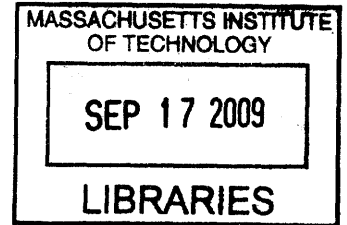


**The Archive on the Hill:  
The Presidential Library and the Architecture of American History**

by

Patrick David Haughey  
B.S., Landscape Architecture  
University of California, Davis, 1997  
Masters of Architecture  
University of Washington, 2001



SUBMITTED TO THE DEPARTMENT OF ARCHITECTURE IN PARTIAL FULFILLMENT OF THE  
REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY  
IN  
ARCHITECTURE: HISTORY AND THEORY OF ARCHITECTURE  
AT THE  
MASSACHUSETTS INSTITUTE OF TECHNOLOGY  
SEPTEMBER 2009

**ARCHIVES**


© 2009 Patrick David Haughey. All rights reserved.

The author hereby grants to MIT permission to reproduce and to distribute publicly  
paper and electronic copies of this thesis document in whole or in part in any medium  
now known or hereafter created.

Signature of Author

  
\_\_\_\_\_  
Department of Architecture  
August 7, 2009

Certified By: \_\_\_\_\_

  
\_\_\_\_\_  
Mark Jarzombek  
Professor of History and Theory of Architecture  
Thesis Supervisor

Accepted By: \_\_\_\_\_

  
\_\_\_\_\_  
Julian Beinart  
Chairman, Committee on Graduate Students





THESIS COMMITTEE

---

Mark Jarzombek  
Professor of History and Theory of Architecture  
Department of Architecture  
Massachusetts Institute of Technology

---

Christopher Capozzola  
Associate Professor of History  
Department of History  
Massachusetts Institute of Technology

---

Robert Cowherd  
Associate Professor of Architecture  
Department of Architecture  
Wentworth Institute of Technology



**The Archive on the Hill:  
The Presidential Library and the Architecture of American History**

By

Patrick David Haughey

Submitted to the Department of Architecture on August 7, 2009 in Partial  
Fulfillment of the Requirements for the Degree of Doctor of Philosophy in  
Architecture: History and Theory of Architecture

**Abstract**

Presidential libraries are not really about presidents. Rather, presidential libraries define publics through the transformation of American history into images and ideas. The presidential library is a uniquely American institution where national history plays out in a mitigated exchange between the representation of memory and the record of political action. On the one hand, the presidential library is a peculiar type of museum and a place of commemoration whose purpose is to perpetuate an often-mythic memory of a singular figure—offering simultaneously the image of an idealized leader and a model for citizenship. On the other hand, its history describes a tenuous accountability between the potentially critical archive and an elusive public. The presidential libraries project a prophecy of historical exceptionalism into the future through the deployment of objects, images, and documents. They reveal how history is used to define American identity, how institutions of stewardship control access and present meaning, and how the contested ownership of history's objects over time transforms ideas of democratic judgment. Therefore, this dissertation examines how the place of the museum and the archive as repositories of national identity, the role of records preservation as a necessary facet of public judgment, and the contentious representations of prophetic heroism in American memory are brought together in the presidential library. From Franklin D. Roosevelt to Richard M. Nixon and beyond, the records and artifacts of presidential intent and institutional practice have been forced over time into an unstable relationship between an obligation to public education as an essential feature of democratic idealism and a belief in the benevolent power of history to hold sway over a singular national future.

Thesis Supervisor: Mark Jarzombek

Title: Professor of History and Theory of Architecture



## **Acknowledgements**

Dissertations are typed by one and written by many. Without the effort, support, advice, and wisdom of countless people, there would be nothing. What I have achieved in the pages that follow is to their credit. What I have failed to accomplish or done poorly, is mine alone.

Travel and research for my dissertation was made possible in large measure through the generous support provided by the Gerald R. Ford Foundation, the O'Donnell Grant Program at the George Bush Presidential Library Foundation, the Herbert Hoover Presidential Library Association, the Henry Luce Foundation American Art Dissertation Research Award, the Royal Fellowship, and the MIT Department of Architecture.

To the Archivists: Countless thanks to those individuals past, present and future, who labor in the archives, underfunded and unseen. To those who left us their records by accident or intent, and to those who manage them for our indulgence, curiosity, and judgment, thank you. For the unflinching generosity and effort on my behalf I owe a special thanks to archivists and other staff members at the Gerald R. Ford Presidential Library, the George H.W. Bush Presidential Library, the Franklin D. Roosevelt Presidential Library, and the Richard M. Nixon Presidential Library. Without the presidential libraries and their archival staffs, this and many other projects might still be written, but they would not be as rich.

Special thanks go to Meghan Lee at the Richard Nixon Presidential Library for her magnificent assistance, accommodation, and insight. Without her follow-up phone call, this would be a very different dissertation. I also owe a considerable debt of gratitude to Director Timothy Naftali of the Richard Nixon Presidential Library for what turned out to be much more than an interview. Through my conversations with you and Paul Musgrave, the revealing walk through the museum, and the incredible access you gave me to your plans for the future I acquired a nuanced sense of the presidential library as a potential site for radical public access and historical change. Thank you for your generous gift of time and patience. Also, special thanks to the former Director of the Nixon Library, John Taylor, for his candid and friendly interview about the library and Richard Nixon in our contemporary moment. Finally, special thanks to James Krastas, the Deputy Director of the Gerald R. Ford Library, for taking time to talk about the importance of the Ford Museum as a regional institution, the inner workings of the presidential library system from the point of view of a library administrator, and for a thoroughly enjoyable discussion about the libraries and their future.

Thank you David Haughey and Mary Ann Keeler of Grand Rapids for their boundless hospitality and selfless generosity. I apologize for being unable to utilize the information sent to me about the China exhibit at the Ford Museum. I would also like to thank the amazing colleagues and peers I met during the Richard Nixon Conference at Oxford, particularly David Greenberg and Daniel Frick. Your comments and insight helped organize my thoughts on the Nixon Library and pointed to avenues of further research and scholarship. And many thanks to the scholars who discovered the importance of presidential libraries and continue to ask vital questions about their

meaning, especially Lynn Scott Cochrane, Raymond Geselbracht, Larry Hackman, and Benjamin Hufbauer. I am in their debt.

For my advisors I owe a thousand thanks and as many apologies, I could never do it the easy way! To Mark Jarzombek, thank you for endlessly demonstrating how architecture, history and scholarly critique can only be improved when pursued with vigor, patience, and joy. To Christopher Capozzola, thank you for American History, for good books to read and countless thoughtful suggestions, for asking the important questions and for providing timely and much-needed advice. And thank you Robert Cowherd for System, for honest and friendly discussion, and for your willingness to jump in without reservations at the eleventh hour.

There is a special place in my heart for all those at HTC who have travelled this road with me. No matter how brief or lengthy your company, I was guided at one or many moments by your insight, companionship, and wisdom. Thank you Lucia Allais, Zeynep Celik, Leonardo Diaz, Janna Israel, Deborah Kully, John Lopez, Fabiola Lopez-Duran, Michael Osman, Sarah Rogers, Florian Urban, Kathy Wheeler, and Winnie Wong.

Special thanks also to all those professors who shaped my graduate education at MIT, especially Arindam Dutta and Henry Millon, for pushing me to ask better questions and for pointing out doors I never thought to open, and Erika Naginski for her critical insight and for showing me the importance of being attentive to the image. Endless gratitude also to the special teachers who (perhaps unwittingly) set me on this path, especially Vikramaditya Prakash and Dean Maccannell.

And thank you to the presidential libraries—for all their faults, they remain endlessly fascinating, providing materials for endless inquiry.

Ultimately, I owe whatever sanity I may possess to my friends and my loving family. Thank you Jeremy for more than two decades of history, books, late night philosophy, and unwavering friendship. Thank you Courtney for cracking the whip, for your generous spirit, and for giving me a reason to finish. Finally, I raise a glass to my family, I love you all. To my Grandparents for teaching me unconditional love. To my Father for teaching me respect and for indulging my contrariness. To my Brothers and Sister for teaching me strength. To my Aunts, Uncles, and Cousins for being a family and a lodestone guiding me ever home. To my Uncle Mark for teaching me to open my eyes and look under rocks. To Joel for teaching me the meaning of integrity and for always knowing what is truly important. And for teaching me to read and think, I must thank my Mother, the source and inspiration for everything good and noble in my life.

## Table of Contents

### The Archive on the Hill:

### The Presidential Library and the Architecture of American History

ABSTRACT 5

ACKNOWLEDGEMENTS 7

#### I. An American Revelation: The Presidential Library in History

1. An Act of Faith: Understanding the Presidential Library 10
2. An American Salvation: Providence, History, and the Coming of F.D.R.'s Library 59
3. A Public Obligation: Access and Ownership, a History of Presidential Records 117

#### II. Belonging to Architecture: An Historiography of the Museum, Archive, and Library 150

4. Seeing Great Treasure: Good Citizens, Honest Objects, and the Museum Pedagogy 160
5. A Promise of Light: Tyranny, Education, and the Many Burdens of the Archive 216
6. Power in the Usual Sense: The Presidential Library *is* a Library 264

#### III. The Object of Nixon: The Post-Presidential Portrait and the Richard Nixon Library 301

7. A Third Term: Nixon's Public versus the Public's Nixon 306
8. The Danger of Images: History, Painting and the Politics of Discovery in the Nixon Museum 358
9. Reading Nixon's Library: Knowledge and the Object of Understanding 408
10. The Measure of Democracy: Saving Nixon's Records, an Archival History in Three Documents 437

#### CONCLUSION. The Presidential Library: A Frail Obligation 532

POSTSCRIPT. A Patrimony of Law 536

APPENDIX A. Presidential Libraries: Basic Information 538

APPENDIX B. Presidential Records: Select Statutes and Court Cases 541

MANUSCRIPT COLLECTIONS 543

BIBLIOGRAPHY 545

## Chapter 1

### An Act of Faith:

### Understanding the Presidential Library



*1.1 Atrium at the John F. Kennedy Library, South Boston, Massachusetts (Photo by Author © 2004).*

The presidential library is a uniquely American institution where national history plays out in a mediated exchange between the representation of memory and the record of political action. On the one hand, the presidential library is peculiar type of museum and a place of commemoration whose purpose is to perpetuate an often-mythic memory of a singular figure—offering simultaneously the image of an idealized leader and a model for citizenship. On the other hand, the history of the presidential library describes a changing narrative of tenuous accountability between the



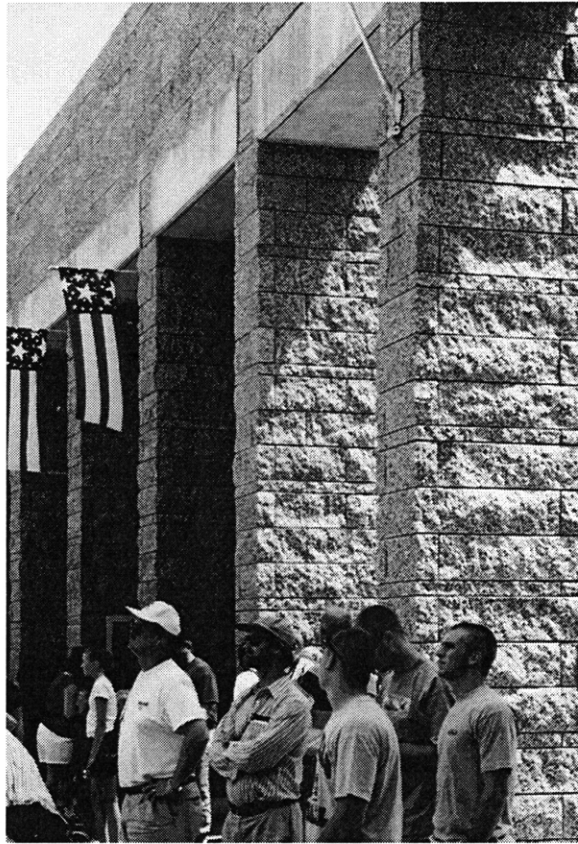
potentially critical archive and an elusive public. More broadly, studying the presidential library is vital to understanding how history is used to define an American identity, how institutions of stewardship control access and present meaning, and how the contested ownership of history's objects over time transforms ideas of democratic judgment. Indeed, more so perhaps than any other architectural type, the presidential library represents the power of post-Enlightenment American culture, projecting a prophecy of historical exceptionalism into the future through the deployment of its archive of objects, images, and documents (Fig. 1.1).

The presidential library has evolved out of a series of interrelated historical conflicts. This dissertation brings a multidisciplinary approach to the study of the library as a complex architectural type. It examines how the place of the museum and the archive as repositories of national identity, the role of records preservation as a prerequisite of public judgment, and the necessary ingredients of prophetic heroism in American memory are brought together in the presidential library. Ultimately presidential libraries are not about presidents as much as they are about defining publics and transforming American history into a perpetual American promise through images and ideas. From the library's origins under F.D.R. to the dramatic shift in library policy and ideology embodied by the Richard Nixon Library, this dissertation traces how presidential records and artifacts have been forced over time into an unstable relationship between an obligation to public education as an essential feature of democratic idealism and a belief in the power of history to influence a benevolent national future.

## **The Past is Preface: The Presidential Library and a Patrimony of My Own**

Looking back, this dissertation began in June of 2001, when I graduated with a master's degree in Architecture and no intention of working in an architect's office. That August, just before heading off to begin my PhD program in Architectural History at M.I.T., I embarked on a cross-country trip from California to Minnesota with my father, grandfather, three brothers, and two uncles. As was customary on such fraternal trips, we stopped at all officially designated landmarks of 'National' and 'Historic' interest. One of these, Little Bighorn Battlefield National Monument (formerly Custer National Monument), prompted a debate in the car about what kind of history we witnessed at such landmarks, museums, and monuments.

During the short drive around the Little Bighorn bluff where Custer's men were out-maneuvered and eventually killed, my brother and I discussed the vantage point proscribed by the tour (from the top, looking down on 'encroaching Indians'), critiquing the landmark as a limited experience of history. By contrast, my father dutifully read the signs along the marked path, accepting the experience in an honest attempt to, as he put it, "learn something"—an approach he passionately encouraged me to try. Not long after, we arrived at the mythic American landmark *par excellence*: Mount Rushmore National Monument. The 'monumental' Visitor Center, more so even than the carved faces in the mountain, crystallized for me the idea that architectural mechanisms might be the most pervasive means for conveying to the public certain images of national history in America (Fig. 1.2). A few weeks later, I was in Boston and walking to my first seminar as a PhD student when two passenger jets crashed into the World Trade Center.

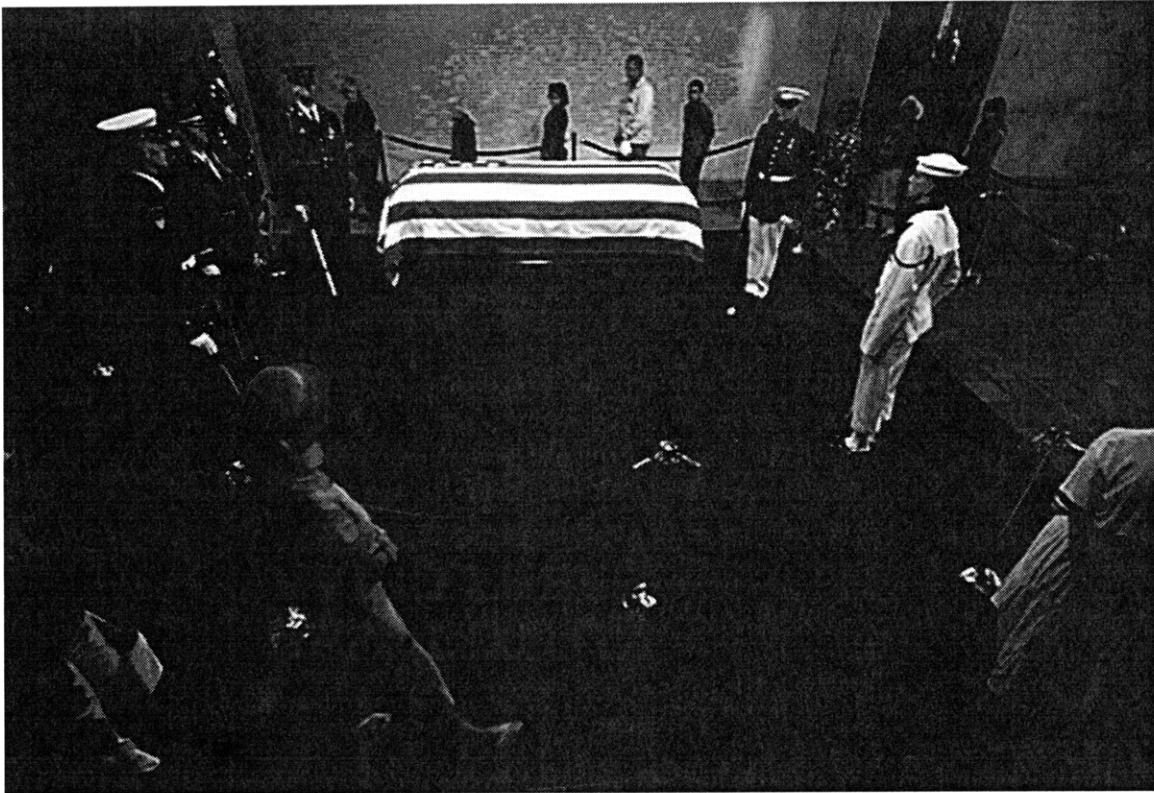


1.2 My father, uncle, and three brothers at Mount Rushmore National Monument, South Dakota (Photo by Author © 2001).

I experienced that moment as I imagine one might have first experienced Orwell's *War of the Worlds*, but in reverse. When I first began listening to the intent radio voices reaching me through open car windows as they passed, that was exactly what I thought I was hearing, fiction. Looking back, the wrong Orwell tale came to mind. That morning, nationalist mythologies, ideological iconographies, and the narrative mechanisms by which patriotic obligations are staged, history is produced, and knowledge is controlled became—possibly for the first time since Watergate—more than niche questions of scholarship and cultural criticism. They became prominently vital to understanding how contemporary American society produces its own identity in advance of a crisis.

A unifying culture of dutiful support and the redirection of public vigilance away from concerns for Constitutional government towards all things non-American permeated the consciousness of the nation *as a nation*. Commemoration as a function of identity politics and social trauma, the iconographic underpinnings of unchecked executive power, and the struggle to check this authority, signaled higher stakes in the battle for the control over and definition of historical truth—particularly within the context of history authorized in the name of a singular people. All these heady subjects were inextricably linked to how I became an historian before I set foot in the classroom.

A few years later, I began a dissertation that, try as I might, could not help but be influenced by all that came before. In 2001, my paternalistic pilgrimage and 9/11 recast my recently completed master's thesis on the politics of preservation into an obsession with how history is crafted and disseminated. Later, my graduate coursework and exams left me with a broad interest in how knowledge is produced and how historical truth—particularly across the American landscape—is transformed into architecture.



1.3 *President Ronald Reagan in the lobby at the Ronald Reagan Presidential Library, Simi Valley, California (Photo in the Public Domain, 2004).*

On 5 June 2004 Ronald Reagan, the 40<sup>th</sup> President of the United States, died at age 93. In the days that followed, the country witnessed—largely on television—an extraordinary spectacle of remembrance and mourning, proselytizing and politics. Perhaps no event illustrates the potency of the presidential library as a site for the transformation of history into promise and mythic heroism into public patrimony more than the funeral of President Reagan staged (and experienced in perpetuity) at the Reagan Library. Following a small private ceremony for the Reagan family, the former president's body lay in repose at his library in Simi Valley. Over the course of two days, more than 100,000 people waited in line for hours to walk past his flag-draped coffin (Fig. 1.3). On 9 June his body was flown from California to Washington, D.C., for a state funeral. His body sat in state for thirty hours under the dome of the

Capitol where hundreds of thousands of people solemnly passed by in a steady stream, some to pay respect, some driven by curiosity, most to participate in the experience of public mourning.



*1.4 Funeral service for President Reagan at the Ronald Reagan Presidential Library, Simi Valley, California (CBSNews.com © 2004).*

On the morning of 11 June, a State Funeral was held at the National Cathedral in Washington, D.C. House Speaker J. Dennis Hastert (R-Ill.) declared, “President Reagan dared to dream that America had a special mission.”<sup>1</sup> Afterwards, Reagan’s body was flown back to California. That evening, an intimate televised internment service was held at the Reagan Library where his family and friends, fellow politicians and long-

---

<sup>1</sup> As quoted in “Thousands Mourn Nation’s Loss,” *Los Angeles Times*, 19 June 2004: A1, A15.

time advisors, paid their respects. Guns and cannons fired a salute while fighter jets flew overhead. The ceremony concluded with a procession to his final resting place, perfectly choreographed to the sun setting off the coast of California (Fig. 1.4).

The funeral proceedings throughout the day were among the most watched events in television history. On the Fourth of July, the Reagan Library opened a memorial exhibit, "Mourning in America." Over the next several months, the library saw record numbers of visitors as people, including my father and grandparents (and myself), flocked to pay homage to the man and bear witness to his dream of America's "special mission." Typical of the pilgrims was a 38-year old father who brought his two young sons with him, remarking, "Oh man, it was just history."<sup>2</sup>

---

<sup>2</sup> Dana Bartholomew, "Thousands show their love, respect," *Daily News*, June 9, 2004: 1, 19. This simple declaration echoed the sentiments of Samuel Morrison, a Harvard University History Professor who was one of four original trustees for the Franklin D. Roosevelt, when decades earlier he supported F.D.R.'s library plans with an article declaring presidential records, "The Very Essence of History," *New York Times Magazine* (19 March 1939); see "Franklin D. Roosevelt Library, Inc.," Franklin D. Roosevelt Library File (Box 1), Franklin D. Roosevelt Library.





*1.5 Memorial and burial site for President Reagan at the Ronald Reagan Presidential Library, Simi Valley, California (Photo by Charles Haughey, Sr. © 2004).*

Less than one month later, in July of 2004, I visited the Ronald Reagan Presidential Library and Museum in Simi Valley, California, for the first time in the company of my father and my grandparents (Fig. 1.5). I grew up in southern California, and thus it was perhaps fitting that I wanted my father and grandparents (despite our contrasting attitudes of reverence) with me when I first visited the Reagan Library—a trip I have since repeated in their company. Even before we arrived at the library, it was important for them to continuously reestablish what the memory of Reagan “stood for.” Indeed, the trip was a smaller version of the family pilgrimage, a familiar legacy stretching back to my childhood. Or, they might argue, it might be one last attempt to



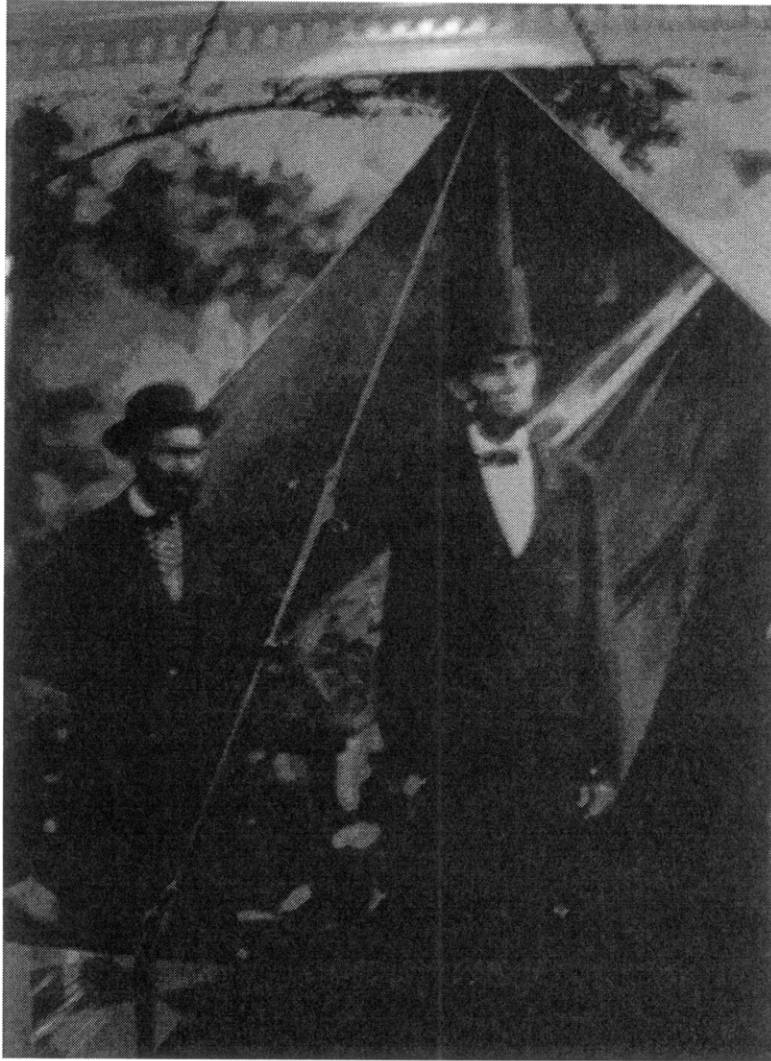
counter the spurious history and patriotism of my radically nonpartisan politics through a non-critical encounter with (their) national heritage.



*1.6 Reagan's coffin roped off in the Gallery of Presidents. Behind is an 1823 copy of the Declaration of Independence. Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2004).*

In their eyes, the Reagan Library, from the museum to the burial site, reinforced the beliefs, myths and ideologies that formed the foundation for their politics and their particular vision of America—as both an historical entity and a dream of heroic potential that must be defended. For a time, Reagan's coffin was displayed behind velvet ropes under a rare copy of the Declaration of Independence in the Gallery of Presidents, leaving little doubt as to how a man can be elevated into the American pantheon (Fig. 1.6). On the reverse side of the sacred document there is a large

photograph of Abraham Lincoln at war (Fig. 1.7). Thus an image and a document authorize Reagan's history as a legacy of heroism in defense of liberty.



*1.7 Reproduction of President Abraham Lincoln on the reverse side of the Declaration of Independence in the Gallery of Presidents, Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2004).*

How does this happen? Is it "just history?" What does the memory of a president stand for? And how could a choreographed funeral transform a presidential library from a celebratory museum and records archive into a shrine? More than that, how do presidential libraries reinforce a particular vision of America? The presidential library provided an understudied dissertation topic that focused my interests on a

uniquely American architectural type that combined elements of museum history and heroic commemoration as a function of state power with the institutional preservation and dissemination of national patrimony in the form of presidential records and artifacts.

My initial proposal assumed that the presidential library was a peculiar manifestation of commemorative architecture that coincided with my longtime fascination with monuments as pilgrimage sites, nationalist imagery, and the archive as a mechanism for producing historical truth. However, the libraries themselves turned out to be much more complex than that. The museums revealed a treasure-trove of unstudied artifacts and the archives pointed to an unfolding and transformative narrative of public access to records that was inextricably yoked to an elusive image of democracy. Ultimately, the presidential libraries unveiled a chasm of questions that encompassed nothing short of a boad narrative of providential exceptionalism that is both an embedded inheritance and an endless invention of America.

In 2005, former President Clinton stated that presidential libraries were the best way to look at American history. Unlike Clinton, and perhaps my father (though he will hate this comparison) and many others, I do not think there is a best way to look at history. However, I do think the *idea* that there can be a best way to look at history is itself a potent historical force and profoundly important to understanding not “just history,” but, more precisely, how history is transformed into something to be seen. Although methods, beliefs, and questions differed on that bluff in Montana eight years ago, I was happy to “just” look at history with my landmark-loving family. And I

hope what follows demonstrates, even if only a little, that I too wanted to learn something.

### **The Presidential Library: A Declaration of Origins and Purpose**



*1.8 Franklin D. Roosevelt Presidential Library, Hyde Park, New York (Photo by Author © 2005).*

On June 30, 1941, President Franklin D. Roosevelt opened the first presidential library on property from his family estate, in Hyde Park, New York. The modest structure was built of local stone in the Dutch Revival style, paid for with private money and donations, and then turned over to the young National Archives as a gift to

the People of the United States (Fig. 1.8).<sup>3</sup> Roosevelt's library, then and now, holds his papers and records in a publicly accessible archive. It also displays in a museum, personal memorabilia and other artifacts representing his decades of public service.<sup>4</sup> In 1941, before the presidential library became what is now an expected commemorative tradition, Roosevelt declared his library, the first, open with an assertion of providential exceptionalism. His statement would govern the presidential libraries to follow:

It seems to me that 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 first 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. ... We hope that millions of our citizens from every part of the land will be glad that what we do today makes available to future Americans the story of what we have lived, and what we are living today, and what we will continue to live during the rest of our lives.<sup>5</sup>

---

<sup>3</sup> 11 December 1938 Letter to Franklin D. Roosevelt, Box 1, Folder 1, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library. The letter called his decision to preserve his records "evidence of your greatness" and "a lesson in real public spiritedness—the mainspring of peace on earth and good will toward men." In addition the author enclosed one dollar as a donation to the construction of the library..

<sup>4</sup> 10 December 1938, "Statement By The President-For The Press," Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library: "Since 1910 ... I have carefully preserved all of my correspondence, public papers, pamphlets, books, etc. ... These years cover my service of nearly three years in the New York State Senate; seven and one-half years as Assistant Secretary of the Navy, including the World War period and two trips to Europe; my business and legal correspondence; much political material ... and all of my Presidential papers from March 4, 1933, to date. ... I do not wish to break them up... [therefore] it is my desire that they be kept as a whole and intact in their original condition, available to scholars of the future in one definite locality."

<sup>5</sup>Waldo Gifford Leland, "The Story of the Franklin D. Roosevelt Library," Address in the Franklin D. Roosevelt Library, Hyde Park, N.Y., 17 March 1950, on the Occasion of the Opening of the Franklin D. Roosevelt Papers for Research, p. 6, from the copy given to Louis A. Simon, architect of the F.D.R. Library

Roosevelt's dedicatory remarks set the stakes by which history can be made to exert control over the future. On the one hand the library becomes a record of the desire to invest democracy with an image and an archive organized around the modern American presidency. On the other hand, it unveils an explicitly pedagogical project to educate model citizens and provide for the proliferation of scholarship through the controlled visibility and organization of documents and artifacts. Roosevelt's rhetorical image reveals an idea of a nation that is singular and of a people that can speak with one voice. Further, it assumes that records of the past can and should be produced, assembled, and interpreted for benevolent purpose. Finally, it expresses a hope that a unified people may gain such knowledge from seeing these records in libraries that they are endowed with creative power over the future.<sup>6</sup>

The Franklin D. Roosevelt Presidential Library and Museum became a template. Seven decades later, every president, from F.D.R.'s predecessor Herbert Hoover to William J. Clinton, has a presidential library (See Appendix A for a complete list of the libraries). Presidential libraries are located all over the country, often in a president's

---

and Supervisory Architect of the United States, by Waldo G. Leland, Papers of Louis A. Simon, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library (hereafter: Leland (1950)). On the first page is a handwritten note from Leland: "To Louis Simon - "author" of the FDR Library." Also see, June 30, 1941, Speech File, Franklin D. Roosevelt Library, quoted in Cynthia M. Koch and Lynn A. Bassanese, "Roosevelt and His Library," *Prologue* 33:2 (Summer 2001): 2.

<sup>6</sup> The idea that history should be recast for its more pragmatic qualities for the purposes of rendering the present more understandable and the future more controllable gained considerable ground in the American History establishment in the early decades of the twentieth century. As James Harvey Robinson, Professor of History at Columbia and President of the American Historical Association in 1929, wrote: "... our books are like very bad memories which insist upon recalling facts that have no assignable relation to our needs, and this is the reason why the practical value of history has so long been obscured. In order to make still clearer our dependence upon history in dealing with the present ... remember that we owe most of our institutions to a rather remote past, which alone can explain their origin ... We are, therefore, in constant danger of viewing present problems with obsolete emotions and of attempting to settle them by obsolete reasoning ...", in James Harvey Robinson, *The New History* (New York: MacMillan Co., 1912), 22.

hometown (or at least the center of his former constituency). Several, like the Johnson, Kennedy, Ford, and Bush Libraries are located on or adjacent to university campuses. Even the Richard Nixon Presidential Library and Birthplace joined the presidential library system in 2007 after decades of legal struggles over the fate of Nixon's papers, and years as a partisan and privately-run institution. When it is finished, the George W. Bush Library will be located at Laura Bush's alma mater, on the campus of Southern Methodist University in Dallas, bringing the total number of presidential libraries to thirteen.

Each library is a complex institution that is part archive and museum, part memorial and monument. The libraries are governed by a series of statutes and are partnered with the private (often-partisan) library foundations that build the libraries and, in many cases, fund their exhibits. Presidential records from F.D.R to Carter, with the exception of Nixon, were gifted to the people. After Nixon, all presidential records belong to the United States from inception. The records are administered at the presidential libraries by the National Archives and Records Administration.

The history of the libraries is in many respects a narrative of changing laws and attitudes governing presidential records (see Chapter 3 and Appendix B). It describes a shift from the tradition of voluntary gifts and negotiated stewardship to a legally enforceable standard of public ownership and accessibility. On the one hand, the Presidential Library Act (1955) enabled Roosevelt's successors to legally transform the precedent of F.D.R.'s deed of gift into a new tradition of presidential commemoration. On the other hand, the emergency legal actions taken to prevent the destruction of Richard Nixon's records and tapes in the wake of his resignation led to statutory

reform mandating the public ownership of presidential records and select materials for the most recent libraries.

On August 4, 2005, two months after Ronald Reagan was buried at his presidential library, dignitaries gathered at the Clinton Library in Little Rock, Arkansas to celebrate the 50<sup>th</sup> anniversary of the Presidential Libraries Act (1955). President George W. Bush declared that the libraries and their contents “reflect America’s rich heritage.” President Clinton went even further, saying that the presidential libraries “are the best way to look at the history of America.” Sharon Fawcett, Assistant Archivist for Presidential Libraries, noted that the libraries have connected the American people with their nation’s history for decades. And U.S. Archivist Allen Weinstein quoted F.D.R, stating that after more than fifty years, presidential libraries are still “proof—if any proof is needed—that our confidence in the future of democracy has not diminished and will not diminish.”<sup>7</sup> Thus, despite the fundamental shift in records ownership and law over time, the 2005 ceremony reveals that the presidential library has always been linked to an unchanging positivist idea of history in the service of an ostensibly democratic nation, with the library playing the role of evidence by which one must judge the past to endlessly summon a hopeful future.

### **Existing Literature: A Summary**

Until recently, critical scholarship on the presidential libraries was sparse. Most articles on presidential library history have been published in such journals as *American Archivist* (Journal of the Society of American Archivists), and *Prologue*

---

<sup>7</sup> <http://www.archives.gov/presidential-libraries/events/stamp>



(Journal of the National Archives and Records Administration). These tend to describe the construction of individual buildings, outline modifications to library programs and media systems, or narrate anecdotal history associated with an artifact of interest from the collection. These articles are largely written by archivists and other library staff members. That said, the curiosity inspired by a long-term proximity to the research materials has led a small handful of authors and former library professionals, like Raymond Geselbracht and Larry Hackman, to call for an increase in the critical study of presidential library functions, particularly with respect to their public accountability and the manner in which their museums transmit historical meaning in society.<sup>8</sup>

Presidential libraries have existed for nearly seven decades, yet the first dissertation to directly study the libraries was written by Lynn Scott Cochrane in 1998. Cochrane, now the Director of Libraries at the University of Denison, has since published articles on the presidential libraries that focus on the general history of the library system, administration, and funding. According to Cochrane, "The Presidential Library System: A Quiescent Policy Subsystem (1998)," most presidential library literature, prior to 1998, fell into the following categories: professional (versus theoretical) source materials for use by researchers and insiders, popular newspaper and magazine articles registering significant events such as scandal, funding controversies, legal battles and library openings, public administration articles written

---

<sup>8</sup> See Raymond Geselbracht, "Creating the Harry S. Truman Library: The First Fifty Years," *Public Historian* 28, no. 3 (Summer 2006). Geselbracht has worked at the Franklin D. Roosevelt Library and on the Richard M. Nixon Presidential Materials Project. He is currently the special assistant director at the Truman Library. He has published several articles, mostly in *Prologue*, on presidential library history. See also, Larry Hackman, "Introduction," and "Toward Better Policies and Practices for Presidential Libraries," *Public Historian* 28, no. 3 (Summer 2006): 7-11, 165-183.

by archivists, articles (popular, scholarly, and professional) addressing contentious issues with respect to presidential records, and generally descriptive or celebratory information targeted towards the casual reader or tourist.<sup>9</sup>

The only other dissertation on the subject of presidential libraries was written by Benjamin Hufbauer, "The Father in the Temple: Memory and Masculinity in Presidential Commemoration (1999)." Hufbauer, an art historian at the University of Louisville, turned his dissertation into the first book-length study of the presidential library as a type of memorial: *Presidential Temples: How Memorials and Libraries Shape Public Memory* (2005). *Presidential Temples* situates the libraries in a (narrowly construed) architectural history of presidential commemoration. Hufbauer's work focuses primarily on the presidential museum, and how they have offered a noncritical narrative of presidential power. He has also written on how the presidential libraries contribute to myth and cultural memory in the United States.

