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## Presidential Documents

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# Reviews

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## Presidential Documents

The United States' Presidential Libraries house large archives that hold some of the most important documents and records of the country's past. Some of the most controversial issues in our nation's history, such as Watergate and the Iran-Contra records, can be found in these archives. The museums and archives in these libraries are separate entities, but they work together to represent a truthful outlook on their president's legacy. Archivists preserve, organize, and prepare presidential materials for public viewing, while curators use those materials in their exhibits for public presentation. The Libraries are the key holders for all documents once a president finishes their term. Although many of these items are archived, controversy over who has access to them remains an issue. Archivists should have access to all presidential materials, political and private, for preserving presidential history and a truthful representation of Presidential legacy.

Presidential libraries did not always exist. The first presidential library began with President Franklin D. Roosevelt. Roosevelt had wanted to share his personal collections, as well as his presidential documents, with the public. Before Roosevelt, presidents had "donated their papers to the Library of Congress, state historical societies, or universities...some presidents sold their papers; and some papers were even destroyed."<sup>1</sup> Roosevelt instead felt that the public should have the right to view and access his papers. He used a building (which he already owned) to build the first presidential library in 1939.

After Roosevelt had established this first library, following presidents have built their own as well. The United States' presidents and government felt that it was important to preserve presidential histories and share them with the public by building these libraries and archives. In 1955, congress passed the Presidential Libraries Act to help influence presidents to donate their records to the government and open up their own libraries. The archives were then placed in the hands of the National Archives and Records Administration (NARA). Today, there are a total of thirteen presidential libraries affiliated with the National Archives.<sup>2</sup>

Until 1978, United States presidents owned the rights to all their records. It was up to them as to whether or not they wanted to donate

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<sup>1</sup> Nancy Kegan Smith and Gary M. Stern, "A Historical Review of Access to Records in Presidential Libraries," *The Public Historian* 28, no. 3 (2006): 81.

<sup>2</sup> "National Archives and Records Administration," accessed March 15, 2014, <http://www.archives.gov/locations/>.

their documents. Richard Nixon's attempt to destroy evidence of his Watergate scandal changed the way presidential materials and records were handled. After resigning, due to threat of impeachment, Richard Nixon signed an agreement with the Administrator of the General Services Administration. This agreement "granted Nixon legal title to the materials, including the right not only to control access to them but also to destroy them."<sup>3</sup> Congress responded by passing the 1974 Presidential Recordings and Materials Preservation Act, which kept Nixon from demolishing his tapes.<sup>4</sup> If congress had not done this, those documents would not be available today for research, or as evidence of Nixon's reason for his resignation from the presidency. The National Archives and Records Administration had issued an agreement with the Nixon Library, in Yorba Linda, California, to become affiliated with them in 2007, and help the library update their Watergate exhibit.<sup>5</sup>

Nixon's attempt to destroy his tapes led Congress to find a better solution for protecting presidential records in the future. Congress initiated the Presidential Records Act (PRA) in 1978 to protect presidential records from being destroyed by future presidents. "The PRA changed the legal ownership of the official records of the President from private to public, and established a new statutory structure under which Presidents must manage their records."<sup>6</sup> Since the Watergate scandal and the enactment of the Presidential Records Act of 1978, presidents have been legally battling the American Historical Association, the American Library Association, and the National Security Archive over the rights to their documents.

President Ronald Reagan and President George H. W. Bush both challenged the Presidential Records Act in court. Reagan tried to destroy his Iran-Contra Affair records that had discussions about selling weapons to Iran. The Reagan administration wanted to clear the tapes out before Bush took over the presidency, even though the incoming administration wanted these items removed as well. A lawsuit conducted by the American Historical Association, American Library Associations and the National Security Archive, stopped the administrations from destroying these items.<sup>7</sup> Reagan was dropped from charges at the end of his term,

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<sup>3</sup> Bruce P. Montgomery, "Nixon's Ghost Haunts the Presidential Records Act: The Reagan and George W. Bush Administrations." *Presidential Studies Quarterly* 32, no.4 (2002): 792.

<sup>4</sup> Bruce P. Montgomery, "Presidential Materials: Politics and the Presidential Records Act," *The American Archivist* 66, no. 1 (2003): 105.

<sup>5</sup> "Richard Nixon Foundation," accessed March 15, 2014, <http://nixonfoundation.org/2012/07/the-facts-about-the-creation-of-the-watergate-exhibit-at-the-nixon-library/3/>.

