The Future of Presidential Libraries: Assessing Alternative Models from a Legal Research Perspective

The dedication of a library is in itself an act of faith. To bring together the records of the past and to house them in buildings where they will be preserved for the use of men and women in the future, a Nation must believe in three things. It must believe in the past. It must believe in the future. It must, above all, believe in the capacity of its own people so to learn from the past that they can gain in judgment in creating their own future. – Franklin Delano Roosevelt.¹

Introduction

As he spoke those words in Hyde Park, New York on June 30, 1941, Franklin Delano Roosevelt ushered in the era of the presidential library. Over the past seventy years, the presidential library system² has evolved into a network of thirteen libraries located in diverse settings throughout the United States, from bustling college campuses (Lyndon Johnson, Gerald Ford and George H.W. Bush libraries) to sun-drenched Southern California vistas (Richard Nixon and Ronald Reagan libraries). A closer inspection of these facilities reveals that the term “presidential library” is a misnomer. Presidential libraries are not libraries in the traditional sense, as a visitor cannot simply walk into the facility and check out materials. Instead, presidential libraries consist of two distinct components: a museum and an archival depository.³

² For purposes of this paper, the terms “presidential libraries” and “presidential library system” refer to the libraries overseen by the National Archives and Records Administration’s Office of Presidential Libraries, which includes 12 existing libraries (Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, George H.W. Bush and Clinton) and the future George W. Bush Presidential Center (construction projected to commence in late 2010). For an overview of the presidential library system, see The National Archives, Learn About Presidential Libraries, http://www.archives.gov/presidential-libraries/about/ (last visited May 12, 2010). Several other presidents, including Abraham Lincoln, have had libraries organized on their behalf that are not officially sanctioned by the Office of Presidential Libraries. See Scott Koerwer, Spotlight on Presidential Libraries, INFORMATION TODAY, June 2007, at 49, 49.
While they may not fit the usual definition of a library, one cannot underestimate the valuable research materials contained in presidential libraries. The archival holdings of presidential libraries include millions of pages of official presidential papers and records, along with various other historical materials, such as audio and video recordings and gifts of state.\(^4\) As history buffs and high school field trips file through the presidential museums to look at a replica of John F. Kennedy’s Oval Office, Lyndon Johnson’s presidential limousine, the actual Air Force Once flown by Ronald Reagan and thousands of other artifacts\(^5\), researchers hunker down in the library archives in search of official documents to support their scholarly projects. As they dig deeper into the voluminous archival materials, researchers quickly learn that presidential libraries offer unparalleled access to the inner workings of the White House.

As presidential libraries have grown in number over the years, the costs associated with the facilities have also increased dramatically. Maintenance of the presidential libraries costs American taxpayers approximately $60 million per year.\(^6\) Each new presidential library exceeds the size and cost of its immediate predecessor.\(^7\) For example, the $165 million William J. Clinton Presidential Library and Museum cost twice as much as George H.W. Bush’s building\(^8\), and the proposed George W. Bush Presidential Center, a 227,000 square-foot complex to be built on the campus of Southern Methodist University, will cost an estimated $300 million.\(^9\)

The escalating costs of presidential libraries have placed the current system in flux. Eager to reduce the economic burden on the federal government, Congress recently enacted the Presidential Historical Records Preservation Act\(^10\), which required the Archivist of the United States to prepare a report on alternative models for presidential libraries. In response to this legislation, the National Archives and Records Administration (”NARA”) has produced an extensive report examining potential improvements to the presidential library system. Released on September 25, 2009, the Report on Alternative Models for Presidential Libraries Issued in Response to the Requirements of PL 110-404 (the “NARA Report”) sets forth five alternative models to

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\(^4\) The Clinton Library alone holds over 76,000,000 pages of text, 18,000,000 photographs, 12,000 hours of videotape, 5,000 hours of audiotape and 75,000 museum objects. National Archives and Records Administration, Frequently Asked Questions About Presidential Libraries, http://www.archives.gov/presidential-libraries/faqs/#14 (last visited May 11, 2010).

\(^5\) In total, the presidential libraries house over 500,000 artifacts. National Archives and Records Administration, The Presidents are Expecting You, http://www.archives.gov/presidential-libraries/about/brochure.pdf (last visited May 11, 2010).


\(^7\) Id. at 74.

\(^8\) Id. at 110.

\(^9\) Steve Campbell, Behind the Scenes at the Bush Library, FORT WORTH STAR-TELEGRAM, December 17, 2009, at B1. Accounting for inflation, George W. Bush’s library may end up costing fifty times as much as Harry Truman’s library. BENARDO & WEISS, supra note 6, at 74.

the current system of presidential libraries. The NARA Report analyzes the advantages and disadvantages of each proposed alternative model, yet curiously does not make a final recommendation on which model should be adopted in the future.

Although it declines to endorse a specific presidential library model, the NARA Report does provide some guidance for evaluating the five alternatives. NARA urges readers of the report to consider that presidential libraries serve a “diverse constituency” of scholars, museum visitors, students and individuals who use the library websites. Noting this varied audience, NARA states, “The models laid out in this report provide very different experiences for very different groups of users.” When assessing the proposed models, NARA emphasizes that one must focus on the individuals and groups that frequent presidential libraries and what their experience at the library should be.

Following the advice of the NARA Report, this paper will analyze each of the alternative models from the perspective of a particular type of presidential library user: legal researchers. Part I of the paper provides a brief description of the current presidential library system and the relevant legislation that governs ownership and access to presidential records. Part II focuses on the role of presidential libraries in legal research. This section includes a summary of various legal issues involving former presidents and offers examples of presidential library materials that may prove useful for legal researchers. Part III describes each of the five alternative models discussed in the NARA Report. Finally, Part IV analyses the models to determine which of the five offers the most benefits to the legal research community.

I. The Current Presidential Library System

Overview

The current model for presidential libraries can be accurately described in four words: “privately built, publicly maintained.” Franklin Roosevelt established this model when he created a private foundation to raise funds for the construction of his library. The completed library was then turned over to the government to be operated by NARA.

Following the example set by Roosevelt, every subsequent president has elected to build a library. Herbert Hoover, who held office before Roosevelt, also chose to establish a

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12 Id. at 55.
13 Id. at 54.
14 Id. at 54–55.
15 Cochrane, supra note 3, at 60.
17 Id.
library twenty-one years after completion of the Roosevelt library. The thirteen presidential libraries span the entire United States, from John F. Kennedy’s library in Massachusetts to Ronald Reagan’s library in California. Each facility is overseen by the Office of Presidential Libraries under the direction of the Assistant Archivist for Presidential Libraries. The Assistant Archivist receives support from the Presidential Materials Staff, which assists with coordination of access and declassification programs for the libraries. The Presidential Materials Staff also coordinates the transfer of presidential records from Washington, D.C. to the chosen library site. The Archivist of the United States, in consultation with the former presidents and their foundations, selects a director for each library. The majority of presidential library directors have been historians, archivists, librarians or public administrators.

