

12/28, 1993

From the desk of

MARC H. MONHEIMER

To *John Podesta* 93 DEC 29 P

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MEMORANDUM

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Date: December 28, 1993

To: Trudy H. Peterson, Acting Archivist of the United States

From: Marc H. Monheimer, Senior Advisor to the Archivist

Subject: Responsibilities of the White House Liaison Relating to the Future Clinton Presidential Library

This memorandum provides an overview of the role of the NARA White House Liaison relating to the future Clinton Presidential Library and reiterates intentions expressed by the White House during development of the job description and at the time of the appointment of Brian Thompson to this position.

The assignment of responsibilities to the White House Liaison reflects the explicit desire of the Administration to communicate and coordinate issues pertaining to the future Clinton Library through an Administration appointee. It also recognizes NARA's experience in managing the existing presidential libraries and its future role in administering the Clinton Library.

The White House Liaison is responsible for communication and coordination relating to a number of ongoing NARA programs and activities involving the Executive Office of the President. The duties of the White House Liaison include responsibility for coordination and oversight of all activities at NARA pertaining to the future Clinton Presidential Library. Most important at this stage, the White House Liaison is the communication link between NARA and the White House on all matters pertaining to the Clinton Library, including the organization and categorization of

Presidential records, the role of the Presidential Diarist, and preliminary issues relating to site selection. For these purposes, "White House" includes the First Family and all agencies of the Executive Office of the President.

The White House Liaison is also responsible for presenting certain initial issues and decision options to the White House. The White House Liaison will be the principal White House point of contact at NARA for coming issues which will include analysis of White House records and recordkeeping systems and development of reference and finding aids; collection of contemporary historical materials, including oral histories; the development of office and position descriptions. The White House Liaison will also be responsible for NARA support to the White House on matters which may later come under the purview of an independent support organization or foundation.

The public affairs office is consulting the White House Liaison when it receives inquiries regarding the future Clinton Library. Similarly, the Office of Presidential Libraries should refer inquiries regarding the Clinton Library to the White House Liaison to formulate NARA's response to prospective host cities or institutions.

The White House Liaison brings to the function experience with this President and established relationships with senior White

House personnel, which will be assets in the presidential library planning process. It is expected that the White House Liaison will work with other offices and officials at NARA, particularly the Office of Presidential Libraries, as the role evolves. The Office of Presidential Libraries, which some day will administer the Clinton Library, will play an increasingly important role as a source of technical assistance to the White House Liaison as library planning becomes more specific.

December 30, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: MARC H. MONHEIMER, SENIOR ADVISOR TO THE
ARCHIVIST OF THE UNITED STATES

SUBJECT: PRESIDENTIAL LIBRARY PLANNING

- I. ACTION FORCING EVENT: Planning requirements, precedent, and site selection issues already raised strongly suggest the need to designate a senior White House official to serve as principal contact and advisor with respect to matters pertaining to the future Clinton Presidential Library.

To facilitate an orderly planning process and to ensure that your prerogatives and interests are and will be respected and protected, your senior-level appointees in the office of the Acting Archivist of the United States recommend the prompt designation of a member of your senior staff to develop policies and coordinate planning for your Presidential library. We believe that your interests are being ably represented at the National Archives and Records Administration. However, White House decisions are necessary with respect to library planning issues which are beyond the scope of the responsibilities of the National Archives.

- II. BACKGROUND: The National Archives has enjoyed a special relationship with each modern President, including keeping the Presidential diary, publishing the papers of the President, and managing the Presidential libraries. The National Archives administers the Presidential materials of each President since Herbert Hoover and operates nine Presidential libraries on sites selected by the respective Presidents and built with private funds (Tabs A, B).

Presidential Records and Libraries

President Reagan was the first President to whom the Presidential Records Act of 1978 (Tab C) was applicable. Under the Act, Presidential records, once considered the personal property of the President, are now owned by the United States and required to be transferred to the National Archives at the end of each administration. The Act defines Presidential records to mean materials created or received

by a President and his or her staff and advisors in the course of carrying out the duties of the office. The Act defines personal records to mean those created in the political and personal roles of the President. The government has no claim to the personal records of the President. The Act permits a President, while in office, to restrict access to specific categories of Presidential records for up to 12 years after leaving office; unrestricted Presidential records become subject to access under the Freedom of Information Act after 5 years.