In contrast with the more critical work of Hufbauer, and echoing President's Bush and Clinton, Curt Smith, a former speechwriter for Presidents Ronald Reagan and George H.W. Bush, insists that the libraries provide a perfect lens through which to capture the lives of former presidents. He yokes the function of the libraries to the uncritical production of a singularly construed patriotic image of national memory. Smith, *Windows on the White House: The Story of Presidential Libraries* (1997), uses the

---

<sup>9</sup> Lynn Scott Cochrane, "The Presidential Library System: A Quiescent Policy Subsystem" (Dissertation: Virginia Polytechnic Institute, 1998): 10-32. Further examples include: Cynthia Wolff, "Necessary Monuments: The Making of the Presidential Library System, *Government Publications Review* (1989); Ted Gittinger, ed., *The Future of Presidential Libraries* (Austin, TX: Lyndon B. Johnson Foundation, 2003); Fritz Viet, *Presidential Libraries and Collections* (New York: Greenwood Press, 1987).

presidential museums to provide a positive and heroic spin on presidential biography (particularly for the Republicans). His tour of the library exhibits begins with often-personal anecdotes and describes how the museums enhance a hopeful biographical vision of American progress. Smith's use of the museum artifacts (such as those displayed at the Nixon Library) transforms a predictable narrative of individual struggle and triumph into a benevolent national allegory, linking 'growing up' typically American to the extraordinary feat of becoming president. It is precisely the positivism of the presidential library museums described by Smith (and seemingly embraced by many library visitors, including my family) that Hufbauer critiques in his dissertation and book.

In 2004, Larry Hackman, former Director of the Harry S. Truman Presidential Museum and Library (1995-2000), convened a special meeting at Princeton University's Center for Arts and Cultural Policy to discuss the public programming and museum functions at presidential libraries. The Princeton meeting resulted in a special 2006 issue of *The Public Historian*, "Presidential Libraries: Programs, Policies, and the Public Interest." The special issue was sponsored by the National Council on Public History to "broaden the understanding" of the presidential library. Hufbauer and Cochrane, as well as Geselbracht and Fawcett, among others, contributed essays covering everything from a history of records access to the skewed representation of history in several museum programs. The special issue also included select reviews of presidential museum exhibits. These reviews, written by local scholars, began the process of critiquing exhibits based upon scholarly content, "appropriateness of the objects displayed, the function of design," and "issues of funding and institutional

support.”<sup>10</sup> The articles and all-too-brief reviews in *Public Historian* form the best (and largely, the only) collection of recent critical scholarship on presidential libraries.

The texts and authors listed above were selected to represent a cross-section of the current state of presidential library studies. They also illustrate the ways in which a fairly standard set of methodologies and disciplinary concerns are deployed within this relatively understudied field. Therefore, a brief critique is necessary in order to bracket my own research within the problems posed by existing literature. This is particularly true with respect to Hufbauer’s work, the only detailed scholarly study conducted on the presidential library as an ideological mechanism for the production of meaning. Ultimately, given the manner in which presidential libraries have been studied to date, I propose that presidential libraries have been fundamentally misunderstood in current scholarship despite prominent clues embedded within the discourse.

### **The Presidential Library as Monument and Temple: Hufbauer**

While Roosevelt was still in the planning stages of his library, the presidential library was already being criticized as a type of monument.<sup>11</sup> Such arguments contend, then as now, that any form of architecture commemorating individuals, particularly

---

<sup>10</sup> “Presidential Library Exhibit Reviews,” *Public Historian* 28, no. 3 (Summer 2006): 185.

<sup>11</sup> These criticisms were often partisan. For example, on the same day that the House unanimously appropriated \$2,500 for a portrait of former President Herbert Hoover (a type of monument in its own right), House Republicans blocked the establishment of F.D.R.’s library bill; See, “Hoover Portrait Voted, G.O.P. Kills Roosevelt Library,” June 6, 1939, *Washington Post*, in Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library. See also, “Rep. Short Calls Roosevelt Library Plan ‘Megalomania’,” copy of newspaper article (author, date not listed), Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library.

presidents, has no place in a democracy.<sup>12</sup> Dan W. Wilson (U.S. Archivist, 1987-93) denied this claim: “presidential libraries are living institutions, [they are] less monuments to great men than classrooms of democracy.”<sup>13</sup> Cynthia Wolff agreed, stating even if the libraries are in fact monuments, given the value of their contents, they are necessary.<sup>14</sup> And James O’Neil (Acting U.S. Archivist, 1979-80) went even further, claiming that, “so long as men continue to honor their own and their fellows’ achievements ... monuments of one sort or another will continue to be built. What is significant is not that a presidential library is a monument but that it is a particular kind, and a particularly suitable kind of monument.”<sup>15</sup>

Hufbauer is the first scholar to astutely study the presidential libraries as a form of commemorative and monumental architecture, bringing them into a discourse of representation within the discipline of art history. He argues that the presidential library as a form of monumental commemoration reflects the rise of what Arthur Schlesinger, Jr., has termed the imperial presidency and therefore promotes an

---

<sup>12</sup> Hufbauer’s criticism is be valid in a sense. However, it ignores the vast history of monument building in the United States—from Mount Rushmore and the Capitol Mall to thousands of more modest memorial sites. Indeed, the Roosevelt Library was later considered to be inferior as a monument, thus landscape architect Lawrence Halprin designed a memorial to F.D.R for the Capitol Mall that was *explicitly* monumental, albeit in the contemporary mode. Indeed, if the presidential library is a memorial it must be situated within a history of all types of American memorial. Rather than interpret the library as a “Catholic” (in its use of relics) adaptation of the anachronistic “Roman” (formally classical and monolithic) commemorative model as Hufbauer would have it, the archive, the multi-media transformations and the textual proliferation at the libraries speaks more to the modern memorial tradition inaugurated by Maya Lin’s Vietnam Memorial. See M. Starcken, “The Wall, the Screen, the Image,” Nicholas Mirzoff, ed., *The Visual Culture Reader*, 2<sup>nd</sup> Ed. (New York: Routledge, 2001), 357-370.

<sup>13</sup> Don W. Wilson (then U.S. Archivist), “Presidential Libraries: Developing to Maturity,” *Presidential Studies Quarterly* 21:4 (1991): 773, as quoted in Cochrane (1998): 3.

<sup>14</sup> Wolff (1989): 47-62.

<sup>15</sup> James O’Neill, “Will Success Spoil the Presidential Libraries?” *American Archivist* 36 (1973): 347, as quoted in Cochrane (1998): 3.

expansive view of presidential power.<sup>16</sup> He further describes the presidential libraries as “temples that promote the best possible place for their subjects within civil religion while promoting the imperial presidency.”<sup>17</sup> Hufbauer focuses his research on the presidential museum because it is “the public face of the museum.”<sup>18</sup> He insists that , with the possible exception of the Truman and Carter Libraries, presidential museum exhibits project “an image of the nation” and a “reverent” ideology—“white, male, and rich”—of presidential power into the future.<sup>19</sup> For Hufbauer, “what is at stake in this transformation of presidential commemoration is how presidencies and presidential authority are remembered, and how these constructed memories shape contemporary and future presidential authority.”<sup>20</sup>

Central to Hufbauer’s thesis is the assumption that Robert Bellah correctly diagnosed the existence of a ‘civil religion’ in the United States. He quotes Bellah’s seminal 1967 article, “Civil Religion in America” at length:

What we have, then, from the earliest years of the republic is a collection of beliefs, symbols, and rituals with respect to sacred things and institutionalized in a collectivity. ...the civil religion was able to build up ...

---

<sup>16</sup> Hufbauer (Summer 2006): 117.

<sup>17</sup> Benjamin Hufbauer, "Spotlights and Shadows: Presidents and Their Administrations in Presidential Museum Exhibits," *Public Historian* 28, no. 3 (Summer 2006): 119-120.

<sup>18</sup> Hufbauer (Summer 2006): 131.

<sup>19</sup> Hufbauer (Summer 2006): 132.

<sup>20</sup> Hufbauer (Summer 2006): 118..

powerful symbols of national solidarity and to mobilize deep levels of personal motivation for the attainment of national goals.<sup>21</sup>

For Bellah, as for Hufbauer and many others, these symbols and ‘sacred things’ included everything from the Declaration of Independence as ‘scripture’ to the memories of Washington and Lincoln as “saints.” Indeed, Hufbauer notes that the presidential libraries, “especially their museums,” contain all four of Bellah’s essential elements of civil religion: saints (presidents), sacred places (memorial grounds, birthplaces, monuments), sacred objects (artifacts from a president’s life), and sacred rituals (visits to the libraries would be considered a form of pilgrimage, particularly following the death of a popular or prominent president such as Ronald Reagan).<sup>22</sup>

From Bellah’s theoretical proposition, Hufbauer locates the presidential library within a short history of heroic presidential commemoration; or, monumental architecture in the service of what he calls the ‘cult of the presidency.’ Hufbauer insists

---

<sup>21</sup> Robert N. Bellah, “Civil Religion in America,” *Daedalus, Journal of the American Academy of Arts and Sciences* 96 (Winter 1967): 8-13, as quoted in Hufbauer (2006): 118-119. Hufbauer himself notes that the term ‘civil religion’ “was first used by Jean-Jacques Rousseau at the end of *The Social Contract* (1762), where he imagined an ideal society tied together by abstract faith in a benevolent deity combined with veneration for ‘the sanctity of the social contract and laws.’” What Bellah and Hufbauer have apparently forgotten is the idea of contract, or obligation, that is inherent to Rousseau’s analogy. Religion in this sense is not merely the transposition of a new iconography onto an existing Catholic form (as Bellah, Hufbauer, and others would have it), but rather a contractually reasoned set of obligations that bind society together as a society. Bellah’s assumption means that civil religion is merely an addition or mutatio (perhaps a replacement) of existing religious form rather than, as Rousseau might posit, an ideal form of obligation negotiated within a framework of faith *as such*. For a critique of Bellah’s idea of ‘civil religion’ and on the notion that the idea of ‘legimitating myth’ might be a more apt term to describe how Americans frame ideas about identity in religious terms, see Philip E. Hammond, Amanda Porterfield, James G. Moseley, and Jonathan D. Sarna, “Forum: American Civil Religion Revisited,” *Religion and American Culture* 4, no. 1 (Winter 1994): 1-23.

<sup>22</sup> Hufbauer (2006): 119; Benjamin Hufbauer, “The Father and the Temple: Memory and Masculinity in Presidential Commemoration,” (Dissertation: University of California, Santa Barbara, 1999): 236-237.

that the cult of the president began the moment George Washington died.<sup>23</sup> He describes how the “moral and political crisis of slavery” influenced the commemorative drive to make the first president into an icon.<sup>24</sup> According to Hufbauer, the history of this crisis informs the history of presidential libraries. Further, it is a history which can be precisely located at the end of an architectural narrative including: the saga of L’Enfant’s Washington, D.C.; the struggle to build a monument to George Washington; the efforts to procure and preserve Mount Vernon for posterity; and, eventually, in the construction of the Lincoln and Jefferson Memorials.<sup>25</sup> It was Roosevelt who, in 1934, renewed efforts to build the Jefferson Memorial and initiated the process to secure government funding. What impact this had on F.D.R.’s desire for his own memorial, to be built in his lifetime, is difficult to assess with certainty, although it is still an important facet of presidential library history.

Given that Hufbauer’s work is, for all intents and purposes, the lone attempt in recent years to critically address presidential commemoration in general and the presidential libraries in particular, it is worth a closer look to determine how Hufbauer

---

<sup>23</sup> Hufbauer (1999): 65.

<sup>24</sup> Hufbauer (1999): 72-73.

<sup>25</sup> Barbara Weinstein, “Washington for Historians,” *Perspectives*. 45:7 (Oct. 2007): 3-6, describes Washington, D.C., with a nod to Pierre Nora, as a “gallery of visual cues for historical memory.” She notes, in contrast to the overly patriotic-paternalist vision decried by Hufbauer, is that D.C. is that there are literally hundreds of statues and plaques throughout the city commemorating some rather obscure historical figures. And while one might wonder how and why (not to mention who paid for) such an individual is commemorated, the sheer diversity of the objects and texts (albeit mostly men) puts the dominance of a singular pantheon into question. She even mentions “an impressive statue to Jose’ Artigas, a relatively obscure independence leader from Banda Oriental, latterly Uruguay,” that can be found just to the west of the White House. Hufbauer’s study of D.C., derived in large part from the work of noted historians, is concise and well-formulated, and therefore will not be dealt with in any detail here. See for example, Donald R. Kennon, ed., *The United States Capitol: Designing and Decorating a National Icon* (Athens, OH: Ohio University Press, 2000).



arrived at his particular assumptions with regard to the relationship between architecture and the so-called cult of the presidency. What is more, his negative critique of the libraries (and all forms of presidential commemoration) as a *necessarily* racist and gendered temple is not derived from the careful study of any particular library in all of its components, but rather from the manner in which he framed his historical argument *as architecture*.

For Hufbauer the cult of the presidency begins when an anxiety about the nature of national identity, already rooted in slavery, was exacerbated as the ‘fathers of the revolution’ began to die.<sup>26</sup> What precisely characterized this anxiety, and what sorts of debates were promulgated regarding American character during and prior to this period, are unclear from his text. Nonetheless, the ‘proof’ of his thesis is that the Civil War occurred within decades of this phenomenon of the revolutionaries’ mortality. Unfortunately, despite his insistence on race itself as a determining factor in

---

<sup>26</sup> This is not a novel argument. Recently, Gene Healy, *The Cult of the Presidency: America’s Dangerous Dedication to Executive Power* (Washington, D.C.: The Cato Institute, 2008), linked the “cult originating with Washington to all the characteristics of Schlesinger’s “imperial presidency,” which in effect makes the presidential library as the equivalent monument to the latter rather naive. However, as Robert Kelley, *Politics and Religious Consciousness in America*, 2005 (New Brunswick, NJ: Transaction Publishers, 1984), 209-246, points out in his critique of Bellah’s thesis (particularly the way in which it has been misinterpreted by later historians), the idea of a civil religion as a mechanism for venerating any sort of “cult of the presidency” can be countered by an examination of Lafayette. Kelley notes that the year after Adams and Jefferson died, Lafayette was himself “like a monument” but that latter historians projected their own Romanticism back onto both his deeds vis a vis Washington and Washington himself. The particular heroic “character of America’s civil religion” and indeed monumentality, for Kelley, must be seen in terms of its relationship to France and England. In broader terms, religion, Kelley found, was embedded in all facets of commemoration and celebration and an aspect of “private faith to the nation.” In short, it was not so much “a ‘religion of the republic’ as a religion favorable to republicanism and adaptable to the practice of republicans: “Despite the unquestionable tendency to associate the new national venture with God’s will and providence and to associate America with the Exodus and to preach against corruption in the sentences of Elijah and Elisha as well as in a preformed ‘classical republican’ language, it is difficult to see how the easy coexistence of these lexical and rhetorical traditions had to produce a *tertium quid* known as civil religion.”

the development of presidential commemoration, the issue of slavery is poorly treated in both Hufbauer's dissertation and the subsequent book. For example, he confines his critique along these lines to an analysis of the Lincoln Memorial; a Neo-Classical design by Henry Bacon derived from Greek orders (in a manner typical of Neo-Classicism). Hufbauer notes, "Greeks, as is commonly known, not only gave birth to democracy but were also slaveholders."<sup>27</sup> Therefore, for Hufbauer, copying classical Greek forms as an architectural allusion to democracy is tantamount to sanctioning slavery. The formal classicism present in dominant Western architectural pedagogies during this period is completely ignored.<sup>28</sup>

Indeed, rather than pursue the broad historical and philosophical link between eighteenth and nineteenth century ideologies of liberty and economics, architecture and aesthetics (illustrated, for example, by Laugier's ideal temple as a primitive hut) on the one hand and the colonial exploitation of non-European labor on the other, Hufbauer concludes that because presidents have always been white, the monuments are racially white in their essence (a difficult assessment even before that axiom proved false in 2008) and aesthetically racist by virtue of a history of classical orders. Further, Lincoln—despite an attempt by Hufbauer to redeem him through his Second

---

<sup>27</sup> Hufbauer (2006), 12-13.

<sup>28</sup> Also ignored is the actual building; its lack of a triangular pediment, for example. Indeed, given the scale and purpose of the memorial, and the presence of narrative inscription, the Romans (as a simple caricature of an ancient slave-holding antecedent for the United States) might serve as a better example than the Greeks. Hufbauer, to classify the presidential library as "Catholic" for the use of artifacts as relics will eventually lump all neo-classical (non-archival) monuments as "Roman." This confusion of religion, formal simplification and cultural ambiguity is puzzling, and in fact ignores the important religious and cultural antecedents that might better inform Hufbauer's overt politics of racial reconciliation.

Inaugural speech in an attempt to kill architecture with the document (countering Victor Hugo)—is unavoidably implicated in the perpetuation of racism in America by virtue of his own conflicting policies, his race, and the commemorative architecture initiated by his successor decades later. What is more, Hufbauer insists that by emphasizing the preservation of the union over the elimination of slavery, the memorial is complicit in subverting emancipation. As he notes, this sentiment did exist among critics of the building, and indeed, the author of the monument's inscriptions was fully cognizant of making slavery subordinate to the goal of re-unification.

Ultimately, for Hufbauer, the memorial fails to accurately represent a Lincoln who the historian seeks to preserve as a benevolent member of the presidential pantheon. He cites Lincoln's Second Inaugural, as an example of Lincoln's more fervent dedication to Jefferson's "All men are created equal" than Jefferson had himself, given that Jefferson was of course a slave owner. In short, the architecture failed to do justice to a "good" man. This argument is necessary to support his critique of the presidential libraries—especially given that he links them to the rise of the imperial presidency—that fail to do justice (or do "bad" history) for possibly "bad" men.

By making the Lincoln Memorial merely an antecedent for claiming all presidential architecture as a reflection of a simplified racism, Hufbauer neglects several fundamental crises of race within the very tenets of democracy and liberty that were embedded in Revolutionary idealism—both French and American—from the eighteenth through the nineteenth centuries. For example, by insisting upon a certain failure to live up to (a modern reading of) the egalitarian rhetoric of Revolution (i.e. the Declaration of Independence or the Declaration of the Rights of Man), Hufbauer, like

many historians, ignores the ‘third’ revolution of the period that was absolutely cast in terms of race. Indeed, as Lynn Hunt points out, it is both surprising and conspicuous that the slave revolt and revolution in Saint Domingue (Haiti)—beginning with the revolt in 1791 and ending with independence in 1801—has been almost totally ignored as a site of comparison for historians of dealing with the ideological and aesthetic aftermath of the American and French Revolutions.<sup>29</sup>

This is vital precisely because it calls into question the assumptions about liberty which historians of subsequent periods use to underwrite a belief that, if only slavery was abolished sooner, then that idealism with respect to racism in art and architecture might not have been (or continue to be) a problem of such scale in the United States. This sort of naïve liberalism of easy condemnation, the politics underlying Hufbauer’s Lincoln Memorial analysis, perpetuates a mistaken belief that racism in the U.S. is merely the legacy of slavery and not also, to give only one example, a modern phenomenon of exploitive economics, exclusionary cultures and protectionist beliefs “renewed by generations of white immigrants whose own ancestors were likely engaged in forced labor.”<sup>30</sup> Michel-Rolph Trouillot, speaking to the silence of history of the Haitian Revolution *qua* Revolution, notes that historical silence is not merely derived from an absence of a physical record, a point not to be underestimated (particularly in Haiti), but to the pedagogical production of a history that fails to question the grounds of its own democratic idealism.

---

<sup>29</sup> Lynn Hunt, “Forgetting and Remembering: The French Revolution Then and Now,” *American Historical Review* vol. 100, no.4 (Oct., 1995), 1129.

<sup>30</sup> Michel-Rolph Trouillot, *Silencing the Past: Power and Production in History* (Boston: Beacon Press, 1995), 18-19.

To return this critique to its origins, Hufbauer assumes that *if only* the Lincoln (and, presumably, the Jefferson) memorial had *not* been derived from a slavery culture's architecture (i.e. Greek, ignoring the fact that virtually *all* cultures of the ancient world functioned as slave or chattel labor economies wholly different in both ideology and execution from modern racial oppression) and *if only* emancipation had been brought to the forefront of architectural representation, then the presidential monument as a vessel of instructive memory would be more successful—where such success can be gauged as the accurate portrait (judged by the historian) of a man (Lincoln) as the representational embodiment of an egalitarian legacy (determined *post facto*). Further, by deploying Lincoln's Second Inaugural and Jefferson's Declaration as the documentary foundation for a critique of a particular architecture of memory along the lines of race, Hufbauer in fact recasts (and reinforces) the documents themselves as monuments to a mode of positivist (even if negatively conceived) history that gives fixity to their significance.<sup>31</sup> In other words, he substitutes form for depth of meaning. What is more, such a move mistakes concrete presentness for legibility, and ignores the possibility of absent testimony. In short, he has filtered a critique of architecture through a politics of racial reconciliation established through the subjective historical re-deployment of documents. Simultaneously, he has conflated judgment with the desire to reconcile Lincoln's

---

<sup>31</sup> Hufbauer has reinforced the 'scriptural' monumentality of these documents, making of them the Ur-Archive for all American history in advance of the open-ended possibilities embedded in any other form of documentary record. In this, he has repeated an historical legacy begun by John Trumbull, *The Declaration of Independence, July 4<sup>th</sup>, 1776* (1787-1820). See, for example, Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Vintage Books, 1998).

architectural biography with a benevolent memory already ensnared in that same politics.

Beyond the issue of race, Hufbauer insists that the representational consequences of monumentality in the presidential libraries link an opposing set of desires. Nineteenth-century proposals for Washington's memorial called for a grand heroic monumentality that relied upon a pastiche of iconography and elevated Washington so far above the realm of the real that there was "little space for identification between citizen and leader."<sup>32</sup> These memorial designs, such as those by Robert Mills and Benjamin Henry Latrobe (and cited by Hufbauer as exemplars of this type), combined the burgeoning fascination with the architecture of ancient Egypt—derived from Napoleon's conquests in Egypt—with other mythic expressions of sacred empire. Through the invocation of a vast range of historical imagery and sacred allusion, this mythos could transcend time and thus escape profane criticism.

Hufbauer contrasts this "megalithic impulse" with an educational model, which had its roots in the desire to create a living memorial that could have an immediate effect on the lives of the people.<sup>33</sup> He cites the efforts of the Jeffersonian Republicans to create a sort of 'education fund' in Washington's name as one example of this effort. Washington himself can be used to support the educational iteration of the memorial if one looks to his unrealized interest in a university to be built in D.C. for the purposes of spreading "systematic ideas through all parts of the rising Empire, thereby to do away

---

<sup>32</sup> Hufbauer (1999): 69.

<sup>33</sup> Hufbauer (1999): 70.

[with] local attachments and State prejudices.”<sup>34</sup> Indeed, Hufbauer goes on to propose that the tension between the megalithic and the living (i.e. educational) memorial is a constant in the history of presidential commemoration that is still present in the presidential libraries of today.



*1.9 Grand staircase in the central atrium space of the Johnson Library. The galleries are arranged on balconies that circle the atrium on all sides but one. One entire wall provides a carefully ordered view into the archive repository. The archive boxes in view are specially designed, with red coverings and presidential seals. Lyndon B. Johnson Library, University of Texas, Austin (Photo by Author © 2006).*

---

<sup>34</sup> *The Writings of George Washington*, ed. John C. Fitzpatrick (Washington, D.C.: U.S. Government Printing Office, 1931-1944), 279-281, as quoted in Hufbauer (1999): 69.

This sentiment is particularly evident in the case of the Lyndon B. Johnson Library (Fig. 1.9) and the George H.W. Bush Library, for example (Fig. 1.10).<sup>35</sup> However, I would propose that the educational component, or the pedagogical impulse, is already present in the megalithic and mythic desires for monumentality. I would also suggest that the representational consequences of a national identity crisis have antecedents that predate the Civil War, Washington's death and even the Declaration of Independence. What is more, any inquiry into the commemorative practices of the post-Revolutionary era must attend to the complexities of an iconographic tradition inherited from changing political and religious ideologies on both sides of the Atlantic.<sup>36</sup> Indeed, there is a total absence of a contemporary history of theological critique (or, God), in Hufbauer's deployment of 'civil religion' as a social given during either the era of Washington's early commemoration or the foundation of F.D.R.'s library (see Chapter 2). As Robert Kelley, *Politics and Religious Consciousness in America* (2005), noted in his critique of Bellah (and those who utilize his analysis too

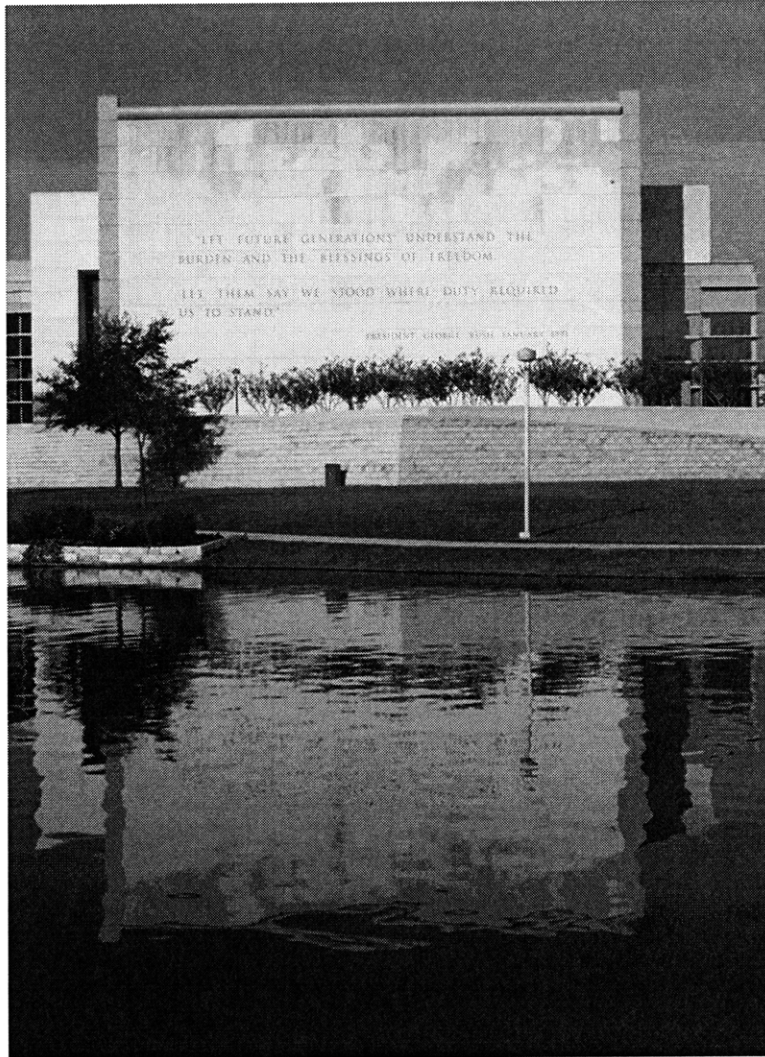
---

<sup>35</sup> Other libraries, notably the F.D.R. Library, are relatively modest in appearance, if not in scope or scale. This is especially true when one compares the architecture of the presidential museum with the grandiose architecture of other museums from the nineteenth-century through today. See Andrew McClellan, *The Art Museum: From Boullée to Bilbao* (Berkeley, CA: University of California Press, 2008).

<sup>36</sup> For example the representation of leaders and other "privileged individuals in the guise of mythological deities, demi-gods, and heroes" was highly prevalent in eighteenth-century art in France and elsewhere. See Christopher M. S. Johns, "Portrait Mythology: Antonio Canova's Portraits of the Bonapartes," *Eighteenth Century Studies* vol. 28, no. 1 (Autumn, 1994). Dorinda Outram, *The Body and the French Revolution: Ex, Class, and Political Culture* (New Haven, CN: Yale University Press, 1989), 85, argues that the late eighteenth-century idealization of the stoic male encouraged the proto-totalitarianism of the revolutionary government. See also, John C. Shields, *The American Aeneas: Classical Origins of the American Self* (Knoxville: University of Tennessee Press, 2001).



easily), Hufbauer “veiled God and transcendence with ambiguities of symbolism,” conflating decades of national history.<sup>37</sup>



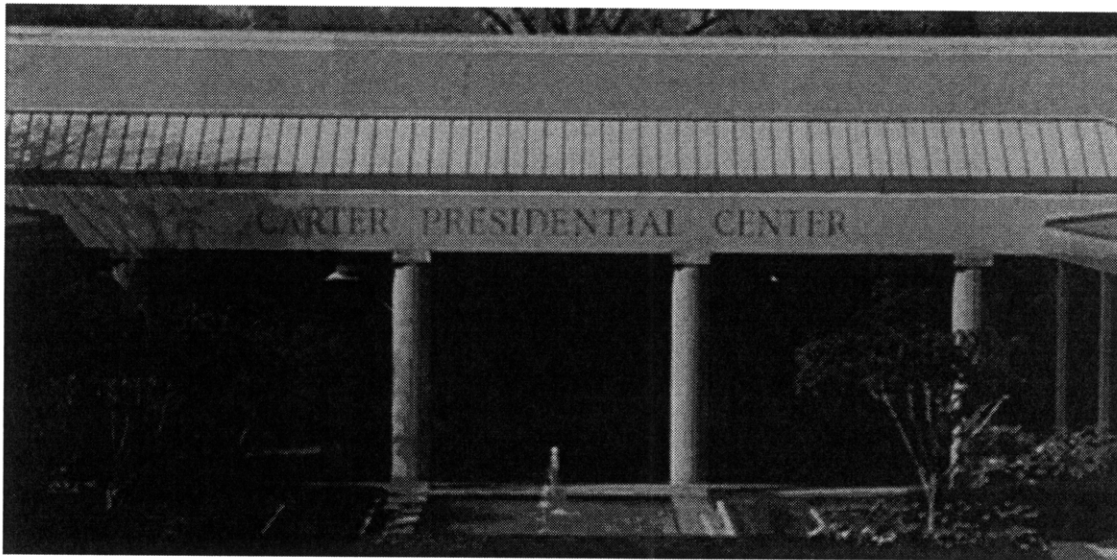
*1.10 “Let future generations understand the burden and blessing of freedom. Let them say we stood where duty required us to stand.” This modern-day example of “architecture parlant” is carved onto the rear façade of the Bush Library and reflected in the Bush Center lagoon. This is also a view from the road. George H.W. Bush Presidential Library, Texas A&M University, College Station (Photo by Author © 2006).*

Hufbauer’s negative critique of a limited collection of memorial structures dedicated to individuals selected only from the pantheon of civil religion (Washington, Jefferson, Lincoln), serves to elucidate the foundation by which he has formed a

---

<sup>37</sup> Kelley (1984), 239.

scheme for passing judgment upon the presidential libraries. To be fair, in his criticisms of presidential commemoration, before and after the first presidential library, Hufbauer has staked his claim to the notion that such memory should be inclusive of “bad” legacies as well as “good,” in itself a worthy aim—particularly at museums still heavily influenced by and financially reliant on partisan library foundations. His need to bring Lincoln-the-architect in line with a certain view of Lincoln-the-idealist is in itself yoked to this goal. Yet, how the ‘bad’ and the ‘good’ are defined in history is a crucial element in any foundation for the study of commemorative architecture, particularly when the architecture bears the burden of its own archive; an archive that exists precisely, or at the very least rhetorically, for the purposes of passing judgment.



1.11 *The abstract classicism of the entrance to the Carter Center; its columns and fountain recall a “Roman” villa or even an “Egyptian” funerary monument, tying Carter to an imperial legacy centuries, even milenia, old. Indeed the column pictured here is almost an exact replica of a column from Queen Hatsephet’s Tomb. A scholar no less eminent than architectural historian Sigfried Giedion argued that this column form ostensibly began the tendency for architectural abstraction in Western Civilization. Jimmy Carter Presidential Library, Atlanta, Georgia (National Park Service: [www.nps.gov/jica/historyculture/carterpresidentialcenter.htm](http://www.nps.gov/jica/historyculture/carterpresidentialcenter.htm)).*

Hufbauer's binary (monumental | educational) is also inflected with a thinly veiled politics of approval for the pedagogical "living" model. In a footnote, he proposes that, because of the activities of Jimmy Carter and his namesake foundation, the Carter Center of the Jimmy Carter Presidential Library in Atlanta, Georgia, is "the most successful example of a living presidential memorial."<sup>38</sup> By contrast, I would argue that the Carter Center and the very public post-presidency of Jimmy Carter are fundamentally tied up in the propagation of a prophetic imagination of Great Men as a model for ideal citizenship. Further, such a naïve vision of the Carter Center fails to take into account the more subversive forms of post-modern memory politics that both underwrite its "humanistic" endeavors overseas and provide its well-publicized missionary politics and namesake with an aesthetic (Fig. 1.11).

To be fair, Hufbauer has created a detailed and excellent study of the presidential libraries from the standpoint of critiquing how they mythologize individual presidents. What is more, the conclusion to his book points towards the importance of considering the presidential archive when coming to an understanding of the libraries. Chapters 3 and 10 deal specifically with this point, while Chapters 4 through 6 address the historiographic limitations of Hufbauer's architectural analysis detailed above.

### **The Presidential Library as Political System: Cochrane**

Lynn Scott Cochrane's dissertation, "The Presidential Library System: A Quiescent Policy Subsystem" is a detailed study of the complex bureaucratic apparatus

---

<sup>38</sup> Hufbauer (1999): 70.

and the multitude of actors that govern, fund and administer the presidential libraries. She insists that the Presidential Library System is an example of what public administration and policy scholars call a “policy subsystem.”<sup>39</sup> Presidential libraries can therefore be defined as “an informal political coalition of individuals from different parts of a formal policy structure who cooperate to influence policy-making.”

Cochrane also points to the public-private partnership, simplistically defined as the shared funding obligations between NARA and the private library foundations, as what makes the libraries “quintessentially American.”<sup>40</sup> What exactly ‘quintessentially American’ means, particularly in regards to the presidential libraries, is the subject of Chapter 2. Nonetheless, by contrast to Hufbauer, whose historical research found the presidential libraries to be a form of heroic secular temple deriving from a rather homogenous (and to a large extent hegemonic) myth-making culture of masculinity, Cochrane’s more detailed study of the libraries as ‘policy subsystems’ reveals some important clues for writing the *history* of presidential libraries that accounts for real (even if ideologically motivated) politics and their essentially variable heterogeneity on the ground.

First and foremost, Cochrane breaks down the multiple layers of bureaucratic and administrative mechanisms that operate throughout the presidential library

---

<sup>39</sup> Cochrane’s review of the various types of literature on presidential libraries (up through 1998) is thorough and therefore will not be repeated here (see above note and explanation). Her summary of the legislative history governing libraries and records administration is also complete and will not be repeated in this chapter. However, see Chapter 3 and Chapter 10 for my own exploration of presidential records law and history. Cochrane (1998): 10-32.

<sup>40</sup> Lynn Scott Cochrane, “Presidential Libraries: Presidential, Yes; Libraries, Not Really,” *American Libraries* vol. 33, no. 5 (May 2002), 61.

system, from the central administration at the Office of Presidential Libraries within NARA to the individual libraries and their attendant foundations. Examining the relationship of each library to the central governance at NARA's Office of Presidential Libraries, Cochrane found that the libraries had a wide range of relative autonomy. Her research reveals that the actors (she often uses the term 'members') and individuals that in turn make up the variable components of the Presidential Library System at all levels do not represent a "conscious, planned, centrally coordinated macro-rationality."<sup>41</sup> In other words, rather than begin with the tendency to describe and critique a type of institution from within a history of cultural homogeneity, Cochrane has unveiled a heterogeneous micro-polity within the system that operates against as well as for a centrally defined hegemony.

Cochrane found that the degree of library autonomy was determined by a variety of factors that could change over time, including: distance from Washington, D.C., the financial backing and related influence of the private presidential library foundations, the ever-changing interest in libraries and records from Congress and the public or media (ranging from outbursts of partisan contentiousness to long periods of outright indifference), the applicable statutory requirements (almost every library is subject to a different set of laws and regulations depending upon when laws were passed, when a library was built, and what regulations are handed down to deal with particular problems in any given collection), and even (not to be underestimated) the individual actions of library directors and staff members. Indeed, given the generally

---

<sup>41</sup> Cochrane (1998): 179.

small size of NARA-funded library staffs over time in conjunction with the *close proximity* on a day-to-day basis of (publicly funded) archivists and directors with members of the private foundation usually housed *on premises*, Cochrane found that personal interactions and individual motives could achieve large shifts in policy, perception and function at any library over a given period of time.