**Relevant Legislation**

Congress passed the Presidential Libraries Act of 1955 to institute the framework for construction of presidential libraries. The Presidential Libraries Act established a private/public partnership through which the president assumes responsibility for raising the necessary funds to construct the facility and deeds his papers to the federal government. The Archivist of the United States accepts the president’s papers and agrees to maintain the library.

Amid growing concerns about the size and costs of the libraries, Congress amended the Presidential Libraries Act in 1986. Under the terms of the revised legislation, the donor of the presidential archival depository (i.e., the president’s private foundation) was required to provide an endowment equal to 20% of the cost of the facility for libraries up to 70,000 square feet. The endowment was used to offset the costs of library operations and maintenance. If a library exceeded 20,000 square feet, the endowment would increase incrementally until it reached 100% of the cost of the facility. The required endowment was subsequently increased to 40% in 2003 and was increased again in 2008 to 60% of the cost of a facility up to 70,000 square feet.

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20 Id. at 15–16.
21 Id. at 16.
22 Id. at 21.
23 Id.
25 BERNARDO & WEISS, supra note 6, at 76.
26 Id.
27 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 10.
28 Id.
29 Id.
30 Id.
31 Id. at 11. President Barack Obama’s library will be the first facility subject to the 60% endowment requirement. Id.
The Presidential Libraries Act is not the only legislation to impact presidential libraries. Congress resolved the issue of ownership of presidential records through enactment of the Presidential Records Act of 1978.\textsuperscript{32} Pursuant to the Presidential Records Act, official records of the president become property of the United States upon their creation.\textsuperscript{33} This act eliminated the centuries-old understanding that presidential papers constituted the private property of the presidents.\textsuperscript{34} As soon as a president leaves office, legal custody of the presidential records transfers to NARA.\textsuperscript{35}

\textit{Sources of Funding}

In addition to the endowment discussed above, presidential libraries receive funding from several other sources. The NARA Report details the primary sources of funding for presidential libraries:

• Base Appropriations - Each year Congress appropriates funds for the operation of NARA.\textsuperscript{36} These government funds are used for “staffing, administration, security, upkeep, maintenance, and renovation projects of the Presidential Libraries.”\textsuperscript{37}

• Trust Fund Revenue – The presidential libraries generate revenue through admission fees and merchandise sales.\textsuperscript{38} Such revenue is placed in the National Archives Trust for use by the libraries.\textsuperscript{39} The libraries use this revenue to pay the salaries of admission staff and support exhibits and public programs.\textsuperscript{40}

• Gift Funds – Presidential libraries receive donations from individuals and groups for specific projects or programs.\textsuperscript{41}

• Foundation Support – After raising the funds for construction of the presidential libraries, private library foundations continue to support the

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  \item \textsuperscript{32} 44 U.S.C. §§ 2201–2207 (2006).
  \item \textsuperscript{33} Id. § 2202.
  \item \textsuperscript{34} See NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 12. Prior to the establishment of the current presidential library system, the Library of Congress collected and saved the papers of many former presidents. Id. Appendix B of the NARA Report lists the locations of the papers of each president.
  \item \textsuperscript{35} 44 U.S.C. § 2203(f)(1).
  \item \textsuperscript{36} NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 14. In the 2008 fiscal year, Congress appropriated $63,944,800 to cover the costs of operating the presidential libraries. Id.
  \item \textsuperscript{37} Id.
  \item \textsuperscript{38} Id.
  \item \textsuperscript{39} Id. at 18.
  \item \textsuperscript{40} Id. at 14. In the 2008 fiscal year, the presidential libraries used trust fund revenue to offset $7.9 million in operating costs. Id. at 18.
  \item \textsuperscript{41} Id at 14.
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libraries by contributing funds for programs, exhibits, staff and special projects.\textsuperscript{42} Since the inception of the presidential library system, NARA has received approximately $400,000,000 (adjusted for inflation) in facilities and equipment from private foundations.\textsuperscript{43}

An understanding of the structure, legislative framework and funding sources of the current presidential library system is essential to an analysis of possible revisions to the library model. The strengths and weaknesses of the proposed alternative library models cannot be properly assessed without determining if they represent an improvement to the existing system.

II. The Role of Presidential Libraries in Legal Research

At first glance, one may not associate presidential libraries with the field of legal research. However, a review of the history of the presidency reveals that the Oval Office has been the setting for significant constitutional law battles. In particular, the actions of certain presidents have sparked vigorous debates over the powers and scope of the executive branch of the government. Examples of legal issues involving the office of the presidency include the following:

\textit{Executive Privilege}

Beginning with the administration of George Washington, presidents have relied on executive privilege to withhold information from the legislative and judicial branches of government.\textsuperscript{44} The exercise of executive privilege has generated substantial interest among constitutional scholars. Much of the dispute over the legitimacy of this presidential power focuses on the fact that the term “executive privilege” does not appear in the Constitution.\textsuperscript{45} Supporters of executive privilege counter the claims of critics by arguing that the president’s right to withhold information is an implied power under Article II of the Constitution.\textsuperscript{46} The argument over the scope of executive privilege carried over to the courtroom during the administrations of Richard Nixon and Bill Clinton.

The most notable legal dispute over executive privilege occurred during the Watergate scandal that toppled the presidency of Richard Nixon. Faced with a subpoena to turn over audio recordings of conversations held in the Oval Office, Nixon claimed that

\textsuperscript{42} Id.
\textsuperscript{43} Id. at 17.
\textsuperscript{44} Mark J. Rozell, \textit{The Law: Executive Privilege: Definition and Standards of Application}, 29 PRESIDENTIAL STUD. Q. 918, 918 (1999). Rozell notes that George Washington first addressed the issue of executive privilege in 1791, when he determined that the Constitution permitted the president to withhold information from Congress, provided that it was in the public interest to do so. \textit{Id.} at 920.
\textsuperscript{45} See \textit{id.}. The Eisenhower administration was the first to use the term “executive privilege.” \textit{Id.} at 923.
\textsuperscript{46} See \textit{id.} at 920.
Executive privilege allowed him to refuse to release the tapes.\textsuperscript{47} In a landmark ruling, the Supreme Court rejected Nixon’s claim of executive privilege and ordered the release of the tapes.\textsuperscript{48}

