

The American Presidential Libraries System at Age 50

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Next year will mark the 50th anniversary of the law that founded the American system of presidential libraries. Under this system, the National Archives administers the White House records of every presidency since 1929. The system’s distinguishing feature is a joint archives-museum facility, built with privately donated money, located wherever the president wants, and containing both his White House records and numerous collections of personal and political papers from many sources.

Last year, in 12 facilities scattered from Boston to Los Angeles, the system hosted nearly 8,300 research visits, answered over 23,000 written requests, entertained nearly 1.2 million museum visitors, and sponsored uncounted special events. The system cost the National Archives approximately 23% of its direct appropriations or \$68 million. Museum and special event expenses were partly underwritten by museum revenues and by substantial annual gifts from private presidential foundations.

All of the libraries are administered from a central office within the National Archives, and the office head reports directly to the Archivist of the United States. The office makes budget allocations, develops common policies and program standards, and links the libraries to other units of the National Archives, such as those for legal affairs, information technology, professional training, or educational programs. The office runs a limited support program for materials of the sitting president, and it helps each library with its preservation and national security declassification needs.

The office exercises oversight by program audits, quarterly reports, regular meetings of library directors, and special-purpose meetings of staff in different program areas. Staff can pursue their careers from library to library regardless of their private political opinions. Some library directors have been archivists, but most have not.

Each library has had its own bumpy developmental history, but all have reached a common destination on standards for public access. No library screens researchers for national citizenship, purpose of research, academic credentials, or topic of research. My library, the Ford Library, has issued nearly 5,000 research cards since its founding, and we have never rejected a single applicant. All research notes and photocopies are the property of the researcher and not subject to censorship or review. We never request pre-publication drafts of books or articles by our researchers.

Two laws are paramount in shaping this presidential libraries system: the Presidential Libraries Act of 1955 and the Presidential Records Act of 1978.

The Presidential Libraries Act of 1955 allows the National Archives to accept the gift of buildings and land to house and display the president’s historical materials. The Act arose out of a long tradition that the White House records of a president, including the records kept by his immediate staff, were the private property of that president. The tradition even pre-dates the White House itself. When George Washington left office in 1797, he took his papers home with him and so had every president thereafter. For 140 years, presidential papers came to many different fates.

Then, in 1938, shortly after the National Archives itself was established, President Franklin Roosevelt offered to donate to the government both his papers and a building to house them. The offer also included historical artifacts and gifts that would be displayed in the new building.

This creation of the first presidential library was progressive in terms of public access as well as public ownership. In 1950, the head of the National Archives told the American Historical Association that “The types of restrictions that were imposed on the Roosevelt papers will be found to exist generally throughout the Federal government on official records of recent date.” A few years later he reported to

Congress that 85% of the Roosevelt papers had become opened to the public within five years of Roosevelt's death in office.

The Presidential Libraries Act of 1955 codified the Roosevelt example so that other presidents might do what had now become expected of them. The fading private property tradition collapsed in 1974 when President Nixon resigned amid scandal. Fearful that Nixon would destroy materials and obstruct criminal prosecution, Congress seized his papers and created a commission to study reform.

The result was the Presidential Records Act of 1978, known by its acronym as the "PRA." This law declared that future White House records would be a special category of government record, automatically and always government property. The Reagan White House records are the first to be subject to the PRA.

The PRA also established important access policies, and here the PRA's central theory is simple. Public access is phased-in over twelve years. Then, access becomes similar to that for Federal records under the Freedom of Information Act. Thus, in theory, after 12 years, a White House document is released or restricted under the same criteria as a record from, for example, the Railroad Workers Retirement Board. The most commonly encountered restrictions after twelve years relate to invasion of privacy of a living person or to security classified diplomatic, defense, and intelligence information.

Although the central theory is simple, the central truth is more complex. This is because constitutional case law gives to a president and former president a *limited* right to withhold from disclosure confidential communications with his advisers and among his advisers. Americans have known this right since the 1950s as "Executive Privilege." There is a major fight today in the U.S. courts over exactly where lie the limits of this right to withhold information. Historically, these limits have been shaped as much by the political moment as by case law. There is little archival experience to draw upon because the Reagan records are the first and only records thus far to have reached the PRA's 12 year mark.

Today, approximately 10% of the Reagan presidential records have been released. Most of the rest is processing backlog, awaiting page-by-page screening by archivists for Freedom of Information Act restrictions and, where needed, referral for possible declassification. Then, before actual release, the archivists seek and generally gain waivers of any Executive Privilege claim.

Prospective Reagan Library researchers can view on-line folder title lists for almost all of the Reagan records, seeing what has been processed and what is backlog. Researcher requests for unprocessed files are put into work queues, and these queues in large measure determine the processing priorities. There can be a long wait between request and fulfillment. Currently, the average wait for new material on domestic policy and political topics is 43 months. The average wait for new material on international relations or defense topics is 52 months.

Some critics have argued that the PRA makes obsolete the presidential library system. They argue instead for a central repository in the national capital. In my personal view, the presidential library remains a valuable public policy creation for at least five reasons:

1. The politically sensitive files of an outgoing president and party leader must be protected from potential abuse by the victorious incoming president and his party. The presidential library is, in a sense, a National Archives safe-house that has the confidence of the outgoing president.
2. The orderly and complete transfer of presidential records to archives requires the active cooperation of the president and each of his staff. The prospect of a presidential library offers both incentive and reassurance. The PRA itself gives the Archives very little authority over records management during a presidency, so presidential cooperation is a paramount concern.
3. A presidential library centralizes the historical record rather than scatters it. If it were not for presidential libraries, countless collections related to each presidency would be scattered among university and historical society archives across the country. Each library actively collects pertinent materials that are not government records under any definition, such as the papers of: journalists, oral historians, campaign staff, party activists, diarists, presidential relatives and personal friends -- not to mention the president's own papers from before and after the White House. In addition, each

library collects privately held papers of former government officials. While a court might declare portions of these papers to be government records, the reality is that constant litigation is impractically expensive and time-consuming, and uncertain of success.

4. “The secret to openness is pluralism” to quote Tom Blanton of the National Security Archive, an access advocacy group. Different legal authorities, different rule interpretations, different work procedures, different staff expertise, and the idiosyncrasies of people and chance - all differences create opportunities for access in one place when it has been denied somewhere else. And access in one place is precedent for access to comparable material everywhere.

5. Dispersed facilities expand citizen and student opportunities for access to a White House collection. This contributes to more active and effective civic engagement: each access demystifies the record, expands expectations about the right of access, and teaches a lesson about the internal operations of the presidency.

I have tried this morning to offer a succinct overview of the American presidential library system in its 50th year. Now I look forward to hearing my French colleagues and then to your comments and questions. Thank you.