To argue that the museums are necessarily homogeneous across the library system, is to ignore what Cochrane calls the “variable internal distribution of power” of the system actors (directors, library staff, NARA officials, legislative bodies, former presidents and their families, donors, Foundations, and other influential private patrons) that subject programming to a wide range of interests and only varying degrees of unifying normative public interest. As she notes, it is the “individual libraries [that] are most readily able to influence their own [particular] ‘allocation of values’ through interactions with their private-sector foundations and in some cases local and state governments.”<sup>42</sup>

For Cochrane, the single largest normative factor in the presidential library system is the “four-fold archival mission” handed down by NARA of 1. preserving presidential papers, 2. bringing papers under public control and ownership, 3. processing the records in a timely manner to ensure their accessibility, and 4. the storage and exhibition of presidential artifacts.<sup>43</sup> In contrast to Hufbauer’s description of the libraries as rather homogeneous patriarchal monuments (derived solely from his

---

<sup>42</sup> Cochrane (1998): 182-83.

<sup>43</sup> Derived from O’Neill (1973) and summarized by Cochrane (1998): 12.

assessment of the museums and their memorial aspects), Cochrane, studies the amalgamation of the libraries as an evolving complex formal structure by quantifying the effects of particular actors and groups over time within the individual libraries. She concludes that the “Presidential Library System is a supremely heterogeneous organization, as highlighted by the diversity of forms, funding, and operations found within it. Individual presidential libraries are quite autonomous and distinguished by their variety. Although they all engage in archival, museum, and outreach activities, the emphasis is different in each library.”<sup>44</sup> In short, if one takes into account politics, economics, and importantly *time*, one cannot paint the libraries with a wide brush deriving from a single viewpoint ostensibly aimed at one of the several functions of a presidential library (each one of which, of course, pursues different variations of these functions through a variety of representative means). If any one thing is normative, it is the sense of mission and its articulation throughout the system over time, not a narrowly-defined commemorative drive. Therefore, this mission and its articulation over time is the subject of my dissertation.

Cochrane’s dissertation is important to any history of presidential libraries in that it explores in detail how the structure of institutions in conjunction with the multifaceted interests of the various groups which in effect create the libraries, can vary over time—particularly with respect to politics, bureaucratic inertia, economics, and evolving ideas of ownership codified by law and enforced on the ground in an ongoing negotiation of public and private interests.

---

<sup>44</sup> Cochrane (1998): 183.

## **Beyond Existing Scholarship: Framing an Argument about Publics**

Like Hufbauer's work, my dissertation is broadly concerned with ideas of historical representation, particularly how to write a history of commemoration as a form of architecture. Unlike Hufbauer, my dissertation is largely unconcerned with whether or not perpetuating an individual president's legacy must be a "good" or a "bad" thing. Cochrane's research illustrates that mechanisms beyond generalities such as race and gender are continually at play within the presidential library. From her dissertation it becomes clear that the traces of meaning do not only come together to form a master narrative of patriarchal domination and secular religion in the form of presidential temples. Rather, the presidential library *as an idea* is continually negotiated over time across the entire spectrum of politics (defined in its broadest terms), particularly in the realm of economic influence at the limits of public control. Indeed a history of such negotiations must be attentive to a whole field of actors who represent a multitude of interests—often simplified as public and private, although private citizens are of course also "the public."

However, to merely write a history of presidential libraries as an architectural narrative of biography and politics, or monument and memorial, is a methodology that misses the point. Rather, following Pierre Bourdieu, the limits of study always describe the state of a struggle that is constitutive of the field of study.<sup>45</sup> Underlying all facets of this study is the understanding that presidential library history begins to describe a vast field of inquiry that extends beyond the president as a heroic figure and beyond

---

<sup>45</sup> Pierre Bourdieu, "The Field of Cultural Production," in David Finkelstein and Alistair McCleery, ed., *Book History Reader* (New York: Routledge, 2002), 77-79.



the presidential library as a memorial object. Rather, it is defined in some manner by a history of the presidential library as a site and form of struggle. Thus it is the public that is the ultimate subject of this dissertation.

My dissertation takes the definition of the public, as a contested field of ownership and a manifestation of obligation, in conjunction with the ostensibly normative archival mission of the libraries as the starting point for a fundamental ethical question: what is “the public”, and how has the presidential library defined and been defined by the ever-changing identities of a particularly American public over time and within a critical frame. Further, it delves into the history of the archival mission to propose that it is in the presidential library where the power to represent publics and perpetuate normative myths might best be found.

Presidential libraries are important American archives due to their collections of artifacts and records. Yet they are also potent symbolic structures. Following Bourdieu:

As instruments of knowledge and communication, ‘symbolic structures’ can exercise a structuring power only because they themselves are structured. ... Symbols are the instruments *par excellence* of ‘social integration’: as instruments of knowledge and communication they make it possible for there to be a *consensus* on the meaning of the social world, a consensus which contributes fundamentally to the reproduction of the social order.<sup>46</sup>

---

<sup>46</sup> Pierre Bourdieu, “On Symbolic Power (1977),” in *Language and Symbolic Power* (Cambridge, MA: Harvard University Press, 1991), 166.

Therefore, the stakes for a history of presidential libraries as a history of struggle are extremely high, encapsulating contested notions of freedom and publics, and somehow going to the heart of an elusive yet continually reproduced consensus on forms of cultural identity. A history of these conflicts becomes inextricable from a history of the archive and museum in America.



*1.12 My grandparents in the Gallery of Presidents at the Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2007).*

Any inquiry into the criteria for the establishment of an identity (ethnic, national, religious or otherwise.), must take into account the twin facets of mental and objectified representation that limit new social practices of identity. According to Bourdieu, these criteria are the object of mental language and objectified

representation. The latter is particularly pertinent to this study in that the libraries and their publics are heavily invested in this types of representation, in the form of flags and emblems, rituals and maps, for example (Fig. 1.12). Further, investments in objectified representations, such as the funding and construction of presidential libraries, and the preservation and display of artifacts, are “self-interested strategies of symbolic manipulation which aim at determining the (mental) representation that other people may form.”<sup>47</sup>

In other words, the determination that the properties of representation *are* symbolic (Hufbauer’s approach) is not enough. One must acknowledge that symbolic properties are also strategic and perceivable—by both observers and participants. Further, they are registered in the language and objects symbolically deployed. Thus the dichotomy of factual truth versus perception, or reality versus its representation, is false. The reality of the representation is constitutive of the reality itself, especially if one acknowledges that the struggle over the representation and its criteria is embedded in determinations of reality. It is for this reason that this dissertation restricts its focus to actual artifacts and archives within the library seen through the lens of a struggle for consensus among interested groups (see Chapters 8-10 for how this has played out at the Nixon Library).

Bourdieu sums up the broad implications of this type of study by stating that “what is at stake here is the power of imposing a vision of the social world through

---

<sup>47</sup> Pierre Bourdieu, “Identity and Representation: Elements for a Critical Reflection on the Idea of Region (1980),” *Language and Symbolic Power* (Cambridge, MA: Harvard University Press, 1991), 220-21.

principles [which] establish meaning and a consensus about meaning, and in particular about identity.”<sup>48</sup> The static pillars of Bellah’s analogical thesis (saints, sacred objects, sacred places, and sacred rituals) need, at best, to be re-interpreted as continually negotiated and dynamic symbols over time. Indeed, following Bourdieu, any development of a theory on how the presidential library confers a sense of identity and legitimacy must account for the social function of the *ritual* established by virtue of passage through the institutions and their choreographed symbolic power. In order to define this as a ritual, one must acknowledge that the passage creates a boundary of transgression “separating those who have undergone it, not from those who have not undergone it, but from those who will not undergo it in any sense.”<sup>49</sup> This *rite of institution* consecrates what is believed to be essential difference. Further, it acts on social reality through the symbolic efficacy of the ritual’s power to transform and sanction social representation. The ritual is a symbolic means by which a boundary is imposed around a particular social world for its own legitimacy and identification. In other words, the ritual produces a *recognizable* reinforcement of its own importance by virtue of society’s acceptance that, regardless of participation, there exists an essential difference between those who are able to participate and those who are not. Thus the existence of the institution (i.e. presidential library) is itself a public expression of this social world, while compliance with the limits imposed by this ritual

---

<sup>48</sup> Bourdieu, “Identity and Representation” (1991), 221.

<sup>49</sup> Pierre Bourdieu, “Rites of Institution (1982),” *Language and Symbolic Power* (Cambridge, MA: Harvard University Press, 1991), 117.

is assured through the obligation to reinforce the ritual through the participation of those already defined as participants.<sup>50</sup>

What appears to be missing from presidential library scholarship is a way to critically assess the manner in which architecture, archives, and artifacts, come together within a broad historical discourse that traces the representation of the struggle to reinforce symbolic power over time and identifies a social world defined by rituals of legitimacy. Current scholarship, then, has revealed three fundamental gaps that are addressed in this dissertation. First, if the presidential library is “just history”, what kind of history is it, particularly within an American narrative of the archive as a means of salvation that is embedded in the rhetorical mission of the libraries. Second, the history of presidential libraries requires a more diligent approach to how they function as a complex type of public architecture. Finally, what constitutes the symbolic power of the presidential archive acting on both presidential library history and the evolution of American publics—where the archive is a composite deployment of images, artifacts, and documents mediated by Cochrane’s micro-polities.

Part I goes on to address the first question in order to establish a more fundamental and broadly historical beginning to a history of presidential libraries. Chapter 2 takes President Clinton’s declaration in 2005 at face value and proposes that America is itself a kind of historical undertaking that does not begin with F.D.R.’s presidential library but instead reaches a kind of apotheosis. Chapter 3 provides a history of presidential records that describes how over time the legal codification of

---

<sup>50</sup> Bourdieu, “Rites of Institution” (1991), 118-21.

ownership has transformed ideas about access to documents into a public right to judge its own history. Part I proposes that history is more than what the presidential library portends to facilitate in the form of archival research, commemorative narrative or museum display, it is fundamentally what the presidential library represents. Indeed scholars, whether critical of the proposition or producing work in its wake, seemingly cannot escape the power of the belief that history is a good thing. And the presidential library, with its unique assemblage of artifacts and archives, unified under a legal mandate of public stewardship and the authorship of the most powerful office in the modern world, exists—perhaps more so than any other form of architecture—precisely to affirm this belief.

Despite Hufbauer’s insistence on the gendered temple analogy or Wolff’s description of the libraries as “necessary monuments”, a history of the presidential library as a history of meaning founded on architectural discourse is missing. The description of the libraries as museums and archives points to limitations imposed by a narrowly conceived typological and theoretical history that fails to address architecture as a history of power and knowledge over time. Part II (Chapters 4-6) explores the implications of broadening that discourse through an exploration of museums, archives, and libraries within the methodological dimensions outlined by Bourdieu. In addition, almost all the scholars seem to either ignore or treat as a separate issue the fundamentally *representative*, and therefore aesthetic, nature of the presidential archive—both the records governed by law and the artifacts displayed in the museum. In Part III (Chapters 7-10), my research on the Richard Nixon Library reveals that the presidential archive itself, beyond systemic records and documents

about library origins and maintenance, speaks directly to the basic representational power of the presidential libraries to determine and choreograph American history. What is more, my research on how Nixon changed the history of presidential libraries reveals that individuals from library directors to White House lawyers often confronted the library and records system, creating opportunities for the public to become participants in the contested determination of American history through access to records and artifacts.

### **Summary**

Presidential Libraries are not really about presidents. They promulgate a generally unifying narrative of national history, they describe and reinforce a predictable political state, and they deploy their archives and artifacts with the authority and the iconography of a powerful nation. Further, their organization under the authorship of a single individual, often enhanced by the on-site burial of former presidents and their families, implicates the presidential library in the rhetoric of cultural remembrance and the continuous reproduction of heroic memory. Whether celebrating the presidential library as the best way to look at the history of America—as President Clinton contends—or critiquing the libraries as nothing more than modern-day pyramids and myth-making monuments to post-presidential ego—a contention oft-repeated since F.D.R.’s library—critics, apologists and the general public alike view the presidential library through the lens of nationalist ideology.

My research examines the place of the museum as the repository of national identity, the role of records preservation as a necessary facet of public judgment, and the contentious representation of prophetic heroism in American memory. It situates

the presidential library within a historiography conceived as a history of architecture and relocates the critical argument from one that judges the presidential libraries as merely “good” or “bad” or “necessary” monuments to one where they are inextricably linked to a history of museums, archives, and libraries as pedagogical architectures that are always instruments of cultural power. This macro-foundation for the critical study of presidential libraries is then redeployed within a particular presidential museum and archive to examine how Richard Nixon changed the history of the presidential library. Ultimately this dissertation traces how the records and artifacts of presidential intent and institutional practice have been forced over time into an unstable relationship between an obligation to public education as an essential feature of democratic idealism and a belief in the benevolent power of history to hold sway over a singular national future.



## Chapter 2

### Salvation:

#### The Prophecy of History and the Coming of the Presidential Library

##### The Faith of Enlightenment: A New 'Modern' History for Presidential Libraries

[W]hen we preserve [documents], we prove our commitment to the values on which our society has been built, and it is on the basis of these materials that posterity will make its judgment of our lives and times.<sup>1</sup>

What precisely did Franklin D. Roosevelt mean when he likened the opening of his presidential library, a repository of national iconography, political records and other historical artifacts, to “an act of faith?” This chapter frames a prehistory of the presidential library within a critical reappraisal of faith in modern thought and American history. It examines the fundamental aspect of belief that provides the foundation for American identity, government, and public accountability. This belief is inextricably bound to the history of presidential libraries and the making of history. As historian Edmund Morgan once wrote:

Government requires make-believe. Make believe that the king is divine, make believe that he can do no wrong or make believe that the voice of the

---

<sup>1</sup> Benedict Zobrist (then-Director of the Truman Library), *Whistle Stop: Harry S. Truman Library Institute Newsletter* (1983), as quoted in Lynda Scott Cochrane, “The Presidential Library System: A Quiescent Policy Subsystem,” (Dissertation: Virginia Polytechnic Institute, 1998): 3. Cochrane quotes Zobrist in order to defend the idea that presidential libraries are “an egalitarian, anti-elitist” approach to collecting. The quote is repeated here, however, to highlight the fundamental link between the judgment of history and the values of society embedded not only in the creation of an archive, but in the system of belief underlying presidential library scholarship.

people is the voice of God. Make believe that the people *have* a voice or make believe that the representatives of the people *are* the people.<sup>2</sup>

This chapter traces a belief in American history that was, prior to Independence and thus in advance of the nation as a state, like the Enlightenment, already conceived in a religious mode. From the rhetoric of F.D.R. and his successors, to the mission statements of the National Archives and Records Administration (where the iconography of the presidential museum is an index for the nation), the historical function of the presidential archive implies a conviction in the public's ability to judge its own past through knowledge in order to create a benevolent future. In other words, the presidential library is a potent force for perpetuating a certain enlightenment *faith* in national patrimony. Further, the presidential library is an architectural manifestation of an enlightenment theology of history cast as an America jeremiad.

Beyond a history of heroic commemoration, this chapter insists that the presidential library cannot begin without understanding how history is broadly conceived as already embedded within a certain centuries-old American tradition of faith and loyalty as essential components of America's 'special mission' and identity. Ultimately, this history is inextricably linked to Progressive-era scholarship and a handful of historians who influenced F.D.R.'s library and who operated under a particularly American version of the Enlightenment assumption that knowledge directed towards a purpose can yield a better world. From F.D.R.'s invocation to Reagan's funeral, the presidential library comes from a history of how history itself

---

<sup>2</sup> Edmund Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W.W. Norton & Co., 1988), 13.

was deployed from the seventeenth century on as an aspect of a providential covenant between a community or nation and its own future. It is a history that conflates ideas about faith and loyalty in order to forge a unified sense of purpose and a patriotic national identity in perpetuity.

Robert Kelley's *Politics and Religious Consciousness in America* (2005), claims that faith and loyalty are "the essential mechanisms by which religion and politics operate on members of a community."<sup>3</sup> Kelley defines loyalty as the positive conviction of politics; in other words, the allegiance to a covenant or promise to maintain a commonality of purpose. It is, according to Kelley, often subjective and pragmatic, and ultimately "preservative in the profane sphere."<sup>4</sup> By contrast, "faith is a conviction that may be subject to a reasonable doubt, but that overweighs that doubt with its own evidence. Faith is not totally unreflective, for it is a conviction experienced in a world of living, moving, and untrustworthy objects; it is the passion that survives these confrontations after they have been reflected on."<sup>5</sup> In other words, faith is a perpetuity of purposiveness that is maintained by, even as it confronts, the evidence or proof of its non-provability. Most importantly, perhaps, faith necessitate loyalty, and each implies a "we," or a plurality that is continually reinforced through action, representation, and discourse.

---

<sup>3</sup> Robert Kelley, *Politics and Religious Consciousness in America*, 2005 (New Brunswick, NJ: Transaction Publishers, 1984), 265.

<sup>4</sup> Kelley (1984), 266.

<sup>5</sup> Kelley (1984), 265.

Michael Allen Gillespie's *The Theological Origins of Modernity* (2008), notes that conventional wisdom largely views and defines the modern world—defined as modern—as essentially (if not culturally) a non-religious (or benignly so) product of seventeenth and eighteenth-century Enlightenment thought (Descartes, Hobbes, Copernicus, Voltaire, Kant, among others). Modernity is “the realm of individualism, of representation and subjectivity, of exploration and discovery, of freedom, rights, equality, toleration, liberalism, and the nation state.”<sup>6</sup> The standard historical myth of the Enlightenment, for Gillespie, is that modernity is the “result of the displacement of religious belief from its position of prominence at the center of public life into a private realm where it could be freely practiced so long as it did not challenge secular authority, science, or reason.” He goes on to note that the “unsettling” nature of such events as 9/11 might be traced to the embedded nature of this belief.

The way presidential library history has been written thus far embraces this conception of the world. Recent scholarship, however, has opened up the “self-congratulatory story that modernity tells about itself and its origins” to reveal that theology formed an essential component, not just a foil, to the very idea of modernity and even “enlightenment as such. For example, on the very surface, in advance of its philosophy, the Enlightenment was always inextricable from a biblically derived aesthetic of illumination directed towards realizing a prophetic future.<sup>7</sup> This aesthetic

---

<sup>6</sup> Michael Allen Gillespie, *The Theological Origins of Modernity* (Chicago: University of Chicago Press, 2008), xi.

<sup>7</sup> Gillespie (2008), 257, notes the first use of the word ‘enlighten’ in Milton’s *Paradise Lost* (1667), where God commands the Archangel Michael to “reveal to Adam what shall come.... As I shall thee enlighten.”

was then linked, particularly by Kant, to the idea that knowledge, directed towards a purpose, could achieve freedom, and therefore a better world.<sup>8</sup>

It is important to note that these ideas became deeply embedded in what became the revolutionary era of eighteenth-century Europe, particularly within questions of Church and State, freedom and tyranny, and framed against the emergence of rational critique.<sup>9</sup> Indeed, the “success” of the American Revolution and the ability of the Americans to establish their own laws and choose their own leaders, according to Gillespie, seemed to reinforce the idea, particularly for European intellectuals, that “modern rationality” proved its own efficacy. Yet, Gillespie notes that modernity, and its attendant Enlightenment, was always more than a simple opposition between Church and State, religion and reason. Rationality, particularly at the time, was always deeply theological. Indeed, according to Thomas Albert Howard, theology, “a manner of regarding the world and human existence that privileges questions of faith, religious truth, transcendence, ... and moral behavior,” was never really freed from the historicism developed out of the Enlightenment; primarily by

---

He goes on to note similar uses by Kant, Bacon, Hobbes, Descartes, and others, traceable back to both the “Augustinian notion of divine illumination and the Platonic analogy of the idea of the good to the sun.”

<sup>8</sup> Immanuel Kant, “An Answer to the Question: What is Enlightenment? (1784),” in James Schmidt, ed., *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions* (Berkeley: University of California Press, 1996), 53-57.

<sup>9</sup> As Jason Schmidt, “Introduction,” in Schmidt (1996), 6-15, notes, this was particularly true of the German philosophes attempting to reconcile rationalism from within the context of the Christian Prussian state. Following the French Revolution, the question, “What is Enlightenment?” was continually recast in order to explain decades of upheaval.

German scholars and then passed on to their American counterparts, from the end of the eighteenth century throughout the nineteenth century.<sup>10</sup>

These ideas about moral truth and the nature of historical patrimony were virtually unchanged when, in 1941, at the dedication ceremony for the Roosevelt Library, U.S. Archivist R.D.W. Connor asked,

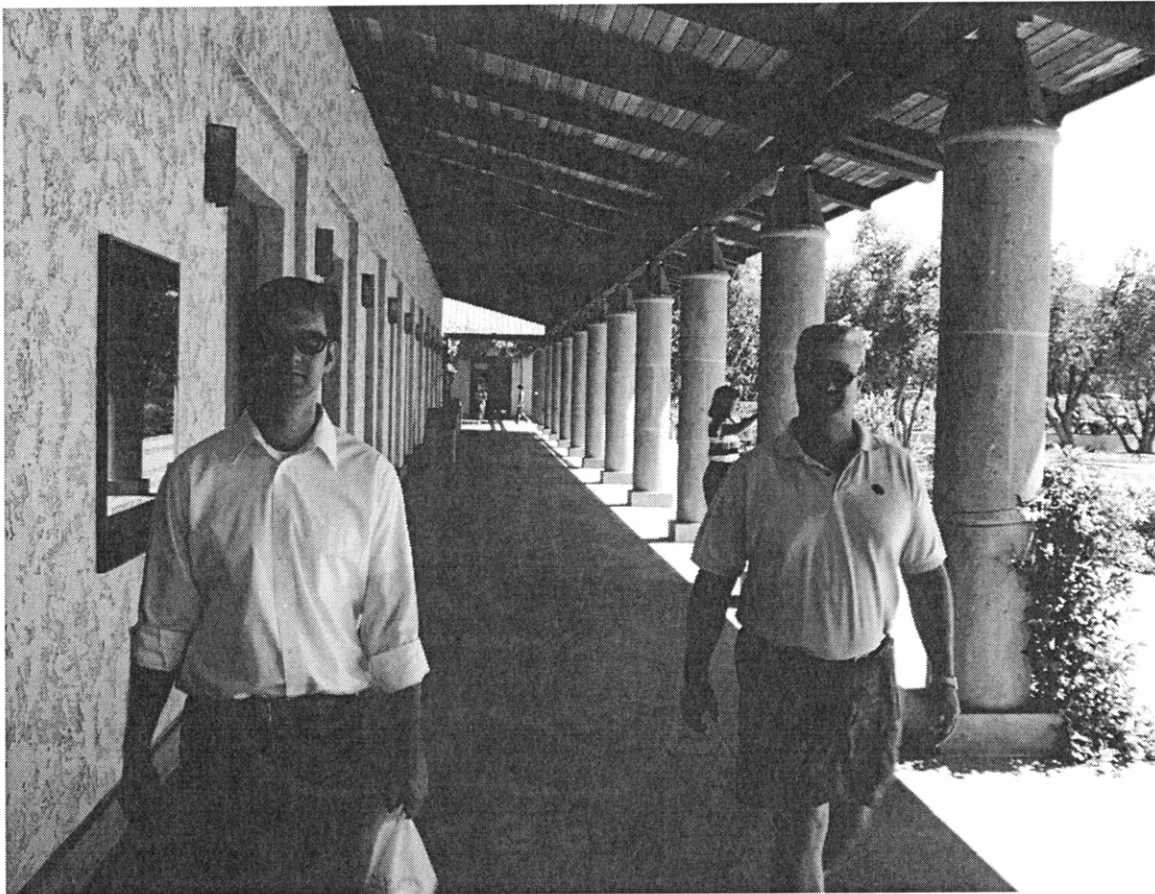
[W]hat is our national heritage if it is not our national history? And how can we pass it on intact and stronger than ever if we do not respect its truth and defend its integrity? The product of false history is a spurious patriotism and a spurious patriotism is no more desired in a democracy than in an autocracy.<sup>11</sup>

Connor unproblematically links democracy to patriotism, and patriotism to an appropriately conceived national heritage. Even without its archives, the library's historical power lies in the ability to generate a patriotic narrative and, importantly, to pass it on as a value lesson as if from father to son (Fig. 2.1).

---

<sup>10</sup> Thomas Albert Howard, *Religion and the Rise of Historicism: W.M.L. de Wette, Jacob Burckhardt, and the Theological Origins of Nineteenth-Century Historical Consciousness* (Cambridge: Cambridge University Press, 2000), 1-5.

<sup>11</sup> Address of Dr. R.D.W. Connor, *Addresses Given At the Dedication of the Franklin D. Roosevelt Library, Hyde Park, New York, June 30, 1941*, p. 5, PPF 5720, Franklin D. Roosevelt Library.



*2.1 My father and I at the Ronald Reagan Presidential Library, Simi Valley, California (Photo by Charles Haughey, Sr. © 2004).*

### **A City on a Hill: From Reagan to Winthrop**

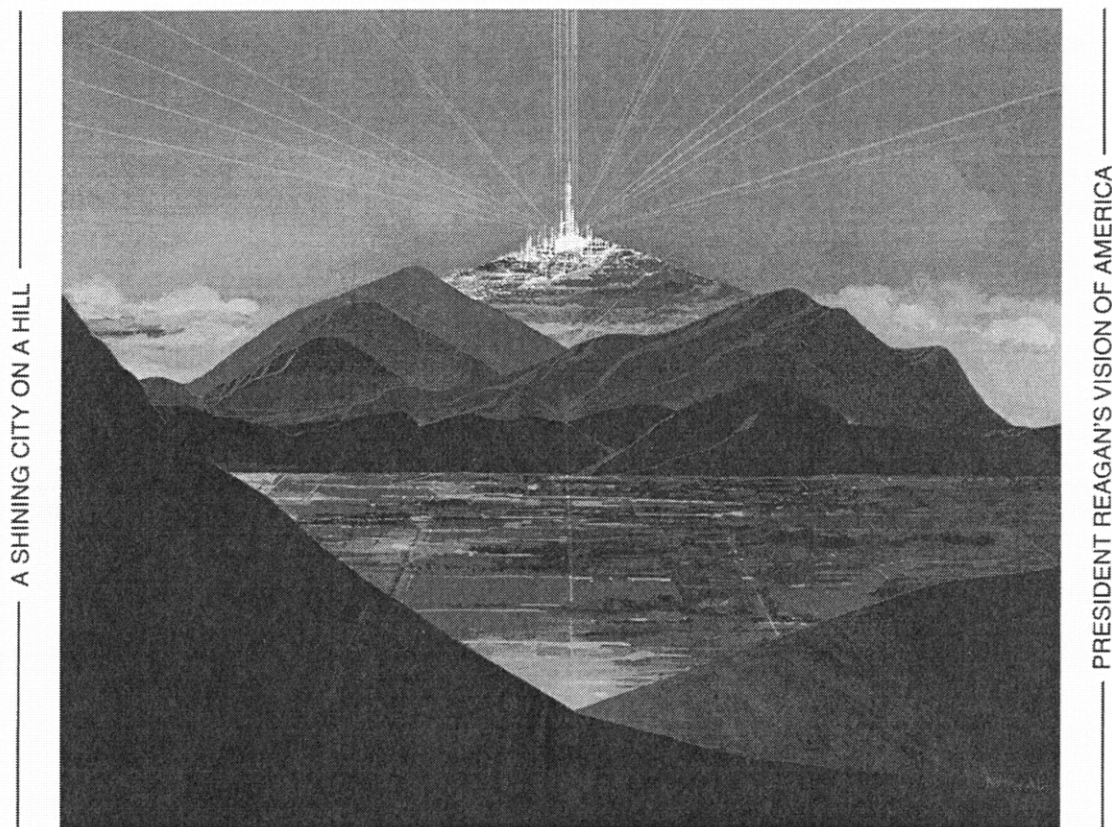
The Bible tells a story of how the Children of Israel made a covenant with God, a reciprocal pact whereby they agreed to obey his rules, succumb to his judgment, and thus, out of this agreement, create a nation. For Griel Marcus, this fundamental theme—of judgment and covenant—repeats itself throughout the history of America, as scripture from Lincoln’s Second Inaugural to Martin Luther King, Jr.’s speech at the Lincoln Memorial nearly a century later. The story of America is framed in terms of trial, judgment, and special providence. “The template,” for Marcus, “in its simplest starkest terms, came in the voice of God from the Book of Amos: ‘You only have I known of all the families of the earth; therefore I will punish you for all your

iniquities.” The passage of judgment based upon a covenant made with the future is “what it means to be a citizen; all of citizenship, all taxes and freedoms, flows from that obligation.” According to Marcus, both the armed sense of American exceptionalism and the heroic “urge of the nation” to judge itself against a prophecy foretelling its future-as-hope is the essence of American identity. America “describes itself only by judging itself”, and vice versa. Prophecy, and a faith in the promise of that foretelling, is as much about the past as it is about the future. And, as Roosevelt plainly stated, it is embedded in the very meaning of the presidential library. Indeed, Marcus notes that despite being at the heart of political rhetoric from the beginning, the nature of the covenant and how the covenant plays out over time is perhaps best found in America’s art, or even its architecture.<sup>12</sup>

---

<sup>12</sup> Griel Marcus, *The Shape of Things to Come: Prophecy and the American Voice* (New York: Farrar, Straus, and Giroux, 2006), 6-8.





2.2 Postcard depicting Harry Newman's painting, "A Shining City on a Hill" (2001), purchased at the Ronald Reagan Presidential Library in 2004. According to the postcard (reverse side), the image "was inspired by and created as a tribute to President Reagan and the millions of Americans who treasure his vision of America."

In 2004, after my tour through the Reagan museum and prior to visiting the small semi-circular marble tomb of the former president (Fig. 1.5), I purchased a postcard in the museum store (Fig. 2.2). The postcard depicted one of Reagan's favorite themes and symbolized the popular misconception that it was Reagan who first envisioned America's "special purpose."<sup>13</sup> The image, painted by Hollywood architect Harry Newman, is a fantastical representation of the United States, "A Shining

---

<sup>13</sup> The painting was created by architect Harry Newman as a tribute to Reagan. Newman, a resident of Southern California, designed homes for several members of the Hollywood elite over his career. Its Tolkein-esque city on the mountain is a New Jerusalem, overlooking a verdant Jeffersonian landscape, divided into the familiar agricultural grid. Marcus (2006), 196, describes the image as "a colossus formed somewhere between the Emerald City of Oz and the mother ship in *Independence Day*. A spire of white light reaching thousands of feet into the sky sends out lines of glory to every corner of the globe."

City on a Hill—President Reagan’s Vision of America”, illuminating the future of mankind through the triumphant blessing of divine providence. The phrase and its metaphorical power are derived from the Sermon on the Mount as described in the Matthew 5:14: “You are the light of the world. A city that is set on a hill cannot be hid.”<sup>14</sup> The tropic image from Matthew is most notably expanded in the popular treatise, *The City of God*, by the 4<sup>th</sup> C. theologian, St. Augustine, and has reappeared throughout Western history in literature, theological treatises, and philosophy. As Marcus notes, Reagan added “shining” to the phrase, to make it his (in part, because Kennedy—as 2004 Democratic presidential candidate John Kerry reminded everyone—had already deployed the image, likening America to a “burning torch” and Winthrop’s city to a social contract).<sup>15</sup> For Reagan, America as the Shining City on a Hill was not a compact so much as a divine beacon:

In my mind, it was a tall, proud city, built on rocks, stronger than oceans, windswept, God-blessed, and teeming with people of all kinds, living in harmony and peace. ... That’s how I saw it, and see it still. ... after two hundred years, two centuries, she still stands strong and true on the granite ridge, and her glow has held steady no matter what storm.<sup>16</sup>

---

<sup>14</sup> Mat 5:14 KJV. The King James Bible, originally published in 1611, is the most probable biblical version of the text used by colonists to the New World. However, older translations, such as the version known as the Douay-Rheims translation (1582-1609) differ in their wording of the second part and replace ‘hill’ with ‘mountain’: “... A city seated upon a mountain cannot be hid.” Popular modern scholarly translations, such as the New American Standard, conform more directly to the KJV: “... A city set upon a hill cannot be hidden.” Matthew, chapter 5, is a central tenet of Christian faith, describing the so-called Sermon on the Mount which begins with what are known as The Beatitudes: blessed are the poor, the meek, etc.

<sup>15</sup> Marcus (2006), 197.

<sup>16</sup> Ronald Reagan’s Farewell Address, January 11, 1989, as quoted in Griel Marcus, *The Shape of Things to Come: Prophecy and the American Voice* (New York: Farrar, Straus, and Giroux, 2006), 195-96.

Three and a half centuries earlier, the City on the Hill enters the lexicon of American history through the possibly mythical sermon given to colonists aboard the *Arbella* by the first Governor of the Massachusetts Bay Colony, John Winthrop, in 1630.<sup>17</sup> Winthrop framed the colony as a New Jerusalem, and re-invented the biblical covenant of Israel to sanctify a new land. The sermon, titled at publication, “A Modell of Christian Charity,” concludes with an admonition to his charges to unite under both God and the watchful eyes of Europe:

The Lord will be our God, and delight to dwell among us, as his oune people, and will command a blessing upon us in all our wayes. Soe that wee shall see much more of his wisdome, power, goodness and truthe, than formerly wee haue been acquainted with. Wee shall finde that the God of Israell is among us, when ten of us shall be able to resist a thousand of our enemies; when hee shall make us a prayse and glory that men shall say of succeeding plantations, ‘the Lord make it likely that of *New England*.’ For wee must consider that wee shall be as a citty upon a hill. The eies of all people are uppon us. Soe that if wee shall deale falsely with our God in this worke wee haue undertaken, and soe cause him to withdrawe his present help from us, wee shall be made a story and a by-word through the world. Wee shall open the mouthes of enemies to speake evill of the wayes of God, and all professors for God's sake. Wee shall shame the faces of many of God's worthy servants, and cause their prayers to be turned into curses upon us till wee be consumed out of the good land whither wee are a going.<sup>18</sup>

---

<sup>17</sup> Governor Winthrop had one of the largest libraries in the colonies, with over one thousand volumes by 1640. Frances Laverne Carroll and Mary Meacham, *The Library at Mount Vernon* (Pittsburgh: Beta Phi Mu, 1977), 2.

<sup>18</sup> John Winthrop, “A Modell of Christian Charity (1630),” Collections of the Massachusetts Historical Society (Boston, 1838), 3<sup>rd</sup> series 7:31-48, Hanover Historical Texts Project, 1996.

The title of Winthrop's sermon says it all: the inhabitants and their place of dwelling, will be held to the highest standard, and serve as a model for emulation. Further, it cast the society in the role of the chosen few, able to battle "thousands of our enemies" by virtue of special providence.

From Matthew to Winthrop, however, the shining city on a hill, illustrated on the Reagan postcard, also had a dark cast and contained a warning concomitant with its preferential and lofty status atop the mountain. The City could "not be hid", and thus carried an implicit caveat against transgression. From the metaphorically high vantage point, the 'eyes of all people', as well as God, are always able to bear witness to wrongs as well as rights, and thus able to judge evil action. This was a classic and familiar theme of the standard Puritan jeremiad: betrayal of the covenant yields harsh judgment.<sup>19</sup> Further, it spoke to a faith in a promise, an "errand" that compels a righteous and chosen people to seek the light amidst the darkness of the world and bring it into the American wilderness (conceived as a redeemable darkness in contrast to the corrupted darkness of Europe).

The Puritan jeremiad in America became more than a strict admonition against evil inherited from Reformation Europe. As Sacvan Bercovitch, *The American Jeremiad* (1978), discovered, the tradition assumed a dual role in the New World. According to Bercovitch, the native-born Puritans inverted the "doctrine of vengeance into a promise of ultimate success, affirming to, and despite the world, the inevitability of the

---

<sup>19</sup> Sacvan Bercovitch, *The American Jeremiad* (Madison, WI: University of Wisconsin Press, 1978), 4-6.

colonial cause.”<sup>20</sup> He insists that only decades after Winthrop’s sermon, Samuel Danforth’s *Brief Recognition of New England’s Errand into the Wilderness* (1670), revealed the “dual nature of the errand as prophecy.” Danforth united scriptural accounts of saints with society and made the religious quest for heaven into an account of historical progress in the New World. Bercovitch outlines the standard American jeremiad characteristics in Danforth, many of which are still embedded in the rhetoric of American politics and history. The jeremiad consists of “a precedent from Scripture that sets out communal norms; then, a series of condemnations that details the actual state of the community (at the same time insinuating the covenantal promises that ensure success); and finally a prophetic vision that unveils the promises, announces good things to come, and explains away the gap between fact and fiction.”<sup>21</sup> Thus, Puriticism did not so much decline in America (as many historians have claimed) when mercantilism, frontier exploitation and, so-called Enlightenment rationalism took hold, as it became embedded in the way New Englanders, and ultimately, all Americans, thought about their identity—as part of an endless errand. Indeed, Bercovitch notes that the use of the term ‘errand’ in the jeremiad became synonymous with progress. Viewed from this perspective, F.D.R.’s library dedication becomes a modern American jeremiad.