Executive privilege was also a significant issue during the Clinton Administration. During Independent Counsel Ken Starr’s investigation of Whitewater and the Monica Lewinsky affair, Clinton claimed executive privilege on multiple occasions to refuse the release of documents and prevent the testimony of White House aides.\textsuperscript{49} The dispute between Clinton and Starr over the president’s use of executive privilege resulted in several court cases.\textsuperscript{50}

\textit{Presidential Immunity}

Executive privilege was not the only source of legal disputes during the Clinton White House years. The issue of presidential immunity also impacted the Clinton presidency. In 1994, Paula Jones filed a civil lawsuit against the president, alleging sexual harassment and assault.\textsuperscript{51} Clinton responded by filing a motion to dismiss, citing presidential immunity from civil suits.\textsuperscript{52} The case eventually reached the Supreme Court, where the justices unanimously held that the Constitution does not provide the president with temporary immunity from civil litigation arising out of private actions that occurred before the president took office.\textsuperscript{53}

\textit{Presidential Pardons}

For over 200 years, scholars and jurists have debated the merits of the presidential clemency power.\textsuperscript{54} Pursuant to Article II of the Constitution, the president has the power

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\textsuperscript{47} George Hodak, \textit{The “Saturday Night Massacre”: October 20, 1973}, ABA JOURNAL, October 2007, at 72, 72.


\textsuperscript{51} Fisher, supra note 49, at 701.

\textsuperscript{52} Id.

\textsuperscript{53} Clinton v. Jones, 520 U.S. 681, 692–710 (1997). Jones’s lawsuit was eventually dismissed for failing to establish her sexual harassment claims. Fisher, supra note 49, at 702–03. After filing an appeal, Jones settled with Clinton for $850,000. Id. at 703.

\textsuperscript{54} See Jeffrey Crouch, \textit{The Law: Presidential Misuse of the Pardon Power}, 38 PRESIDENTIAL STUD. Q., 722, 723–24 (2008). In this essay, Crouch traces the history of the president’s power to issue pardons for criminal offenses. Crouch identifies Alexander Hamilton as an early proponent of presidential pardons. See id. at 723. Hamilton argued in Federalist No. 74 that “a well-timed offer of pardon…may restore the tranquility of the commonwealth.” Id. (quoting THE

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to grant pardons for offenses against the United States, except in the case of impeachment. In a detailed essay on presidential pardons, Professor Jeffrey Crouch provides examples of misuse of the pardon power by three recent presidents (George H.W. Bush, Bill Clinton and George W. Bush). Crouch argues that George H.W. Bush’s pardons of several government officials involved in the Iran-Contra affair started a trend of presidents using their pardon power to protect their personal interests. In the case of Bill Clinton, Crouch notes that the president pardoned a number of executive officials, as well as his brother, Roger Clinton, and fugitive financier Marc Rich. The pardon of Rich, in particular, generated substantial controversy after it was revealed that Rich’s ex-wife had donated almost $500,000 to Clinton’s presidential library.

The issue of presidential pardons again garnered national attention during George W. Bush’s second term. In the aftermath of the scandal surrounding the leak of Valerie Plame’s identity as a CIA agent, Bush commuted the prison sentence of Scooter Libby, former chief of staff to Vice President Dick Cheney. By granting a commutation rather than a full pardon, Bush allowed Libby to invoke his Fifth Amendment right against self-incrimination to avoid answering questions about White House meetings that he attended.

Torture

The Bush Administration’s prosecution of the war on terror has also sparked significant debate over the legality of the United States’ treatment of detainees in Afghanistan and Guantanamo Bay, Cuba. In particular, the government has faced severe criticism over its use of enhanced interrogation techniques such as waterboarding. While the Bush White House claimed such tactics were necessary tools in their efforts to protect the country from terrorism, critics have condemned such actions as illegal torture. The legitimacy of the actions of government interrogators has become not only a moral issue, but also a legal one, as the Bush Administration relied on memoranda prepared by Justice

FEDERALIST NO. 74 (Alexander Hamilton)). Crouch also notes that the Supreme Court first addressed the issue of presidential pardons in 1833. Id. at 724 (citing United States v. Wilson, 32 U.S. 150, 163 (1833)).

57 Citing a Bush diary that indicated that former Secretary of Defense Caspar Weinberger may have wanted to call him as a witness at his trial, Crouch suggests that Bush could have pardoned Weinberger to avoid having to testify at trial. See id. at 730.
58 Id. at 731.
60 Id.
61 Id.
Department attorneys as justification for their treatment of detainees. After their release to the public, the memoranda endured harsh criticism from some legal scholars, who found significant flaws in the legal analysis of the government’s lawyers. The legal ramifications of the torture memoranda became front-page news once again with the recent release of a Justice Department report that concluded that the authors of the memoranda did not commit professional misconduct. As the United States continues to battle terrorism in Iraq, Afghanistan and beyond, the legal limits of prisoner interrogation and detention will remain a prominent issue.

The aforementioned issues have generated a substantial amount of legal scholarship. Multiple law review articles have been written on executive privilege, presidential immunity, presidential pardons and torture. As future presidents take office and test the limits of executive power, new constitutional law issues will inevitably arise. In turn, legal scholars will offer their analysis of such issues in law review articles and books. Like all scholarly publications, these articles and books will require copious amounts of

64 For a discussion of the Justice Department memoranda, see Jens David Ohlin, The Torture Lawyers, 51 HARV. INT’L L.J. 193 (2010). In these memoranda, often referred to as the “torture memos,” attorneys from the Justice Department’s Office of Legal Counsel argued that a number of severe interrogation techniques, including waterboarding, were permitted by law. Peter H. Shuck, Immunity, Not Impunity: Even Lawyers on the Wrong Side of History Should Have Their Views Protected, AMERICAN LAWYER, November 2009, at 51, 51.
65 See, e.g., Alvarez, supra note 63, at 179–221. In his article, Alvarez argues that the torture memos misconstrue the United States’ obligations under various treaties prohibiting torture (e.g., the Geneva Conventions), as well as customary principles of international law. Id.
66 See Eric Lichtblau & Scott Shane, Justice Department Report Finds John Yoo and Jay Bybee Not Guilty of Misconduct, N.Y. TIMES, February 20, 2010, at A1. Despite clearing the authors of misconduct, the Justice Department noted that the legal reasoning of the memorandum was flawed. Id.
research. Presidential libraries provide an ideal starting point for researchers seeking to uncover documents and other materials to support their central theses.

