



The Library
UNIVERSITY OF OREGON
Eugene, Oregon 97403

503/686-3060

10 February 1978

Mr. Harold Weisberg
Rt. 12
Frederick, Maryland 21701

Dear Mr. Weisberg:

Thank you for your very good letter, and for the welcome news based on the released material. Wisconsin is most fortunate and doing the right things, for which you must be very grateful.

It seems to me that your problem, and that of Wisconsin, rests with the Tax Reform Act of 1969, signed by Nixon into law. It was this law which Nixon tried to avoid when he backdated his gift of manuscripts.

Basically the law states that the creator of manuscript materials can no longer be given the same tax benefit previously received by the creative or creating individual. IRS says that those files, letters, documents, etc. which once had a fair market value are worth to you, in tax terms, only the pen, ink, paper, and such which you expended in creating them. This, I regret, is probably true of all the supporting evidence which you assembled, too.

What makes the present law doubly unfair is that the moment the creating or creative individual dies, the material becomes a taxable asset within the estate, even though IRS declared the material almost valueless as long as the individual was alive.

As a concerned librarian, it would seem perhaps wisest for you to loan the materials to Wisconsin either (1) until you see a time when it is more advantageous for you to make an outright gift, such as if the law is changed or, (2) until your death, with specific provision in your will that the material then becomes the property of Wisconsin. There may be some tax advantage to the latter for Mrs. Weisberg.

Your situation is far from unique, and many voices are raised in loud complaints to Congress.

Very sincerely,

Edward Kemp

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ek/gm