The 1986 Presidential Libraries Act shapes the configuration of future libraries by requiring the National Archives to establish architectural and design standards for and private organizations to bear the costs of constructing and maintaining presidential libraries. Upon completion, new libraries are deeded to the government and staffed by career National Archives employees.

Planning the Clinton Library

We propose that the National Archives follow precedent by supporting you through and taking its guidance from a designated senior White House official who can speak for you on Presidential library matters. President Carter's administration introduced the contemporary model for advance library planning during an incumbent Presidency, which you may wish to follow. Under President Carter, the White House liaison at the National Archives:

- o inventoried White House records systems;
- o collected contemporary information and materials of historic interest, including oral histories; and
- o began assembling reference aids to facilitate the future transfer and use of Presidential records.

Early in his term, President Carter formed an internal White House advisory committee which undertook initial library planning, including preliminary consideration of sites. Those duties were later transferred to a private foundation charged with fundraising. The site for the Carter Library was not announced until after President Carter left office, while President Bush announced the site of his library only 2-1/2 years into his term. Subsequent Presidents have followed the general outlines of this model. President Reagan took the added step of commissioning a biographer.

Immediate issues to be resolved by the designated senior White House officials or by the White House Liaison at the National Archives with White House guidance include:

- o preliminary interaction with prospective host cities and institutions, several of which have already made initial approaches;

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- o working with White House staff to implement procedures to safeguard the distinction between Presidential and personal records;

- o evaluating recordkeeping procedures of the White House Office of Records Management; and

- o staffing and organization of the Presidential diarist function to better document your Presidency.

Later in the process you will be asked to decide on establishing an external planning and fundraising organization (Tab D).

Alongside these concerns for laying early groundwork, the National Archives is mindful of the sensitivities which surround the library topic, including the perception of a foreshortened Administration should planning become too visible. To streamline communication, minimize the visibility and distraction of library planning and ensure that your interests are protected and respected in all matters pertaining to Presidential records and the future Clinton Library, the National Archives proposes that a senior White House official be designated to coordinate overall planning for the Clinton Library; serve as the principal point of contact with the media, prospective host cities and institutions, and independent advisory and fundraising groups; and work with the National Archives on matters pertaining to the management of Presidential records. A White House Liaison was recently appointed at the National Archives whose responsibilities include coordinating the National Archives' support in connection with the Clinton Library. Brian Thompson, White House Liaison, and I can be reached at (202) 501-5130.

III. RECOMMENDATION: That you designate a senior White House official as principal point of contact, spokesperson, and advisor for all matters pertaining to the future Clinton Library and to provide general guidance to the White House Liaison at the National Archives, who will coordinate the National Archives' functions pertaining to library planning.

IV. DECISION:

 Approve Approve as amended Reject No action

Attachments: Tab A - Location of Presidential Papers
Tab B - Size and Cost of Presidential Libraries
Tab C - Statutory Highlights
Tab D - Milestones in Development of Presidential Libraries

Tab A

Location of Presidential Papers

Library of Congress

George Washington
Thomas Jefferson
James Madison
James Monroe
Andrew Jackson
Martin Van Buren
William Henry Harrison
John Tyler
James K. Polk
Zachary Taylor
Franklin Pierce
Abraham Lincoln
Andrew Johnson
Ulysses S. Grant
James A. Garfield
Chester A. Arthur
Grover Cleveland
Benjamin Harrison
William McKinley
Theodore Roosevelt
William Howard Taft
Woodrow Wilson
Calvin Coolidge

Massachusetts Historical Society

John Adams
John Quincy Adams

Buffalo and Erie County Historical Society

Millard Fillmore

Historical Society of Pennsylvania

James Buchanan

Hayes Memorial Library

Rutherford B. Hayes

Harding Memorial Library and the Ohio Historical Society and Archives Library

Warren G. Harding

Presidential Libraries Administered by the National Archives

Herbert Hoover
Franklin D. Roosevelt
Harry S. Truman
Dwight D. Eisenhower
John F. Kennedy
Lyndon B. Johnson
Gerald R. Ford
Jimmy Carter
Ronald Reagan

Presidential Materials Projects, Office of Presidential Libraries, National Archives