*Examples of the Use of Presidential Libraries for Legal Research*

The Iran-Contra affair serves as a prime example of how presidential libraries can facilitate legal research. A legal scholar working on a 25th anniversary retrospective of the Iran-Contra trials and subsequent presidential pardons can uncover a multitude of useful resources at the Ronald Reagan and George H.W. Bush libraries. The Reagan library has released over 5000 pages of Iran-Contra documents in response to Freedom of Information Act requests by researchers. In the Reagan archives, legal researchers will find the working files of the Tower Commission, a special review board appointed by Reagan to investigate the Iran-Contra affair, as well as records and files of White House staff members who worked for the Reagan Administration during the scandal and presidential diaries detailing meetings with key Iran-Contra players Oliver North, John Poindexter and CIA chief William Casey. By utilizing the selection of materials in the Reagan archives, a legal researcher can gain valuable insights into the government’s involvement in the Iran-Contra affair.

The George H.W. Bush library also contains a significant amount of pertinent information on Iran-Contra. The Bush library’s David Hoffman Collection contains an entire series dedicated to the affair. Materials found in the Hoffman Collection include documents made public by Independent Counsel Lawrence Walsh during his investigation, as well as the deposition submitted by President Reagan. Researchers can also find memoranda from White House Counsel C. Boyden Gray to President Bush regarding the pardons of Iran-Contra participants and drafts of Bush speeches on the pardons with White House staff comments. The Bush Library’s collection offers

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71 The Iran-Contra affair involved a secret agreement between the United States and Iran, whereby the United States sold arms to the Iranians and then used the funds to support rebel groups in Nicaragua. An investigation by Independent Counsel Lawrence Walsh resulted in the convictions of National Security Council member Oliver North and National Security Advisor John Poindexter (both convictions were later reversed). In 1992, President George H.W. Bush pardoned six government officials, including former Secretary of Defense Caspar Weinberger. For a detailed account of the Iran-Contra affair, see *The Iran-Contra Scandal: The Declassified History* (Malcolm Byrne & Peter Kornbluth eds., 1993).


73 Id.

74 David Hoffman was a *Washington Post* reporter who covered George H.W. Bush during his presidency. George Bush Presidential Library and Museum: David Hoffman Collection, http://bushlibrary.tamu.edu/research/finding_aids/donated_materials/david_hoffman.php#iran-contra (last visited May 9, 2010). The David Hoffman Collection consists of the research files used by Hoffman to support his reporting. Id.

75 Id.

researchers a unique window onto the decision-making process behind the Iran-Contra pardons.

The Iran-Contra affair is not the only legal research topic that can lead scholars to presidential libraries. If a legal researcher wanted to write a book on the three most recently confirmed Supreme Court justices (John Roberts, Samuel Alito and Sonia Sotomayor), he or she could find plentiful information in the presidential library system. In the case of Chief Justice John Roberts, the Reagan Library would be an ideal starting point to gather background information. In August 2005, the Reagan Library released over 50,000 pages of presidential records regarding Roberts, who worked as a lawyer in the White House counsel’s office during the Reagan presidency. The Reagan files contain memoranda prepared by Roberts on a number of significant topics, including abortion, civil rights and school prayer.

A search for documents pertaining to Justice Samuel Alito would lead our hypothetical author to the George H.W. Bush library. The library’s holdings include documents related to Bush’s nomination of Alito to the Third Circuit Court of Appeals. Examples of the types of materials contained in the Bush collection include correspondence tracking sheets, letters, memoranda, resumes and press releases.

The Bill Clinton library offers a wealth of information concerning Justice Sonia Sotomayor, who was nominated to the Second Circuit Court of Appeals by President Clinton in 1997. The Sotomayor files contain 5,032 pages of presidential records, including biographical information, court opinions, correspondence, news clippings and articles. Researchers can examine “more than 1,700 pages of Judge Sotomayor’s district court opinions, 1,200 pages of reports and speeches, and 450 pages of answers and supporting material from her appeal court questionnaire.” An additional 62 pages of records relating to Sotomayor’s nomination to the bench in the Southern District of New York can be found in the George H.W. Bush library.

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80 Id.
Iran-Contra and the Supreme Court justices are just two examples of the many legal topics that can be researched at presidential libraries. Each presidential library contains volumes of information on a multitude of issues addressed by that particular administration. Whether it be a law school professor working on a law review article about separation of powers or an attorney preparing to argue a constitutional law issue before a federal court, legal researchers should not neglect the invaluable materials available on the shelves and websites of the presidential libraries.

III. Alternative Models for Presidential Libraries

The movement towards a potential overhaul of the presidential library system began with the enactment of the Presidential Historical Records Prevention Act in 2008, which required the Archivist of the United States to prepare a report for Congress on alternative models for the presidential libraries. Congress sought alternative models that would “1) reduce the financial burden on the Federal Government, 2) improve the preservation of presidential records, and 3) reduce the delay in public access to all presidential records.” On March 24, 2009, NARA issued a release seeking comments and suggestions on potential modifications to the presidential library system. In response to their request for input, NARA received over 100 comments from interested individuals and organizations, including the American Association of Law Libraries, the American Library Association, the Association of Research Libraries, the Society of American Archivists and the National Coalition for History.

85 Id.
87 Comments received by NARA were dividing among the following categories: 1) professional societies and public-interest groups (9% of all comments), 2) community partners, civic leaders, and presidential foundations (9%), 3) educational community (41.5%), 4) users of presidential libraries and other members of the general public (40.5%). NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 56–58.
89 Id.
90 Id.
The comments submitted to NARA represented a wide range of opinions. Some comments endorsed the existing presidential library system, while others supported centralization of the presidential libraries and digitization of presidential records. Respondents also disagreed about the status of the museum portion of the presidential libraries, with some comments arguing for the privatization or elimination of the museums and others supporting continued government funding of the museums. According to NARA, these divergent opinions reflect the difficulty of developing alternative models that will satisfy the various presidential library stakeholders.

After completing its review of the current presidential library system and considering the assorted comments, NARA issued its final report on September 25, 2009. The NARA Report presents five alternative models for presidential libraries. In developing its alternative models, NARA notes the inherent tension between the three stated goals of the Presidential Historical Records Preservation Act. NARA states that “[a]lternative models for a Presidential Library that reduce the Government’s financial burden may not necessarily result in better preservation or quicker public access to Presidential records.” Similarly, an emphasis on increased access and improved preservation could generate greater costs to the government. With these competing interests in mind, NARA has submitted the following alternative models:

- Model #1 – Current library model with modifications to reduce the cost to the government
- Model #2 – Presidential archival depository leased and managed by NARA, with a separate museum managed by a presidential foundation
- Model #3 – Presidential archival depository donated to NARA by the presidential foundation, with a separate museum managed by the foundation
- Model #4 – Centralized presidential archival depository funded and managed by NARA
- Model #5 – Centralized presidential archival depository funded and managed by NARA, with an associated Museum of the Presidency

The five proposed models are discussed individually below.