Early American culture, particularly calls for increasing education and the production of knowledge, were always sanctioned by recourse to the errand. For

---

<sup>20</sup> Bercovitch (1978), 7.

<sup>21</sup> Bercovitch (1978), 16.

example, sentiments expressing a prophetic confidence in the potential of the American colonies to bring about a triumphant age of mankind through the unification of knowledge and resources began to appear with alacrity on both sides of the Atlantic by the mid-eighteenth century. For example, George Berkeley's now-famous, "Verses on the Prospect on Planting Arts and Learning in America" (1726):

Not such as Europe breeds in her decay; Such as she bred when fresh and young, When heavenly flame did animate her clay, By future poets shall be sung. Westward the course of empire takes its way...<sup>22</sup>

His poem expressed a belief in the linear progression of civilization as "a rise of empire and arts" that moved forward in time as it traveled westward in space from the Athens of Classical Greece through the Rome of Augustus and England from late 16<sup>th</sup> C to early 18<sup>th</sup> C. The "heavenly flame" was itself a monument of the destiny of American errand as it transformed the colonial vision of an expanding frontier (a vision, famously described by Frederick Jackson Turner's "The Significance of the Frontier in American History", first presented at the 1893 American Historical Association in Chicago).

Berkley's poem was finally published in 1752, and was in wide colonial circulation by 1760.<sup>23</sup> By this period, others were on the same track, publishing poems, editorials, and sermons describing a "vision of the future in which Americans dominated the world in philosophy, literature, and the arts."<sup>24</sup> For example, the defeat

---

<sup>22</sup> Poem excerpts from Alexander C. Fraser, ed., *The Works of George Berkeley*, 4 vols. (Oxford, 1901), 4:364-65, as quoted in Joseph J. Ellis, "Culture and Capitalism in Pre-Revolutionary America," *American Quarterly*, vol. 31, no. 2 (Summer, 1979): 171.

<sup>23</sup> Ellis (1979): 172.

<sup>24</sup> Ellis (1979): 169.

of the French in Canada in 1760 unleashed another wave of hopeful proclamations about the future. Just prior to Revolution, the City on the Hill was already becoming an inevitable historical mission, blessed by providence, and performed before the eyes of the Old World for the judgment of “future poets.”

According to Bercovitch, “New England’s venture was not the business of one age, but the issue of a promise made *in perpetuum*.”<sup>25</sup> In short, the transmutation of scriptural judgment into historical promise was already deeply embedded in the rhetoric and record of American pasts and futures in advance of official Independence.<sup>26</sup> And, it became an endlessly fulfilling justification—that continues to operate in the present—for historical claims to future progress and essential to defining cultural memory and an exclusively American identity beyond such particularities as ancient regime, race (at least rhetorically, after a time), family, or place of birth. For example, the very first intellectual history written by an American,

---

<sup>25</sup> Bercovitch (1978), 65.

<sup>26</sup> This transformation was also already reflected in the earliest attitudes towards documentation and historical records. After all, in order to mark the passage from darkness into light, as well as maintain an identity of exceptionalism, one must be able to trace and legitimize a past. As the Society of American Archivists states (in their own claim to historical legitimacy) on their website: “The first settlers in America brought with them the knowledge and practice of precise record-keeping. Records of marriages, births, and baptisms were saved by the Church, and often by individual families as well. Hunters and trappers listed their business transactions, merchants kept track of sales, homemakers and famous figures alike wrote letters, diaries, and memoirs, land titles were recorded and filed away for safe-keeping, and as settlements grew into towns and territories, civic documents increased. After the Revolutionary War, the first Continental Congress acknowledged that it was expected to keep official records on behalf of all citizens, and followed the practices they had learned in Europe. In 1791, the Massachusetts Historical Society, the first of its kind, was formed to ‘preserve the manuscripts of the present day to the remotest ages of posterity.’ Similar local and national organizations soon followed, many concerned with collecting the private papers and memorabilia of famous individuals in addition to official documents.” <http://www.archivists.org/history.asp>. Indeed, Bercovitch (1978), 64-5, calls the ability of the earliest settlers to pass down the heritage of the covenant the “genetics of salvation.” What’s more, the patrimony of salvation required ‘internal evidence’, and documents, recording both membership in and tenets of the covenant, were a vital mechanism by which the ‘genetics’ were passed from generation to generation.

was Samuel Miler's *A Brief Retrospect of the Eighteenth Century...* (1803). Miller was both a clergyman and an active Jeffersonian. According to Thomas Bender, Miller, like many of his scholarly contemporaries, "was committed to reason and civilized progress, yet haunted by Calvinism."<sup>27</sup> What this means for a history of presidential libraries is that F.D.R.'s 'act of faith' is neither reflective of the modern imperial presidency nor is it merely the latest commemorative manifestation of the 'cult of the presidency.' Rather, its claim to legitimacy resides in a religious tradition of history in America that was always an historical mechanism of emulation and judgment in the endless service of prophecy. This is allegorically and theologically represented by the City on the Hill. In other words, if Reagan cast his dream for the nation as Winthrop's City on a Hill, then the libraries reinforce this vision through an architecture of judgment whereby Roosevelt's 'act of faith' is a 'special mission' made visible through an historical collage of imagery and archives inherited, even if critically interpreted, in perpetuity.

### **Judgment, Identity and the Image of America: From Tocqueville to Fields**

Just as Winthrop's covenant breeds a perpetual historical mission, Connor's question, "What is our national heritage", seems to demand an endless questing for a representative image. Of course Connor and Roosevelt felt that the presidential library provided an answer, or at the very least a mechanism by which the "proof of democracy" and its non-spurious heritage could be seen. This pursuit of the elusive

---

<sup>27</sup> Thomas Bender, "Intellectual and Cultural History," Eric Foner, ed., *The New American History* (Philadelphia: Temple University Press, 1997), 182.



image of American, is perhaps nowhere more familiarly stated than in Tocqueville's *Democracy in America* (1839), written almost exactly century earlier:

I confess that in America I saw more than America; I sought there an image of democracy itself, of its penchants, its character, its prejudices, its passions; I wanted to become acquainted with it if only to know at least what we ought to hope or fear from it.<sup>28</sup>

Tocqueville's confession is a seemingly inseparable conflation of representation and politics, idealism and prophecy. His words speak to an aesthetic reversal of constitutional mythology, where government represents the people. In Tocqueville's image it is the citizenry and land, cultures and desires that represent the manner and form of governance: "democracy itself." Indeed Tocqueville implied that should one encounter such a representation and hold it in mind one might stave off the uncertainty of the future. Representation as politics was enmeshed within American culture in the service of a particular prophetic vision of national history and democratic remembrance.<sup>29</sup> Harvey C. Mansfield and Delba Winthrop insist, "*Democracy in America* is at once the best book ever written on democracy and the best book ever written on America."<sup>30</sup> It has also been one of the most popular. The mis-attributed phrase, "America is great because America is good", is oft-repeated because it is concomitant with the book's popularity and its fundamentally representative

---

<sup>28</sup> Alexis de Tocqueville, *Democracy in America*, Harvey C. Mansfield and Delba Winthrop, eds. and trans. (1835, 1840; Chicago: University of Chicago Press, 2000), 13.

<sup>29</sup> See Charles A. Beard and John D. Lewis, "Representative Government in Evolution," *American Political Science Review*, vol. 26, no. 2 (Apr., 1932): 223-40.

<sup>30</sup> "Editors' Introduction," in Mansfield and Winthrop (2000), xvii.

question. Ironically, Mansfield and Winthrop note that Tocqueville himself was less than confident about democracy as a future. For Tocqueville, there was a danger of a tyranny of the majority that would lead to a “degradation of souls in democracy.”<sup>31</sup>

From the earliest years of the Republic, the legacy that would become Tocqueville’s image was yoked to an uneasy relationship between the use of knowledge in the service of the Nation and the iconographic production of heroic leaders as model citizens. Nineteenth century debates over citizenship, heroic iconography, and nationalist ideology, were inextricable from an emergent faith in the visibility of artifacts and records (see Chapters 4-6).

The very idea of an “image of democracy,” was made manifest in the memorial practices associated with the Founding Fathers and others of the Revolutionary generation, as Hufbauer noted. Yet, as the nineteenth century took hold, the idea that there was an image for such witnesses as Tocqueville, implied a notion that a properly aspected citizen armed with the right historical legacy would work towards a benevolent national future. Indeed, according to historians like Merrill D. Peterson, *The Jefferson Image in the American Mind* (1960), such figures as Thomas Jefferson and Andrew Jackson became, as the nineteenth century progressed, “democratic saints.”<sup>32</sup> Again, this is not to imply that they were essentially components in a new civil religion. Rather their memories were transformed into monuments of character, constructed and enshrined in popular memory for emulation as a form of heritage to teach or

---

<sup>31</sup> “Editors’ Introduction,” in Mansfield and Winthrop (2000), xvii-xxvii.

<sup>32</sup> Merrill D. Peterson, *The Jefferson Image in the American Mind*, 1960 (Charlottesville, VA: University of Virginia Press, 1998), 66.

encourage “non-spurious” patriots. This is particularly true given that partisan contemporaries of the era deployed mythologies of veneration for one figure to combat the symbolic heroism of another. There were often virulent confrontations between those who embraced, for example, a Jeffersonian or Jacksonian political heritage and those who traced their politics to someone like Alexander Hamilton or John Adams, or even Washington. In short, for much of the nineteenth century, the pantheon of saints and their attendant symbolic representations were contestable and hardly fixed.

Nor was the quest for an image of national heritage confined to a struggle for symbolic ownership over the bodies of men. Where the representative national object in France during this period was constitutive of to “the honored place of the visual in French culture,” that corresponded to a catholic faith in the transmutability of authority, the representative nationalist object in America was wholly subservient to an almost evangelical revelatory faith in the word.<sup>33</sup> For example, John Trumbull, *The Declaration of Independence, July 4, 1776* (1787-1820), transformed the Declaration as a document of into a scriptural patrimony appropriate for a young nation’s special mission.<sup>34</sup> Indeed, throughout this period, as debates over Washington’s Monument

---

<sup>33</sup> See Martin Jay, *Downcast Eyes: The Denigration of Vision in Twentieth-Century French Thought* (Berkeley: University of California Press, 1993, 14, for a brief summary of how this ‘place’ of the visual in both French discourse and arts began to devolve from its primacy derived from Louis XIV to a period of crisis beginning in the late-nineteenth century.

<sup>34</sup> The son of a clergyman-turned merchant governor (first of Massachusetts Colony, then Connecticut), Trumbull graduated Harvard in 1773. Due to his map-making ability he served as Washington’s aide at Boston, although the twenty-one year old colonel—notoriously emotional—left his commission in the midst of the war to study art in Boston. While a prisoner in London, he was befriended by Edmund Burke, who encouraged him to pursue architecture beyond merely using it to embellish his paintings. You must be aware, Burke told Trumbull, “that you belong to a young nation; that will soon want public buildings; these must be erected before the decorations of painting and sculpture will be required. I would strongly advise you to study architecture thoroughly and scientifically, in order to qualify you to

raged in fits and starts (1848-84), Congress continuously appropriated money to collect and publish select papers of Revolution-era figures. Thus, in addition to the struggle over images of iconic Founding Fathers, Founding Documents and Letters also entered into a contentious dialogue of national identity.

Paul Nagel called the mid-nineteenth century, from 1848-65, an era of atonement. According to Nagel, “an all-powerful God and sinful man had been polarities in New World thought long before the Republic undertook a mission for the Almighty. ...Yet when the ordeal by blood was somehow endured, the nation characteristically announced God’s restored favor.”<sup>35</sup> The meta-narrative of God’s providence shining down upon the inevitable, always-benevolent, linear progress of the nation was made potent and popular by historian George Bancroft. Bancroft published the ninth of his ten-volume *History of the United States* in 1866. He was “certain that ideas deriving directly from God drove American history.”<sup>36</sup> His conviction was echoed in the desire for renewal and reconciliation, and in the idea that the “national purpose was meeting God’s expectation.”<sup>37</sup>

However, soon after the Civil War, Erastus Salisbury Field’s *Historical Monument of the American Republic* (1876) returned a narrative of judgment and trial to the errand of American heritage as it approached the centennial of Independence.

---

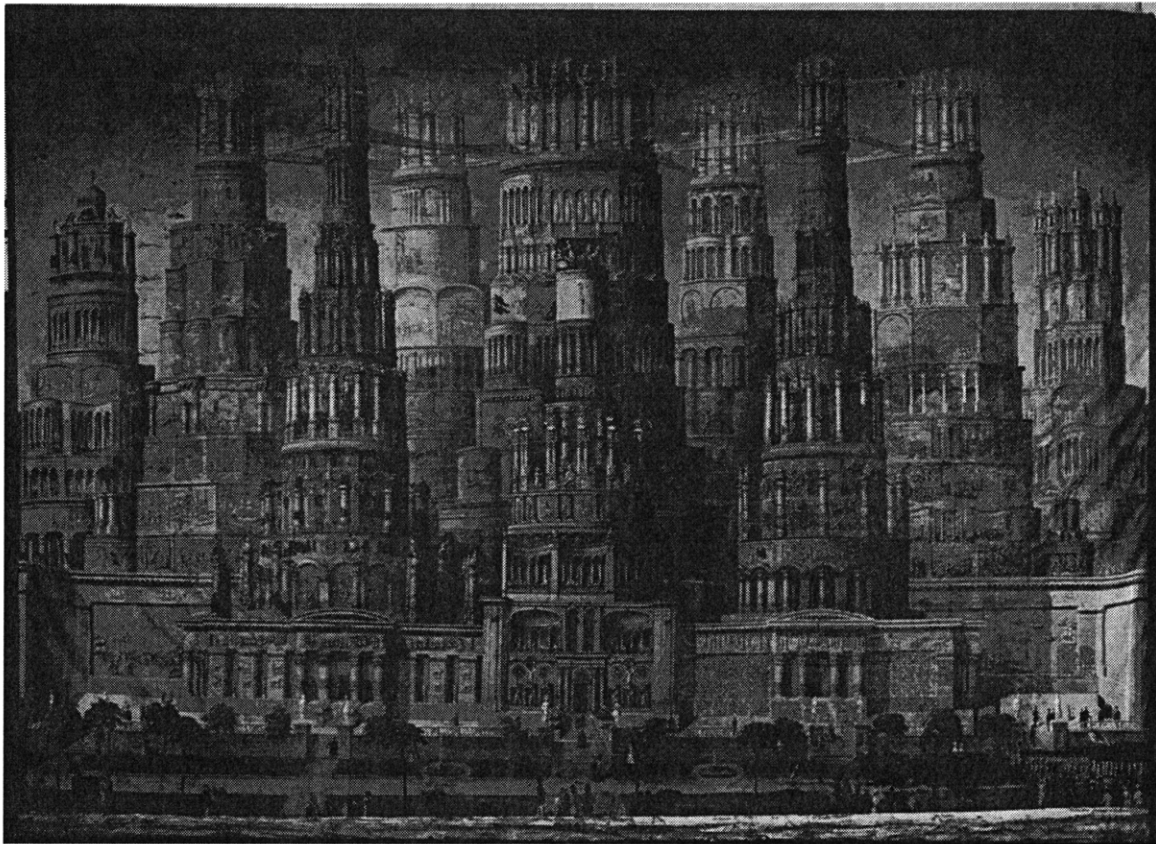
superintend the erection of these national buildings—decorate them also, if you will.” From John Trumbull, *Autobiography* (1841), 90-91, as quoted in Theodor Sizer, “John Trumbull, Amateur Architect,” *Journal of the Society of Architectural Historians* vol. 8, no. 3/4 (1949): 1-2.

<sup>35</sup> Paul Nagel, *This Sacred Trust: American Nationality, 1798-1898* (New York: Oxford University Press, 1971), 192-93.

<sup>36</sup> Bender(1997), 183.

<sup>37</sup> Nagel (1971), 198.

Unlike the stripped-down version of the Washington Monument, finally finished as a simple obelisk in 1884, Field's monument was an unrealized commemorative project that restaged the pursuit of the American image with an historical conception of its covenant. Field's monument is an architectural image of American history, represented as a prophecy pointing towards future paradise.



2.3 Erastus Salisbury Field, *Historical Monument of the American Republic* (1876), Museum of Fine Arts, Springfield, Massachusetts.

In contrast to the congratulatory rhetoric of Bancroft's model, echoed in the majority of history painting in the United States, Field's work—with its violent imagery of slavery, lynching, war, and even the toppling of the statue of liberty—was “redolent

in the self-flagellating ethos of the immediate postbellum period.”<sup>38</sup> Yet, as Paul Staiti convincingly argues, God’s hand was still hovering over the American nation, and his intent was in many respects more clearly outlined in Field’s image than in the certainty of Bancroft’s meta-narrative. For Field, American history was not as a linear narrative describing a celebration of divine providence, but a tortuous and wrenching ‘jeremiad’ of violent testing and redemptive triumph (Fig. 2.3).<sup>39</sup> Field’s monument was designed for the Centennial Exposition. However, the *Historical Monument* could not help but be influenced by the immediacy of the Civil War, despite the positivism implied by the celebration. As a result, its representation of history and the relationship it proposed between God and the Nation differed from the positivist histories of the mid-nineteenth century with their gloss of struggle and their linear emphasis on unity and reconciliation.

The dark depictions of violence and oppression represented moments of harsh Calvinist moral testing which were necessary as a foundation for the emergence of a heavenly kingdom—which emerges from the dark “historic maelstrom” of the lower half of the image and is architecturally perched atop a stringcourse labeled “‘T. T. B.’: the True Base.”<sup>40</sup> Staiti writes: “In the metaphorical imaginations of Field and others who still believed in Calvinist orthodoxy, the Centennial Exposition, a classically cloaked sanctuary of America’s technological and industrial hegemony, signified the

---

<sup>38</sup> Paul Staiti, "Ideology and Rhetoric in Erastus Fields' 'The Historical Monument of the American Republic,'" *Wintherthur Portfolio* 27, no. 1 (1992): 33.

<sup>39</sup> Staiti (1992): 35.

<sup>40</sup> Staiti (1992): 35.

justly deserved American incarnation of Jerusalem: it was the tangible reification of John Winthrop's celestial City on a Hill."<sup>41</sup> More than that, Truth was an architectural component, marking the historical moments of trial in the past from the promise of an inevitable American future.<sup>42</sup>

### **The Public Good and the Cause of Truth: The New Historians**

In the centennial atmosphere following the Civil War, documentary artifacts such as the Constitution and heroic narrative re-gained strength as symbols of sacrifice and redemption, a form of "moral rearmament," following a period of national trauma.<sup>43</sup> Author Samuel Osgood described an overpowering feeling of national will and an awareness of a sense of divine mission that possessed the country.<sup>44</sup> Yet, by the turn of the century, the so-called Gilded Age came to an end and the certitude of historical resolution was again tested. The public began to question the price of progress as the iniquities of unchecked capitalism, labor unrest, and political

---

<sup>41</sup> Staiti (1992): 35-6, 38. Staiti interprets Field's figurative narrative system as a form of the theological trope of the *figura*—where "the present is indivisible from past and future." Although Erich Aurbach's study of the *figura* locates its origins in the writings of Tertullian (second century) and Augustine (fourth century), Staiti insists that the word and the idea "survived in American Calvinism and became the normative method of secular exegesis in Calvinist histories of America." He cites Erich Aurbach, "Figura," in *Scenes from the Drama of European Literature* (New York: Meridian Books, 1959), 29-53.

<sup>42</sup> In many respects, Field's monument reflected the path of American philosophy from the period, particularly the blend of philosophy and Calvinism known as the New Divinity. The New Divinity believed that "the cosmos symbolized the divine." However, that symbol was "incompletely decipherable." As a result, because God created a perfect universe, "evil was the way finite creatures interpreted aspects of a perfect world..."; sin was necessary. On the other hand, Transcendentalism, particularly as advocated by Theodore Parker, argued that scriptural myths were allegories, or "symbolic, imperfectly voicing higher truths." Bruce Kuklick, *A History of Philosophy in America, 1720-2000* (Oxford: Clarendon Press, 2001), 40-44, 81-82.

<sup>43</sup> Stanley Elkins and Eric McKittrick, "Progressive Scholars and the Founding Fathers," in Cushing Strout, ed., *Intellectual History in America*, vol. II (New York: Harper & Row, 1968), 124-5.

<sup>44</sup> Nagel (1971), 227.

corruption began to dominate headlines.<sup>45</sup> “Muckraking” articles in journals and newspapers, and the increasing popularity of a “literature of exposure,” created a certain aura about the reality of behind-the-scenes evil, and the redemptive power of the hidden-made-visible.<sup>46</sup> Truth was again endowed with the power of the watchful eye, and the ‘city on the hill’ was divided into those who dwelled on high, profiting under the blessing of national providence, and those who felt that its iniquities must not and could not be hidden from judgment.

The concept of a “vested interest” gained popularity and served as an explanation as to why elites in business and politics might manipulate the public for gain. The public began to understand that, if politicians, business leaders, and other so-called elites had a ‘vested interest’ in keeping their affairs hidden from the public, then the public too might have a vested interest in forcing the mechanisms of power into view. One of the earliest manifestations of this interest was Charles Francis Adams, Jr.’s attempt to regulate the extraordinary power and scale of the railroad companies. Adams insisted that Congress “is duty bound to insist on that publicity as respects to their affairs without which abuses cannot be guarded against.”<sup>47</sup> For Adams the only tenable solution was to create a “sunshine commission” outside of Congressional

---

<sup>45</sup> For accounts of the Gilded Age which focus on gross capitalism and its largely oppressive tendencies, see, Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (1948); Charles A. Beard and Mary A. Beard, *The Rise of American Civilization*, vol. 2., *The Industrial Era* (1930).

<sup>46</sup> Some of the most influential pieces of this kind were, for example, Ida Tarbell’s 1903 series in *McLure’s* on the Standard Oil Company, *The Jungle* and its horrific portrayal of life in the Chicago stockyards and meatpacking industry, and, in the academy with Thorstein Veblen’s *Theory of the Leisure Class*. Elkins and McKittrick (1968), 125-6.

<sup>47</sup> Quoted in Richard J. Stillman, II, *Creating the American State: The Moral Reformers and the Modern Administrative World They Made* (Tuscaloosa: University of Alabama Press, 1998), 55.



control that would expose the hidden practices of the railroads in order to create massive public pressure upon the legislature to enact reform. Adams's reform philosophy bore a remarkable resemblance to his Puritanism. It was echoed in other prominent reformers and theorists from Jane Addams to Frederick Taylor. The Adams Sunshine Commission is an early precedent for decades of government records (so-called "sunshine laws") and business accountability legislation during much of the twentieth-century, the lapse of which in the twenty-first century has recently come to stark public attention after decades of disinterest. As Richard Stillman notes, it was "in this manner that both the sin and the sinful could be exposed and made to serve the public good by the threat of revealing their misdeeds to society."<sup>48</sup> Indeed, Stillman argues that the legacy of the so-called imperial presidency is the end-result of a synthesis of the transformation of a religious tradition into a moral imperative with the emergence of the modern administrative state, expanded and ultimately defined by F.D.R.'s establishment of the Executive Office of the President (Executive Order 8248, 1939).<sup>49</sup>

By the turn of the twentieth-century, the concept that the exposure of sin was good for the public had a hold on the popular imagination. This was reflected within the academy as scholars took aim at sacred symbols and their role in American history. The mythic power of the Constitution, and the venerability of the Founding Fathers, among other things, became available for critique in seminal and controversial works

---

<sup>48</sup> Stillman (1998), 55.

<sup>49</sup> Stillman (1998), 161-75.

such as Charles Beard's *Economic Interpretation of the Constitution of the United States* (1913).<sup>50</sup> Even older historians like Bancroft, who had once marshaled the use of history for the purposes of national redemption and the renewal of its hopeful covenant, temporarily lost faith in singular mythic constructions of America's benevolence. Henry Adams, searching for truth in the nation's early years for use in the present, reminded his readers that when the eighteenth century became the nineteenth century, "nothing was more elusive than the spirit of American democracy."<sup>51</sup> Recapturing that spirit, or rather recasting it, was emphatically taken to be the task of history and historians at the dawn of the twentieth century. The City on the Hill was not just a blessed beacon for the rest of the world, rather, to fulfill its covenant, it must once again be held up to judgment under the eyes of the people.

Historians and their increasingly prominent professional organization, the American Historical Association (AHA), internalized the call as a duty to inform the public for their own good. This type of history came to be called Progressive, or New History. Typical of the new historians were a generation defined by Frederick J. Turner at the outset, and prominent scholars such as James Harvey Robinson, Carl Becker, and Charles A. Beard.<sup>52</sup> All four served a term as AHA President.<sup>53</sup> Robinson and Beard believed that intellectuals "ought to enter the public sphere as custodians of reasoned

---

<sup>50</sup> Elkins and McKittrick (1968), 126-7.

<sup>51</sup> Henry Adams, "The History of the United States During the Administrations of Thomas Jefferson and James Madison (1889-1891)", reprinted as Henry Adams, *The Jeffersonian Transformation: Passages from the "History"* (New York: New York Review of Books, 2007), 138.

<sup>52</sup> Peter Novick, *That Noble Dream: The "Objectivity Question" and the American Historical Profession* (New York: Cambridge University Press, 1998), 92-4.

<sup>53</sup> Turner (1910), Robinson (1929), Becker (1931), Beard (1933).

discourse.”<sup>54</sup> Of the four, Beard was by far the most “activist” (he famously resigned from Columbia when the university restricted academic freedom during World War I) and his commitment to social reform remained a hallmark of his work throughout a career that included a close proximity to the New Deal White House.<sup>55</sup> Indeed, Bender notes that following World War I there was “a desire to identify a ‘usable’ American past that would carry the United States through these years of moral disillusionment and, then, economic depression.”<sup>56</sup>

New History took the moral imperative and rhetoric of the jeremiad as a form of historical mission and removed the aspect of overt Christianity. Arguably, this crucial shift secularized the religious foundations of American history, particularly the institutions established in its aftermath, and shielded them from critique. According to Novick, the New Historians were “mildly unusual in that they had relinquished any religious belief, replacing it with a faith and conviction in secular progress and institutions.”<sup>57</sup> Therefore, it was perhaps easy for them to emphasize the use of history for present, often reform, purposes. “If properly worked up,” Turner wrote as a student, “[historical studies] will be a basis for state legislation—that is the right kind of historical work.”<sup>58</sup> This is pointedly illustrated by the work of J. Franklin Jameson (a student of Turner), Waldo Leland Gifford, and other members of the new American

---

<sup>54</sup> Bender (1997), 183.

<sup>55</sup> Novick (1998), 96. As Novick points out, in addition to sparking controversy among the historical community, Beard’s *An Economic Interpretation...* was reviled in the press for trampling on “the graves of the dead patriots we adore.”

<sup>56</sup> Bender (1997), 182-84.

<sup>57</sup> Novick (1998),97.

<sup>58</sup> As quoted in Novick (1998),98.

Historical Association, in tirelessly lobbying for the establishment of the National Archives throughout this period. One could even argue that the election of Woodrow Wilson, the preacher-historian, to the presidency (1913-21), encapsulated the idea that “the right kind” history must serve as a model for the present. “I should be complete,” Wilson wrote, “if I could read the experiences of the past into the practical life of the men of to-day and so communicate the thought to the minds of the great mass of the people as to impel them to great political achievement.”<sup>59</sup>

One individual who typified the union of political influence with “the right kind of historical work” was Jean Adrien Antoine Jules Jusserand (President of the American Historical Society, 1921). Indeed, Jusserand’s writing heavily influenced the mission of the most prominent precedent for the presidential library, the Hayes Memorial Library (more on this later in the chapter). Born in Lyon, France, in 1855, Jusserand entered the French diplomatic service in his early twenties. He represented France in cities such as London, Tunis, and Copenhagen, before he was transferred to Washington, D.C. in 1902, where he remained until 1925. As the French Ambassador, Jusserand eventually helped secure U.S. involvement in the First World War. He was an influential scholar, and earned the very first Pulitzer Prize in History for *With Americans of Past and Present Days* (1916). The title echoes Wilson’s desire to utilize historical figures as an educational model for the present. Jusserand’s book served in

---

<sup>59</sup> As quoted in Alan Brinkley and David Dyer, eds., *The American Presidency* (New York: Houghton Mifflin Co. 2004), 298.

part to provide an historical account of the union of purpose among France, England, and the United States, in effect arguing for U.S. involvement in World War I.<sup>60</sup>

Jusserand, like many of the historians of his day, was scarred by the horror of the Great War. As a result, throughout his life he held an abiding belief in the “great cause of history” which he sincerely believed to be nothing short of the redemptive power of truth itself. Jusserand summarized this as follows:

The cause of truth, with the persuasion that the past, better known, does not merely afford amusement to dilettanti, but may help us to discern the future, to avoid mistakes, to hasten the coming of better days. The past is like a great reflector; we want to keep it bright and its light turned toward the future.<sup>61</sup>

Thus *History* is serious business and not merely the idle recording of past events. It is itself a cause, justifying its work by virtue of its essential role in realizing and protecting a benevolent nation in perpetuity. What is more, and not to be lost in the rhetoric on the “use” of history, is Jusserand’s Enlightenment metaphor of the reflector, where truth is light, the past is an optical device, and history (or historical work) a way of using the past to focus truth onto an as yet unknowable future.

---

<sup>60</sup> A review of the book in 1917 by H. R. Brush, praised its thorough citations as well as its evenhanded and predominantly “cordial” tone. Brush speculates that the object of the book is “apparently to show France, England, and America linked together by a common ideal.” H.R. Brush, “Review: J. J. Jusserand *With Americans of Past and Present Days* (New York: Charles Scribner’s Sons, 1916),” *Mississippi Valley Historical Review*, vol. 4, no. 1 (June 1917): 112-14. For more on Jusserand see, Jusserand Memorial Committee, *Jean Jules Jusserand: ambassador of the French republic to the United States of America, 1903-1925* (New York: Jusserand Memorial Committee, 1937).

<sup>61</sup> J.J. Jusserand, “The School for Ambassadors,” *American Historical Review*, vol. 27, no. 3 (April 1922): 426.

History as a mechanism for realizing a particular path for humanity was a hallmark of the New History. The opening line of Charles and Mary Beard, *The Rise of American Civilization* (1927), declares: “the history of civilization, if intelligently conceived, may be an *instrument* [my emphasis] of civilization.”<sup>62</sup> As Walter Sussman pointed out in his essay on the uses of the past, the Beards’ proposition contained within it a “fundamental truth”—that the idea of history always plays an important role in determining culture.<sup>63</sup> 1931, Carl Becker, following Pascal, in his famous presidential address to the American Historical Association in 1931, “Everyman His Own Historian,” noted that “[o]f all creatures, man alone has specious present that may be deliberately and purposefully enlarged and diversified and enriched. The extent to which the specious present may thus be enlarged and enriched will depend upon knowledge ... [b]ut not upon knowledge alone; rather upon knowledge directed towards a purpose.”<sup>64</sup> Novick points out that between the World Wars, the belief that “the function of education was indoctrination and legitimation was commonplace among ‘advanced thinkers.’”<sup>65</sup> It is within the context of this broad historical mission, emerging out of a tradition of a national covenant as an historical jeremiad and a desire to deploy history as a model for emulation that the first presidential library came into being as an instrument of New History.

---

<sup>62</sup> As quoted in Sussman (1964): 243.

<sup>63</sup> Sussman (1964): 243.

<sup>64</sup> Carl Becker, “Everyman His Own Historian,” *American Historical Review* vol. 37, no. 2 (Jan., 1932): 226.

<sup>65</sup> Novick (1998), 190.

## A Model for Duty to the General Public: The Hayes Memorial Library

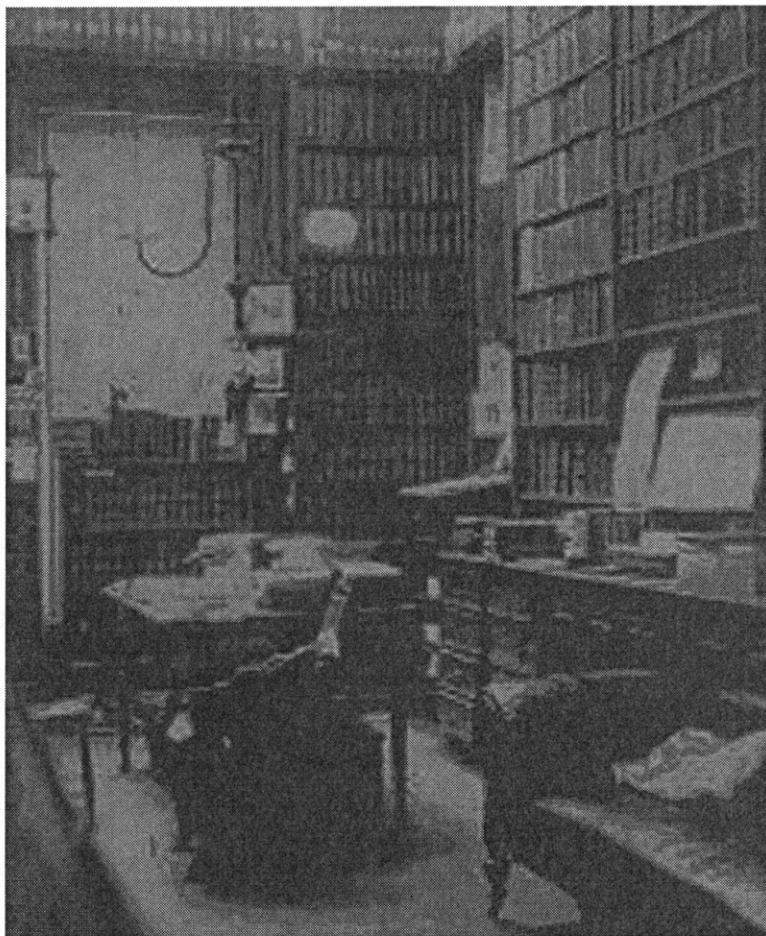


2.4 Original façade of the Rutherford B. Hayes Memorial Library, Fremont, Ohio (Rutherford B. Hayes Presidential Center: [www.rbhayes.org/hayes/museum](http://www.rbhayes.org/hayes/museum)).

Although Roosevelt's library is considered the original presidential library, the first library, so-named, dedicated to the memory of a president and preserving for research his documents in a museum-archive format was actually the Rutherford B. Hayes Memorial Library (now called the Rutherford B. Hayes Presidential Center), located in Fremont, Ohio, and opened in 1916 (Fig. 2.4). The President's second son, Colonel Webb Cook Hayes deeded the Hayes estate and its holdings to the state of Ohio and ground was broken on the museum project in 1912. One could argue that while

the Hayes Library was built a few decades earlier, it did not compare with the Roosevelt Library in scope. However, to make such a claim is to confuse scope with scale. For obvious reasons the Roosevelt Library would contain a vast archive that far outstripped the holdings at the Hayes Library. This can be attributed in large part to Roosevelt's four decades of public service, a three-term presidency, vastly expanded powers and responsibilities of the White House, and the extraordinarily large numbers of personal correspondence sent to Roosevelt. F.D.R. was also concerned from early in his public career with recording his contributions to posterity (more on this later). Yet, Roosevelt explicitly used the Hayes model during the planning process for his own library. For example, like the F.D.R Library, the Hayes Library was divided into a research library function and an exhibition museum function. What is more, a copy of the Hayes Memorial Library Annual Report, 1937-1938, can be found in the Library File of the Franklin D. Roosevelt Library. This suggests that the Hayes Library served as a model for a commemorative institution, authored by a president and legitimized through an obligation to history in the service of the public.





2.5 Hayes home library (Rutherford B. Hayes Presidential Center: [www.rbhayes.org/hayes/library](http://www.rbhayes.org/hayes/library)).