<sup>6</sup> "National Archives and Records Administration."

<sup>7</sup> Bruce P. Montgomery, "Presidential Materials: Politics and the Presidential Records Act," *The American Archivist* 66, no. 1 (2003): 112.

but the lawsuit was still pursued on Bush. “On 6 January 1993, Judge Charles R. Richey ruled that the computer tapes containing copies of electronic messages by members of the Reagan and Bush administrations must be preserved like other government records.”<sup>8</sup> The Bush administration, eager to remove the electronic records before the incoming Clinton administration, made an agreement with archivist Don Wilson. This agreement gave Bush the authority over his records, which included allowing him to request destruction of the electronic files.<sup>9</sup>

In 2001, President George W. Bush initiated Executive Order No. 13233. This order was an attempt for “...removing the power from the archivist of the United States to authorize access to presidential records.”<sup>10</sup> Many protested against this, claiming that it was overriding the Presidential Records Act. Although many had tried to challenge the order, it remained in place until President Obama revoked it in his first year as President. George W. Bush’s attempts to take power back over presidential documents shows how important these documents are, not only to the people, but to the presidents as well.

Archivists dedicated to preserving presidential history are challenged with the complicated process of getting presidential documents ready for public viewing. They must deal with the Freedom of Information Act (FOIA) of 1966, which slows down the processing of records. FOIA allows the public the right to “obtain access to federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions.”<sup>11</sup> FOIA allows up to five years after a president is out of office before the documents are subject to its requests. The first five years is valuable for archives, because it gives them a chance to get the materials organized. Some documents, mostly those that could be controversial, can be held up to twelve years before they can be released. If there are any specific documents that are problematic, or are still sensitive even after twelve years, then a continued hold could be placed on the item. For classified documents, archivists have to give “agencies with ‘equities’ in the protected information a chance to argue against release.”<sup>12</sup> Even if these documents have reached the twelve year release time, another reason could be found for not releasing them. If they have been approved for release, they may still have to go through a process for desensitizing

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<sup>8</sup> Ibid., 116.

<sup>9</sup> Ibid., 119.

<sup>10</sup> Thomas James Connors, “Papers of the President or of the Presidency: Who Owns Presidential Records? Some Recent History and a Challenge,” *Portal: Libraries and the Academy* 2, no. 4 (2002): 653.

<sup>11</sup> “Freedom of Information Act,” accessed March 20, 2014, <http://www.foia.gov/about.html>.

<sup>12</sup> Kenneth Jost, “Presidential Libraries,” *CQ Researcher* 17, no. 11 (2007): 246.

them.

Another complicated issue for archives is that they do not have enough help for the amount of documents, materials, and records they are given. There are “80 million pages at the Clinton library...around 10 archivists each, for example, at the Reagan and Clinton Libraries.”<sup>13</sup> For this reason, it can create an even longer time span on certain items for release. Researchers can request certain items to be processed or released, but it still could take a long time before the items become available. Sharon K. Fawcett, President of the Libraries’ Archives, states that “ten archivists are able to process only about 250,000 pages per year.”<sup>14</sup> If the items have not yet been organized, then they cannot be open to the public. This is unfair for researchers who may be interested in learning about their presidents. It should be mandatory to have enough archivists to make sure these documents are preserved properly. The archives are also unable to accept new items from people who may have known the president. This is because there is not enough time to process any new material. This could lead to loss of important historical information that could be potentially useful for researchers.

Presidents were aware that releasing certain papers to the public could cause publicity damage, uprisings, or controversies. They make confidential decisions over situations they feel the public does not need to know about. Additionally, they may feel their decisions are in the country’s best interests, even though they know the people would disagree. The president keeps these decisions secret for a reason, because they know it could lead to public mayhem. The Freedom of Information Act of 1966 recognizes this. If an item is, or could still be, a heated issue or detrimental to a government agency, they may lock a hold on those documents and not release them even after the twelve year limit.<sup>15</sup> It helps to protect a president’s reputation, but it also controls any negative feedback from the people. Thomas Jefferson knew this when he stated that, “Honest men might justifiably withhold information, if they expected the communication would be made public, and commit them to war with their neighbors and friends.”<sup>16</sup> Both the presidents and archivists are aware that these restricted items are essential to the United States’, political history, so they remain preserved, but are not allowed for public viewing.

Presidents want to have the option to pick and choose what they feel should be put into their archives. Some presidents do not want certain controversial documents available to the public so that they are

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<sup>13</sup> Ibid.

