

Nixon Is Planning to Donate Some Papers to U.S.:NYTimes 2/18/75

Je reads stipulations correstctly as I understand them. However, some explanations may help and I do not see words that guarantee a separate Nixon library. I think it more likely a) Nixon wants them close by for his own use and b) probably at Eockwell's concrete white elephant. The gift is good p.r. for Nixon and the terms not reported are probably pivotal. Sampson probably agreed to keep them secret as long as Nixon wants. Among the effects is the Government defending suits for access. Like by an Alger Hiss or one working on that case.

The law permits such secrecy deals. (as

They are not called that. They appears) conditions to be specified by the donor. I've been through this with the JFK autopsy materials.

Now all those deals are with the administrator of GSA and he normally delegates to the Archivist. In practise each Presidential library is a part of the National Archives.

What I am saying is that this is a deal whereby Nixon can unload all maintainance and storage costs-even organization of files - on the government while preserving the exclusive use of those files for himself and anyone he designates. Like researchers, ghosts. He ll have all they are worth for himself and none of the cost while appearing to be a real nice guy to give so much away.

Got any idea what just organizing and filing 1,300 cu ft of files can run to? And security costs? Maybe indexing, too?

Last I heard all that stuff was in boxes.

HW 3/12/75

Nixon Is Planning to Donate Some Papers to U.S.

WASHINGTON, Feb. 17 (AP) — Former President Richard M. Nixon has decided his intention to offer 1,300 cubic feet of pre-presidential papers to the United States, the General Services Administration said today.

The papers and historical materials have not been previously donated by Mr. Nixon, a G.S.A. spokesman said. They are in addition to previous donations of pre-presidential papers.

Arthur P. Sampson, head of the administration, said that on behalf of the government he had accepted Mr. Nixon's declaration of intent to offer the materials from the 1946-53 period and they would be stored at a National Archives facility at Laguna Niguel, Calif.

The declaration of intent was accepted under terms of the 1955 law on Presidential Libraries, by which papers of other Presidents have also been accepted.

In his letter declaring his intentions, the former President asked that the materials be kept at a facility "reasonably accessible" to his home in California.

Papers and other materials dealing with Mr. Nixon's year as President remain in Washington under court order.

A special three-judge court is to consider ownership of the presidential papers, which have been the subject of legal action. A lower court ruled that the Presidential Papers was the property of the country and not Mr. Nixon, but that order was stayed pending a decision by the special panel.

In his letter to Mr. Sampson, Mr. Nixon wrote that the offer of the materials to which the agreement was applicable "is conditioned upon the United States, acting by and through the Administrator of General Services, seeking by all lawful means the eventual creation of a Richard Nixon Library and

archival depository from such foundation, university or other organization which constructs, furnishes, equips and offers it to the United States for such use."

The Nixon Foundation, set up by Nixon in 1963 with the goal of creating a Presidential library and museum, has been dissolved. Patricia Kelly, vice chairman of the group, said on Feb. 17 that its trustees approved a plan to dissolve and turn the assets of the foundation over to Whitler College, Nixon's alma mater, which is collecting Nixon materials and papers.

Newly Formed

The foundation had not drawn up plans for a library at the time it was dissolved. Its assets are not known.

A previous Nixon donation of pre-presidential papers became one of the centers of controversy while he was still in the White House.

On his 1969 income tax return, Mr. Nixon claimed a large deduction for the earlier donation.

A new law covering such donations carried a July 25, 1969, cutoff date. Income tax materials indicating that the donation was made before that time were submitted.

However, those materials were later determined to have been illegally back-dated, since Mr. Nixon did not formally relinquish the papers until after the cutoff.

Edward L. Morgan, the law firm's partner who back-dated the deed, was later sentenced to four months in prison and 20 months probation. Mr. Morgan's 1969 tax return stated that he had given the Government papers and other materials valued at \$576,000. He claimed a deduction of \$95,000 since he pleaded guilty to a 20% tax cut that year and said the amount would be carried over to future years. This was disallowed.

This seems to me to say Nixon's offer "is conditioned upon the United States ... seeking ... the eventual creation of a Richard Nixon Library" by some organization and after it is built, etc., accepting it.

If this is the meaning, does the acceptance of the material by Sampson commit the government to "seek" the creation of this library?

Non-legal legal opinion solicited.

JW