape that are costly to use, reproduce, and preserve.
- The President's papers include security classified documents and other material with great sensitivity and importance to the nation's security. Protection, declassification and servicing of these papers requires intense staff attention.
- The President's papers include material the disclosure of which would be an invasion of the President's, his family's, and associates' personal privacy. These papers should be subject to varying degrees of protection and time periods of restriction to prevent any unwarranted invasion of personal privacy.
- The public demands access to the historical record contained in the President's papers as quickly as possible. Prompt processing of the papers and segregation of closed or restricted materials from records available for research is essential.
- The President and his family receive many gifts which require storage and preservation facilities and deserve to be on public display. Some gifts, received from foreign dignitaries, are Government property in accordance with the Constitution and implementing statutes.
- The average annual cost of operation of a Presidential library is estimated at:

Program cost	\$500,000
Buildings cost	<u>416,000</u>
	\$916,000

A PRESIDENTIAL LIBRARY AND THE UNIVERSITY

Modern Presidential libraries may be associated successfully with a university by being located on campus or nearby. Such an arrangement is desirable both for the library and for the university. The two most recent libraries are located or being planned on university campuses.

- The Johnson Library was constructed by the University of Texas on its Austin campus. Through an agreement between the University of Texas system and the United States Government, the building and land remain university property. Federal employees staff, operate, maintain, and protect the building.

- The Kennedy Library is being constructed by the John F. Kennedy Library Corporation on the University of Massachusetts Columbia Point campus. Through agreements between the Kennedy Library Corporation, the University of Massachusetts and the United States Government, the building and land will be deeded to the United States.

MUSEUM

Public exhibit rooms or museum space for display of items relating to a President and his Presidency have been a traditional and prominent part of each Presidential library administered by the National Archives and Records Service under provisions of the Presidential Libraries Act.

- Depending on the President's wishes, an exhibit and educational program would be appropriate for a Ford Presidential library.
- Further investigation and negotiation will be necessary to determine under what auspices a museum might be established in Grand Rapids for exhibits relating to President Ford and his administration.
- A Ford Presidential library might loan documents, audiovisual materials, and three-dimensional objects for exhibit in Grand Rapids or elsewhere and provide professional advice and assistance to organizations preparing exhibits relating to the life and administration of the President.

ESTABLISHMENT OF A PRESIDENTIAL LIBRARY

The Presidential Libraries Act (44 USC 2107-08) permits the Administrator of General Services to accept on behalf of the United States or to enter into an agreement to use land, buildings, and equipment as a Presidential archival depository. The Administrator may not take title to the property or enter an agreement until he has submitted a report to Congress and observed a 60-day waiting period or received Congressional approval of his plan. His report must include

- a description of land, buildings, and equipment offered as a gift or made available for the use of a Presidential archival depository.
- a statement of terms of the proposed agreement, if any.
- a description of papers, documents, and other historical materials offered for deposit in the proposed Presidential library.
- an estimate of annual cost to the Government to operate the library.

A series of written exchanges forms the legal basis of the offer and the acceptance and provides documentation for the report to Congress. The series would normally include

- a letter offering to donate land and building or enter an agreement for use of property in lieu of transfer for the purpose of establishing a Presidential library.
- a letter from the Administrator accepting the offer pending the 60-day waiting period.
- a letter from the President to the Administrator offering to donate his papers and other historical materials for the purpose of establishing a Presidential library. This letter should include or append a statement of terms and conditions affecting preservation and use of the materials, such as restrictions and eventual disposition of literary property rights.
- a letter from the Administrator to the President accepting the offer pending the 60-day waiting period.
- letters from the Administrator to the presiding officers of the Congress reporting on the offers as required.

After the 60-day waiting period or upon Congressional affirmation, the Administrator may proceed with actions to take title and begin operation.

CURRENT SERVICES

NARS already provides services to President Ford in anticipation of his desire to place his historically valuable materials in a permanent depository. NARS performs the following:

- stores inactive Presidential papers received from the White House Central Files unit.
- stores gifts President Ford and his family have received from private citizens and from foreign officials.
- stores White House Communications Agency video and audio tape recordings and Naval Photographic Center motion picture film of the President and his activities.
- receives and prepares for shipment Government Printing Office publications produced during his Presidency.
- collects books relating to the President and his Presidency.

TRANSITION ACTIVITIES

After the President has indicated his intention to donate his papers and other historical materials for the purpose of establishing a Presidential archival depository, NARS may undertake additional actions to assure preservation of the full record of the Ford Presidency. NARS is prepared to assign staff to:

- assist in developing plans for the future library.
- collect, inventory, preserve, pack, and ship Ford Presidential historical materials.
- undertake a solicitation drive for papers of the President's close associates.
- seek Federal records appropriate for deposit in a future Ford Presidential library.