<sup>14</sup> Sharon K. Fawcett, “Presidential Libraries: A View from the Center.” *The Public Historian* 28, no. 3 (2006): 22.

<sup>15</sup> Montgomery, 107.

<sup>16</sup> Connors, 656.

not portrayed negatively. For example, the Reagan Library features only a single small video segment of Reagan admitting to his affiliation with the Iran–Contra within one of its exhibits.<sup>17</sup> The Presidents may try to have these documents destroyed or covered up. The Presidential Records Act helps to ensure that these documents remain in the hands of the National Archivists. Despite what the presidents may think about their controversial decisions, their decisions are important to preserve. Their decisions, which are reflected in their materials, do not only represent U.S. history, but it represents the presidents themselves.

Presidents have also wanted to be able to choose which items are archived for the matter of privacy. Presidents have kept diaries, written letters, and recorded or taped conversations as President Nixon had done with Watergate. Presidents began to learn that keeping these materials could lead to controversy and even be used against them in court. “During the Iran–Contra investigations, both Ronald Reagan and the elder George Bush were forced to surrender portions of their private diaries, which were published against their will while they still sat in the Oval Office.”<sup>18</sup> Presidents soon learned ways to avoid sensitive or private materials from becoming part of the archives. They came up with different code names for documents so courts would not be aware of them, or if they kept a diary, they would claim they did not.<sup>19</sup> If they kept documents out of the system, they could not be claimed by archives.

Private letters to family and friends are still considered material necessary for archiving. Some presidents wrote letters about important issues to friends to get their input on them. The First Ladies would write love letters to their husbands and those were kept even if there was no mention of political topics. It is considered that all documents that come through the White House during a president’s term are considered to be potential archived material. Al Gonzales, a member of George W. Bush’s counsel, stated that if the president has a conversation with his wife and begins to “...ask for their input or opinion about the tax plan or a speech he is giving..., it crosses the line.”<sup>20</sup> It is considered presidential material and should be documented. Although a president may feel that a letter from his friend or wife is private, those letters could be influential somehow to a decision he may make as president.

Even though Bill Clinton’s affair with Monica Lewinsky would be considered a private matter, it became public. Materials relating to his relationship with her have been placed in the National Archives. His library’s museum even contains a segment dedicated to this moment in

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<sup>17</sup> Jost, 246.

<sup>18</sup> Michael Beschloss, “Knowing What Really Happened,” *Presidential Studies Quarterly* 32, no. 4 (2002): 644.

<sup>19</sup> *Ibid.*, 645.

<sup>20</sup> *Ibid.*, 646.

his career with "... an argumentative title: *The Fight for Power*."<sup>21</sup> Although it seems that it would be a private matter, his affair with Lewinsky led to future allegations and impeachment. Although Clinton managed to survive trial without being removed from presidency, his private affair with Lewinsky is now archived, and the historical significance of his affair is vital to presidential history.

Presidential documents, political and private, are vital not only to United States history, but also to the history of the presidents' lives. If only political issues were processed and archived, we would only have a political view of that president's life. Having personal items that had belonged to the president helps to give us a better view of what that president was like. It gives researchers the ability to get to know that president on a more personal level, rather than just on a political one. Martha Joynt Kumar, a presidential historian of Towson University, holds truth to this by saying, "The archived papers 'help provide an unvarnished view of the presidency.'"<sup>22</sup> Each president has a unique personality, and each runs the country in a unique way. By looking deeper into their personal and public documents, we can find a way to understand them and their decisions better.

Over the years, technology has advanced, and presidents have changed the way their information is documented. Leaning away from the use of paper, electronics are now more reliable sources for communication and documentation than they were fifteen years ago. Today, presidents use cell phones, tablets, and computers on a daily basis. Government has had to move swiftly to make sure President Obama's personal cell phone is tracked for documentation purposes. Due to presidents using newer technology, there is a possibility that some information can be lost. This may be a new challenge in the future for historians and archivists.

All presidential documents, records, and materials are essential to history. It is important for archives to have the amount of archivists needed to make sure items are available for researchers and processing is done properly. Although the presidents may not enjoy negative response from the public for decisions they have made, items reflecting those decisions are significant to a president's history and should be available in their archives. Changing these documents, or getting permission to not have them archived, changes the history of a president and his work. Presidential documents, private or political, are a necessity for future historical purposes, and should be archived to preserve presidential legacies.

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<sup>21</sup> Jost, 246.

<sup>22</sup> Ibid., 244.

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