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THE WHITE HOUSE

PRESS CONFERENCE

OF

PHILIP BUCHEN, COUNSEL TO THE PRESIDENT,

AND

JAMES B. RHOADS, ARCHIVIST OF THE UNITED STATES

THE BRIEFING ROOM

2:05 P.M. EST

MR. NESSEN: Good afternoon. As the announcement indicated, the President today deeded to the United States Government his papers and other historic materials going back to the beginning of his career in public life in 1948. The President signed the letter last night rather late and it was signed earlier today at the University of Michigan by the president, President Fleming. It has also been signed by the Archivist of the United States.

So you have the fundamental documents needed to explain this. One is the full text of the deed and the second is a fact sheet giving you the highlights of it and, third, is a statement telling in, I think, an easy to understand form from the GSA exactly what this represents.

On the theory that you probably have a question or two, I have asked the Archivist of the United States, James B. Rhoads, to join us here today and also the Counsel to the President, Philip Buchen. I believe Mr. Rhoads would like to say a few words initially and maybe Phil would, and after that they will be available to answer your questions.

MR. RHOADS. Thank you.

Just to recapitulate very briefly, as Mr. Nessen told you, the President has donated to the Federal Government the papers and other historical material and documents during his career as Congressman, Vice President and President.

The archival materials will be housed in the facility on the campus of the University of Michigan in Ann Arbor, to be built by the university, and the museum materials in a suitable building in or near Grand Rapids. This is the first time that a President has made an outright gift of his papers while still in office, and thus assures an unbroken chain of Federal custody for them.

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The terms of the donation also called for a prompt start on archival processing and the availability of almost all of the papers after no longer than 13 years. These provisions plus the university location insures speedy and broad accessibility for scholarship and protection of the public interest in preserving the papers of the President.

I would be glad to defer to my friend.

Q Will Mr. Rhoads or Mr. Buchen, whoever can best answer the question, tell us, under the Recordings Act that was passed by Congress, would the papers of the President have been in Federal custody anyway? I mean did he have an option here is what I am trying to find out, as to whether or not to donate them?

MR. BUCHEN: Under the existing Presidential Libraries Act, of course, is based on the assumption that the President does have an option. And, of course, these papers he is contributing also include many more papers than those that were acquired or developed during his Presidential Administration, and they include his Congressional papers and papers involved in his political activities and other activities that he has been engaged in.

Q What about the Presidential Recordings and Materials Preservation Act which former President Nixon is challenging? Would that have required that his Presidential papers be turned over to the Government some way?

MR. BUCHEN: No, that act applies only to the Nixon papers.

Q Within the materials that will be turned over, do you foresee any kind of problem whereby Vice President Ford's papers might be mixed up with the Nixon papers which might be contested?

MR. BUCHEN: Not at all, because the Nixon papers were completely segregated from all other records in the White House and have been kept under tight security pursuant to court order. So there is no problem there.

Q Is there any tax exemption, or tax purpose on this at all?

MR. BUCHEN: None whatsoever.

Q So he can't take anything from this?

MR. BUCHEN: That is right.

Q I see.

Q Can you tell us anything about cost?

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MR. RHOADS: Our best estimate is that once the two facilities are completed and we open them and start running a full fledged Presidential library and museum program, the cost may be approximately \$900,000 a year. It would be less than that until we reach that point.

Q That is for both facilities?

MR. RHOADS: Yes. That is an estimate, obviously.

Q Where were his options in his giving all the papers?

MR. RHOADS: Assuming that they are his to give, presumably he could have given them to some other existing institution. He could have provided for their deposit in the National Archives. He could have locked them up and put them in storage somewhere, I suppose.

Q Even though the materials will be on the Ann Arbor campus, will the American taxpayer have to pay for maintenance, personnel, et cetera?

MR. RHOADS: For the maintenance and personnel, not for the building.

Q What will that be?

MR. RHOADS: That is the figure I gave a couple of minutes ago. Approximately \$900,000 a year, as best we can estimate it now.

Q How about inflation?

MR. RHOADS: You know what inflation does. I am talking about today's dollars.

Q I would like to get the figures straight in my own mind. The University of Michigan builds the library for the papers.

MR. RHOADS: That is right.

Q The Federal Government builds the museum for the other items.

MR. RHOADS: No.

Q Who builds the museum?

MR. RHOADS: That is not entirely clear at this point, but certainly local civic groups in Grand Rapids are interested in being involved in that, including the Gerald R. Ford Commemorative Committee. That building also will not be built with Federal money.

Q But the Federal Government provides funds for the operations of both facilities.

MR. RHOADS: That is correct.

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Q Do you have a figure, any preliminary figure on the cost of the museum and the library?

MR. RHOADS: A breakdown between the two? I don't at the moment. But based on past experience, I would guess that the cost of operating the library is probably --

Q No, the cost of construction of the two facilities.

MR. RHOADS: The cost of construction. No, sir, I don't have anything.

Q Have any preliminary sites been picked for either structure?

MR. RHOADS: For the library I understand there has been a preliminary site on the campus of Ann Arbor.