Richard M. Nixon
George Bush

Tab B

Size and Cost of Presidential Libraries

	<u>Size</u> <u>(thousand square feet)</u>	<u>Original Cost</u> <u>(millions of dollars)</u>
Hoover	42	1
Roosevelt	58	0.4
Truman	97	1.7
Eisenhower	109	3
Kennedy	116	18
Johnson	135	10
Ford	96*	11.4*
Carter	89	26
Reagan	124	42**

* Library and museum

** Includes Foundation space

Source: National Archives

Tab C

Statutory Highlights

Presidential Libraries Act of 1955

The presidential library system functions under the authority of the Presidential Libraries Act of 1955 (44 U.S.C. 2112, as amended). The act authorizes the Archivist of the United States ("Archivist"), on behalf of the United States, to:

- o Accept for deposit the papers and other historical materials of a President and similar materials relating to the President that are in the custody of other persons.
- o Accept land, buildings, and equipment offered for establishment of a presidential library.
- o Maintain, operate, and protect the library and its holdings.
- o Observe restrictions on access to the historical materials that have been set by the donors and agreed to by the Archivist.
- o Provide for the exhibit of museum items to the public.

Presidential Libraries Act of 1986

This Act amends the Presidential Libraries Act of 1955 in regard to the following points:

- o The Archivist must issue architectural and design standards for presidential libraries.
- o The Archivist may solicit as well as accept gifts or bequests for the purpose of maintaining, operating, protecting, or improving a presidential library.
- o The Archivist must establish separate endowments within the National Archives Trust Fund for each presidential library. Income to each endowment shall be available to help defray the cost of facility operations but not the performance of archival functions.
- o The Archivist must assure that an endowment is available to help defray the cost of operation before accepting a presidential library. The endowment must be equal to twenty percent of the cost of the land, building and equipment. If the building is larger than 70,000 square feet, an additional endowment, calculated at a higher level, is required.
- o The twenty percent endowment requirement applies to the presidential libraries of any president who takes office for the first time on or after January 20, 1985.

Presidential Records Act of 1978

This Act (44 of 1978 U.S.C. 2201-2207) applies to Presidential records, as defined in the Act, created or received on or after January 20, 1991.

- o Presidential records are owned by the United States, not by the President; personal records are the personal property of the President.

- o The Archivist is to take custody of the Presidential records when the president leaves office and is to maintain the records in a federal depository.

- o Prior to the conclusion of his term of office, the president may restrict access to 6 specific categories of information in the Presidential records for up to 12 years after leaving office. Any unrestricted records are subject to the Freedom of Information Act (FOIA) 5 years after the president leaves office and restricted records are subject to FOIA after 12 years.

- o Vice presidential records are also owned by the United States and are administered in the same manner as presidential records, but they may be placed either in an existing federal depository or in a non-federal depository.

Although the Reagan Library is the first to have been built after this Act went into effect, former President Carter essentially abided by it.

Presidential Recordings and Materials Preservation Act of 1974

This Act (44 U.S.C. 2107, note) is applicable only to the presidential historical materials of Richard M. Nixon. The act authorized the Administrator of General Services to take complete custody and control of the Nixon Presidential historical materials. Under this act, the Archivist is required to:

- o Store the materials within the Washington, D.C. metropolitan area.

- o Furnish the public at the earliest reasonable date with information in the materials relating to abuses of governmental power.

- o Provide eventual public access to all of the materials declared to be of general historical interest.

Tab D

Milestones in Development
of Presidential Libraries

	<u>End of Term</u>	<u>Presidential Decision to Donate Papers</u>	<u>Library Foundation Established</u>	<u>Library Dedication</u>
Hoover	1933	1960	1954	1962
Roosevelt	1945	1938	1938	1940
Truman	1953	1953	1950	1957
Eisenhower	1961	1954	1955	1962
Kennedy	1963	1961	1963	1979
Johnson	1969	1965	1965*	1971
Ford	1977	1976	1973	1981
Carter	1981	1977	1982	1986
Reagan	1989	**	1985	1991

* No private foundation affiliated with the Johnson Library; date shown is date of agreement with University of Texas.
 ** President Reagan was the first President whose records were subject to the Presidential Records Act of 1978, hence it was assumed from the beginning of his Administration that his materials would be administered by the National Archives upon the conclusion of his term of office.

Source: National Archives