93 See NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 3.
94 See id.
95 See id. at 4.
96 See id. at 3.
97 Id.
98 Id.
99 See id.
100 Id. at 4–5.
Model #1 – Current Library Model with Revolutions

The first of the proposed alternative models requires the fewest changes to the existing presidential library system. Model #1 preserves the public/private partnership that defines the current system. Presidents will continue to establish private foundations to raise funds for the construction of their libraries. Upon completion of construction, the foundation will donate the archival depository and museum to NARA, who assumes control of day-to-day operations.

While it maintains the central features of the current presidential library, Model #1 institutes some changes to the relationship between NARA and the presidential foundations. Describing this relationship as “different, continually evolving and not easily defined,” NARA will not accept a donation of a library facility from a presidential foundation without a written agreement defining the roles of both parties. The written agreement will be governed by three principles: 1) increased clarity in the roles, responsibilities and authority of NARA and the foundation, 2) commitment by the foundation to provide financial support for the library’s museum, outreach and educational programs and 3) library participation in foundation decisions relating to the library.

In addition to the written agreement between NARA and the presidential foundation, Model #1 also calls for the Presidential Libraries Act (or NARA regulations) to be amended to revise the calculation of the library’s required endowment. Under the Presidential Historical Records Preservation Act, the presidential foundation is required to provide an endowment equal to 60% of the cost of the portion of the building used and controlled by NARA up to 70,000 square feet. Model #1 revises this calculation by requiring an endowment equal to 60% of the cost of the entire building, including support space and space retained by the foundation. Unlike the current endowment calculation, the 60% requirement will not escalate for building space in excess of 70,000 square feet. The foundation will also be required to provide a separate endowment to support the library’s museum, public and educational programs.

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101 Id. at 31.
102 Id. at 32–35.
103 Id. at 32.
104 Id. at 33.
105 Id.
106 Id. at 34.
108 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 34.
109 Id.
110 Id. at 35. This additional endowment should equal $10 million or at least $400,000 annually. Id.
Model #2 – Archival Depository Leased to the Government with Separate Museum Operated by Foundation

Model #2 maintains the principal framework of the current system (archival depository + museum), but also incorporates some substantial changes. Under this model, NARA leases and operates an archival facility to preserve and provide access to presidential records and artifacts. The leased facility serves solely as an archival depository and will not contain any exhibit galleries or other program spaces. Instead of a NARA-run museum as found in the current library system, Model #2 provides for a separate museum facility to be operated by the presidential foundation. All museum, public and educational programs will be the responsibility of the foundation, with no participation or support from NARA.

Model #3 – Archival Depository Donated to NARA by a Non-Federal Entity with Separate Museum Operated by Foundation

Similar to the second alternative model, Model #3 calls for a museum to be operated by the presidential foundation rather than NARA. A separate archival facility will be constructed by the foundation, a university or other non-federal entity and then donated to NARA pursuant to a no-cost arrangement. The archival building will be dedicated only to the storage of records and artifacts; it will not include any space for exhibits or educational programs. Under Model #3, NARA bears responsibility for the operation and maintenance of the archives and will not receive an endowment from the foundation.

Model #4 – Centralized Archival Depository Operated by NARA

In a significant departure from the current presidential library system, Model #4 proposes the establishment of a centralized depository to hold presidential records and artifacts. The government will provide the financing for the construction of the central depository, which will be located in the Washington, D.C. area. Additionally, NARA will assume responsibility for preserving presidential materials in paper and digital formats.

111 Id. at 37.
112 Id.
113 Id. at 37–38.
114 Id. at 40.
115 Id.
116 Id.
117 Id.
118 Id. at 43.
119 Id.
120 Id. Funding of digitization projects by NARA would represent another change from the existing model, as presidential foundations, universities and grants currently pay a large portion of the cost of digitizing presidential records. Id.
Model #4 creates a geographical split between the presidential archives and museums. While presidential records will be located Washington, D.C., former presidents retain the option to build an independently operated museum in a location of their choosing. The NARA Report suggests that a presidential foundation, city, state or university could operate the museum.

Model #5 – Centralized Archival Depository with Museum of the Presidency

Similar to Model #4, the final alternative model also includes a federally funded central archival depository located in the Washington, D.C. area. In addition to the archival facility, the government will construct a Museum of the Presidency in Washington, D.C. Model #5 envisions a scenario in which the Museum of the Presidency forms a partnership with the Congressional Visitors Center and the White House Visitors Center to produce exhibits and programs on Congress and the President. The museum’s collection may include presidential materials provided by the central depository, as well as items loaned from various presidential libraries. The creation of the Museum of the Presidency will not preclude future presidents from establishing privately operated museums dedicated to their time in the Oval Office.

IV. Analysis of the Alternative Models from a Legal Research Perspective

Although it contains over 80 pages of analysis of the current presidential library model and potential alternatives, the NARA Report lacks one important element: an endorsement of a specific model for future presidential libraries. Rather than selecting one of the alternative models, NARA suggests a method for evaluating the five options. When assessing the utility of the five models, NARA observes, “The difficult and most crucial question which NARA and others must resolve before adopting any changes is what the focus of NARA’s mission for the Presidential Libraries and the study of the Presidency should be? Should NARA focus exclusively on the needs of the scholarly community or should NARA seek to reach a broader community to educate them about the American Presidency and our Government?” NARA further states that “[i]n evaluating this report, the reader needs to consider how broad NARA’s mission should be, what audiences should be served, and what their experience with a Presidential Library should be.” The guidance provided by NARA demonstrates the importance of identifying a specific audience and understanding its information needs before embarking on an analysis of the proposed models. Presidential libraries attract a sundry collection of visitors, including both researchers working on scholarly publications and tourists who

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121 Id. at 44.
122 Id.
123 Id. at 46. The NARA Report identifies the National Mall as a potential location for the museum. Id.
124 Id. at 47.
125 Id.
126 Id. at 30.
127 Id. at 54–55.
are simply interested in viewing the exhibits for pleasure. As a result of the divergent interests of the various library patrons, no single model will satisfy all interested parties.

As previously stated, this paper will evaluate the five alternative models from the perspective of legal researchers. Consequently, each model will be assessed on its ability to meet the needs of individuals seeking information on legal research topics. The NARA Report contains a discussion of the advantages and disadvantages of each proposed library model. Because of the unique priorities and interests of legal researchers, some of the disadvantages associated with a particular model will be of little concern to the legal research community. Likewise, certain advantages of a model will be of paramount importance to legal researchers, while generating little interest among other groups of library users.

The Mission of Presidential Libraries – Archive or Museum?