Unlike the F.D.R. Library, which has a documents collection in the millions, the Hayes Library has only a modestly sized collection of Hayes' papers.<sup>66</sup> However, the Hayes Library was always more than a letters and records depository attached to a

---

<sup>66</sup> *Hayes Memorial Library Annual Report 1937-1938* (Fremont, 1938), p. 6, folder 1, "April 1937-Dec. 12, 1938," Box 1, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library (hereafter: Hayes Report). Of course, it is unfair to compare the White House of the Hayes era, mid-late nineteenth century, with the radical increase in document production that accompanied the dramatic increase in executive agencies—largely a result of the New Deal and World War II—during the three-term Roosevelt presidency. As Fred W. Shipman, the first director of the F.D.R. Library and former Chief of Division of State Department Archives at the National Archives, noted: the Hayes Library "contains approximately 120,000 pieces of typewriter paper. Where Mr. Hoover received 600 letters a day, President Roosevelt receives over 6000. From 1933-1938 over 6,000,000 documents accumulated in the White House." Fred W. Shipman, "What Do You Need To Know About the Franklin D. Roosevelt Library?" March 1, 1941, copy of article published in *Poughkeepsie Star-Enterprise*, folder 3, "Jan - March 14, 1941," Box 3, President's Personal File, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library.

small museum. It broadened its scope quickly, and by the late 1930s the library had supplemented its original manuscript holdings with thousands of books on the Civil War and Reconstruction periods, local Ohio history, and general American history. It also contains Hayes' sizable library of books, numbering around 12,000 volumes (Fig. 2.5).<sup>67</sup> The library considered itself as part of a regional community of research organizations that included the Ohio State Archaeological and Historical Society, as well as institutions and universities in Detroit, Cleveland, Ann Arbor, Indianapolis, and Chicago.<sup>68</sup> While linking itself to such libraries might grant a sort of academic legitimacy, the Hayes Library also set itself apart by drawing attention to how its unique collection could contribute in the Midwest to a "new interpretation" of Reconstruction as a social phenomena, in the same way that historians from the South now coming to prominence in a few Eastern universities, had come to challenge the hitherto predominant political focus of 'pro-northern' history.<sup>69</sup> Thus, despite its status as a small private institution, the Hayes Library articulated its research mission as one of greater importance than merely that of a small manuscript collection through

---

<sup>67</sup> See Curtis W. Garrison, "A President's Library," *Ohio History* 48, no. 2 (April 1939): 127-34, for a consideration of Hayes' relationship to his books over the course of his life.

<sup>68</sup> Hayes Report, *op cit.*, 6.

<sup>69</sup> Hayes Report, *op cit.* Northern and southern scholarship expressed a "unanimous" and "consensual racism." On the one hand, Reconstruction was a political necessity designed both to bestow upon newly-freed black slaves the land and resources they could not achieve on their own and to punish the South for secession. On the other hand, southern whites and their representative scholars, now breaking into the academic hierarchy, felt that Reconstruction released the inherent criminality of blacks upon undeserving whites—particularly, white women. See, Novick (1998), 72-80. The Hayes Report refers directly to the "old Dunning, John Hopkins" studies of Reconstruction. William Dunning, a southerner, taught an influential seminar on Reconstruction at Columbia which reversed the northern "bias" on the political necessities of Reconstruction, and focused instead on the social iniquities inflicted upon the Southern states in general, and whites of Anglo origin in particular. Monographs by Dunning's students on this new interpretation of Reconstruction began to appear in 1901. Johns Hopkins University and its location "just below the Mason-Dixon line" was also instrumental in promoting this new interpretation of the period.

the accumulation of supplemental materials, the association with a broad institutional network, and the link to a certain reactionary avant-garde among historians. In its own words, the Hayes Library explicitly charted its mission as manifesting, through an assemblage of historical tasks, a clear “duty to serve the general public.”<sup>70</sup>

The Hayes Library was unabashedly invested in Jusserand’s ‘cause of truth’, and stated that its role was as an active mediator between the material of research and “those who seek.”<sup>71</sup> The 1937-38 Hayes Report notes that the ideas expressed in former AHA President, Jean Jusserand’s, *The Writing of History* (1926), reflected the Trustees’ commitment to linking the “study of historical evidence” with the “writing of history.”<sup>72</sup> In other words, the library was essentially built to, as Jusserand put it, “hasten the coming of better days.” However, this obligation had pedagogical consequences for the ways in which the historian wrote history out of the archive.

The same Hayes Report insisted that because “there is often confusion ... between the study of historical evidence and the writing of history” research organizations should make an effort to direct the activities of researchers in such a manner as to ensure that the sources used are not left “raw and indigested.”<sup>73</sup> History does not come directly from the evidence speaking for itself, it must be “properly analyzed,” then written; and, presumably, only then read and consumed by the uninitiated. Therefore, the Hayes Library laid out a pro-active agenda by which

---

<sup>70</sup> Hayes Report, *op cit.*, 6.

<sup>71</sup> Hayes Report, *op cit.*, 7, specifically mentions Jusserand, *The Writing of History* (1926).

<sup>72</sup> Hayes Report, *op cit.*, 7.

<sup>73</sup> Hayes Report, *op cit.*, 7.

scholars would not only be encouraged to use its resources through aid (an early precursor to research grants), but would be selected based upon their ability to choose “worthy, pertinent subjects” and to exercise “judgment in the study of sources.”<sup>74</sup> The Hayes Library did not want to be “too critical” about the “selection of worthy subjects,” however, already this predecessor to the ‘first’ presidential library was fulfilling a role that Jusserand, the former diplomat, felt was analogous to that of the representative mediator par excellence, the ambassador: “a kind of lay priest, with a sacred task and moral duties to fulfill...”<sup>75</sup>

### **The Historian’s Prayer: Sanctioning Roosevelt’s Library**

Into the sacred task of mediating the cause of history, stepped Franklin D. Roosevelt, supported by the moral authority of New History and the jeremiad, and represented by the endorsement of many of the nation’s most prominent historians. According to Waldo G. Leland, president of the Society of American Archivists from 1940-41 and one of the most influential figures in the drive to create a National Archives, Roosevelt had a deep abiding belief in the need to safeguard documents, books, and artifacts of all kinds for posterity.<sup>76</sup> He even turned that belief into a form of early public service. For example, at the 1914 meeting of the American Historical Association, where lobbying for a National Archives project was prominently on the

---

<sup>74</sup> Hayes Report, *op cit.*, 8.

<sup>75</sup> Jusserand (1922): 437. The ambassador is perhaps the ultimate embodiment of portable state power and identity—one that is necessarily national in the modern era. Thus, the presidential library in such a role represents the nation at the same time that it embodies its totality for the scholar who seeks access to its secrets. Indeed, this conflation of history and nation was an essential component of the dominant German pedagogy in America, as derived from the methodology of Ranke.

<sup>76</sup> Leland, a Republican, was evidently passed up for the position of National Archivist in favor of Connor because of party affiliation.

agenda (particularly by Leland), Roosevelt, then the Assistant Secretary of the Navy, related to the conference the “unsatisfactory provision now existing for the naval archives of the United States.”<sup>77</sup> Henry Adams, Frederick Jackson Turner, and J. Franklin Jameson, were all members of the Executive Council of the AHA that year.

As Governor of New York, Roosevelt began a habit of consulting with university professors, many of whom came to be known as the Brain Trust in 1932.<sup>78</sup> In August 1935, the President told his recently appointed U.S. Archivist, Robert D. W. Connor, that he thought his papers should be deposited at the new National Archives.<sup>79</sup> In 1937 to 1938 President Roosevelt began soliciting support for his library project from historians.<sup>80</sup> The origins of the library project as a separate entity from the National Archives most likely began around January 1937 when he asked Samuel I. Rosenman to begin editing his speeches and public papers for a multi-volume publication. For the President, according to New Deal scholar, Samuel B. Hand, the publication was part of his plans for what would become his library.<sup>81</sup> Roosevelt’s private letters would not be included in the volumes and he hoped that the proceeds of their sale “would provide revenue which would help to underwrite the library.”<sup>82</sup> Initially, according to Hand,

---

<sup>77</sup> J. Franklin Jameson, “The Meeting of the American Historical Association,” *American Historical Review*, vol. 19, no. 3 (Apr., 1914): 482.

<sup>78</sup> See Richard S. Kirkendall, “Franklin D. Roosevelt and the Service Intellectual,” *The Mississippi Valley Historical Review* 49, no. 3 (1962): 456-71.

<sup>79</sup> Donald McCoy, “The Beginnings of the Franklin D. Roosevelt Library,” *Prologue* (Fall 1975): 137.

<sup>80</sup> Patrick J. Maney, *The Roosevelt Presence: The Life and Legacy of FDR* (Berkeley: University of California Press, 1992), 32.

<sup>81</sup> Samuel B. Hand, “Rosenman, Thucydides, and the New Deal,” *Journal of American History* 55, no. 2 (1968): 334.

<sup>82</sup> Hand (1968): 335; McCoy (1975): 139.

the plans were “masked in elaborate secrecy,” possibly to allow to improve the negotiating power with respect to the publisher who could not know that F.D.R. intended to make all of his papers publicly available (if edited) at the library.

In January of 1938, William Elliot wrote F.D.R., stating, “Your own ideas about the creation, preferably at Hyde Park, of a sort of national depository for your own important state and personal papers, as well as those of some of the leading public men of today, fills me with great enthusiasm. ...I dare say that in time it would become a place of historic interest comparable to Monticello or the Hermitage.”<sup>83</sup> On February 28, 1938, still keeping his plan close to the vest, F.D.R. wrote a letter to Samuel Morison of Harvard University, asking for “judgment and advice” regarding “a somewhat ambitious thought of creating a repository ... relating to this period of our national history.”<sup>84</sup> Morison wrote back two weeks later. He advised F.D.R against establishing a “separate archive for the New Deal,” however he did recommend that the president’s records be handled by “National Archives people,” even if that required a new building. More important to Morison, however, was the Roosevelt’s vast collection of personal materials stay intact. He insisted that the “usual manner” of disposing of papers among different parties “emasculated” a potentially rich collection:

In my opinion all [*sic*] your papers, even those of a personal nature and of college days, should be kept together, in the order in which they are filed. It does not so much matter where they are kept, as long as the repository is

---

<sup>83</sup> Letter, Willian Yandel Elliott to F.D.R., 27 January 1938, Folder 1, “April 1937-Dec. 12, 1938,” Box 1, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library.

<sup>84</sup> Letter, F.D.R. to Samuel E. Morison, 28 February 1938, Folder 1, “April 1937-Dec. 12, 1938,” Box 1, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library.

fireproof, and the guardians faithful. ... But. Whatever you do Mr. President, dont [sic] break up the collection, giving some to your children, others to Harvard, etc! Although alma mater would profit, such dispersion offends all my professional principles and professorial prejudices!<sup>85</sup>

On December 1, 1938, President Franklin D. Roosevelt invited eighteen people to a private luncheon in order to discuss a project for the preservation of his papers. The lunch was held on December 10 at the White House. Present were the U.S. Archivist, R.D.W. Connor and other administration members and confidants such as Stuart Chase (Labor Bureau), Felix Frankfurter (Law Professor at Harvard, and future Supreme Court Justice), Supreme Court Justice Samuel Rosenman (his editor and former speechwriter who originally suggested the idea a “Brain Trust”), and Archibald MacLeish (Librarian of Congress). There were also several prominent historians in attendance: Helen Taft Manning (Bryn Mawr), Charles Beard, Herbert E. Bolton (U.C. Berkley), Julian P. Boyd (Princeton), William E. Dodd (University of Chicago) Alexander Flick (New York Historical Society), Samuel E. Morison (Harvard), and the American Historical Association President Frederic L. Paxson (U.C. Berkeley).<sup>86</sup>

---

<sup>85</sup> Letter, Samuel E. Morison to F.D.R., 11 March 1938, Folder 1, “April 1937-Dec. 12, 1938,” Box 1, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library.

<sup>86</sup> See, Personal and Confidential Memorandum: 1 December 1938, sent by F.D.R. along with letters to several people inviting them to a lunch (10 December 1938 at WH) in order to discuss the library project, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library. Also present were Edmund Day, President of Cornell University and Frank Graham, President of the University of North Carolina, Ernest Lindley, and Margeurte Wells, the President of the League of Women Voters. Indeed, of the historians mentioned, three had recently served as President of the American Historical Association (Bolton, Beard, and Dodd), two others would serve in that capacity in the future (Morison and Boyd); Paxson would deliver his Presidential Address at the AHA meeting in Chicago seventeen days after the White House lunch.

Roosevelt related an anecdote to the gathering of friends and scholars from his Harvard years, when he was also the librarian of the Hasty Pudding Club. Evidently he received the following advice from an “aged book-dealer:”

One of the first things that old man Chase said to me was, “Never destroy anything.” ... I have destroyed practically nothing. As a result, we have a mine for which future historians will curse me as well as praise me.<sup>87</sup>

However, Roosevelt did not keep everything; at least, not always in its original form. In fact, he took advantage of this already well-known and well-publicized habit, and laid what have been called a series of traps for future historians.<sup>88</sup> A prime example of this concerns the manuscript for Roosevelt’s first inaugural address. Roosevelt not only did not use speechwriter Raymond Moley’s original draft for the address, he destroyed it and placed in his files a manuscript in his own handwriting with a note attached which read: “This is the original manuscript of the Inaugural Address as written at Hyde Park on Monday, February 27<sup>th</sup>, 1933. I started it about 9:00 P.M. and ended at 1:30 A.M. A number of minor changes were made in subsequent drafts but the final draft is substantially the same as the original.”<sup>89</sup>

After lunch with the historians, the President held a press conference announcing his intent to build, and subsequently donate to the public, a library for his

---

<sup>87</sup> Leland (1950), 3.

<sup>88</sup> Hand (1968): 335-36, notes that by using his speechwriter Rosenman to edit his papers, F.D.R. “confirmed his conviction that presidential messages were addressed to future generations as well as to a contemporary audience.”

<sup>89</sup> Maney (1992): 100. See Chapter 6 for description of similar efforts revealed in documents concerning remarks by F.D.R. for an American Library Association meeting.



many papers and other materials of “historic value.”<sup>90</sup> The *New York Times* reported that the historians present at the luncheon “endorsed the project enthusiastically.”<sup>91</sup> However, they did more than support the library. They helped endow the library with meaning commensurate with the achievement of the “right kind of history.” What is more, they blessed the library as a vital mechanism for achieving the nation’s providential mission.

One year after attending the endorsement lunch at the White House, Archivist Connor addressed the Society of American Archivists at their third annual meeting. The topic of Connor’s 1939 speech was the Roosevelt Library project. He began with the bold claim that “Franklin D. Roosevelt is the Nation’s answer to the historian’s prayer.”<sup>92</sup> Connor emphasized the enormous impact Roosevelt’s library would have on future historians. He insisted that the “[p]apers of the Presidents are source materials of the highest value.”<sup>93</sup> Because there were no official White House archives, Connor believed that the value of Roosevelt’s inspired gift of his records to the general public and subsequently to the work of the historian is “plain for all men of unbiased minds to see and understand.”<sup>94</sup>

---

<sup>90</sup> 10 December 1938, Press Release, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library. There are a couple of copies of this release with F.D.R.’s handwritten corrections in the file.

<sup>91</sup> 10 December 1938, “Roosevelt Estate to House Archives, Etc.,” *New York Times*, from copy in Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library.

<sup>92</sup> R. D. W. Connor, “The Franklin D. Roosevelt Library” read at the third annual meeting of the Society of American Archivists, Annapolis, Maryland, 14 October 1939, President’s Personal File, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library. Cited hereafter as, Connor (1939).

<sup>93</sup> Connor (1939).

<sup>94</sup> Connor (1939).

Connor reminded his audience that, besides the small, privately run Hayes Memorial Library in Ohio built in 1913, the fate of previous presidents' papers was left entirely to chance. Historians, and especially the general public, were often refused access to them by whoever had custody. Further, there was no guarantee that documents would survive at all—letters, records, and artifacts could be destroyed by the whim of the family, the forces of nature, or the unpredictable and often disastrous devotion of collectors. For example, Grant burned his papers, many of Washington's were cut into pieces by family members and sold to signature hunters for profit, and Jefferson's are scattered among private collectors, historical societies, and the Library of Congress.<sup>95</sup> Ostensibly John Adams took his papers with him to prevent Jefferson from looking at them (for a summary of records history see Chapter 3).<sup>96</sup> Connor even reserved blame for historians. Some early biographers with exclusive access, he claimed, "destroyed documents to protect the reputations of their subjects or prevent the growth of ill-feeling among surviving statesmen."<sup>97</sup> By contrast, F.D.R.'s library was a guarantor against destruction and, presumably, the editing of his presidential legacy. In 1941, the year the library opened, Roosevelt published his *Public Papers and*

---

<sup>95</sup> See Morrison's remarks in Transcript of Addresses at a Dinner Given by the Trustees of the Franklin D. Roosevelt Library, Inc. Hotel Carlton, Washington D.C. Saturday, 4 February 1939, Folder 4, "Jan. 16 - March 1939," Box 1, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library.

<sup>96</sup> Connor (1939).

<sup>97</sup> Conner (1939). This anxiety about the use of papers for later political purposes has not vanished, see Philip C. Brooks, "The Harry S. Truman Library - Plans and Reality," *The American Archivist* (1962). Also, President George W. Bush's recent Executive Order 13,233 is quite significant in the role it plays to limit the public availability of papers after a president leaves office. See Jonathan Turley, "Presidential Papers and Popular Government: The Convergence of Constitutional and Property Theory in Claims of Ownership and Control of Presidential Records," *Cornell Law Review* 88, no. 651 (2003): 652-734.

*Addresses*, making “his own gloss upon his career temptingly available” and arguably pre-empting a non-flattering use of the soon-to-be-available archives.<sup>98</sup>

Praise for Roosevelt’s library went beyond support for the preservation of records. For the most prominent historians of the day, the library was nothing short of a national revelation. President of the University of Minnesota and former President of the American Historical Association (1937), Guy Stanton Ford, put this forcefully in a speech given at a dinner for the Trustees of the Roosevelt Library on 4 February 1939:

[N]o historian who digests these archives and these papers and thinks long enough about what is [behind] them but will be concerned with American democracy and the thought and philosophy of the American people. It is my profound conviction that out of a library such as this, accumulated over the years by one who has been in the strategic position of the donor, will come a revelation of American life and thought ... [and] that it will be, for the historians of the future, a material out of which they will build a great, revealing picture of this Nation.<sup>99</sup>

What Ford suggests is that the library conflates notions of the historian and the prophet, the citizen and the believer. As already noted, Ford’s pragmatic conviction that the proper use of history was for the good of the nation and the desire to have

---

<sup>98</sup> Frederic L. Paxson, “Review: Basil Rauch, *The History of the New Deal, 1933-1938* (New York: Creative Edge Press, 1944),” *American History Review*, vol. 50, no. 3 (Apr., 1945): 578. Paxson was the AHA President in 1939, and one of those invited to F.D.R.’s White House ‘library lunch.’ His presidential address, delivered on December 29, 1938 in Chicago, was published as, “The Great Demobilization,” *AHR* voll. 44, no. 2 (Jan., 1939): 237-251. He wrote a review of *The Public Papers and Addresses of Franklin D. Roosevelt*, edited by Samuel I. Rosenman (also invited to the 1938 White House library luncheon), in *Mississippi Valley Historical Record*, vol. 28, no. 4 (1942): 631-32.

<sup>99</sup> Guy Stanton Ford, remarks made at a February 4, 1939 dinner held for the Trustees of the F.D.R. Library, Inc. at the Carlton Hotel in Washington D.C attended by the President and his library committees to launch the fundraising campaign, Presidents Personal File, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library. At the time of these remarks, according to Leland (who also quotes them), Ford was also a member of the National Advisory Committee; from Leland (1950), 2.

such use ordained as if from heaven was already present in the history profession prior to the establishment of the presidential library. Indeed, such surficial pragmatism masks the underlying moral jeremiad with which history was already burdened. More than this, according to Ford, the presidential library finally provided, in the form of revelation, that elusive image and spirit of democracy sought by the likes of Tocqueville and studied by Henry Adams.

According to James Madison, “popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.”<sup>100</sup> Guy Stanton Ford, Waldo Gifford Leland, and R. D. W. Connor—all onetime presidents of the American Historical Association and representatives of the history profession—are responding to Madison’s martial call. Their blessing of the presidential library is tantamount to a clarion call to “arm” the citizen. When Roosevelt speaks of belief, when Connor speaks of prayer, and when Ford speaks of revelation, they are placing their faith in Madison’s claim of knowledge governing ignorance, a faith already embedded in the historical mission of the nation *qua* nation.

During World War II, the National Archives and every institution and individual tasked with stewardship over the national heritage faced a call to arms: “When total war threatens the destruction of ... civilization, the archivist and the librarian alike are

---

<sup>100</sup> *The Writings of James Madison* (1910), as quoted in Turley (2003): 651.

called to help defend it.”<sup>101</sup> War was never far from Roosevelt’s library project. Roosevelt used the war as an excuse when he responded to criticism that presidential papers should be housed in a central location, preferably in Washington, D.C. near institutions such as the Library of Congress, the Smithsonian, and the National Archives. According to his strategic rationale, repositories should be spread regionally across the country in order to avoid the catastrophic total loss of irreplaceable documents in the event of an attack.<sup>102</sup> In the same address where he declared the library “an act of faith,” Roosevelt insisted that “this latest addition to the archives of America is dedicated at a moment when government of the people by themselves is being attacked everywhere. It is, therefore, proof—if any proof is needed—that our confidence in the future of democracy has not diminished in this nation and will not

---

<sup>101</sup> Anne Bruner Eales, “Fort Archives: The National Archives Goes to War,” *Prologue*, vol. 35, no. 2 (Summer 2003): online at [www.archives.gov/publications/prologue/2003](http://www.archives.gov/publications/prologue/2003).

<sup>102</sup> President Roosevelt in a letter to Charles K. Brown, President of the American Library Association, bluntly linked the issue of war to the preservation mission of libraries by stating the President was “on guard not only against the threat of violence and destruction that may come to our liberties from beyond our borders but also against the slower death by neglect and disparagement that may imperil them from within. It is your high duty to see that the great works of the human spirit created in the past are not sacrificed to present exigencies, present hazards—and to defend the freedom in which others, born of our time, alone can grow. In your charge is the living record of all that man has accomplished in the long labor of liberty, all that he aspires to make of it in the future we of the United Nations fight to secure. By keeping that record always before the eyes of the American people you give them renewed strength in their struggle against the dark backwash of tyranny, renewed faith in their unconquerable determination to take their full part in establishing on this earth a free age of man.” Letter, President Franklin D. Roosevelt to Charles K. Brown, 17 June 1942, “American Library Association,” PPF 3451, Franklin D. Roosevelt Library. 13 June 1941, Letter from F.D.R. to Dr. Luther H. Evans, Chief Assistant Librarian, Library of Congress: “Libraries are directly and immediately involved in the conflict that divides our world, and for two reasons: First, because they are essential to the functioning of a democratic society, second, because the contemporary conflict touches the integrity of scholarship, the great repositories of culture, and the great symbols of the freedom of the mind. I have learned with much satisfaction of the efforts of libraries throughout the country to make the facilities of the American library system useful and effective in national defense.”

diminish.”<sup>103</sup> Of course, he began planning for the library and its site in Hyde Park prior to the war.

When four million papers were first opened at the Roosevelt Library, President Truman restated the martial function of the library, this time casting it in a new light, that of the Cold War:

In a world where millions are living under the horrors of Communist torture and terror this action we are taking is a simple indication of the faith in democracy in truth. In a Communist or totalitarian state these papers would either be destroyed or laboriously rewritten to conform to the twisted and perverted dogmas of a few unprincipled rulers. In America we believe that the people should have full and free access to knowledge, for knowledge is the strength of democracy.<sup>104</sup>

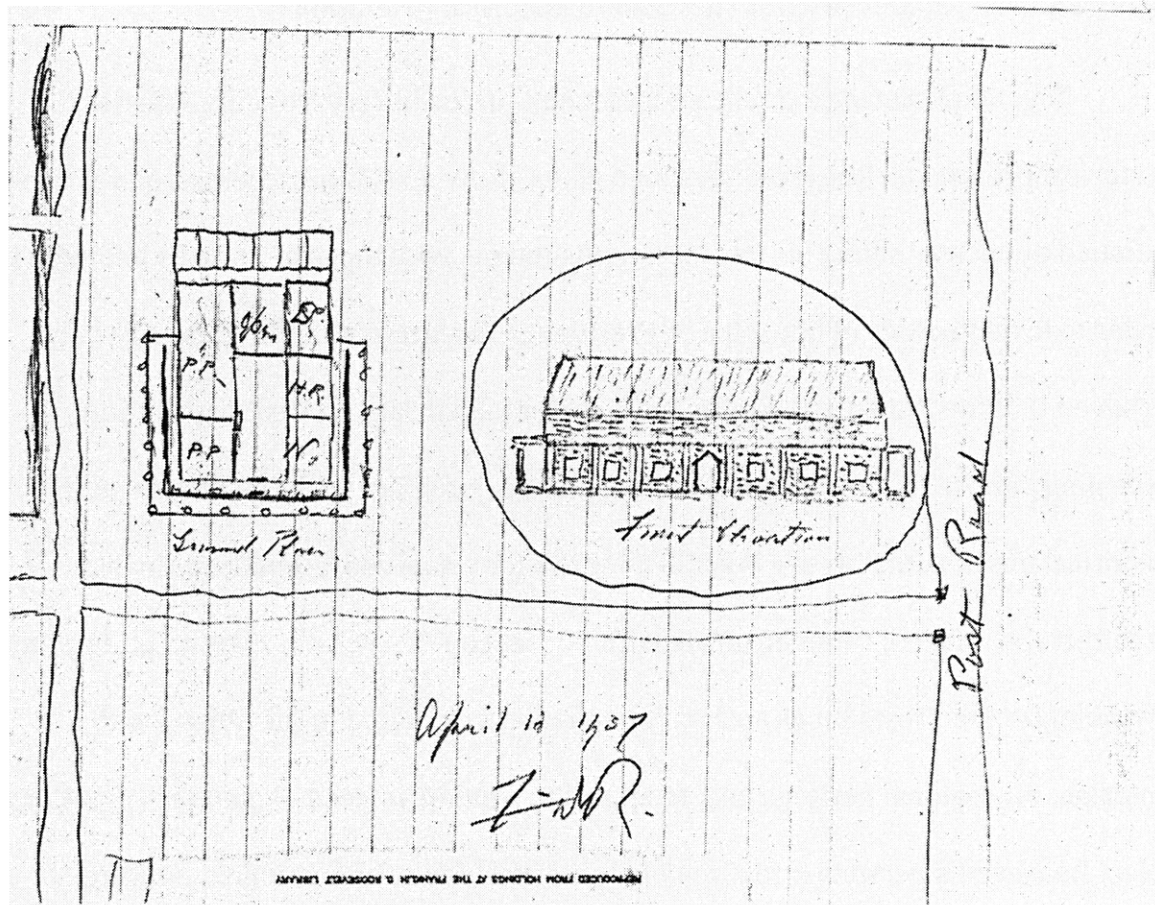
History, both its writing and its artifacts, is thus understood as a weapon of war and an instrument of providence and salvation, where the Nation is the battlefield and the citizen is the warrior struggling to deploy the past in defense of the future of Democracy.

---

<sup>103</sup> Address of the President, Addresses Given At the Dedication of the Franklin D. Roosevelt Library, Hyde Park, New York, 30 June 1941, PPF 5720, Franklin D. Roosevelt Library.

<sup>104</sup> As quoted in “4,000,000 of Roosevelt Papers Unveiled at Hyde Park Library,” newspaper article by Herbert Kupfberger (paper and year not listed), Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library.

## The President's Hand: An Architectural Endorsement from the Archive



2.6 12 April 1937 sketch by F.D.R. of his proposal for the library (Reproduced from the Holdings of the Franklin D. Roosevelt Library).

This chapter ends with a history of not only how and why Roosevelt's library was created, but how the President, through this and other projects, assumed the role of the architect and how the meanings that would come to be embodied by the Presidential Library as we now know it were in full force even before it was endorsed by historians in 1938. What follows is a narrative that was largely derived from letters and memos found in the archives of F.D.R.'s presidential library. It describes what is known about the origins of the President's preference for the Dutch Colonial style, his claim to architecture and the attempt on the part of the architectural profession to cast

him in the role of an architect. It reveals a desire for an architecture subordinate to politics and a symbolic program devoted to historical resolution.

Beyond procuring a public endorsement for his library from the American historical profession, Roosevelt sketched plans, drew up exhibit schemes, and actively pursued publicity, linking his own accomplishments with those of Thomas Jefferson in order to foster an idea of himself as a President – Architect. G.S. Ford emphatically believed that the Franklin D. Roosevelt Presidential Library offered “a great and revealing picture” of the nation. Thus, despite the jeremiad tradition of America’s historical mission, the library is still a vehicle for visual representation. In short, it is architecture. Indeed, commensurate with Roosevelt’s ‘act of faith’, was an attempt to mythologize the President as an Architect that was conflated in the library with a nostalgia for regional heritage and an appeal to a public in need of guidance in order to inject Roosevelt’s persona into a singular paternal vision for an American future. Indeed, despite the lofty goal of adapting prior archival and memorial projects into what would become the first publicly controlled and ostensibly objective presidential records institution, Roosevelt and his team of historians and architects consistently revealed a desire for an architecture subordinate to politics and a symbolic program devoted to historical resolution through their rhetoric, drawings, and personal correspondence. Yet Roosevelt also downplayed his ambitions, conjuring images of his library as an idyllic domestic retreat for students and curious scholars.

The Franklin D. Roosevelt Presidential Library website has the following description of its architecture (Fig. 1.8): “The Library itself is built of Hudson Valley fieldstone in the style reminiscent of the local Dutch colonial architecture which F.D.R.



avored. A sketch made by President Roosevelt dated April 12, 1937, shows the proposed building placed on the grounds very close to the site ultimately chosen and a ground plan roughly approximating that of the main block today.”<sup>105</sup> The reference to Roosevelt’s sketch (Fig. 2.6) is illustrative of the ways in which the desire to mythologize the President as an Architect was conflated with the archival project in order to inject that persona into an image of the Nation writ in stone.<sup>106</sup>

On December 29, 1939, Harlan Althen of *The Poughkeepsie Evening Star & Enterprise* and *The Poughkeepsie Eagle-News*, wrote a letter to Roosevelt’s mother, asking where the President’s “partiality for Dutch Colonial fieldstone design” originated.<sup>107</sup> According to the letter, Althen was interested in “showing how the President has not only left his imprint on the social and economic life of his time, but also on the architecture of his native Dutchess County.” Since there were “eight important buildings in Dutchess County built [in the Dutch Colonial style]” at the time, Althen wondered if this revival was somehow unique. His curiosity was piqued in 1937 when he overheard the President critique the granite on the wall of a sample panel at the site for the new Poughkeepsie Post Office. Roosevelt had a history of involvement in local architecture. He evidently made a suggestion to the effect that the exterior material for the post office should be local fieldstone “in accordance with the

---

<sup>105</sup> <http://www.fdrlibrary.marist.edu/about12.html>

<sup>106</sup> McCoy (1975): 137-49, describes which scholars and architects met with the President about his plans for the library after April of 1938, therefore this chapter will not repeat McCoy’s excellent narrative. Rather, it focuses only on the meaning of the President as an architect.

<sup>107</sup> Letter, 29 December 1939, PPF 3481, Franklin D. Roosevelt Library. Althen, preparing a feature article for the Sunday magazine section of the *New York Times*, heard that, other than the President himself, only Roosevelt’s mother knew the extent of the President’s architectural influence.

style of the James Roosevelt Memorial library in Hyde Park village”—another building with which he was associated.<sup>108</sup> Thus, Althen writes, “I feel that it is important that I know whether the President had a hand in determining the design of the library, or whether he was so pleased by its appearance that he wishes to have it copied wherever possible in this region.”

Instead of Roosevelt’s mother, the President’s personal secretary, Miss M. A. LeHand, responded to Mr. Althen, writing that the “origin of the revival of the fieldstone architecture in Dutchess county came from [Roosevelt’s] collaboration with Miss Helen W. Reynolds in preparing material for the book ‘Early Dutch houses of the Hudson River Valley’.”<sup>109</sup> According to LeHand, Roosevelt drew the “original rough plans” for the first building to “carry out the revival”—Val-Kill cottage, built in 1926. However, although Roosevelt “personally supervised the building of this cottage and the masonry that went into it,” it was the architect Henry Toombs of Warm Springs, Georgia, who drew the detailed plans. This process—Roosevelt sketching a general plan, Toombs producing the necessary detailed drawings—was repeated for the James Roosevelt Memorial Library and other buildings in the area. LeHand reminds Althen, “the President [also] supervised the preparation of the plans for the Poughkeepsie Post

---

<sup>108</sup> This expression of locality as a function of identity and represented through the library’s masonry cladding, was later imitated (although, probably not intentionally) by Roosevelt’s rival, Herbert Hoover. According to the brochure, “The Herbert Hoover Presidential Library,” (West Branch, Iowa: Herbert Hoover Presidential Library Association), the walls of the library were “of native limestone quarried at Stone City, Iowa.” Copy of brochure found in folder “Presidential Libraries (2),” Box 12, White House Special Files Unit, Papers of Gerald R. Ford Press Secretary, Gerald R. Ford Library.

<sup>109</sup> Letter, 10 January 1940, PPF 3481, Franklin D. Roosevelt Library. Franklin D. Roosevelt, *Early Dutch Houses of the Hudson River Valley Before 1776* was published while Roosevelt was chair of the publication committee of the Holland Society. See Kenneth S. Davis, *FDR: The Beckoning of Destiny, 1882-1928* (New York: Random house, 1972), 684-85, for more on Roosevelt’s involvement in collecting and publishing during this period.

Office, the Rhinebeck Post Office and the Wappingers Falls Post Office, and in 1938 the plans for his own new cottage on Dutchess Hill.”<sup>110</sup>

Althen was not the only one interested in Roosevelt’s architectural influence. One year earlier, LeHand gave the President even more credit in a letter to Talmage C. Hughes of the Michigan Society of Architects. Here, rather than ascribing to Roosevelt a supervisory role in the preparation of plans, she writes that in the case of the four cottages “built by the President during the past twelve years—two at Warm Springs and two at Hyde Park ... the President drew the original floor plans and elevations, which Mr. Toombs took in hand, improved and developed into architectural drawings.”<sup>111</sup> Her letter was written in response to a request for the loan of sketches and finished drawings by associate architects made on behalf of the 25<sup>th</sup> Annual Convention of the Michigan Society of Architects who intended to publish a special edition of their weekly bulletin with a feature on “Our Presidents as Architects.” It was an important issue for Hughes, who made the claim that there have only been two Presidents who could rightly be called architects: Thomas Jefferson and Franklin D. Roosevelt.<sup>112</sup> After offering her own description of Roosevelt’s architectural accomplishments, LeHand suggested Hughes contact Toombs for copies of the original drawings.

---

<sup>110</sup> For more on the cottage see John G. Waite Associates, Architects, *The President as Architect: Franklin D. Roosevelt’s Top Cottage* (Albany: Mount Ida Press, 2001).

<sup>111</sup> Letter, 9 January 1939. PPF 3481, Franklin D. Roosevelt Library.

<sup>112</sup> Letter, 4 January 1939. PPF 3481, Franklin D. Roosevelt Library.

Althen also contacted the architect Henry Toombs and received from him a letter and a photostatic copy of Roosevelt's sketch for Dutchess Hill cottage. Althen described his correspondence with Toombs and included excerpts for publication from the architect's letter when he responded to LeHand on March 27, 1940, thanking her for her interest. Evidently Toombs not only had little problem with Althen publishing the "rough sketch ... as it had already been published" (presumably by Hughes) he also offered his own frank appraisal of the President's relationship to architecture. Althen quotes Toombs as making the following comments:

I would say that the President had a definite architectural sense. He quickly grasps the implications of plans and elevations and, while his sketches from the point of view of a trained architect are rather crude, they nevertheless show a sense of proportion. ... Most of the sketches which I have and which he has done in connection with Warm Springs or various houses are rough, free-hand outlines. It is pertinent to note that in explaining a plan the President more often than not, and like a trained architect, takes a pencil to sketch what he is explaining. This is, I would say, habitual with him.<sup>113</sup>

The history of President Roosevelt as a history of his architecture is thus a surrogate history where his creative hand is the origin of the creative gesture only given technical substance by architects such as Henry Toombs and, later, Louis Simon, Supervisory Architect of United States. In a sense, the surrogate nature of Roosevelt's architectural production is indicative of the desire (of the historian) to assign meaning by virtue of a primary, and heroic, authorial hand.

---

<sup>113</sup> Letter, 27 March 1940. PPF 3481, Franklin D. Roosevelt Library.