After the President has left office, with plans underway for a future Presidential library, NARS will cooperate fully with the institution and community with which the archival depository will be associated. NARS also may

- maintain and protect the President's historical materials in a temporary facility pending construction of a permanent library building. Such a storage facility might be located on or near the University of Michigan campus or in the Washington area, depending on the President's wishes.
- provide archival staff to the temporary storage facility to undertake preliminary processing and preservation of the historical materials.
- make available the materials to President Ford and his representatives or other authorized researchers.
- make available the materials as necessary and authorized by President Ford for ongoing Government business.
- initiate an oral history program.
- make final plans for transferring materials to a permanent Presidential archival depository and accomplish that transfer. NARS would maintain, operate, and protect the permanent Presidential archival depository as part of the national archival system. Presidential papers and related donated historical materials stored there would receive final processing and preservation in perpetuity.

APPENDIXES

Estimated Volume of Historical Materials for
Gerald R. Ford Library as of January 20, 1977

Projected FY 1977 Presidential Libraries Operating
Expenses

Authorized Personnel, Presidential Libraries
October 1, 1976

Comparative Statistical Summary of Presidential
Libraries

ESTIMATED VOLUME OF PRESIDENTIAL HISTORICAL MATERIALS
FOR THE GERALD R. FORD LIBRARY AS OF JANUARY 20, 1977¹

Presidential Papers ² (Projected accumulation in White House Central Files and staff offices)	8,500 cubic feet
White House Communications Agency Video and Audiotape	480
Presidential Gifts ³	
Domestic (approximately 3,200 books and 3,300 other items)	1,410
Foreign (approximately 250 items)	555
Government Printing Office documents collected under the Depository Library Program	450
	<hr/>
TOTAL PROJECTED CUBIC FOOTAGE	11,395

¹ This estimate does not include other Ford materials presently at the University of Michigan.

² Preliminary estimate based on January 1976 data, amounting to 17,000,000 pages.

³ An estimated 1,250 cubic feet of domestic gifts (65 boxes) and 555 cubic feet of foreign gifts (38 boxes) will be packed in large containers requiring approximately 500 square feet of unshelved floor space for storage.

PROJECTED FY 1977 PRESIDENTIAL LIBRARIES
OPERATING EXPENDITURES

	<u>Program Expenditures</u>	<u>Building Expenditures</u>	<u>Total</u>
Hoover	\$284,000	\$132,300	\$416,300
Roosevelt	\$454,000	\$312,500	\$766,500
Truman	\$482,000	\$384,500	\$866,500
Eisenhower	\$513,000	\$447,400	\$960,400
Kennedy	\$614,000	*	\$614,000
Johnson	\$655,000	\$803,700	\$1,458,700

*Located in temporary quarters in Waltham
FARC. No costs are specifically identifiable
for the library.

AUTHORIZED PERSONNEL
PRESIDENTIAL LIBRARIES
October 1, 1976

	<u>Appropriated Fund</u>		<u>Trust Fund</u>	
	<u>Permanent Full-time</u>	<u>Other</u>	<u>Permanent Full-time</u>	<u>Other</u>
Hoover	16	0	3	5
Roosevelt	23	0	4	3
Truman	21	1	14	0
Eisenhower	28	0	3	5
Kennedy	25	6	0	0
Johnson	34	6	5	4

COMPARATIVE STATISTICAL SUMMARY OF PRESIDENTIAL LIBRARIES

Status as of June 30, 1976

	Hoover	Roosevelt	Truman	Eisenhower	Kennedy	Johnson
HOLDINGS						
Manuscripts - Paper (pages)	5,262,106	21,937,021	11,904,000	17,927,714	20,594,775	34,077,737
- Film (pages)	-	913,834	-	84,500	2,511,200	6,450,131
Photographs	12,694	112,822	67,934	88,680	65,900	528,435
Motion Picture Film (feet)	127,774	284,253	249,586	589,930	4,426,881	691,347
Sound Recordings (discs & tapes)	697	4,782	2,411	2,366	2,961	8,554
Oral History Transcripts (pages)	9,478	939	19,901	16,574	25,296	17,560
Museum Objects	4,013	21,855	13,102	17,728	12,804	35,810
Books	21,392	35,615	43,428	24,985	22,051	12,378
Other Printed Items	21,284	60,594	59,416	23,162	21,195	16,820
Microfilm - Mss, Other Archives	1,222	290	2,285	1,906	5	-
(rolls) - Printed Material	2	837	2,506	3,145	464	74
Video Recordings	-	-	-	-	151	3,907
REFERENCE SERVICES (FY 1976)						
Researcher Daily Visits	754	1,770	1,299	625	728	1,055
Items Furnished	8,060	15,159	33,045	8,189	18,606	9,199
Reproductions Furnished	11,364	10,208	63,268	84,410	35,269	50,258
MUSEUM VISITORS (FY 1976)						
	97,342	213,766	351,210	199,099	-	683,810