Before assessing the merits of the proposed alternative models, the threshold question raised by the NARA Report must be addressed. What is NARA’s mission with respect to presidential libraries? Presidential libraries have long carried out two distinct functions, serving as both a depository for the storage of presidential records and a museum for the display of exhibits and artifacts. Moving forward, should the archival or museum function take precedence? R. Bruce Craig, executive director of the National Coalition for History, offers a convincing answer: “The primary legislative mission and purpose of a presidential library is archival. The Office of Presidential Libraries’ primary goal should be simple and straightforward: to insure that the presidential documentary record is preserved and then made available to the public as quickly as possible.” Craig supports his viewpoint by citing Franklin Roosevelt’s original intent for constructing the first presidential library – the establishment of a facility to store his public and private papers for use by future generations.

Roosevelt recognized that scholars could benefit from access to his presidential records. In an acknowledgment of the value of access to presidential materials, Robert D. W. Connor, then Archivist of the United States, stated, “Franklin D. Roosevelt is the answer to the historian’s prayer.” Roosevelt’s words and actions made clear his view of the purpose of a presidential library: to ensure public access to presidential records.

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128 See id. at 35–48.
130 See id. Despite being advised by scholars to store his records in a variety of locations, Roosevelt insisted on housing the materials in one location. See Nancy Kegan Smith & Gary M. Stern, A Historical Review of Access to Records in Presidential Libraries, THE PUB. HISTORIAN, Summer 2006, at 79, 82. Roosevelt commented, “In an such general organization, public or private, such a collection would be a tail on the dog, and … my idea is to have the whole thing in a place by itself.” Id. (citing Letter from President Franklin D. Roosevelt to Keith Morgan (May 25, 1938), on file at National Archives and Records Administration, Office of Presidential Libraries).
In their response to NARA’s request for comments on the development of alternative library models, a group of sixteen organizations (including the American Association of Law Libraries and the American Library Association) supported the notion that the primary mission of presidential libraries is to facilitate access to presidential materials.\footnote{See American Association of Law Libraries et al., supra note 88.} Their letter read:

The legislative history of law governing public access to presidential records clearly sets forth the primary goal for NARA to increase public access to presidential documents. Congress passed the Presidential Libraries Act of 1955 in large part to ensure presidential papers are returned to and accessible by the public; Congress strengthened the concept by making explicit that presidential papers are the property of the public when it passed the Presidential Records Act of 1978. In 2008, Congress mandated that NARA take cost-saving measures related to the physical structure and operating expenses of the libraries, but to do so without jeopardizing public access to the material.\footnote{Id.}

By highlighting the intent of the relevant legislation governing presidential libraries, these organizations provide further evidence to support the argument that access to information should be NARA’s primary mission with respect to the presidential library system.

The case in favor of prioritizing NARA’s archival function grows stronger after one considers the inherent flaws in presidential museums. Preeminent presidential library scholar Benjamin Hufbauer has been critical of presidential museums, labeling them as “glorified shrines” designed by presidents and their supporters to portray their presidencies in an exceedingly positive light.\footnote{See Benjamin Hufbauer, Imperial Shrines: How Presidential Libraries Distort History, THE CHRISTIAN CENTURY, June 3, 2008, at 12, 13.} According to Hufbauer, the presidents’ influence over their museums undermines the credibility of the libraries, because “the history presented in the museums of presidential libraries often lacks balance and critical perspective.”\footnote{Benjamin Hufbauer, PRESIDENTIAL TEMPLES: HOW MEMORIALS AND LIBRARIES SHAPE PUBLIC MEMORY 139 (2005).} He cites numerous examples to support his thesis, such as the Roosevelt library’s treatment of the internment of Japanese-Americans during World War II (no display added until 1995), the Nixon library’s initial Watergate exhibit (omitted critical facts regarding Nixon’s wrongdoing) and the Reagan library’s approach to the Iran-Contra affair (archives contain relevant documents, but museum displays do not address the scandal).\footnote{See id. at 139–43.}
Another qualified voice, historian and former Nixon tapes archivist Maarja Krusten, raises the question of whether NARA should be in the museum business at all.\(^{137}\) She remarks, “Having no displays would reduce the need to interact with former presidents’ foundations.”\(^{138}\) As long as presidential libraries rely on private funds for financial support, NARA will struggle to maintain balanced exhibits and presentations as the presidential foundations exert their influence to protect the legacy of the former presidents.

Legal researchers are likely to agree that access to information must be regarded as the most important feature of any proposed library model. Researchers visit presidential libraries in hopes of uncovering crucial documents that will support their arguments on a particular topic. They are likely to breeze past the museum exhibits and head straight to the research rooms to examine materials. Consequently, the five alternative models proposed by NARA will be evaluated to determine which model best facilitates the search for and retrieval of information in an efficient manner.

The five alternative models can be divided into two camps: decentralized models and centralized models. Models #1, 2, and 3 represent decentralized models. Under these models, presidential materials will be spread throughout the country, as each individual presidential library will contain an archival depository dedicated to the storage of documents belonging to its namesake. In contrast, Models #4 and 5 offer a centralized approach in which presidential records and artifacts will be housed in a single archival depository.

**Decentralized Models**

In terms of accessibility of information, Models #1, 2 and 3 do not provide an optimal situation for legal researchers. If NARA elects to institute one of these models, presidential documents will continue to be stored in separate depositories at each library site. Currently, presidential archives are situated in all areas of the United States, including the East Coast (Roosevelt and Kennedy libraries), West Coast (Nixon and Reagan libraries), Midwest (Hoover, Truman, Eisenhower and Ford libraries), Southeast (Carter and Clinton libraries) and Southwest (Johnson and Bush libraries).\(^{139}\) The geographic sprawl of the presidential library system will only increase as future presidents leave office. President Barack Obama, for example, may select his birthplace of Hawaii as the location for his presidential library.\(^{140}\) If Sarah Palin launches a

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\(^{138}\) Id.

\(^{139}\) For a complete list of the locations of the presidential libraries, see National Archives and Records Administration, Visit the Presidential Libraries, http://www.archives.gov/presidential-libraries/visit/ (last visited May 9, 2010).

successful presidential campaign in the future, Alaska may also find itself as the home of a shiny new presidential library.

The decentralized nature of the first three alternative models creates a significant problem for researchers seeking documents relating to more than one president. NARA acknowledges this fact in its discussion of Model #1, noting that “[r]esearchers must travel to multiple cities to conduct research across Presidential Administrations, though the increasing availability of records on-line will diminish this disadvantage in the future.”