The dialogue in the record implies a belief in a difference between architecture-as-idea and architecture-as-object. LeHand's correspondence with Althen and Hughes points to both articulations. On the one hand, Roosevelt is the originator and controller of the idea: he desires a type of structure for a purpose and communicates his desire to those who can transform the desire into an object. Even with the well-documented personal supervision of the projects, Roosevelt's role might be better described as that of the client or patron. On the other hand, he also is a contributor to this transformation by virtue of his labor—producing simple drawings. For Toombs, the trained architect, it's the President's ability, however "crude", to communicate aesthetically through his knowledge and the technological mechanism of drawing that endows Roosevelt with "a definite architectural sense." However, while Toombs notes that Roosevelt is "like a trained architect" in way of seeing, employing a similar manner for conveying ideas, he is equally emphatic that his mastery of the architect's *techne* is "rather crude." It is in this sense that Roosevelt is thrust into the more mythologized role of the Architect-as-Creator, versus architect-as-producer. Leland contributes to this view, noting that Roosevelt was extremely hands-on in determining the design of everything at his presidential library—from the overall landscape and building plan to the equipment details. "[I]n a very real sense, this structure, as it stands here, is his creation."<sup>114</sup>

The "creation" myth was echoed by Matthew Epstein, Senior Attorney in the Land Division of the Department of Justice. Epstein was given the "privileged

---

<sup>114</sup> Leland (1950), 3. In a handwritten note to Louis Simon on the first page of this document, Leland actually calls Simon the "author" of the library.

assignment” of effecting the transfer of the Roosevelt Library to the government.<sup>115</sup> And although he divides the labor involved in bringing to fruition all the aspects of the presidential library among several parts of the government (the Archivist accepting and administering the “gift”, the Congress authorizing its transfer, the Department of Interior surveying the site, the Department of Justice scrutinizing the title, and the Department of Treasury supervising construction through Louis Simon, the U.S. Supervisory Architect), Epstein, like Leland and the others, insisted that “the architectural style and designs of the exterior and interior were brain children of the President.”<sup>116</sup>

The idea that President Roosevelt was a professional architect did have some cultural currency. In 1941 Frederick Kerby of the Newspaper Information Services, Inc., received inquiries into whether or not the President was either a registered architect or “recognized by architectural authorities as such.”<sup>117</sup> The Beaux-Arts Institute of Design even invited the President to become a member in January of 1939, enclosing a blank membership with the invitation.<sup>118</sup> The President, albeit in the guise of humble amateur, insisted that he was not worthy of being considered a designer in

---

<sup>115</sup> Matthew E. Epstein, “Groundwork of the Franklin D. Roosevelt Library,” 15 March 1941, OF 3900, Franklin D. Roosevelt Library. Epstein recorded as much of the assignment as his notes and memory could recall in this 20 page narrative: “Inasmuch as an assignment of this narrative occurs only once in the lifetime of the average governmental attorney, and because it led to three private interviews with the President of the United States, and also because of the attending publicity, both pictorial and narrative, it was deemed appropriate to compile, for private interest, a record of the assignment with its unusual interludes.”

<sup>116</sup> *Ibid.*

<sup>117</sup> Memo, re: 7 July 1941 Letter from Frederick M. Kerby, PPF 3481, Franklin D. Roosevelt Library.

<sup>118</sup> Memo, re: 23 January 1939 Letter from Beaux-Arts Institute of Design, PPF 3481, Franklin D. Roosevelt Library.

the professional sense. According to the memo summarizing his response to the Institute, President Roosevelt insisted that:

...while he appreciates the compliment ... he is such a rank amateur as a sketcher of houses, as a landscape gardener, as a tree grower, as a road builder, as a collector of engravings and paintings, of stamps and autographed letters, and of log books, he feels quite certain he is not eligible for membership in any serious-minded society which deals with these subjects, and although grateful, thinks it is best to preserve his amateur status.<sup>119</sup>

Roosevelt states that he is not worthy of membership in a society where the members possess a level of specialized skill that outweighs his own. In other words, to the committee who offered a kind of legitimacy for his activities in the form of membership, Roosevelt is claiming that it is both his deficient technical ability and his diverse interests that render him ineligible for this sort of official status. Yet, his unwillingness to accept this form of recognition is not merely the result of his patrician heritage in which cultivated amateurism was accorded a higher value than the specialized ability of the professional.

Roosevelt's memo carefully outlines a taxonomy of interests to both the Beaux-Arts Institute of Design, who would presumably only be concerned with him as a "sketcher of houses", and to all other "serious-minded societies." Indeed it is precisely the artifacts of these interests that are organized for display in his library's museum. When taken in conjunction with his own social position, the surrogate nature of his

---

<sup>119</sup> *Ibid.*

involvement in all of his design endeavors, and his lack of compensation for his creative work, the value of the amateur status for Roosevelt ultimately appears to be based only upon whether or not the labor of collecting or designing has exchange value; or generates a wage. He thus subtly reinforces the notion that *any* idea for architectural creation unconstrained by capital pressure combined with the critical distance he affords himself by virtue of his self-appointed supervisory position has more value than technical mastery: *eidōs* over *technē*.

Despite Roosevelt's apparent modesty, Althen and Hughes, looking for evidence to confirm the President-as-Architect, searched for a foundation of this position in his technical output—the rough drawings. However, the drawings themselves have an *a priori* function for both men. Hughes, even more so than Althen, has already determined that Roosevelt has a certain heroic stature that calls for recognition by a “serious minded” professional society. By placing Roosevelt alongside Jefferson, the Michigan Society of Architects can not only perform the perhaps unnecessary maneuver of endowing the contemporary President with a Jeffersonian image of *gravitas*, but they can subsequently graft that weight onto their own profession, elevating it by virtue of associating their practice with that of Great Men. Hughes was not entirely wrong to suggest that Roosevelt and Jefferson could be connected via architecture. However, such a parallel is found less in the fact that both Presidents produced drawings and took an active interest in the design of specific buildings



(Jefferson with considerably more technical skill and critical output), than in their persistent attempts to construct, through architecture, an image of the Nation.<sup>120</sup>

## Conclusion

For Kant, the characteristic of knowledge that distinguishes human beings from gods is that human knowledge relies on images.<sup>121</sup> Roosevelt's library, and those of his successors, is an architecture dedicated to the task of giving image to knowledge. Returning to the theological compulsion of history in America, where historical evidence is perpetually bound to a covenant with the future, what critical image can be derived from the object of knowledge—whether derived from a postcard that encapsulates the weight of patrimony, or from a handful of documents depicting and describing the library as a nation's answer to the historian's prayer? Indeed, if truth is understood as dogma, can the presidential library ever be "just history?"

Truth, and particularly the interrogation of its image (history *qua* history), implies "a certain mode of particular and individualizing knowledge." Further, a faith in history as a form of proof and a loyalty to deployment of history towards a benevolent future in turn produces the presidential library—an architecture imbued with the symbolism of resolution and the certitude of endorsing historians. However, if the presidential library is an affirmation of a national patrimony, then it also bears the promise of its own critique in the eyes of history. In other words, Roosevelt's act of

---

<sup>120</sup> See Peterson (1963); and William Howard Adams, ed., *The Eye of Thomas Jefferson* (Washington, D.C.: National Gallery of Art, 1976).

<sup>121</sup> Hartmut Bohme and Gernot Bohme, "The Battle of Reason with the Imagination," trans. Jane Kneller, in Schmidt (1996), 426-27.

faith not only re-affirmed the origins of Winthrop's covenant with the future, it makes possible its own critique; its own archive making possible the "desubjectification in the game of what one would call, in a word, the politics of truth."<sup>122</sup> After all, there are records, brought into the public sphere, by virtue of the presidential library—commemorative or otherwise. This archive, as Chapter 3 describes, has spawned a discourse, with legally enforceable consequences, on the limits of presidential authority and public access as functions of obligation and subjected to historical judgment. Cast in these terms, the presidential library may be an architectural jeremiad, but it also becomes the enlightenment architecture *par excellence*.

---

<sup>122</sup> Michel Foucault, "What is Critique?" Kevin Paul Geiman trans., in James Schmidt, ed., *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions* (Berkeley: University of California Press, 1996),

## **Chapter 3**

### **A Public Obligation:**

#### **Towards Access and Ownership, a Legal History of Presidential Records**

##### **Presidential Records and the Challenge of Public Stewardship**

Despite the more popular aspects of the presidential libraries—memorials and museum exhibits—presidential records are the foundation of the presidential library as a public institution. Indeed, what distinguishes the presidential libraries administered by the National Archive and Records Administration under the public stewardship model provided by Franklin D. Roosevelt from other “presidential” libraries (as well as from heroic monuments and museums associated with individuals) is the statutory preservation, management, and dissemination of documents produced during the president’s tenure in office. Since F.D.R.’s bold decision to donate the library and its holdings (with some restrictions) to the then-young National Archives, Congress and the Supreme Court have had to intervene intermittently to define and redefine exactly what constitutes presidential materials and how those materials are to be made available to the public (see Appendix B). However, this legal guarantee of accountability that preserves and protects presidential materials for the public is a relatively recent phenomenon in history. Indeed, these records were not considered outright public property until 1979. Watergate brought the essence of public accountability and judgment with respect to the historical record of presidential practice to the forefront of American politics. This

created a challenge to the private property claims of all former presidents with regard to documents generated during their tenure in the White House. Even Roosevelt's presidential library was predicated upon his perceived and unchallenged (at the time) *right* to donate his property as he saw fit.

### **Presidential Papers as Private Property**

Prior to Nixon and Watergate, all presidential materials were considered to be the personal property of the president. Indeed, this tradition was only rarely challenged during the first century and a half of the nation's history. When President Washington left office, he took his papers with him, following the practice of European heads of state (both then and now)—such as the Prime Minister of England.<sup>1</sup> This precedent remained largely unquestioned until the 1970s. Washington's successors to the office of the presidency without exception removed all of the documents accumulated during their tenure with the assumption that they were private property.

What remains of Washington's papers (beyond what were dispersed by private collectors and family members) in the Library of Congress is in part due to the first president's concern for posterity. According to Carol Bondhus Fitzgerald, "Washington understood the interest succeeding generations would have in the documentation of his military and 'civil' careers."<sup>2</sup> Washington also left behind an interesting collection

---

<sup>1</sup> H. G. Jones, *The Records of a Nation: Their Management, Preservation, and Use* (New York: Atheneum, 1969), 147. It is worth noting that the United States is currently the only nation that considers the papers generated by its president or prime minister to be both public property and viewable—albeit with certain constraints—within a decade of the president's tenure.

<sup>2</sup> Carol Bondhus Fitzgerald, "The Presidential Papers, George Washington to Calvin Coolidge: An Introduction to the Presidential Papers Microfilm Series," *The History Teacher* 17, no. 4 (August 1984): 548.

of books in a rather extensive library.<sup>3</sup> The same was true of Thomas Jefferson and John Adams, albeit even more so. James Madison was also meticulous in collecting and preserving his papers. All of them however, were subject to the whim of nature (fire and flood) and that of their heirs. James Monroe, towards the end of his life when he was fairly impoverished, actually used his papers as evidence in an attempt to get the government to reimburse him for his years of public service. What was left of them was subsequently sold and dispersed by his heirs.

The first glimmer of critique of the ability of presidents to do as they pleased with their papers focused on the transfer of power between the second president of the United States and the third. John Adams was accused of removing every scrap of paper from the presidential residence after losing his bid for reelection to Thomas Jefferson.<sup>4</sup> However, the criticism was solely concerned with inhibiting the even and smooth transfer of power. By leaving the White House bare and thus Jefferson blind to any potentially useful information, Adams' was seen as taking out his bitter loss on his successor. However, Adams' perceived right to do as he wished with the documents generated by his office was never questioned.

---

<sup>3</sup> See Frances Laverne Carroll and Mary Meacham, *The Library at Mount Vernon* (Pittsburgh: Phi Beta Mu, 1977).

<sup>4</sup> Richard W. Leopold, "The Historical Profession and Presidential Libraries," *Paper Prepared for the National Study Commission on Records and Documents of Public Officials*, January 1977, National Study Commission on Records and Documents of Public Officials (4), Gerald R. Ford Library (hereafter: Leopold (1977)).

The tradition of private ownership that governed presidential records was derived from three ideas: confidentiality, separation of power, and partisanship.<sup>5</sup> The first notion was that presidents required the free flow of advice. The second idea was based on the idea that each branch of the government could not compel another. The third idea held that if the opposition party was in charge of Congress, then political vindictiveness might allow them to interfere in the execution of presidential duties if the papers were deemed public.

Despite the unquestioned property assumptions that governed presidential papers, they were also considered historically valuable to the nation at an early date. Between 1834 and 1849 Congress initiated the practice of purchasing manuscripts from Revolutionary leaders. Papers of Washington, Madison, Jefferson, and Monroe were all acquired in this manner. In 1848 and 1850, Congress edited and published the first collected works of Jefferson, Madison, and Adams. A portion of Jefferson's papers were even returned to the family after they were deemed "too personal for government retention."<sup>6</sup> Prior to 1903 all presidential papers in the custody of the government were housed at the State Department. Given the lack of research and maintenance space, Congress finally transferred the documents to the Library of Congress. From 1903 to 1931, the Library of Congress increased its presidential manuscript collection through gifts and purchase. It acquired more papers from Washington, Jefferson, Madison and Monroe, as well as papers from Jackson, Polk, Van

---

<sup>5</sup> Nancy Kegan Smith and Gary M. Stern, "A Historical Review of Access to Records in Presidential Libraries" *Public Historian* 28, no. 3 (Summer 2006): 81.

<sup>6</sup> Leopold (1977), *op cit.*

Buren, Johnson, Pierce, Theodore Roosevelt, Tyler, Grant, Garfield, Lincoln and Cleveland.<sup>7</sup> The transfer of presidential papers to and the increasing holdings of the Library of Congress marked a shift in the value of the materials. The documents were no longer considered an adjunct holding of an operating government department, but a vital component of an institution devoted to preserving and making available articles of knowledge for the nation.

The first attempt to access the records of a president against his will occurred in 1886 when the U.S. Senate demanded that the Attorney General deliver documents pertaining to the unsubstantiated dismissal of a District Attorney for investigation into the reasons for his removal (a familiar charge in recent years). President Cleveland not only denied their request, he insisted, perhaps for the first time in an official statement, that such documents were his and his alone. He declared that Congress, by demanding access to his private property, had overstepped its Constitutional prerogatives.

Cleveland insisted that he:

...regarded the papers and documents withheld and addressed to me or intended for my use and action [to be] purely unofficial and private... I suppose if I desired to take them into custody I might do so with entire propriety, and if I saw fit to destroy them no one could complain... Are these papers to be regarded official because they have not only been presented but preserved in the public offices? Their nature and character remain the same whether they are kept in the Executive mansion or deposited in the Departments. There is no mysterious power of

---

<sup>7</sup> Leopold (1977), *op cit.*

transmutation in departmental custody, nor is there magic in undefined and sacred solemnity of Department files.<sup>8</sup>

Cleveland extended the prerogative of private papers to those of his advisors and hence the entire administration. For him, there was no 'magic' that transformed them from his personal presidential papers, with which he could do as he pleased, into public documents subject to the requests of the public's representative body, Congress. Congress demurred, and following his practice of ensuring a complete separation of executive authority from censure of Congress, Cleveland held onto his papers.<sup>9</sup>

Cleveland's successful rebuttal of Congress, and even the haphazard acquisitions policy of the Library of Congress, reveals that the value of presidential records remained embedded in selective case by case judgments. What is more, the preservation of materials only became an issue after (and if) manuscripts were acquired by the Library of Congress. Prior to that, they were private property. Thus, despite a growing movement to preserve records on a national scale that finally began to gain momentum at the end of the nineteenth century (coming to fruition with the opening of the National Archives in 1934), the fate of presidential papers and materials remained entirely a function of chance. This tradition of private property, no different from that which governed the survival of any personal property, remained largely unquestioned and outside the growing urgency of debates surrounding the creation of a National Archive institution. Families, spouses and heirs were largely responsible for

---

<sup>8</sup> As quoted in R.D.W. Connor, "The Franklin D. Roosevelt Library," Read at the third annual meeting of the Society of American Archivists, at Annapolis, Maryland, October 14, 1939, folder 1, Box 2, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library (hereafter: Connor 1939).

<sup>9</sup> Connor (1939), *op cit.*



any documents that survived, although they could easily be thwarted by any destructive tendencies exhibited by a former president intent on protecting his legacy or squashing controversy should his records become public knowledge. A few families even insisted that the preservation of papers or the ordering of them for transfer to the Library of Congress presented an unwanted financial burden.<sup>10</sup>

Some families, such as the Adams's, had their own internal tradition for the preservation of historical records, books, and other items. They left their considerable and largely intact documentary legacy to institutions such as the Massachusetts Historical Society. To protect against undue controversy and scandal, many of their materials were subject to the stipulation that they remain completely sealed for decades. Unfortunately, the Adams family was by far the exception rather than the rule. Countless records were willfully decimated and dispersed for profit (Washington's, for example), or even destroyed to protect the public memory of their author. Many papers just vanished through family neglect, accident, or dispersion.<sup>11</sup>

### **A New Tradition of Preservation: Hayes and Hoover**

During the first two decades of the twentieth century, presidential records preservation entered a new era as a series of institutions and laws were created around the memory of the presidency and the idea that the records of presidential practice were worthy of both study and protection. Some of these ideas paralleled notions about truth and history that gained significant traction with progressive-era

---

<sup>10</sup> Connor (1939), *op cit.*

<sup>11</sup> Connor (1939), *op cit.*; Leopold (1977), *op cit.*

scholars. In 1927, New History advocate Carl Russell Fish from the University of Wisconsin was remarkably prescient (if potentially totalitarian) with respect to government records when he called for “a statutory declaration that the truth (not opinion) in history is a public property and misstatements of the truth liable to grand jury indictment and prosecution by the proper authority.”<sup>12</sup> Determining the “proper authority” was a task that would wait for decades. Yet the idea that historical truth should have legal consequences began in the period when presidential records were first imagined as an institutional collection.

In 1911, the Hayes family, in partnership with the Ohio Historical Society and the State of Ohio, built the Rutheford B. Hayes Memorial Library. The library’s core holdings were the large (for the time) collection of personal papers, books and memorabilia from the life and presidency of Hayes, supplemented by materials related to the history of Ohio and the region. Eight years later, the historian and post-war restoration hero Herbert Hoover deposited a large portion of his papers at Stanford University in the newly built Hoover Institute of War, Revolution and Peace. Following Hoover’s presidency, those presidential documents that he deemed worthy of public perusal were also deposited at the Hoover Institute.<sup>13</sup> Neither the Hayes Library nor the Hoover Insitetute are managed under the laws and regulations governing presidential libraries supervised by the National Archives.

---

<sup>12</sup> As quoted in Peter Novick, *That Noble Dream: The "Objectivity Question" and the American Historical Profession* (New York: Cambridge University Press, 1998), 194.

<sup>13</sup> Connor (1939), *op cit.*; Leopold (1977), *op cit.*

## **The Franklin D. Roosevelt Library**

In 1938, President Franklin D. Roosevelt, flanked by prominent historians, held a news conference formally announcing his intention to build a library for the purposes of maintaining in one place all the documents and memorabilia of both his life and presidency (Chapter 2 describes the origins of the F.D.R. Library in more detail).

Roosevelt's decision to create a separate institution for his entire collection of papers, modeled in part on the Hayes model, rather than merely deciding to deposit them at either the Library of Congress or the new National Archives created an opportunity for an institutional model for records preservation that did not rely on happenstance.

Further, his deed of gift and the management of the papers (after some editing and control executed by his heirs and first library directors) by a public agency planted an idea for public interest that would eventually debunk Cleveland's 'magic' theory of personal property. After decrying more than a century of unpredictable preservation, haphazard destruction, and the unknowable future of presidential papers, the U.S. Archivist called Roosevelt and his library "the Nation's answer to the historian's prayer."<sup>14</sup>

## **The Presidential Library Act (1955) and Papers from Truman to Johnson**

Franklin D. Roosevelt's library sowed the seeds for a tradition that would, over the next several decades, create a series of architectural landmarks to the post-presidency and lead to a series of ever-increasing statutory protections regarding the preservation of presidential materials. While Roosevelt's library announcement

---

<sup>14</sup> Connor (1939), *op cit.*

seemed innocuous enough, it contained a rather radical proposition. This library would be built with private money, raised by the president's supporters. Then the property, the building and the entirety of its collection would be turned over the young National Archive as a form of public trust. Thus, once the documents were transferred to the presidential library, the keys were handed to the U.S. Archivist and all its contents (with some restrictions) were nominally under the control of an ostensibly accountable public institution. However, before F.D.R.'s stewardship model—in which a privately built library is donated to the government and both the building and the materials are held in trust—could be emulated by his successors and become a tradition, it needed to be codified into law

Halfway through his two-term stay in the White House, President Harry S. Truman made the decision to establish a library for the deposit of his papers, following in Roosevelt's footsteps. However, the legislation that authorized the F.D.R. library was specific to that event, and no provision existed for the establishment of any subsequent libraries. In the spring of 1950, Truman asked his assistant, George Elsey to contact Wayne Grover, the U.S. Archivist, in order to begin the process of transferring his materials to the government.<sup>15</sup> In June he asked Edward Neild, who was the architect for the Jackson County courthouse in Kansas City, built by Truman when he was county judge, to design the library. In July his friends established Harry S.

---

<sup>15</sup> Geselbracht and Walch (2005).

Truman Library, Inc. to begin the process of raising money for the library.<sup>16</sup> Because the legislation covering the Roosevelt Library was specific to that project, Elsey and Grover drafted legislation in 1950 to allow the government to accept deposits of presidential papers. Congress passed what became known as the Federal Records Act (1950) in August. However, for Truman, the FRA provided insufficient protection for the papers from unauthorized access by later Presidents or Congress.<sup>17</sup> More than that, the new law did not include a mechanism for the transfer of land or a library building. Truman's advisor's feared that new legislation specifically addressing a library would bring renewed attention on the taxpayer costs of maintaining Roosevelt's library at a time when taxes were high and the country embroiled in a war with Korea.<sup>18</sup> Although new legislation was drafted in 1952, it never made it to Congress. Thus, when Truman left office in early 1953, a legal mechanism for establishing a presidential library—as an architecture, institution, and collection of papers—along the stewardship model provided by F.D.R. still did not exist.

Truman continued planning and by late 1954 there were sufficient funds to build a library, if only the government could accept the building as well as its contents.<sup>19</sup> David Lloyd, Elsey's successor, and Grover drafted new legislation. This time the language was no longer specific to Truman nor only presidential papers.

---

<sup>16</sup> Truman considered several sites for the library before selecting Independence, Missouri, including: farmland owned by his brother, sister and himself in Grandview, University of Kansas City, University of Missouri-Columbia, and the University of California, Los Angeles. <http://www.trumanlibrary.org>.

<sup>17</sup> Geselbracht and Walch (2005).

<sup>18</sup> Geselbracht and Walch (2005).

<sup>19</sup> Geselbracht and Walch (2005).

Grover's new draft provided means by which the government could accept a library from any past or future President. It also provided the means by which states, universities, foundations, and other institutes could establish presidential libraries in partnership with the government.<sup>20</sup> Truman's desire for a library fueled a Congressional hearing on the viability and usefulness of presidential libraries—specifically as an institution under the jurisdiction of government. Grover and Lloyd also hedged their bets against the minority partisan critique that hounded Roosevelt's earlier efforts. They "were careful to keep the White House and the Eisenhower Foundation (a nonprofit group established in 1945 to honor Eisenhower's legacy) informed of their efforts. They also shaped drafts with Arthur Minnich, an assistant to President Eisenhower who passed the information on to library supporters."<sup>21</sup> Indeed, in 1954, Minnich communicated Eisenhower's willingness to sign any library legislation along the lines of Grover's draft to House Speaker Joseph Martin.<sup>22</sup>

On Monday, June 13, 1955, the House of Representatives Special Subcommittee of the Committee on Government Relations held a hearing on House Joint Resolutions 330, 331, and 332: "Bills to Provide for the Acceptance and Maintenance of Presidential Libraries, and for Other Purposes." Rep. John W. McCormack (Mass.), Chairman of the Special Committee introduced the need for the legislation (H.J. Res. 330 was authored by him) with an appeal to heritage and the future:

---

<sup>20</sup> Geselbracht and Walch (2005).

<sup>21</sup> Geselbracht and Walch (2005).

<sup>22</sup> Geselbracht and Walch (2005).

There is inscribed on a statue at one corner of the National Archives Building—"Study the Past." Another reads "Heritage of the Past is the Seed That Brings Forth the Harvest of the Future." One great heritage of that American people is contained in the papers and historical materials of our Presidents and their contemporaries. Entwined in these manuscripts, documents, and papers is a picture of the political, economic, and cultural conditions of the time. Through happenstance many of the papers, manuscripts, and documents of previous Presidents have been kept intact for the benefit of present and future generations. In other cases, these priceless documents have been destroyed. ... The matter should not be left to happenstance. These resolutions would provide for a system of archives in their proper surroundings, and remain intact for the benefit of the American people now and for the future.<sup>23</sup>

In late 1955, President Eisenhower signed the Presidential Libraries Act, setting the parameters by which presidents—past, present, and future—might donate to the public and thus preserve their papers and records of office. Truman broke ground on his library in 1955. It was dedicated in 1957. When former President Herbert Hoover's relationship with Stanford began to deteriorate in the late 1950's, he too began the process of building a presidential library under the provisions of the new law. Eisenhower (1962), Kennedy (1969/1979)<sup>24</sup>, and Johnson built and donated

---

<sup>23</sup> Hearing Before a Special Subcommittee of the Committee on Government Operations House of Representatives Eighty-Fourth Congress First Session on H.J. Res. 330, H.J. Res. 331, and H.J. Res. 332, Bills to Provide for the Acceptance and Maintenance of Presidential Libraries, and For Other Purposes, June 13, 1955, folder "Legislative History—Presidential Libraries," Box 45, Barry N. Roth Files, Gerald R. Ford Library.

<sup>24</sup> Kennedy began planning for his library almost immediately. He contacted the U.S. Archivist in September 1961 asking him to confer with members of his staff and Harvard University to establish a library. Before he died, he gave preliminary approval for the site. Although sufficient money was raised, local opposition to the building design by I.M. Pei forced the library to open for research in a temporary location in Waltham, MA, in October 1969. The University of Massachusetts and the City of South Boston

presidential libraries under the auspices of this statute, all in partnership with universities.<sup>25</sup>

Despite Roosevelt's orchestration of support for his library from prominent scholars, historians for the most part were not entirely as enthusiastic along the lines of Connor's 1939 benediction. Richard Leopold noted that prior to Nixon, historians seemed to be either indifferent to, or ignorant of, the emerging library system. Those that paid it any attention seemed to be irritated that the materials were scattered across the country, away from either the better-known collections of historical societies or the central D.C. resources of the National Archives and Library of Congress (easily accessed by East Coast academics).<sup>26</sup> Indeed, their most vocal concerns initially seemed to be focused away from issues of public control and accessibility. Many took the form of a conservative squabble over prestige and prior practices. For example, in 1956, the Council of the American Association for State and Local History complained that the PLA (1955) gave the federal government a monopoly of acquiring the personal papers of presidents (despite the ongoing practice of acquisition by the Library of

---

were far more accommodating than Harvard and Cambridge, and the permanent Kennedy Library opened there in 1979. Leopold (1977), *op cit.*; Author's notes: 6 September 2004, I.M. Pei Forum, John F. Kennedy Library, South Boston, Massachusetts.

<sup>25</sup> Despite Johnson's initial desire to perhaps locate his library in his hometown of Johnson City or at his alma mater in San Marcos, Texas, his wife evidently preferred the University of Texas, Austin. In August 1965, the Chairman of the Board of Regents offered 14 acres for the establishment of a presidential repository in conjunction with what was originally called the Lyndon B. Johnson Institute of Public Service (now the School of Public Affairs.). Leopold (1977), *op cit.* Ladybird Johnson was also influential in selecting and working with architect Gordon Bunshaft. See "Oral History of Gordon Bunshaft," interviewed by Betty Blum for the Chicago Architects Oral History Project (Ernest R. Graham Study Center for Architectural Drawings: The Art Institute of Chicago, 1999).

<sup>26</sup> Leopold (1977), *op cit.*



Congress).<sup>27</sup> Other historians, as well as the National Archives and Records Service, downplayed these fears and began the process of extolling the virtues of the libraries as historical resources. By 1965 the American Historical Association finally devoted a session at its annual meeting to the presidential libraries.<sup>28</sup>

Nonetheless, the efforts of Truman and Grover, combined with the desire of his successors in the White House transformed the Roosevelt Library into a model for a system that combined government archival standards for records preservation with institutional education and capital-raising capabilities. However, in accordance with PLA, all five presidents that came after Roosevelt transferred their papers in a Deed of Gift under the assumption, confirmed during the 1955 hearings, that the materials were theirs to donate.

### **FOIA: An Emergent Public Interest in Records**

By 1965, when the AHA hosted its first session on the presidential libraries, scholars began to be increasingly critical of library access policies that often limited materials because of agreements stipulated in the negotiated Deeds of Gift. Some presidents, like Truman, reserved the right to deny access to whole collections while he was still alive.<sup>29</sup> The fact that most archives and collections—particularly those that are controlled by private entities and individuals—are often (still) burdened by access restrictions began to erode as the acceptance of the presidential libraries *as a form of public institution* became an accepted tradition. Scholars began to make any access

---

<sup>27</sup> Leopold (1977), *op cit.*

<sup>28</sup> Leopold (1977), *op cit.*

<sup>29</sup> Leopold (1977), *op cit.*

difficulties increasingly public. What's more, there were accusations that libraries concealed material in deference to some historians over others. These revelations fed on a larger culture of government distrust that erupted during the Vietnam War.<sup>30</sup> Indeed, the appearance of the National Archives journal *Prologue* in 1969 was apparently an effort to "help bridge an information gap, thought to exist between the National Archives and scholars."<sup>31</sup>

Accusations of provisional access to the libraries by scholars was not, however, the most significant event for the future of presidential records. The public mood shifted during the Vietnam War and began to demand greater accountability from the government. Further, after decades of government expansion, federal agencies were now involved at many levels in all aspects of public life. In 1966, President Lyndon B. Johnson signed the Freedom of Information Act, marking a transition whereby the founding premise 'for the people, by the people' was transformed into a 'right to know'. Although FOIA established a precedent for public access to the records of government action, the Act restricted its scope to Federal Agencies—it was not directed at any records generated by the President.

### **Watergate and Nixon's Papers**

Watergate altered this tradition completely. The events during and immediately following the presidency of Richard Nixon brought the weight of law to bear on the prerogative of a president to voluntarily donate his records. Ensuing

---

<sup>30</sup> As quoted in Leopold (1977), *op cit.*

<sup>31</sup> Leopold (1977), *op cit.*

litigation and legislation called into question whether or not records and material generated while in fulfillment of the constitutional obligations of the presidency could ever be personal property. Despite the hasty manner of his departure from the White House, Nixon began the process of removing his records in the tradition of his predecessors. However, given the political and legal ramifications of any further erasure of the executive record in light of Watergate, President Ford immediately sought to delay, if not prevent, the removal the materials in the absence of a clear legal precedent to do so with what became known as the Nixon-Sampson Agreement (see Chapter 10 for a detailed narrative of these events).

In turn, Congress reacted to what was understood as an impending crisis of accountability and raced to pass an emergency law explicitly targeting Nixon's records for preservation. In October 1974, the U.S. Senate "deferred attempts to pass broad [records] legislation," and, citing an "urgent need" to prevent the possible destruction of Nixon's presidential materials, approved Senate Bill 4016 which would become the Presidential Materials and Records Preservation Act (PL 93-526). The new legislation amended a proposal for more sweeping records legislation that Senator Bayh of Indiana had been working on for over a year. The premise of Bayh's proposal for a Public Documents Act was that all records generated under the authority of the Constitution were public in essence and therefore belonged to the people (of course, Federal Agencies excluding the Office of the President were already subject to this premise under the Freedom of Information Act). It would have made the records of *all three* Constitutional branches of federal government—Executive, Legislative, Judicial—public property. The vast swell of public outcry over the possible destruction of

Nixon's records and Congress' hasty revision of the Public Documents Act into legislation specifically targeting the records of a single president doomed what arguably would have been the most significant landmark event in public archives history.

### **The Presidential Materials and Recordings Preservation Act (1974)**

The Presidential Materials and Recordings Preservation Act (1974) subjected the Nixon materials to special rules, preserving them for use in ongoing trials and preventing the former president from wholesale destruction of his files. Further, it created a special government repository for their disposition until such time as they could satisfactorily be deposited in an official presidential library, or its equivalent. Nixon's papers were removed and stored by the Office of Presidential Libraries of the National Archives and Records Service under special rules created by the emergency statute. Amidst the controversial Nixon lawsuits (Chapter 10 explores the implications of these lawsuits, such as in *Nixon v. Sampson* and the *Saxbe Opinion*) challenging the constitutionality of the Act and a partnership between President and Congress pursuant to passing sweeping presidential legislation along the lines of earlier "sunshine" laws (FOIA), President Ford deeded his own papers completely to the public, the only sitting president to do so. An archival narrative, derived solely from these papers at the Ford Library, of the events concerning the Nixon materials from resignation to Pardon is explored in detail in Chapter 10.

## Sunshine Law: The National Study Commission on Records and Documents of Federal Officials

When it took action to protect the Nixon materials, Congress did not completely abandon the objectives of Senator Bayh's Public Documents Act. Many felt that his all-encompassing bill would be bogged down in the intense debate over how to preserve all federal records. Therefore, in the interests of urgency there was a compromise.<sup>32</sup> Rep. John Brademas and Rep. Orval Hansen proposed House Resolution 16902 calling for more research on the "varied and complex problem" of what to do with the documents of public and elected officials.<sup>33</sup>

On December 3, the House passed S. 4016 with an amendment adapted from the resolution by Brademas and Hansen. As a result, where Title I of PRMPA dealt exclusively with the immediate problem of the Nixon materials, Title II of the Act created the National Study Commission on Records and Documents of Federal Officials. The purpose of the 'Public Documents Commission' was to "study the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials, and to make recommendations to Congress and the President for appropriate legislation, rules, and procedures with respect to such control, disposition, and preservation."<sup>34</sup> Congress asked the commission (noting arguments from the

---

<sup>32</sup> *Final Report of the National Study Commission on Records and Documents of Federal Officials*, 3/31/1977, folder "Final Report," Box 1, National Study Commission of Records and Documents of Public Officials, Gerald R. Ford Library [hereafter: Documents Commission Report]: 10.

<sup>33</sup> Documents Commission Report, *op cit.*: 9-10. Brademas was the Chairman of the Subcommittee on Printing of the Committee of House Administration which had already held public hearings on a "number of bills" concerning the ownership and preservation problem of federal papers.

<sup>34</sup> Documents Commission Report, *op cit.*: 10.

Saxbe Opinion and Nixon v. Sampson) to consider whether or not the customary practices of past Presidents should be accepted and adapted into law. Further, the commission was pushed to determine if such practices should then be extended to all Federal officials—defined as “any officer of the executive, judicial, or legislative branch of the government.”<sup>35</sup> Finally, in making its recommendations, the commission was to determine the scope and applicability of all current laws, rules and procedures.

The commission was appointed by President Ford and represented Congress, the Library of Congress, the Departments of State and Justice, the General Services Administration (parent agency of the National Archive and Records Service), the Society of American Archivists, the Organization of American Historian, and the Judiciary. It also included two representatives for the “public”, Lucius Battle and Ernest May, as well as Ford’s White House Counsel, Philip Buchen, who was so instrumental in preventing the shipment of Nixon’s materials in August 1974 (see Chapter 10).<sup>36</sup> The commission’s report was published in 1977. The report stated “the systematic preservation of governmental records and documents is essential for three reasons: A) To aid the continuing operations of the government; B) to enable the people to judge the conduct of the government on the basis of maximum information, made publicly available as soon as feasible... [and] C) to ensure the people the fullest

---

<sup>35</sup> Documents Commission Report, *op cit.*: 10-11. In direct reflection of the arguments involving Nixon’s claim to privilege, the Commission was also asked to make a recommendation as to whether or not its findings should “affect the control, disposition, and preservation of records and documents of agencies within the Executive Office of the President created for short-term purposes.”

<sup>36</sup> Without Buchen, this dissertation as it is written, particularly the final chapter, would be impossible.

construction of their national history.”<sup>37</sup> It made a number of recommendations, one of which was that “Presidential Public Papers should be transferred to the custody of the Archivist of the United States immediately upon the conclusion of the President’s term in office.”<sup>38</sup> Indeed, the report concluded that the private ownership of presidential papers was not a tradition to be overturned by law. Rather it insisted this tradition was “established by reason of the failure of government to provide an alternative.”<sup>39</sup> In the wake of Nixon, the report declared that a government of and by the people demanded public accountability through access to information. What is more, the increased scope of government demanded increased vigilance by the public over information in the spirit of the First Amendment. In other words, there never was a tradition of private property for presidential records, only a tradition of failed government obligation.

The Sunshine Commission’s report resulted in legislation stipulating the vested interest and thus public ownership of all presidential records. Nixon’s claims to presidential privacy, court cases that remained largely unsettled until after his death, were dismissed by the legislation for later presidents. Presidential records were felt to be a record of presidential action, and thus subject to public interest.

Despite the protest from minority opinions in the report, that extended the logic to all branches of government, Congress evidently did not feel their own records, or those of the Supreme Court, warranted similar treatment. The same records and

---

<sup>37</sup> Documents Commission Report, *op cit.*: 1.