MR. BUCHEN: The campus at Ann Arbor has room right next to what is now the Michigan historical collections and the university, knowing that it might get the papers, sort of set that aside since President Ford came into office.

In Grand Rapids there are several possibilities being discussed, including some existing structures that might be converted to a suitable museum, but no definite plans.

MR. NESSEN: You might want to point out on page four the list of other Presidential libraries and the fact that the Archives administers all of those. I believe the question was what are the taxpayers getting stuck with on the Ford library. You might point out that the taxpayers are stuck with these other libraries.

MR. RHOADS: Yes. The total budget for the six existing libraries is around \$3-1/2 million for the National Archives professional part of the program. That doesn't include maintenance and guarding of the buildings. So we are probably talking about something approaching \$6 million for the existing six libraries.

Q Mr. Rhoads, I was wondering, if the President had determined simply to deed these to the Archives themselves, then what would be the cost of maintenance, in your estimation?

MR. RHOADS: I am not sure we still have room in the National Archives building for them, so we would have to have acquired some other kind of space and some additional space in the Washington area. I don't know what that would be.

Q Could you have been able to do this for less than \$900,000 a year?

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MR. RHOADS: I doubt if we could have done it for less than \$900,000 a year, assuming we were still operating a museum of Ford materials in this area.

Q Mr. Rhoads, you were quoted in the press releases as saying that the President's action "assures unbroken Federal custody of his materials at a time when difficult questions have arisen over the disposition of the Presidential papers."

Could you list those difficult questions?

MR. RHOADS: I was thinking mainly of the questions that have arisen in the wake of the Nixon papers -- the fact that a great deal of public attention is now focused on what is or ought to be the status of Presidential papers. As you may be aware, the same act which provided for the Government's taking of Mr. Nixon's papers also provided for the establishment of a National Study Commission, known popularly as the Public Documents Commission, which is investigating these matters, studying them and is under mandate by the end of March of next year to make recommendations to the President and to the Congress with regard to what the commission feels ought to be the future status of the papers of Presidents and other Federal officials.

Q Mr. Rhoads, would you, as Archivist, discuss the historical value of these papers?

MR. RHOADS: I would be very happy to. I think it is probably safe to say that there are no bodies of papers in modern America that have more value, more research potential, that are a greater documentary treasure to this country than Presidential papers. They will certainly be used by scholars in the future for a great variety of purposes.

You go back to some of our Presidential libraries that have been in existence for a number of years. Take the Roosevelt Library, for example. There are a huge number of books, not only about President Roosevelt, but about important issues of his era that are based entirely or in large part on research in the Roosevelt Library. The same pattern has developed with every subsequent Presidential library. And I have no doubt that it will for the Ford Library.

Q Can you give us some kind of a measurement or description in terms of weight or carloads or something? How many papers are there? What is it like?

MR. RHOADS: On the first page of the fact sheet you have in the middle of the page an estimate of 11,355 cubic feet, which is the way archivists tend to measure papers in the gross. I grant you that is a little bit difficult to envision, but maybe not as difficult as saying 25 or 30 million pieces of paper, which is about what it amounts to.

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Q What would that amount of cubic feet fill up?

Q A lot of space.

MR. RHOADS. A lot of space.

MR. NESSEN: One library full.

MR. RHOADS: One library full. That is a good answer. No, it is a very substantial amount of material.

Maybe this helps you a little bit: I think that it is not far off the mark to say that materials President Ford has donated to the Government would comprise somewhere between the equivalent of a third and a half of the holdings of the manuscript division of the Library of Congress. Some of you people are familiar with the manuscript division.

Q Mr. Rhoads, could you review the question of who owns the President's papers, in light of the most recent legislation and the current status of the court challenges? What is the status now? Who does own the President's papers? Does Gerald Ford own all these papers generated during his Presidency?

MR. RHOADS: Let me review it as you suggested. Every President of the United States, down through Lyndon Baines Johnson, beginning with George Washington, has removed his papers, the papers of his Presidency, from the White House at the time of his departure and has considered them to be his personal property.

That has never been challenged until very recently, as you know, I think.

With the departure of President Nixon from office, of course, his intention to remove his papers was called into question and there were court orders I believe enjoining him from doing that. Then the Presidential Recordings and Materials Act was enacted in December of 1974 which gave the Government custody, but not necessarily ownership, of them. The ownership question was left unresolved in the law. There was a provision in there that if it should be determined some time in the future that these were in fact his private property, that he was due compensation for them. President Nixon has challenged the constitutionality of the 1974 act. His challenge is now pending before the Supreme Court.

I am not a lawyer. It would be my guess though that the courts would rule on the narrowest possible grounds and that probably the question of proper ownership of Presidential papers would not be decided by the court.

In the meantime, as I indicated earlier, the Public Documents Commission is hard at work on this issue and will be coming up with some recommendations to the Congress as to whether a change in the historic practices and assumptions are warranted.