_New Republic_ writer Marty Peretz captures the daunting task facing a researcher working on a multi-president project by raising this scenario:

Imagine what a scholar of the Cold War has to do to see salient materials on the Cold War. First, he has to go to Hyde Park, N.Y. to Independence, Missouri, to Abilene, Kansas, to Boston, Massachusetts, to Austin, Texas, to Loma Linda, California, to Grand Rapids, Michigan, to Atlanta, Georgia, to who knows where George Bush I has deposited his clutter, to Little Rock, Arkansas. Have I left anyone out?

Legal researchers may find themselves in a similar situation to that of Peretz’s hypothetical Cold War scholar, as some of the legal topics previously discussed herein (executive privilege, pardons) span multiple administrations.

The lack of centralization in the presidential library system also produces unequal levels of access among the various presidential libraries. At the Reagan, George H.W. Bush and Clinton libraries, each of which is subject to the Presidential Records Act, access to materials is governed by the Freedom of Information Act, with requests for documents processed on a first-come, first served basis. Because the Presidential Records Act was applied prospectively, libraries established before 1981 are not subject to its record processing requirements. These differing standards affect the processing of records at the various presidential libraries. Elaine Didier, director of the Gerald Ford library, highlights the issues created by the lack of uniform rules: “There are real differences in the role of archivists. We can exercise judgment as to when we process something. We try very hard to respond to [a] researcher’s area of interest. The

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2010, the Hawaii House Tourism, Culture and International Affairs committee passed a resolution urging President Obama to select Hawaii as the location of his library. _Id._

141 _NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra_ note 11, at 36.


144 See Smith & Stern, _supra_ note 130, at 96. Smith and Stern observe that “historical materials at NARA’s presidential libraries are now governed by three distinct legal instruments: donors’ deeds of gift for Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Ford and Carter; the [Presidential Recordings and Materials Preservation Act] for Nixon; and the [Presidential Records Act] for Reagan, George H.W. Bush, Clinton, and all subsequent presidents.” _Id._
Act] archives [are] process[ed] according to the Freedom of Information Act [FOIA] requests. They end up with fragments.”145

In a decentralized system of separate archival facilities, the sheer volume of materials stored at each library also influences access to records. Assessing the discrepancy in collection sizes, Robert Bohanan, deputy director of the Jimmy Carter library, notes that “we have 27 million pages of White House records. Eisenhower had 5 or 6 million.”146 The number of presidential records continues to grow with each subsequent administration. Two-term presidents, in particular, generate a larger amount of materials. For example, the Clinton archives include “48 million pages of emails and 70 million pages of textual records.”147 Due to the size and complexity of each individual collection, presidential libraries experience processing backlogs of varying degrees.148 The older Ford (approximately 70%149) and Carter (approximately 60%150) libraries have processed a far larger portion of their collections than the newer Reagan (approximately 9% through its first 5 years151), George H.W. Bush (approximately 7% through its first 5 years152) and Clinton (less than 1% through its first 5 years153).

The presidential libraries have been described as a “loosely knit confederation.”154 Models #1, 2 and 3 will preserve the decentralized nature of the current system by prolonging the practice of storing presidential records in separate archives located throughout the country. If presidential archives continue to operate as individual units, legal researchers and other scholars will have to deal with differing levels of access to information. This could prove to be a frustrating experience for researchers who seek materials from multiple libraries. As they travel from library to library in search of relevant documents, researchers will encounter increasingly larger information logjams as newer facilities struggle to process the vast amounts of records contained in their collections.

Centralized Models

In comparison the decentralized models, Models #4 and 5 offer far more benefits to legal researchers. Most significantly, these models require the establishment of a central archival depository to house presidential records. In its discussion of Model #4, the NARA Report states, “This model…facilitates comprehensive research, such as in issues that continue across administrations, or study in decision-making styles of different

145 Drake, supra note 143, at 50.
146 Id.
147 Id.
148 See Smith & Stern, supra note 130, at 101.
149 Drake, supra note 143, at 50.
150 Id.
151 Smith & Stern, supra note 130, at 101.
152 Id.
153 Id.
154 Fawcett, supra note 19, at 16.
A central facility will ease the burden on researchers by allowing them to view the papers of multiple presidents in a single location instead of traveling across the country to visit several different libraries. The transition to a centralized model may encourage more researchers to take advantage of NARA’s extensive collection of presidential materials, as a single trip to Washington, D.C requires far less time and money than a series of flights to the numerous library locations dispersed around the country.

Legal researchers will also benefit from the concentration of NARA staff at the central archives. With various presidential collections stored in a single building under a centralized model, archivists can be temporarily reassigned from one collection to another to address special information requests. At the facility, researchers faced with complex questions can seek help from NARA staff members who are experts on a wide variety of research topics. Access to the expertise of NARA archivists will enhance researchers’ ability to locate information in an expedient manner.

A centralized presidential library system will also facilitate the declassification of government documents. Classified materials present a substantial obstacle to the research community, with approximately 40 million pages of classified records currently held in presidential libraries. In an attempt to improve the declassification process, NARA has partnered with the Central Intelligence Agency to establish the Remote Archives Capture Project ("RAC"). As part of the RAC, classified documents are scanned at the various presidential libraries and submitted to the appropriate agencies in Washington, D.C. for declassification review.

While the RAC has made progress in the declassification of presidential records, with over 4 million pages of materials scanned to date, a centralized archival depository can improve the process even more. NARA recognized this prospect when discussing the advantages of Model #4. By moving classified presidential documents to the central depository, NARA can keep the materials in close proximity to the recently announced National Declassification Center. Working together at their facilities in the D.C. area,

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155 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 45.
156 Id. at 44.
157 Id. at 45.
158 Id. at 28. The presidential libraries’ classified holdings, which are “among the highest-level, most historically-significant documents in the Federal Government,” include the records of the National Security Council and numerous other materials sent to the White House by federal agencies. Id.
159 Id.
160 Id.
161 Id.
162 Id. at 43. On December 30, 2009, Archivist of the United States David S. Ferriero announced the creation of the NDC, which is designed to streamline the declassification process. See Press Release, National Archives and Records Administration, Archivist of the United States Announces Establishment of the National Declassification Center, December 30, 2009, http://www.archives.gov/press/press-releases/2010/nr10-33.html. Ferriero stated, “The Federal Government has reached a watershed moment in records declassification...By streamlining the
central depository archivists and the NDC can coordinate their resources and expertise to declassify materials efficiently and expediently.  

Several interested parties have endorsed centralized declassification. In their joint letter to NARA, the American Association of Law Libraries, the American Library Association and the Association of Research Libraries urged the government to pursue a centralized approach to declassification. According to these organizations, “Adopting central processing of presidential records could potentially have a significant positive effect on public access and preserve NARA’s resources.” The National History Coalition also stressed the importance of centralization in its comments to NARA, arguing that “[c]entralizing declassification activities at a single entity within NARA would help alleviate logjams caused by multiple agency review of equities, inconsistent application of declassification criteria and foster the development of a cadre of declassification specialists.” By making a large volume of presidential records available in a timelier manner, centralized declassification will provide a significant benefit to legal researchers and the rest of the research community. NARA can make a vital contribution to this process by selecting a presidential library model that includes a central archival depository.