<sup>38</sup> Documents Commission Report, *op cit.*: 3.

<sup>39</sup> Documents Commission Report, *op cit.*: 3.

memos informing public policy, law, and judgment generated by the courts and the legislature were ironically held to a different standard. As Supreme Court Justice Hugo Black wrote in a private letter: "I have long doubted the wisdom of publishing communications that were confidential when prepared. ... I am inclined to think that public officials can be better judged by their public utterances than by their private correspondence, memoranda, and diaries."<sup>40</sup> Black's letter implies that only outcomes are important to history, not the myriad processes by which they are determined—except, evidently, in the case of the presidency. The issue, however, is not merely one of academic judgment, it is one of public judgment over Constitutionally granted power. Evidently, Congress felt that only one-third of the authority granted by the Constitution demanded an archival guarantor of public accountability. The Public Documents Act was dead.

The Report did, however lead to sweeping records legislation. The Privacy Act of 1974 placed certain restrictions on FOIA. However, in the wake of Nixon's use of federal agencies for political purpose, it also allowed citizens to access and correct any records pertaining to themselves. In 1976, Congress passed the Government in Sunshine Act, declaring "every portion of every meeting of an agency shall be open to public observation."<sup>41</sup>

---

<sup>40</sup> From Roger K. Newman, *Hugo Black: A Biography* (New York: Pantheon Books, 1994), 622, as quoted in Joseph L. Sax, *Playing Darts with a Rembrandt: Public and Private Rights in Cultural Treasures* (Ann Arbor: University of Michigan Press, 1999), 102. Justice Black felt that the historical usefulness of documents generated during the course of Supreme Court deliberation was limited at best, and that history could be better served if Justices did not leave their notes for later "comment and inference."

<sup>41</sup> 5 U.S.C. 552b(b).



“It is hereby declared to be the policy of the United States that the public is entitled to the fullest practicable information regarding the operation of the Federal Government. It is the purpose of this Act to provide the public with such information while protecting the rights of individuals and the ability of the Government to carry out its responsibilities.”<sup>42</sup>

Where John Winthrop’s vision of the City on the Hill (Chapter 2) inspired Kennedy and Reagan to re-imagine America as a model of irrefutable providential exceptionalism, the Sunshine Act transformed his declaration that the City could be judged from its high vantage point, in clear view of God and the world, into an enforceable premise. The public was assumed to be the initiator of judgment.

The Sunshine Act was passed before the Commission finished its report. When it was completed a year later, the report stated that records generated by the Executive branch were of two different kinds. On the one hand there were Federal records generated by the agencies of the federal government, and under the jurisdiction of the White House. On the other hand, there were records generated by the Office of the President in the execution of his or her Constitutional duties. Despite the insistence that both kinds of record belonged to the public along the lines of its vested interest in its own government, the two kinds of record required, in the eyes of the commission, separate treatment. And, like its predecessor FOIA, the Sunshine Act only applied to federal agencies. Nonetheless, the Report and the Act marked the end of private ownership of records generated under the rubric of Constitutional authority as a

---

<sup>42</sup> Documents Commission Report, *op cit.*: 3.

tradition and paved the way for new legislation that would enshrine the public as the last arbiter of judgment.

### **The Presidential Records Act (1978)**

In 1978, soon after entering the White House, President Carter signed the Presidential Records Act, begun under Ford, into law. The Act stipulated that the General Services Administration (then an enormous branch of the federal government which, among its vast duties, also presided over the National Archives and the Presidential Libraries) would oversee the preservation of presidential records *from their inception*. Further, it stipulated that documents were to be properly deposited, categorized, and secured in the interests of the public—whether opened for later research and judgment, or kept in a state of closure for national security reasons. President Reagan was the first president subject to its regulations, Carter having exempted his presidency from the statute.

In 1986 Reagan signed legislation modifying the Presidential Records Act and restoring autonomy to the National Archives. The new National Archives and Records Administration would have relatively complete control over the records of the nation, including the libraries under the jurisdiction of the Office of Presidential Libraries as well as the Nixon Materials. Crucially, the U.S. Archivist was now a non-political appointee. For decades, the National Archives was a subject agency to the massive and powerful General Services Administration. Indeed, Nixon's records agreement with the powerful Administrator of the GSA, Arthur Sampson (Nixon-Sampson Agreement (1974), see Chapter 10) was seen as proof that the archives of the nation should not be subject to the authority of a politically important bureaucrat. The 1986 statute also

updated the PRA, particularly with respect to the size and cost of the presidential libraries (private library foundations must set aside a trust to help defer public costs incurred after transfer) albeit without significant alterations to its core ideal: presidential papers belong the people of the United States, to be preserved and protected for their use and perusal in the future. Again, like Carter, Reagan exempted himself from the legislation. Presidents Bush and Clinton would be the first to build their libraries with a relatively complete set of laws guiding the creation, preservation, and dissemination of presidential records as a public archive. This would be a short lived legacy.

### **The Executive Erosion of Public Access from Reagan to Executive Order 13233**

Presidents after Carter entered office with the clear knowledge that their records were not personal property. After Reagan established autonomy for NARA, presidents knew that after a clearly stipulated period of time and method of review established by law (for national security and reasonable privacy purposes), all presidential records would be accessible to the public at libraries operated under clear funding and release guidelines. Yet the erosion of Sunshine rights began almost immediately through the use of executive privilege and the executive order.

Executive privilege has been characterized as “the constitutional authority of the President in his discretion to withhold certain documents or information in his possession or in the possession of the executive branch from compulsory process of the legislative or judicial branch of the Government, if he believes disclosure would

impair the proper exercise of his constitutional authority.”<sup>43</sup> Executive privilege allows the President to use his Constitutional authority to trump the other two branches of government. By contrast, Sunshine legislation, within the scope of records, provides a mechanism whereby the public becomes the ultimate arbiter of Constitutional power—from whom the President, Congress, and Courts, ultimately derive their authority.

The executive order is a subtly mundane claim of executive privilege. With respect to records legislation, the President reserves for himself the right to determine the administrative rules whereby the statute is transformed into agency behavior. In 1982 President Reagan began the Executive Order erosion of the Presidential Records and Sunshine Acts with Executive Order 12356. Records statutes, justifiably, prohibit access to records where they are deemed vital to maintaining national security. EO 12356 used already extant provisions to restrict enormous amounts of information previously allowed by merely redefining how records can be classified under the national security exemptions provided by law. EO 12356 set a precedent for massive reclassification of previously benign—if politically sensitive—materials through arbitrary claims of national security, particularly with materials that were *already* destined for the public realm by law. The unfortunate side effect was that the time and resources the National Archives had to devote to FOIA requests swamped their tight budget. Indeed, in the face of criticisms regarding presidential records after Nixon, archivists complained that they spent all their time on FOIA, opening records on a

---

<sup>43</sup> Former Attorney General Richard Kleindienst as quoted by Abraham Sofaer, "Executive Power and the Control of Information: Practice on the Framers," *Duke Law Journal*, no. 1 (March 1977): 3.

request basis rather than processing collections in their entirety.<sup>44</sup> In short, Reagan's reclassification scheme altered a tradition of incentivizing access and organization of materials to one of encouraging de facto restriction and the denial of access, as well as prohibiting the systematic organization of presidential materials for use by the public for the essential purposes summarized in the Sunshine Commission's report.

In January 1989, the Reagan administration attempted to erase computer tapes as part of the transition to the incoming Bush administration. *Armstrong v. Bush* was fought over six years, with mixed results. The D.C. Circuit, reversing the findings of the District Court, held that there could be no judicial review of this action in broad terms as the Presidential Records Act "shielded not only the president from judicial scrutiny but the archivist...as well."<sup>45</sup> Thus *while in office* the president has complete discretion concerning the preservation or destruction of his records. Congress obligated the president to maintain such records, but relied on what was essentially an honor system for compliance.<sup>46</sup> The ruling "theoretically opened the door for a president to destroy White House materials, no matter the significance or how incriminating their nature."<sup>47</sup> On remand of the case to the District Court, Justice Richey was only allowed to rule on specific actions of the Archivist, and therefore issued a temporary

---

<sup>44</sup> Nancy Kegan Smith and Gary M. Sterm, "A Historical Review of Access to Records in Presidential Libraries" *Historian* 28, no. 3 (Summer 2006): 79-115. Bruce Montgomery, "Presidential Materials: Politics and the Presidential Records Act," *American Archivist* 55 (2003): 108-110, notes that Nixon's lawyers met with Reagan officials at the Justice Department to block the release of tapes in 1986 under EO 12291's provisions allowing the Office of Management and Budget to supervise the cost-benefit actions of executive rule-making agencies.

<sup>45</sup> Montgomery (2003): 114.

<sup>46</sup> Montgomery (2003): 114.

<sup>47</sup> Montgomery (2003): 115.

restraining order against destruction citing a failure of statutory duty. Although on appeal (*Armstrong v. Bush II*), the Circuit court upheld the administration's right to destroy tapes, it insisted that such action only take place "as long as identical electronic copies were made and preserved."<sup>48</sup> In other words, Bush could successfully remove the records by copying them as presidential records, and erasing originals to prevent them from access by a later president (Clinton) until the 12-year period mandated by statute expired—in 2001.

On 9 January 1993, President Bush entered into an agreement with then-U.S. Archivist Don Wilson allowing them to erase files from White House computers. The agreement authorized the erasure and gave the president exclusive control over all computer records and all "derivative information."<sup>49</sup> In addition, the agreement gave Bush veto power *as an ex-president* over review of his materials to ensure that his materials would remain secret. In essence, the order was an eerie reminder of the contents and circumstances of the Nixon – Sampson Agreement, particularly with the assertion of exclusive control in perpetuity—an assertion never proposed by Reagan's own archival agreement. The agreement appeared to completely override the provisions of the PRA, and was challenged, this time successfully, in court (*American Historical Association v. Peterson*). As archival scholar Bruce Montgomery noted, Wilson resigned as U.S. Archivist soon after the agreement was made public in order to

---

<sup>48</sup> Montgomery (2003): 118.

<sup>49</sup> Montgomery (2003): 118.

become the director of what would become the George H.W. Bush Presidential Library.<sup>50</sup>

The most recent challenge to the legally vested public interest in presidential records occurred in 2001 during the presidency of George W. Bush as the 12-year period governing access to Reagan's records expired. Executive Order 13233 overturned the short-lived victory of the prior cases, overturning by fiat the rulings of the court and PRA. EO 13233 made the audacious claim that executive privilege with respect to withholding records was not only extended to the office of the Vice President, but was *hereditary* or bestowable upon anyone they so designated as a legal executor! Thus, a former president, vice-president, or even an un-elected private citizen, over the authority of a *current president* and Congress, could ignore the stipulations of law and destroy or remove presidential records by citing executive privilege in perpetuity. This startling suggestion had enormous ramifications for the administration of presidential records, not to mention their very nature as public property. EO 13233 in essence declares that the many safeguards against records abuse in the name of security and privacy already in place through statute are insufficient. What is more, by attempting to overturn or side-step statutory requirements for access and records release through the use of executive privilege, it introduces inheritance into the execution of Constitutional authority, removing all aspects of public judgment and censure through elections. Thus, EO 13233 exceeds the Constitutional authority of the people, the current president, and Congress—as the

---

<sup>50</sup> Montgomery (2003): 120.

representative legislative body appointed by the people—who expressed through laws such as the PRA (1978) the twin principles of “open government produces better government” and “public access is ... essential for the American people to understand their history and to as a more educated electorate.”<sup>51</sup> It also confers presidential authority over a sitting president to private citizens. From a legal perspective, granting a former president (and his heirs) *as private citizens* executive privilege and the right to extend that privilege to others is a clear violation of the notion that Constitutional power can only be vested in elected officials. What is more it assumes that a private citizen can deploy this authority to compel executive officials, including a sitting president, outside of court and within the very executive authority.<sup>52</sup> In short, EO 13233 set rules by which, for example, an unelected heir of a vice president forever has recourse to executive privilege in excess of the authority granted to current presidents and other officials by the U.S. Constitution.

EO 13233 was only recently overturned by Congress in 2007, and is currently undergoing a series of court challenges, among them the startlingly paradoxical proposition by former Vice President Cheney (and Nixon acolyte) that his records are protected by executive privilege but *not* subject to the presidential records legislation as the Vice-President is a member of Congress.<sup>53</sup> Ironically, it is during this period that

---

<sup>51</sup> Jonathan Turley, "Presidential Papers and Popular Government: The Convergence of Constitutional and Property Theory in Claims of Ownership and Control of Presidential Records," *Cornell Law Review* 88, no. 651 (2003): 653-54.

<sup>52</sup> Turley (2003): 673-74.

<sup>53</sup> Evidently, a vice president can exercise the power of the president to prohibit checks on his authority but exempt himself from the laws governing the president by claiming to be a member of Congress. Not even the president is so protected!



the hitherto private Nixon Library finally agreed to merge with the official presidential library system, depositing the long-held records in his Yorba Linda Library and turning over the administration of the library completely to NARA. As Chapter 7 reveals, Nixon—despite his best efforts to the contrary—might end up with the most accessible library in the spirit of a Sunshine Commission that was formed in the wake of Nixon’s executive abuse and notorious attempts at obfuscation.

### **Conclusion: The Current State of Presidential Records**

The politics of visibility and access has been at the heart of some of the most heated battles over the importance of public archives in the United States. H.G. Jones, *Records of a Nation* (1969), was written precisely to restore the National Archives’ autonomy (finally achieved in 1984), then part of the General Services Administration. Wayne C. Grover, Archivist to the United States (1948-65), wrote in the Introduction:

This book is addressed to statesmen. ... It proclaims that the archives of the United States belong to the people, serve the civic needs of the public as importantly as the internal needs of the government, and should be visible to the public not as “housekeeping” units of an unknown bureaucracy but as repositories of the accumulated archival wealth of a Republic whose past must truly serve as prologue.<sup>54</sup>

According to Jonathan Turley, the debate over access to presidential papers involves competing utilitarian views.<sup>55</sup> For example, Congress, by passing laws (such as FOIA, PRMPA, PRA, etc.), argues for the same essential relationship of public oversight to

---

<sup>54</sup> Wayne C. Grover, as quoted in Jones (1969), x.

<sup>55</sup> Turley (2003): 654.

proper governance argued by James Madison.<sup>56</sup> Defenders of executive privilege insist upon the need to be able to conduct frank and open conversation within the Executive office without fear of public scandal and recrimination. As Turley notes, this amounts to an irreconcilable “constitutional version of a zero-sum game.”<sup>57</sup> For many scholars, the debate over not only ownership but control of presidential records is primarily constitutional and concerns the “separation of powers.”<sup>58</sup> However, Turley insists that the roots of the debate over who properly owns presidential documents are more aptly discovered in property theory and not, as is more commonly understood, in constitutional theory.<sup>59</sup>

The National Archive and Records Administration currently describes the presidential libraries as “archives and museums, bringing together in one place the

---

<sup>56</sup> Turley (2003): 651.

<sup>57</sup> Turley (2003): 654. From its genesis in English common law and the doctrine of sovereign immunity, there were basically two public arguments for extending immunity to executive officials in a constitutional government. According to Glenn T. Williams, “Temporary Immunity: Distinguishing Case Law Opinions on Executive Immunity and Privilege as the Supreme Court Tackles an Oxymoron,” *Nova Law Review* 21 (Spring 1997): 973, the roots of “[Executive] immunity, apparently rested, in its genesis, on two mutually dependent rationales: (1) the injustice, particularly in the absence of bad faith, of subjecting to liability an officer who is required, by the legal obligations of his position, to exercise discretion; [and] (2) the danger that the threat of such liability would deter his willingness to execute his office with the decisiveness and the judgment required by the public good.” As Williams points out, the debate over special executive privilege, although not specifically spelled out in Article II of the Constitution, was always present, even in the early days of the Republic. Thus, the articulation of such privilege remained caught between the precedent of existing English law and articulation over time by the Court. For example, Supreme Court Justice Samuel F. Miller, in *United States v. Lee*, 106 U.S. at 220 wrote: “[n]o man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it ... [the court's] power and influence rest[s] solely upon the public sense of the necessity for the existence of a tribunal to which all may appeal for the assertion and protection of rights guaranteed by the Constitution and by the laws of the land ...” As quoted in. Williams (1997): 976.

<sup>58</sup> Sandra E. Richetti, “Congressional Power vis a vis the President and Presidential Papers,” *Duquesne Law Review* 32 (Summer 1994): 773-798.

<sup>59</sup> Turley (2003): 655.

documents and artifacts of a President and his administration and presenting them to the public for study and discussion without regard for political considerations or affiliations.” NARA’s website insists that the libraries “hold the raw materials of history: evidence of democracy at work.”<sup>60</sup> However, despite a narrative of increasing public interest and vested ownership, the history of presidential records reveals that the very notion of public judgment over the authority of government is always contested by those who would prefer to govern unchecked. Indeed, regardless of enforceable statutes and archival policy, access to presidential records is a contested, and often obscure, right and the very idea that a properly democratic citizen is only created within the framework of an educated public remains startlingly fragile.

---

<sup>60</sup> <http://www.archives.gov/presidential-libraries/about/>

## **Part II.**

### **Belonging to Architecture:**

#### **The Presidential Library and the History of Architecture**

Existing literature, popular sentiment, and a legacy of criticism describe the presidential libraries as a kind of monument. As described in Chapter 1, the critical study of presidential libraries has been largely limited to issues of access to records, institutional studies of the library as a public-private partnership system within the National Archives and Records Administration (NARA), and the problem of factual versus hagiographic representation in the museums. The limited scope of current scholarship on presidential libraries begs the question: how to begin a critical and architectural history of the presidential library in a more general sense and in a manner that brings these disparate issues together?

Benjamin Hufbauer theorized that the presidential library is merely a positivist masculine temple serving a hegemonic (and necessarily racist) function as a monument to what Robert Bellah once called America's civil religion.<sup>1</sup> Yet, describing the presidential library as analogous to a temple in this manner simplifies its myriad functions and prevents a more nuanced reading of the libraries both in their own contexts and within a larger history of architecture. Indeed there are complex operations at work within the presidential library that are fundamentally historical

---

<sup>1</sup> See Chapter 1.

and architectural *in advance* of any biographical and heroic content in the museums and despite partisan or nationalist iconographies.

Chapters 4-6 provide a broad multi-disciplinary understanding of the presidential library as a type of architecture. It begins by taking seriously and at face value the question of what the libraries are supposed to be and do as buildings. In other words, what are the functions of the presidential library and how does this inform or limit their meaning? According to NARA:

Presidential Libraries are not libraries in the usual sense. They are archives and museums, bringing together in one place the documents and artifacts of a President and his administration and presenting them to the public for study and discussion without regard for political considerations or affiliations. Presidential Libraries and Museums, like their holdings, belong to the American people.<sup>2</sup>

NARA's description charts a modest, but necessary, beginning to an architectural history of the presidential library. The official description points to three distinct, albeit related, institutions, each with a large and diverse body of scholarship: the museum, the archive, and the library.<sup>3</sup> Any study of the presidential library as a monument that is merely analogous to a kind of heroic national temple neglects these vital and (particularly in the case of the legally mandated archives) public functions of the presidential library. As President Gerald Ford himself wrote in 1985, "Presidential Libraries are more than brick and mortar, they are living institutions serving all the

---

<sup>2</sup> <http://www.archives.gov/presidential-libraries>

<sup>3</sup> The insistence on the presidential library as NOT a library makes a critique of how this may or may not be true all that much more urgent, given that libraries perform powerful functions in society throughout history (see Chapter 6).

public.”<sup>4</sup> Indeed, what ties the scholarship presented in Part II together is how the museum, the archive, and the library engage ideas about the public, particularly when that public is defined as a nation.

Regardless of how accurately NARA and scholars describe the presidential libraries, the prevailing description implies that the libraries are a confluence of building types. Both methodologically and theoretically, ‘type’ brings the study of presidential libraries into architectural discourse and expands the ways in which their meanings can be understood within a broad historical context. There is a large body of theoretical, historical, and architectural scholarship devoted to monuments and memorials, museums and archives. And, despite the commonly held view that presidential libraries are “not libraries in the traditional sense”, scholarship on libraries is also quite important to this study. This is particularly true with respect to understanding the library as a complex knowledge-producing system that is always symbolic as well as political. Therefore, Part II uses the idea of the ‘type’ to organize a historiography of around each of the three types suggested in the NARA description: the museum, the library, and the archive.<sup>5</sup>

The idea of ‘type’ emerges as a prominent concern during eighteenth century France within an aesthetic discourse concerned with universal forms and origins. According to Sylvia Lavin, *Quatremere de Quincy and the Invention of a Modern*

---

<sup>4</sup> Gerald R. Ford, “Forward”, in Denis A. Burton, James B. Rhoads, and Raymond W. Smock, eds., *A Guide to Manuscripts in the Presidential Libraries* (College Park, MD: Research Materials Corporation, 1985), v.

<sup>5</sup> The memorial and the monument aspects of the presidential library are addressed in Chapter 1; see also Benjamin Hufbauer, *Presidential Temples: How Memorials and Libraries Shape Public Memory* (Lawrence, KN: University Press of Kansas, 2005), 1-10, 23-40.

*Language of Architecture* (1992), "Diderot's *Encyclopédie* defines *type* first by giving its Greek root: 'the copy, image, resemblance of some models.'"<sup>6</sup> The *Encyclopédie* goes on to define 'type' in theological terms referring in essence to forms intended by God and thus figured in advance of human creativity. A debate quickly emerged between ideas about type as function of taxonomy and program versus an ontological understanding of type with a discursive history going back to Plato and the pursuit of *a priori* form.

Typology enters architectural discourse in the late eighteenth and early nineteenth century, most notably through the writings of two French theorists: the architect and teacher Jean-Nicolas-Louis Durand, and the powerful art critic and permanent secretary of the Académie des Beaux-Arts Antoine Chrysostôme Quatremère de Quincy. Anthony Vidler insists that these two figures represent the essential ideological split in typological theory. On the one hand, there is the inductive taxonomic approach to the characterization of architecture based upon programmatic function (library, school, etc.) advocated by Durand. On the other hand, there is what Vidler refers to as the classical "neo-platonic theory of original ideal types that stressed the existence a priori of suitable forms." Quatremère's search for original forms is thus linked to the understanding of type in the *Encyclopédie* that is rooted in emulation.<sup>7</sup>

---

<sup>6</sup> Sylvia Lavin, *Quatremère de Quincy and the Invention of a Modern Language for Architecture* (Cambridge: The MIT Press, 1992), 90.

<sup>7</sup> Anthony Vidler, "The Production of Types," in K. Michael Hays, ed., *Oppositions Reader* (New York: Princeton Architectural Press, 1998), 437. Vidler goes on to note that for Quatremère, the preeminent "eternal type of architecture was the primitive hut, and its perfect achievement the Greek temple." This is a synthesized image that is well known from the frontispiece of Abbé Marc-Antoine Laugier's influential *Essai sur l'architecture*, published in the 1750s.

According to Antoine Picon, the patron-centered monumental classicism that dominated art and architectural thinking in pre-Revolutionary France prior to the 1790s began to shift towards what he describes as a form of public rationalization. For architecture, this shift resulted in the “replacement of the notion of the monument with that of the facility.”<sup>8</sup> The functional requirements of institutions such as schools and courthouses—not to mention the transforming needs of emergent public institutions such as museums, libraries and new market forms—demanded solutions from architects for which tradition provided few, if any, ostensibly useful historical models. For Durand, who was charged with designing a relatively short architectural course at the new École Polytechnique for engineers and technical students, this led to a turn towards geometric rationalization that simultaneously acknowledged the purpose of a particular building in society.

It was Durand, according to Vidler, who pushed the encyclopedic characterization of architecture *by program*, developed earlier by his teacher Jacques Francois Blondel, to a radical break with eighteenth-century “neo-Palladianism” by insisting on a set of easily transmittable rules governing essential building elements and functional requirements.<sup>9</sup> Towards that end Durand developed an eminently teachable taxonomy of building types based on the nature of each type in relation to its

---

<sup>8</sup> Antoine Picon, “From ‘Poetry of Art’ to Method: the Theory of Jean-Nicolas-Louis Durand,” in Jean-Nicolas-Louis Durand, *Précis of the Lectures on Architecture [1802-5]*, ed. Antoine Picon, trans. David Britt (Los Angeles, CA: The Getty Research Institute, 2000), 16.

<sup>9</sup> The concept of *caractère* was vitally important for Blondel and his students, allowing an exploration into “the formation of building-types, public and private, symbolic and utilitarian.” Anthony Vidler, *Claude-Nicolas Ledoux: Architecture and Utopia in the Era of the French Revolution* (Basel, Switzerland: Birkhauser, 2006), 18.



constitution—both social and structural.<sup>10</sup> Lavin summarizes Durand’s approach to type as a “functionalist notion of programmatic systems in design.”<sup>11</sup> In short, rather than design his course based upon Orders and Styles, Durand was able to organize it by sections on ‘Temples’, ‘Palaces’, ‘Public Treasuries’, ‘Colleges’, ‘Lighthouses’, ‘Prisons’, ‘Hospitals’, ‘Museums’, ‘Libraries’ and many other kinds of buildings still familiar to modern eyes.

The implications of the ‘type’ for the writing of architectural history are perhaps best illustrated in the work of Nikolaus Pevsner. Pevsner’s *A History of Building Types*, (1976), based upon his 1970 A.W. Mellon Lectures in the Fine Arts, provided a model for a certain history of architecture whereby structures could be better understood if they were organized over time in a functional series. Like Durand, Pevsner’s taxonomy included such architectural edifices as ‘monuments’, ‘museums’, ‘hospitals’, ‘banks’, ‘railway stations’, ‘factories’, and ‘libraries’, among others. In one sense Pevsner provided a conventional history within each ‘type’: he provided a brief summary of authorship, patronage, style and context for exemplary and influential buildings in chronological order. However, in a larger sense, Pevsner’s history was vitally important in that it re-examined (or even brought forward for the first time)

---

<sup>10</sup> Vidler (1998), 451.

<sup>11</sup> Lavin (1992), 86. However, Lavin (1992), 238 n.84, also notes that tracing the lineage of the word ‘type’ to Durand’s *Recueil et parallèle des édifices en tout genre anciens et modernes* (1800), while “incontrovertible”, ignores the fact that Durand never uses the term “which carried specific meanings in the eighteenth century that were fundamental to the development of architectural typology in general”, and speaks to architecture as a *genre* or *espèce*. Vidler (1998), 443, however, insists that although Durand, like Blondel, “used the word *genre* (species) rather than *type*...any specific kind of building should be formed, and thereby express itself, according to the laws of architectural sensation.” By which he meant that *genre*, as in *type*, referred to the characterization of building by the form of its aspect derived from its use or purpose.

architectures that may have been excluded from the canon. Pevsner directly confronted the difficulty of writing a narrative of modern architecture that addressed the problem of historicism in the nineteenth century without resorting to the dominant art historical mode of stylistic periodization.

Pevsner's methodological breakdown by functional identity (library, monument, museum) revealed a narrative of diversification and specialization with regards to building types from the Middle Ages to the Modern period whereby multifunctional civic buildings (town halls for example) began to split into separate structures built for particular purpose. Further, Pevsner theorized that this evolution towards "universal diversification" came about as a result of the increasing need for ever-larger public buildings.<sup>12</sup> Thus *A History of Building Types* unveiled a basic framework for historicizing buildings based upon particular functions created by an increasingly public and institutional society. This is useful to the study of presidential libraries in at least three ways. First, and this is perhaps extremely obvious, narratives can be organized within a field defined by functional development versus stylistic development. Second, architectural history written beyond the chronology of aesthetic monumentality reveals crucial aspects of society where architectural purpose is embedded in cultural identity. Finally, Pevsner's typological history de-emphasized the canon thus reinforcing a narrative that describes a growing awareness of the public as a public. Part II contends that the evolution of the presidential library as an

---

<sup>12</sup> Nikolaus Pevsner, *A History of Building Types* (Princeton: Princeton University Press, 1976), 289.

amalgamation of building types speaks precisely to Pevnsner's public thread, albeit from within a particularly American context.

Following the Durand-to-Pevnsner lineage, the study of presidential libraries fits with apparent ease into an understanding of their history through typological means. Assessing what kind of architecture the presidential library is, and what its history might describe, can be ascertained from its function within a non-stylistic notion of cultural context, from within the narrative of specialization and from within a broad understanding of publics and their institutions. However, revisiting Quatremère de Quincy poses important historical questions that push the history of the presidential library as a museum, memorial, etc., simultaneously into an inquiry about meaning beyond that of a supplement to a functional series.

Returning to the notion of the ideological split, Lavin counters Vidler's understanding of Quatremère and the idea of 'type'. According to Lavin, "Quatremère's use of the word *type*" is not the realization of a singular utopian and original form. Rather, it "constitutes a radical secularization" of typological theory by "eliminating [its] theological implications" (from Diderot) and relocating the origin of 'types' in human invention.<sup>13</sup> Further, Quatremère's study of hieroglyphs integral to Egyptian architecture led him to something he called "the book of architecture." From this trope, he came to the realization that there was a crucial link between architecture and

---

<sup>13</sup> Indeed, Quatremère, through a temporal exploration into the 'primitive' origins of human architecture insisted on not one, but three essential types: the tent, the cave, and the hut. For Quatremère these types were derived from a universal assessment of the three social conditions of primitive man (the hunter, the farmer, and the gatherer) all of which were dependent upon their housing needs in any given location. Further, these could naturally be associated with three 'great' cultural forms (the Greek temple corresponded to the hut and carpentry, Egyptian temples corresponded to the cave and to stone-working, Chinese architecture was derived from the "nature" of the tent). Lavin (1992), 88-91.

language, and it was here that the origins of architectural meaning were to be found.<sup>14</sup> Quatremère's thesis meant that if one could assess the grammar and vocabulary integral to a building type, one could then trace its lineage back to a so-called 'mother tongue' integral to the culture. This elusive commonality, necessary to the functioning of language in society, signaled the existence of architectural types. Crucial to his understanding of type was the fact that for architecture to be a language and for it to be made up of constituent parts that functioned as grammar and vocabulary, *architecture must be recognizable as that type*. Therefore, the primary nature of architecture may indeed be its function as a social institution (ala Durand and Pevnser), but for it to be functional at all, it must be *legible* and that legibility must itself be embedded in the culture in which the architecture functions.

Thus, according to Lavin, the historical problem of the relationship between primitive and modern architecture was, for Quatremère, *not* whether or not it emulated the Greek articulation of the primitive hut (as an ardent advocate of neo-classicism). Rather, the relationship was best characterized as "the process of the transformation of type, a conceptual metamorphosis required each and every time a building was designed. As a result, architecture's past type became the key to its future and most importantly to its public legibility."<sup>15</sup> In other words, architectural types do something that allows them to be commonly understood as types, and this 'doing' is both fundamentally representational as well as integral to the history of a society as a whole.

---

<sup>14</sup> Lavin (1992), 94-5.

<sup>15</sup> Lavin (1992), 98.

The three-fold architectural complexity of the presidential library described at the outset seems to demand a historical accounting of the functional types in the Durand-Pevsner mode. Yet, following Quatremère's idea of legibility in architecture, the presidential library must also be embedded in a much broader history of cultural practices. Chapters 4-6 take the functional type as a methodological opportunity for tracing a history of legibility within each type in order to access a series of historical and theoretical lenses through which the architectural type 'Presidential Library' might be better understood.

## Chapter 4

### Seeing Great Treasure:

### Good Citizens, Honest Objects, and the Museum Pedagogy

#### The Importance of a Broad History of the Museum

In the Ronald Reagan Presidential Library and Museum brochure there is a message to visitors from Nancy Reagan: “When I see children walking through these galleries, I am reassured that they will learn the lessons of freedom and democracy.”<sup>1</sup> For the former First Lady, the presidential library acts as a guarantor. The museum galleries ensure that the “lessons of freedom and democracy,” as embodied by her late husband, recorded in his documents, and visible through his artifacts, are imparted to all who traverse the museum spaces and gaze upon its objects. History in the presidential museum becomes more than a narrative about a president or the institution of the presidency. It is a model, and the presidential narrative is a template for virtuous citizenship created through the depiction of national ideals and embodied by an exemplary man in the museum.

Andrew McClellan, *Art Museum: From Boullée to Bilbao* (2008), argues that museum architecture, even as the museum itself is said to be in crisis, has never been more visible and present as both a prominent manifestation of cultural will and as a

---

<sup>1</sup> From, “A message from Nancy Reagan,” in the Ronald Reagan Presidential Library and Museum brochure, handed out to visitors to the museum. My copy was procured during my 2004 visit.

field of study.<sup>2</sup> Perhaps, as McClellan points out, this is due to the headline grabbing costs of rockstar architects producing popular and iconic cultural centers—the Bilbao Effect—to entice tourist dollars for urban redevelopment. Perhaps it might also be linked to the relatively free aesthetic reign given to such designers in that the content of many museums has ceased to be enough of a draw. Or, one could argue that competition and financial needs has reinvigorated a concern for the form of the museum and the visibility of its contents. Even scholarship on the presidential libraries tends to focus on the most visible and popular facet of the library experience, the museum. As noted earlier (see Chapter 1), Hufbauer begins his history of the presidential library with the assumption that it is primarily an adaptation, albeit a complex one, of patrimonial commemoration in the service of a secular religion. Hufbauer’s critique of how the libraries shape public memory takes place from within a narrowly defined history of heroic monuments, is almost solely derived from an analysis of the museum and the manner in which they display their contents.

---

<sup>2</sup> Andrew McClellan, *The Art Museum: From Boullée to Bilbao* (Berkeley, CA: University of California Press, 2008), 1-4. Yet, to say that one is pursuing a *history* of museum architecture is to take liberties with the meaning associated with two, if not all three, of the terms: history, museum, architecture. Glossy compendiums, and even to some extent McClellan’s critical and learned study, remain primarily focused on *architecture* as external form and history as a chronology of changing aesthetic taste and architectural practice. The history of the museum as a type of building in operating within a broad social context has apparently become increasingly divorced as architectural history from the nineteenth-century enlightenment mandate the closer one gets to the 21<sup>st</sup> century. To a certain extent this canonical approach within the type of the museum fits within Pevsner’s typological method. However, a history of the presidential library as a subset of museum typologies only fits into such a framework using limited examples—namely those libraries built by high profile architects such as I.M. Pei (Kennedy), Gordon Bunschaft (Johnson), and the most recent library designed by Polshek and Associates (Clinton). This study exists in part to question whether or not an architectural history of museums can be written without the emphasis on sensationalist form.

The National Archives and Records Administration insists that the presidential libraries contain “ the great treasures of our nation's history.” Despite NARA’s characterization, and existing scholarship’s preoccupation with the museum, any history of the presidential library as a museum still needs to be bracketed within the vast and broadly defined field of museum studies in order to properly account for how ‘treasured’ artifacts are valued and displayed, and to critically question the iconography of national purpose and the deployment of historical meaning. This is all the more urgent if the museum is simultaneously “in crisis” and a “prominent manifestation of cultural will” as McClellan claims.

To date, presidential library scholarship has not been satisfactorily integrated into the expanding field of museum studies. In order to resist easy definitions and criticisms associated with the presidential museum, this chapter synthesizes a wide range of topics from multiple disciplines: architectural surveys, histories of aesthetic practices and exhibition politics, inquiries into the origin of the museum, and theoretical explorations into the philosophical underpinnings of the museum’s purpose in modern society.

This chapter casts a wide foundation for scholarship on the presidential museum. It examines theoretical literature through a lens centered on the pedagogical promises and ideological implications of the museum and its artifacts. It presents the history of the museum as a peculiar manifestation of Enlightenment philosophy and ancient myth. Further, it brings to the forefront a discourse of modernity’s taxonomic vision that is always yoked to the education of the virtuous citizen. The problem of the museum is a question of architecture as a particularly modern typological



manifestation of cultural meaning. It provides a historiographic foundation for a history of the presidential library that accounts for the power of its most prominent public component, the museum. Ultimately, the museum shapes public identity through the institutional power of the modern gaze and is defined by the historical struggle between the use of knowledge and the production of benevolent citizens.

### **The Ancient Origins of the Museum**

According to Durand, museums are built “to conserve and to impart a precious treasure, and they must be composed in the same spirit as libraries.”<sup>3</sup> However, descriptions of ancient museums do not mention conserving and displaying “precious treasure” in the “spirit” of libraries as it was understood by the early modern period. The word ‘museion’ can be traced back to the ancient Greek world. Many, like Newton H. Winchell, “Museums and Their Purpose” (1891), insist that a “museum was originally a temple in which the muses were worshipped or invoked. At Athens, a hill near the Acropolis was called Museum because of the existence on it of such a temple. It was a place of study and high contemplation.”<sup>4</sup> Winchell, however, believes that the modern museum with its threefold functions of entertainment, instruction, and research, has come a long way from the ancient world. “The germ of the museum at Athens,” he claims, “fraught then with prophecy of poetry, art, and history, had but little promise of science.”