Q Is it your view, sir, and Mr. Buchen's, that President Ford could, if he chose, have taken these papers, the Presidential papers, with him and kept them and treated them as if they were his own? Does he have that right to do it presently, as you gentlemen understand the law?

MR. BUCHEN: I would say that the answer is yes, because there has been no court decision to the contrary. There was a tentative ruling -- I say tentative -- by Judge Richey early on in the Nixon controversy. If you will recall, the Court of Appeals issued an order in effect negating that opinion and indicating that the Judge should not have issued it. So that there is an opinion on record by one judge, but it has no legal force and effect as at the moment.

Q Mr. Rhoads, you spoke of I think four libraries.

Mr. RHOADS: Six existing ones.

Q Six. As I understand it, and correct me if I am wrong, the Kennedy Library has never been built and there is no Nixon Library.

MR. RHOADS: No. The six Presidential libraries as listed on the last page of the fact sheet --

Q Okay. Yes.

Mr. RHOADS: --- are Hoover through Johnson.

Q I got you.

MR. RHOADS: It is true that the Kennedy Library has not yet been built although finally that is going to be starting within a few months. The Kennedy Library, as an operational institution, has been in existence for several years. A great many researchers are using its holdings. It is in temporary quarters at our Federal Archives and Records Center at Waltham, Massachusetts. So it is a going organization, but no museum as yet.

Q With the exception of the Waltham depository, are there any other Presidential libraries which are owned by the Government, or are all the institutions?

MR. RHOADS: All of the Presidential libraries are owned by the Government, with the exception of the Johnson Library, which is owned by the University of Texas and we have in effect a perpetual occupancy permit for that. The Presidential Libraries Act clearly envisages this as one of the options.

Q Mr. Buchen, do you happen to know, does the President like his action today to set a precedent? Does he hope that to be the case? Does he mention this?

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MR. BUCHEN: As you may know, I have been sitting in on the meetings of the Public Documents Commission as one of the members. I feel quite certain that the members of that commission will be generally pleased with the terms of this agreement. So I don't perceive any sharp criticism or that the report of the Documents Commission would be likely to propose a method of dealing with Presidential papers different from the one President Ford has used.

Q: But from the President's point of view, is he hoping to set a precedent by his action?

MR. BUCHEN: I don't think that. It just isn't like President Ford. I think he thought this was his business. And President-elect Carter when he comes to the same stage in his career, I think the President would say, "Let President Carter make up his own mind." I don't think this President is in any sense trying to set the stage for binding his successors.

Q: Since you are from Grand Rapids, sir, is there any question at all that the people in Grand Rapids are going to be able to do this? I mean, is there a possibility that they wouldn't be able to raise the funds or something to do this?

MR. BUCHEN: Of course they are talking to the people at the University of Michigan that there is a good chance that there would be a joint fund raising effort on a national scale. People in Grand Rapids have been pretty good at public service projects. Of course this is a little different from anything they have undertaken, because this is a national resource and it should appeal to donors from all over the country who have an interest in President Ford, apart from any affiliation with the community.

Q: Mr. Rhoads, in your own mind, what do you think scholars will find especially interesting in the Gerald Ford papers?

MR. RHOADS: I think the papers cover a very long and rich and diversified career of public service of President Ford. During his Congressional years and as Vice President and as President he has been involved with a great many different matters of very considerable national and international importance.

I have not had the privilege of leafing through his papers so I really can't give you any specific examples of little gems or nuggets that researchers are going to find. But, given the richness and diversity of his career, I am sure his papers will reflect that.

Q: Mr. Buchen, I wonder if I could ask you when the President made the decision that this is what he wanted done with his papers and other articles of historical value, and in the decision making process were other locations considered.

MR. BUCHEN: To begin with, for many years he had in effect promised the University of Michigan that the University would get his Congressional papers. Now, that was before he would become Vice President and then President. But he had already shipped to Ann Arbor virtually all his Congressional papers and the University has already processed nearly all of those.

So he felt that, in view of the fact that he had started to put his collection there, and one of the principles that I think every historian and archivist likes is that papers of a President which relate also to his prior public career should all be in one place, so it was only natural that he should think first of the University of Michigan.

On the other hand, I know that other institutions have made an inquiry to him, in fact Grand Rapids itself would also have liked to have had the papers. But again I think Dr. Rhoads can confirm that the usage of a Presidential library seems to go up the closer it is to a larger institution of higher learning. The fact that there are scholars and residents and students there, make the usage of the library much more extensive than is the case where the library is in a smaller community and unrelated to a university.

Q Is he entitled to a tax reduction from his gift?

MR. BUCHEN: Not at all.

Q Does the President plan to make his post-Presidential headquarters in this library, his business offices, or will he maintain a personal staff there?

MR. BUCHEN: I think it is under one of the acts that it is provided that an office for the President should be included in such a library. I doubt that he would make that his principal office, but it would be available to him or his agents for the purpose of doing research there at the collection. And, of course, if he is in the vicinity of Ann Arbor it would be his headquarters.

THE PRESS: Thank you very much.

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(AT 2:35 P.M. EST)