Model #4 v. Model #5 – Which is the Better Option?

A centralized model based on a single archival depository clearly offers a number of benefits to a legal researcher. But which of the two models that contain a central depository – Model #4 or Model #5 – will have most positive impact on legal researchers? The solution can be ascertained by looking at NARA’s cost analysis of the proposed models.

As part of its assessment of the alternative library models, NARA conducted a detailed preliminary cost analysis of each option. According to this analysis, Model #4 offers the greatest cost savings to the government. Over a 75-year period, Model #4 is projected to yield savings of $850 million. Model #5, which requires construction of the central archives and a Museum of the Presidency, is projected to generate savings of $419 million. The significant gap in savings between the two models provides a compelling argument in favor of Model #4. NARA may apply the additional savings in a variety of creative ways, including support for the operations of the NDC. In its comments, the NDC will usher in a new day in the world of access, allowing the National Archives to make more records available for public scrutiny much more quickly.”

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163 See NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 43.
164 American Association of Law Libraries et al., supra note 88.
165 Id.
166 National Coalition for History, supra note 92.
167 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 53.
168 Id. at 51–52.
169 Id. at 52.
170 The savings produced by the other three models also do not compare to Model #4. Model #1 is projected to create savings of $394 million, while Model #3 expects savings of $254 million. Id. at 51. Model #2 is actually projected to result in a $111 million loss over a 75-year period. Id.
of ways. Two particular areas, archival staff and digitization projects, could benefit greatly from increased funds.

Day after day, archivists at the presidential libraries work diligently to process presidential records so they can be made available to the public. Increased staffing will improve the rate of document processing. Presidential library experts such as R. Bruce Craig and Benjamin Hufbauer have advocated an increase in the number of library archivists to reduce the backlog of records. Echoing this theme, the NARA Report makes an insightful suggestion regarding the deployment of archivists. Under Model #4, the presidential libraries will not require as many personnel dedicated to facility operations, administrative support and research rooms, because these functions will be carried out in the central depository rather than at each of the libraries. Instead of reducing the overall number of library staff, NARA recommends that staff members whose positions are no longer essential be reassigned to processing and other collection management functions. With additional manpower dedicated to reviewing and processing the libraries’ collections, NARA can improve its ability to meet the goal of making presidential materials available to the public as quickly as possible.

Just as archival staffs will benefit from additional resources, library digitization projects will also profit from an influx of funds. Libraries have placed a greater emphasis on digital resources in order to meet the information needs of increasingly tech-savvy users. Presidential libraries are not immune from the digital revolution, and several have launched initiatives to digitize full collections of presidential records.

The impact of digitization is prominently displayed on the Presidential Timeline of the Twentieth Century website (www.presidentialtimeline.org). Drawing on materials from the presidential libraries, the Presidential Timeline contains over 1,000 digital objects relating to the presidents, including documents, photos and video and audio recordings. The website, which has been described as “dynamic and visually engaging,” allows users to view primary and secondary resources via a single mouse-click or keyword search. The Presidential Timeline illustrates the efficacy of digitization by allowing researchers to access information from numerous presidential administrations without leaving the comfort of their homes.

The ample benefits of digitization do not come without a price. NARA has incurred “intensive cost[s] in time and resources” in its initial efforts to convert paper records to a

171 See Craig, supra note 129, at 84 (recommends the use of library revenues to hire contract archivists to process records); Hufbauer, supra note 134, at 13 (“More archivists..need to be hired to process presidential records.”).
172 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 54.
173 Id.
174 The Roosevelt, Truman, Kennedy and George H.W. Bush libraries have formed partnerships with corporations and universities to facilitate the digitization of their collections. Id. at 30.
175 Id.
The delicate process of converting sensitive documents to digital records requires a substantial commitment of both time and technology. Discussing the difficulties of digitization, Sharon Fawcett, assistant archivist for presidential libraries, observes, “We do not have the technology for scanning equipment that can handle our original documents without hurting them. Scanning has to be done one page at a time.” How can NARA address the challenges of digitization? Investment in cutting-edge technology and a greater number of staff members dedicated to digitization projects will be a strong starting point. Model #4 provides NARA with the financial flexibility to pursue this course of action.

An increased focus on staff resources and digitization projects will enable NARA to make presidential materials available to a wider audience of interested parties, including legal researchers. Such extensive initiatives cannot be completed without a sizeable financial commitment. The cost savings generated by Model #4 can help make NARA’s goal of providing broad public access to its presidential collections a reality.

While critics may point to the fact that presidential museums will be eliminated under Model #4, such an argument is likely to be proved inaccurate. Although NARA will no longer operate presidential museums under this model, future presidents are free to establish their own museums using private funds. The legacy of a president is not solely defined during their years in the Oval Office. Upon leaving office, presidents continue to seek favor among the American people. Benjamin Hufbauer refers to the phenomenon of the “Final Campaign”, a former president’s attempt to achieve admiration and esteem from the public after his time in the White House has come to end. A presidential library serves as the centerpiece of the Final Campaign by providing “an impressive building in a cinematic setting from which to conduct a postpresidential career.” Even in the absence of federal funding, future presidents are unlikely to resist the temptation to construct lavish museums dedicated to the celebration of their achievements in office. Proponents of presidential museums can therefore rest easy. Model #4 will not signal the downfall of the museum component of presidential libraries.

Conclusion

A wide array of documents available in a single location. An extensive digital collection accessible from any computer. A dedicated staff with multiple areas of expertise. These are key resources that can assist legal researchers in their quest to find salient information in NARA’s presidential collections. Of the five proposed alternative models for the presidential library system, Model #4, with its central archival depository and considerable long-term cost savings, provides the best opportunity for NARA to make certain that the research community enjoys the benefits of these resources.

177 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, supra note 11, at 5.
178 Drake, supra note 143, at 50.
179 See HUFBAUER, supra note 135, at 178.
180 Id.
At its heart, NARA is an organization devoted to preserving historical records and making them available for research. Presidential libraries are a wonderful resource for researchers in search of primary and secondary resources relating to the presidency. In its current state, however, the presidential library system does not provide optimum conditions for researchers, as many documents are unavailable due to lengthy backlogs. Compounding the problem, the documents that have been processed are scattered throughout the country at the various library locations. By embracing Model #4, NARA will take a significant step towards alleviating these problems and accomplishing its mission of providing timely access to presidential materials for generations to come.