---

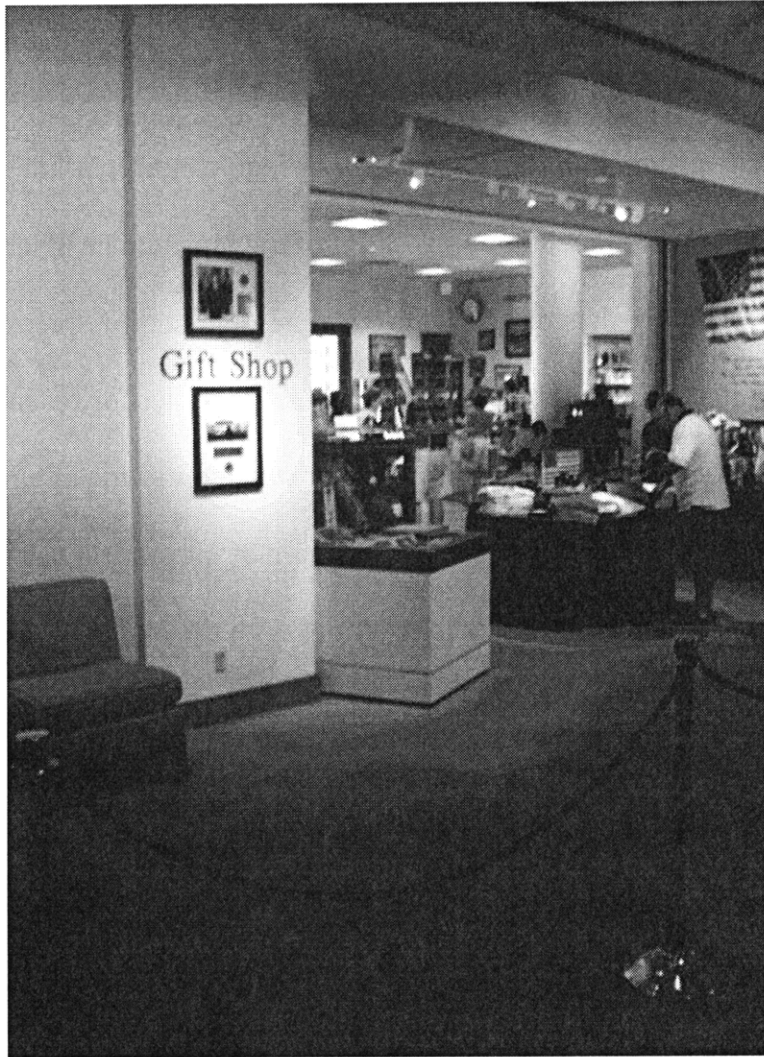
<sup>3</sup> Jean-Nicolas-Louis Durand, *Précis of the Lectures on Architecture [1802-5]*, ed. Antoine Picon, trans. David Britt (Los Angeles, CA: The Getty Research Institute, 2000), 160.

<sup>4</sup> Newton H. Winchell, “Museums and Their Purpose,” *Science* 81 (1891), reprinted in Hugh H. Genoways and Mary Anne Andrei, eds., *Museum Origins: Readings in Early Museum History and Philosophy* (Walnut Creek: Left Coast Press, Inc., 2008), 269-273.

Museum scholarship argues otherwise—particularly with respect to art, history, and, most importantly perhaps for the presidential library, prophecy (more on this later). Moreover, the idea of a taxonomic and empirical understanding of the world is certainly absent from the culture of ancient museum. The idea that the Temple of the Muses was a place of contemplation and study contradicts what we know about ancient Greek pedagogical practices, where learning took place in a wide variety of public spaces. Further, temples of all kinds (including those designated as for the Muses) served as storehouses for wealth and city records, and backdrops for largely *outdoor* practices such as processions and other important festivals that integrated culture, politics, and religion rather than as architectures designed specifically to accommodate intellectual contemplation.<sup>5</sup>

---

<sup>5</sup> See A.W. Lawrence, *Greek Architecture* (Baltimore: Pelican Books, 1957), 151-68; Francis Ching, Mark Jarzombek, and Vikramaditya Prakash, *A Global History of Architecture* (Hoboken: John Wiley & Sons, 2007), 116-35.



4.1 Gift Shop just before the entrance (and the exit) for the galleries that the Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2004).

In Hellenistic Alexandria, the Museum referred to a complex of buildings that included the famous libraries, among many other functional and ceremonial structures.<sup>6</sup> The Greek geographer Strabo briefly describes the Museum of Alexandria as “also a part of the royal palaces; it has a public walk, an Exedra with seats, and a large house, in which is the common mess-hall of the men of learning who share the Museum. ... The Sema also, as it is called, ... was the enclosure which contained the

---

<sup>6</sup> Nikolaus Pevsner, *A History of Building Types* (Princeton, NY: Princeton University Press, 1976), 100.

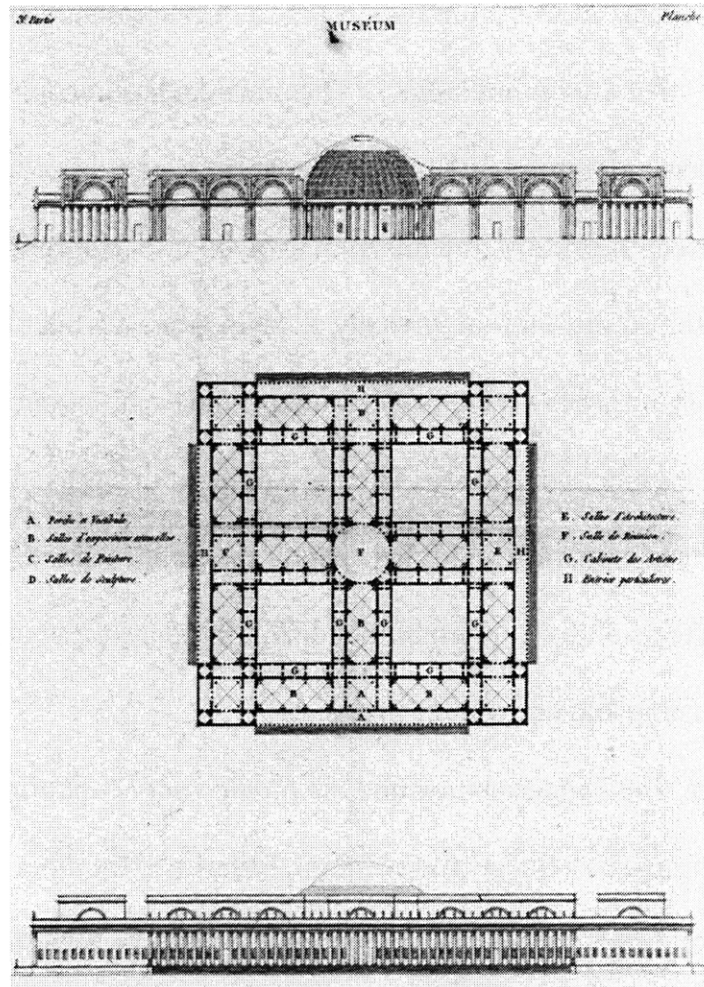
burial-places of the kings and that of Alexander.”<sup>7</sup> There is nothing in Strabo about preserving or, importantly, displaying artifacts in the manner of Durand. Nor is the Museum a holy site accommodating worship and “high contemplation” as described by Wichell and his peers. Rather, Strabo’s account of the Museum has more in common with descriptions of a Greek agora or Roman forum (also sacred precincts) than it does with a temple. Indeed, with their cafes, auditoriums, facilities for researchers and even the memorial markers and burial sites for former presidents, one might be tempted to argue that, despite a shared etymology, the Museum of Alexandria has more in common with the presidential library than it does with the quiet galleries of the modern museum (Fig. 4.1)!<sup>8</sup>

---

<sup>7</sup> Strabo, “Geography” [Book 17, Chapter 1, Section 8], trans. H. L. Jones, Loeb Classical Library, vol. 8, (Cambridge, MA: Harvard University Press, 1932), reprinted Genoways and Andrei (2008), 15-16.

<sup>8</sup> The leap from the ancient usage of the word ‘museum’ and its current function might actually be found in society’s understanding and deployment of the museum’s objects. For Durand, the “only difference” between a modern museum and a library is in the composition of its ‘treasure’. Whereas libraries hold only one kind of object (books, presumably), museums contain many different objects and must therefore facilitate “different kinds of study.” How to accommodate this variety was the moment of architecture. One could, argue that the composition of treasure that links the presidential library is in fact the bodies buried on premises. Durand (2000), 160.

## The Museum as a Necessarily Public Architecture



4.2 "Museum," Plate 11, Vol. 2 from Jean-Nicolas-Louis Durand, *Précis of the Lectures on Architecture* [1802-5], ed. Antoine Picon, trans. David Britt (Los Angeles, CA: The Getty Research Institute, 2000).

Pevsner traces the word 'museum' in its recognizable modern usage to a Paolo Giovio in 1539.<sup>9</sup> Giovio called his collection a 'Musaeum'.<sup>10</sup> Within a few decades referring to a collection as a museum becomes common. Crucially, the term museum

---

<sup>9</sup> Pevsner (1976), 111. H. A. Hagen, "The History of the Origin and Development of Museums," *The American Naturalist* 10 (1876) reprinted in Genoways and Andrei (2008), 39-48, traces the origin of the natural (science) museum (his particular interest) to the late fifteenth and early sixteenth centuries. For Hagen herbariums and plant collections utilized by physicians during this period began the scientific interest in the collection as an important mechanism in its own right.

<sup>10</sup> Pevsner (1976), 111.

begins to apply not just to an assemblage of objects, but also to the spaces built to house and display them. At this point, according to Pevsner, the terms ‘gallery’ and ‘museum’ become virtually synonymous.<sup>11</sup> The museum has become a purpose-built space in the manner understood by Durand almost three centuries later (Fig. 4.2).

By the eighteenth century, the museum evolved into a larger independent structure.<sup>12</sup> Pevsner points out that virtually all collections during this period—whether art, artifact, or book—were private and primarily, although not exclusively, accessible by elite members of society. The development of a museum architecture that might function as “separate buildings open to the public” did not begin in earnest until the myriad effects of the Enlightenment engendered a shift in attitudes towards the purpose of learning and knowledge in society.<sup>13</sup>

Louis Dupré, *The Enlightenment and the Intellectual Foundations of Modern Culture* (2004), summarizes the attitude of Kant, Diderot, and others as the “ideal of a full emancipation through uncensored knowledge.”<sup>14</sup> This swiftly developed into an argument that non-elite members of society needed the most help. Therefore, in order to begin a process of emancipation, the public needed access to the fine objects and books currently out of reach. As Montesquieu and Voltaire famously argued in the

---

<sup>11</sup> Pevsner (1976), 112. Most gallery spaces at this time are built for the purpose of housing “fragments of marble” such as statuary.

<sup>12</sup> According to Pevsner, this development happens more or less concurrently with the design of forms and arrangements of libraries during this period (more on libraries in chapter 6).

<sup>13</sup> Pevsner (1976), 114.

<sup>14</sup> Louis Dupré, *The Enlightenment and the Intellectual Foundations of Modern Culture* (New Haven: Yale University Press, 2004), 9.

article “Goût” from the *Encyclopédie*, aesthetic awareness requires education.<sup>15</sup> Indeed, this idea was inextricable from arguments on the nature of Good and mechanisms of judgment, a question that would have immense importance for museum projects, particularly within the progressivist reform efforts of the nineteenth century.

By the end of the eighteenth century, many museums and collections were now open to the public, at least in part, in the spirit of the Enlightenment.<sup>16</sup> Pevsner quotes Christian Mechel, who wrote the catalogue for the Imperial Collection in Vienna in 1779, to illustrate what is taken as given for museums by the twentieth century:

The purpose ... was to use this ... beautiful building ... so that the arrangement should be as far as possible a visible history of art. Such a large, public collection intended for instruction more than for fleeting pleasure, is like a rich library in which those eager to learn are glad to find works of all kinds and all periods.<sup>17</sup>

Mechel’s statement of purpose is still embedded in the institutional message of the modern museum, including those operated by the National Archives. Indeed, despite the fact that Pevnsner devotes most of his attention to the formal and stylistic evolution of the museum (and library) type, it is important that he has also added a narrative of public accessibility to architectural discourse. He seems to imply that the increasing

---

<sup>15</sup> Dupré (2004), 101.

<sup>16</sup> For Pevsner the Museum Fredericianum in Kassel (1769-77) provides a good example of how a museum was combined with a library under a single edifice in order to provide space for the broader public use and enjoyment of a collection. The combination of library and museum arguably reached its most fantastical state in E.-L. Boulée’s 1783 design for a museum combined library functions with museum functions embracing both natural history and art with an ambitious scale appropriate to a national monument.

<sup>17</sup> As quoted in Pevsner (1976), 121.

desire for public access had a direct impact on the scale and specificity of the museum as an evolving monumental type.

Pevnsner identified the historical underpinnings of scale and typological specificity in architectures such as museums and libraries and directly linked them to ideas about public education heading into the modern era. He accomplished this task in advance of later studies on particular national institutions. More recent scholarship studying museums like the Louvre or the British Museum, delves more deeply into the pedagogical imperative of art and history, folk and science museums in the post-revolutionary and industrial social climate of the nineteenth century—what even Pevsner calls “great age of new museums and galleries.”<sup>18</sup>

### **The Museum and National Patrimony**

The explicit nationalism in presidential museums is an iconographic patrimonial legacy created by defining publics by virtue of the images and objects of national heritage at the end of the eighteenth century. The constitution of a public as a function of national patrimony has its roots in the French Revolution. In France, the Revolutionary state controlled representative power not only through destruction and images of destruction, but by proposing and disseminating an a priori French history—a transcendent national culture—that justified its “will” as that of a “people”, for

---

<sup>18</sup> Pevsner (1976), 130. Cf. Tony Bennett, *The Birth of the Museum: history, theory, politics* (1995; New York: Routledge, 2007); Andrew McClellan, *The Art Museum: From Boullée to Bilbao* (Berkeley, CA: University of California Press, 2008).



selected objects and architectures.<sup>19</sup> Because images and other representational objects were already powerful in French culture, the institutions where they could be properly controlled, preserved, and displayed were vital.<sup>20</sup>

In late 1789, the Crown legitimized its appropriation and seizure of Church property by calling for the “creation of a national patrimony.”<sup>21</sup> According to Andrew McClellan, *Inventing the Louvre* (1994), “overnight an immense artistic and historic heritage ceased to function meaningfully in a religious context and entered the public domain as *bien nationaux*, ‘at the disposition of the Nation.’”<sup>22</sup> For McClellan, it was in this moment, on the cusp of revolution, that the museum began its role as the architectural and institutional means par excellence for storing, displaying, and producing national patrimony.

The systematization of heritage, begun under royal auspices, was immediately co-opted by the National Assembly. In August of 1792, one of their earliest acts was to insure that the Louvre museum, formerly a royal project, be urgently completed in order for it to become “among the most powerful illustrations of the French Republic.”<sup>23</sup> An early report, presented by the *Commission des monuments* to the

---

<sup>19</sup> This tradition of linking the public to the visual realm is located in the Salon culture described by David Carrier, *Museum Skepticism: A History of the Display of Art in Public Galleries* (Durham, NC: Duke University Press, 2006).

<sup>20</sup> Carrier (2006), 27, notes that Henry James, touring Paris in his youth, “learned that imperial cultures demonstrate their power by creating large public spaces containing many exquisitely beautiful works of art.

<sup>21</sup> Edouard Pomrier, “Idéologie et musée à l’époque révolutionnaire,” in *Les Images de la Révolution française*, M. Vovelle, ed. (Paris, 1988), 57-78, as cited in McClellan (1994), 92.

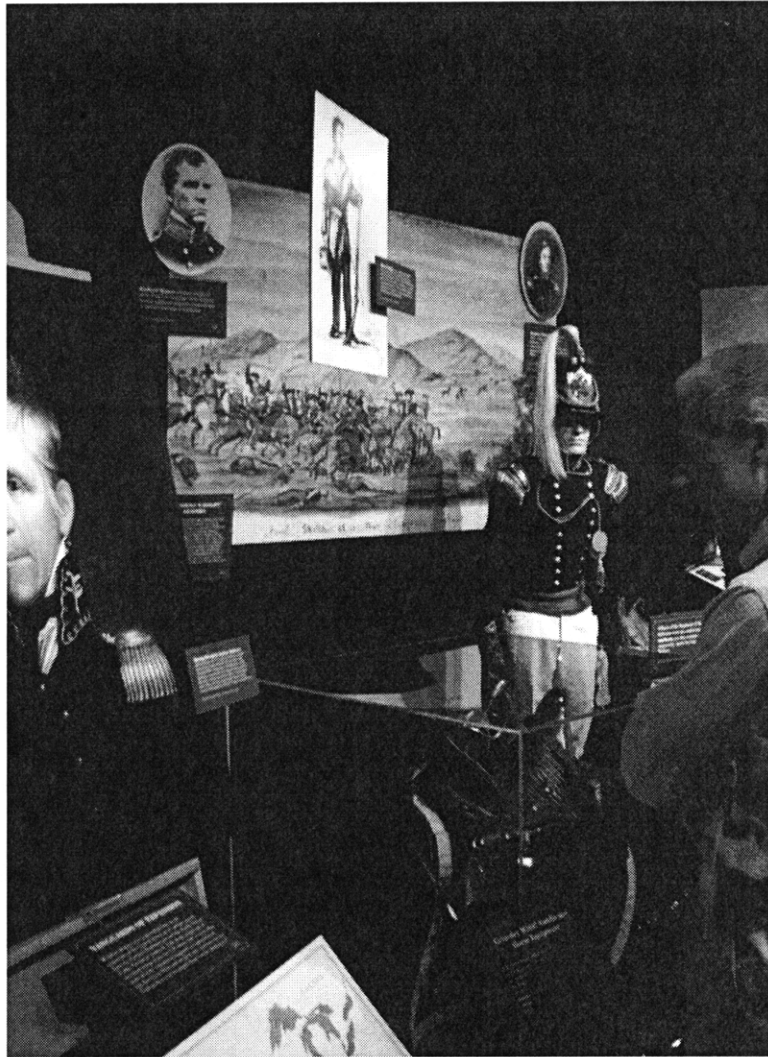
<sup>22</sup> McClellan (1994), 92.

<sup>23</sup> Letter from Interior Minister, Jean-Marie Roland to Jacques-Louis David, October 1792, as quoted in McClellan (1994), 91-2.

Assembly, recommended “all monuments so designated belong to the nation. It is necessary therefore to make them accessible to the general public...” The report insisted that such repositories, to be named museums, be located in a large town in each of the eighty-three departments “which make up France,” and preferably where there is already some form of “educational establishment.” It even stipulated that new building would not be necessary given that the newly vacant churches, now “without a useful purpose”, could house the museum.<sup>24</sup> In effect, what was revolutionary about the state-run museum became not what it housed, but that it was by definition an accessible monument *of*, not just to, the nation.

---

<sup>24</sup> As quoted in McClellan (1994), 92.



4.3 Exhibit on the military conquest of the West, Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2007).

The end of the eighteenth century thus saw the deployment of the museum as a means for claiming ownership on the part of the nation. Further, McClellan reveals that the idea of national property and culture, and the architectural means by which such a patrimony might be deployed across France, developed at the same time as the idea of a nation emerged as a cultural polity (as opposed to the personal province of the King). Presidential museums have learned this lesson, restaging America's own

eighteenth and nineteenth century past as a legacy of heroism for the emulation of the visiting public and, by extension, grafting it onto the library's namesake (Fig 4.3).

### **The Museum Idea, Moral Improvement, and Good Citizens**

Tony Bennett's *Birth of the Museum* (1995) engages the historical formation throughout the nineteenth century of the museum, the library, the exhibition and similar institutions as a set of particularly modern "technologies of progress."<sup>25</sup> Drawing on the work of Foucault, Gramsci, Bourdieu, and Habermas, Bennett provides a "politically focused genealogy for the modern public museum." For Bennett, the museum, as it was conceived in the nineteenth century, was simultaneously a space of representation for both the politics of the modern state and, quoting Foucault, the "ambiguous position [of man] as an object of knowledge and as a subject that knows..."<sup>26</sup> The creation and enthusiasm for institutions such as museums and libraries was supported with the rationale, derived from the Enlightenment, that exposure to 'culture' would contribute immensely to the development and improvement of moral character.

The "Museum Idea", where the museum must serve "as an instrument of public instruction", is usually attributed to the founder of the South Kensington Museum, Sir Henry Cole, and other the disciples of Jeremy Bentham.<sup>27</sup> For England especially, the

---

<sup>25</sup> Bennett (2007), 10.

<sup>26</sup> As quoted in Bennett (2007), 7.

<sup>27</sup> Tony Bennett, "The Multiplication of Culture's Utility," *Critical Inquiry* 21, no. 4 (Summer 1995): 862. Bennett notes that Goode relied on the theories of William Stanley Jevons who argued in the late nineteenth century for the use of museums, libraries and other institutions as a means for education based upon a theory of the multiplication of utility applied to objects. Jevons

pressures of rabid industrialization on the population combined with Imperial struggles in both the colonial world and in competition with states on the Continent led to an explosion in government-sponsored programs of social reformation, national education, and cultural 'enlightenment' for the masses. In short, the state, in the unabashed role of the 'the parent', created a variety of institutions and systems of "social management" for the purpose of 'raising' the public as 'good children' to the end of becoming productive and moral citizens; or at the very least, less likely to engage in slothful or criminal activity.<sup>28</sup> This meant that museums from the very beginning were thought of in much the same manner as prisons, clinics, and hospitals. For Bennett, it is crucial that the museum is understood as a technology or mechanism deployed to cure social and cultural 'ills'. In short, the museum may trace its rhetorical roots to the (Greek) temple, but its purpose finds its analogue in penultimate modern architectures like prisons and sanitarium, hospitals and schools (Fig. 4.4).

---

<sup>28</sup> Bennett (2007), 7-10, 17-21.



4.4 School group in the Air Force One Pavilion at the Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2007).

## The Museum Temple and the Pilgrim

Characterizing the museum as a temple is not just a convenient allusion. It is also a way to capture how museums are experienced as sacred by society. For example, just as Hufbauer describes the presidential museum as a kind of temple, E.H. Gombrich traces the cultural importance of the museum to its “ancient ancestors”, the treasure house and the shrine.<sup>29</sup> Gombrich casts the museum as a destination in a

---

<sup>29</sup> This analogy itself has a rather unquestioned history that amounts to almost an unspoken myth. For example, Hermann August Hagen, a professor of entomology at Harvard University’s Museum of Comparative Zoology, published a paper in 1876 where he mentions a late eighteenth-century paper by a Professor Beckmann that expresses the same view. According to Hagen, Beckmann evidently felt that the origin of collections “was to be found in the old custom of keeping curious and remarkable objects in temples.” For Hagen this theory is supported by the belief that it was medical knowledge and the attendant cures through objects, reported by ancient authors to have existed at temples such as Aeschulapius, that might point to the origin of natural museums. See H. A. Hagen, “The History of the

modern visual quest analogous to that of the religious pilgrimage: "Like the pilgrim, the tourist knows that on his return he will be asked whether he had visited the shrines his predecessors had seen. To reassure himself and to prove it to his peers he drags himself on tired feet through the Louvre and takes a snapshot of the Mona Lisa, or buys a souvenir, some hideous ashtray with her distorted image."<sup>30</sup> In this role the museum becomes a space for storing and a place for viewing sacred relics, objects of an insatiable modern longing. According to Gombrich, the personal exposure (to the object, experience, memory, etc.) and the journey are simultaneously motivated and conditioned by cultural expectations. Indeed, these expectations constitute a desire that precedes the pilgrimage itself, a tradition passed down from pilgrim to pilgrim.

The problem with Gombrich's synthetic analogy, where the museum is a treasure house and shrine, the visitor is a pilgrim, and the desired object is a sacred relic, is that it is strictly negative. Like the public in Hufbauer's presidential temple, the visitor to the museum is assumed to be no more than a helpless subject carrying baggage, imposed upon him by modernity, that he cannot possibly affect or understand. Thus, his desire for fulfillment in the presence of particular objects is only temporarily sated in the museum which becomes a sort of false therapeutic environment adapted from a mythically simplified architectural type.<sup>31</sup> The link

---

Origin and Development of Museums," *The American Naturalist* 10 (1876) reprinted in Genoways and Andrei (2008), 39-48.

<sup>30</sup> E.H. Gombrich, "Museum: Past, Present, Future," in Lars Aagard\_Mogensen, ed. *The Idea of the Museum: Philosophical, Artistic and Political Questions* (Lampeter: Edwin Mellen Press, 1988), 99-126.

<sup>31</sup> To be fair, Gombrich insists that the object of this 'distorted' gaze has value—a value that, like the expectations influencing the pilgrim, precedes the contact between viewer and viewed. In this scenario, it is the museum that has masked whatever inherent meaning and value an object might possess, and the helpless pilgrim who perpetuates the mask by participating in the pilgrimage.

provided by Bennett between the museum as a clinic and programs of social reform, however, illustrates that the museum—regardless of particular success or failure—is not intended as a masking or drug, but rather as a technology for (re)making social tradition and actually bestowing a controlled moral imperative on the pilgrim.

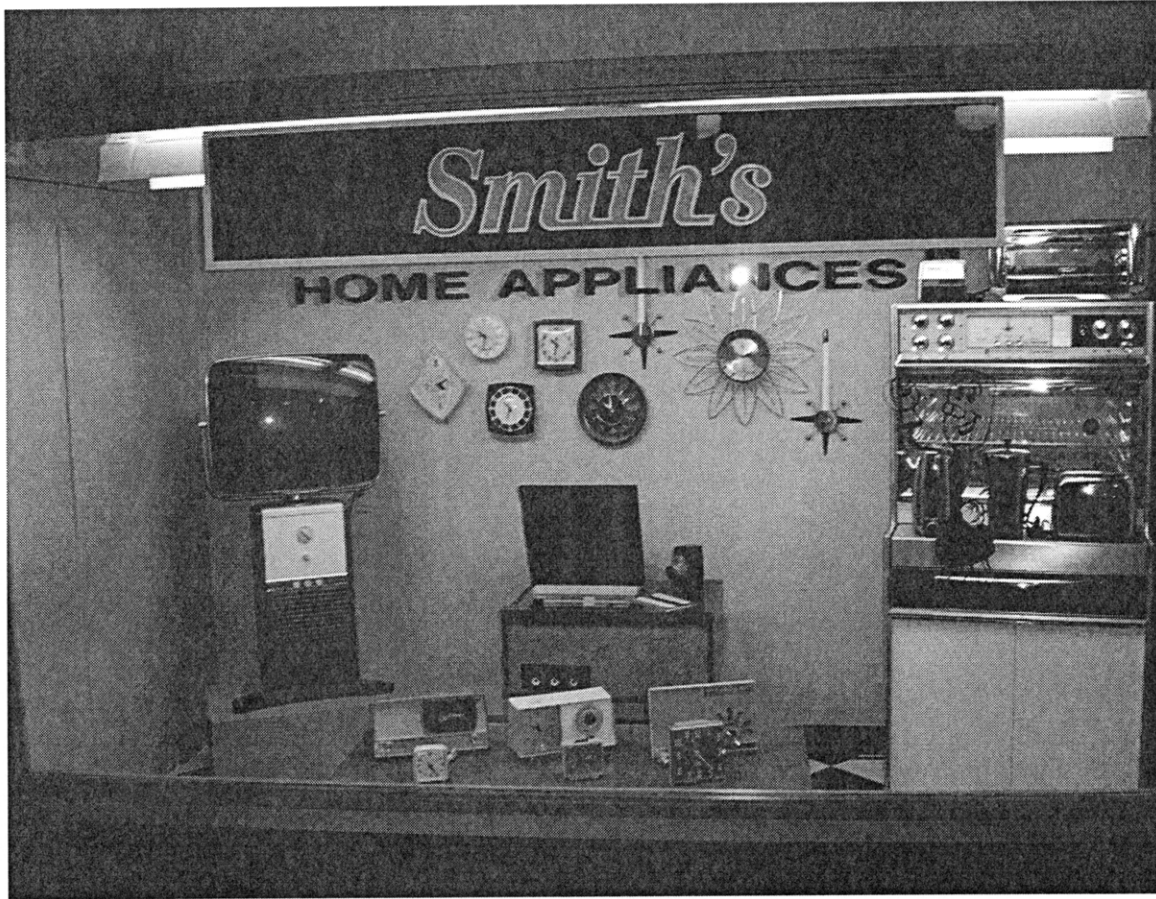
### **The Museum as a Portable Taxonomy**

The culture of modernity, rife with the conflicts of desire and judgment lamented by Gombrich, is described by Dean Maccannell, *The Tourist: A New Theory of the Leisure Class* (1999). Maccannell's study of modernity uses the mobile tourist, or modern pilgrim, to challenge Levi-Strauss's insistence that an ethnography of modernity is essentially impossible. According to Maccannell, the "touristic" drive, indeed any form of travel, sightseeing and cultural consumption, represents the essential semiotic structure of modernity itself. The very structure of the modern consciousness *as modern* exhibits a "willingness to accept, even venerate things as they are on the one hand, [and] a desire to transform things on the other."<sup>32</sup> Thus, the inevitable victory of modernizing ideologies over other forms of socio-cultural contracts is indicated not by "the disappearance of the nonmodern world, but [by] its artificial preservation and reconstruction in modern society." Indeed, the museum is but one of many possible mechanisms for the propagation of this venerated "world" and for the transformation of its "things" into loaded signifiers of "otherness."

---

<sup>32</sup> Dean Maccannell, *The Tourist: A New Theory of the Leisure Class* (1976; Berkeley, CA: University of California Press, 1999), 2-3.

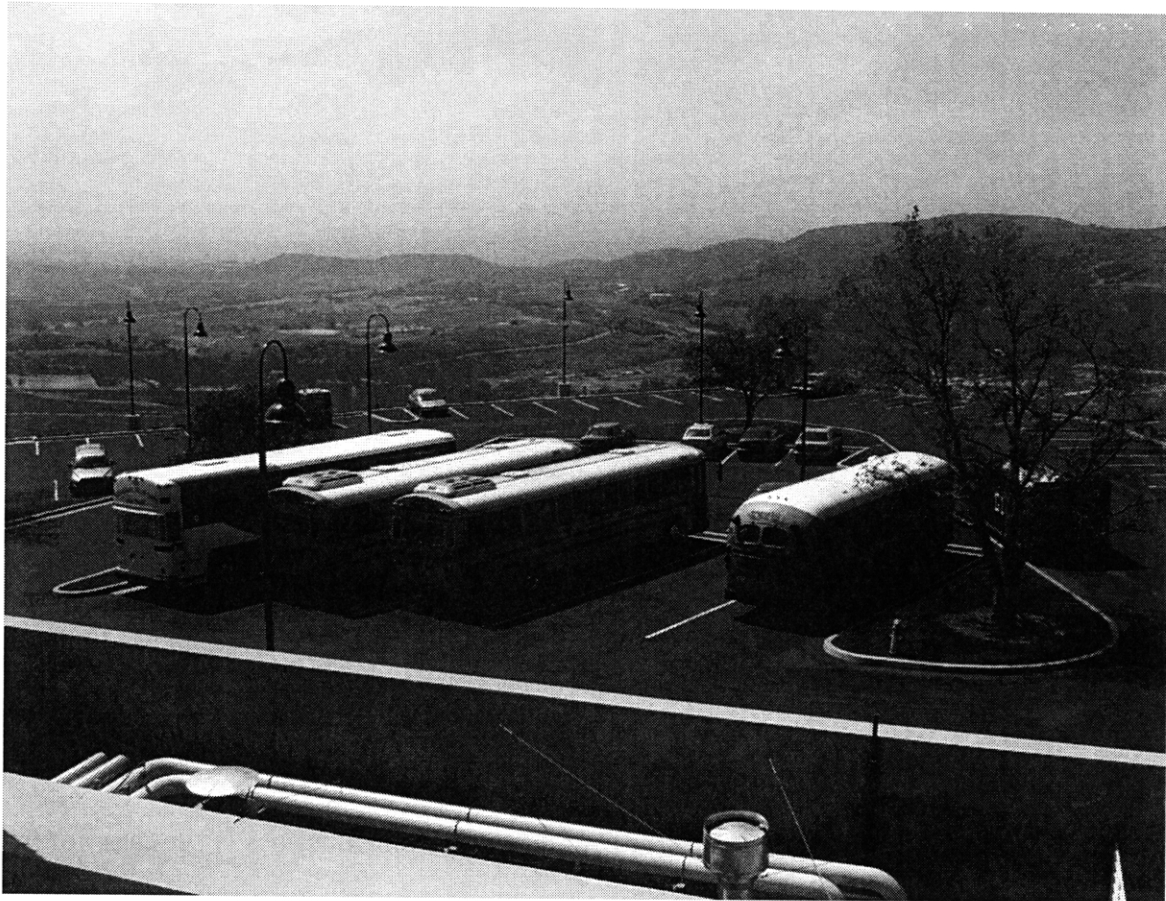




*4.5 Exhibit on the 'era' using media and domestic consumer technologies from the John F. Kennedy Presidential Library, South Boston, Massachusetts (Photo by Author © 2004).*

The principle weapon (from Maccannell's admittedly conflicted late-Marxist viewpoint) and the defining characteristic of modern consciousness is the taxonomic redistribution of artifacts—or, indeed, any object or form of representation. This manner of comprehending or configuring knowledge continuously defines the “boundary of modernity by rendering concrete and immediate [i.e. visible] what modernity is not.” The museum-as-architecture becomes inevitable given that the museum-as-impulse is at the heart of how the modern world endlessly fashions itself

as modern.<sup>33</sup> The presidential library and all other modern museums because they operate within the already extant taxonomic desire, are always enabling mechanisms within disjunctive modern hegemonies. In short, the building coalesces as a result of the modern way of seeing the past, present, and future (Fig. 4.5).



4.6 School buses and a tour bus in the parking lot of the Ronald Reagan Presidential Library, Simi Valley, California  
(Photo by Author © 2007).

What makes Maccannell's approach important for this study is the manner in which he has rendered the disciplinary structure of the museum portable. The tourist-pilgrim-citizen, as the postindustrial global subject *par excellence*, deploys his or her vision for ideological purpose—conscious or otherwise—while on the move. Thus,

---

<sup>33</sup> Maccannell (1999), 8-9.

even prior to entering a museum, or even any environment where the cultural surroundings are judged to be somehow alien, the modern subject has the ability to translate what he or she sees through a museum-like disciplinary gaze. The most common manifestation of this is the use of cameras. The most embedded nature of the mobile phenomenon, however, is the transportation of publics-in-training to museums at a young age where they can acquire the disciplinary gaze even if, and arguably despite, not being able to process the objects presented in the galleries as a synthetic history (Fig. 4.6).

Embedded in this idea are a couple of loaded and potentially problematic concepts. On the one hand, the museum can no longer be understood as simply analogous to an ancient architectural type, the temple, merely by virtue of its etymology and anachronistic definitions of religious practice translated into contemporary modes. Rather, if the museum has an analogue, it is modern disciplinarity itself.<sup>34</sup> Thus, the nineteenth century architecture of treatment and reform (Bennett) has been rendered ubiquitously effective in transforming the modern subject.<sup>35</sup> On the other hand, like Gombrich, Maccannell cannot quite account for any

---

<sup>34</sup> This is a risky move that threaten to undo the limits of language when deployed as an identifier of a *type* corresponding to that discipline rather than constitutive of it. The question becomes whether or not the modern gaze is inherent or pedagogical. If the gaze learned, then *where* might that learning take place, and might the museum be one place where it is learned; for example, children who are taken en masse to museums throughout their schooling, where learning to look in a taxonomic manner might be reinforced through each visit to the museum.

<sup>35</sup> The success of the Museum Idea in transforming the way people think about the past, present and future might be obliquely illustrated in a study coordinated by Roy Rosenzweig and David Thelen after a series of conferences debating the use of the past in the late 1980s and early 1990s. The effectiveness of museum exhibits, they found, along with their contributors, directly correlated to how well visitors could turn “exhibits into things they recognized from their own experience.” In this sense, the way history is already visualized is only reinforced if the memory finds a corollary in the technology of

particular object's role within this disciplinary structure except as it is helplessly subjected to taxonomies of transformation within modernity.<sup>36</sup>

### **The Emergence of the Museum Idea in the United States**

The museum, then, might be interpreted as an institution that reflects a more modern way of seeing. But it is not just the artifacts that are the object of this vision; rather it is history itself.<sup>37</sup> The development of the history museum in the United States becomes important at this juncture, uniting the theoretical purpose described by Bennett and the embedded nationalism described by McClellan in a context that directly prefigures the coming of the presidential library in the early twentieth century. As Warren Leon and Roy Rosenzweig, *History Museums in the United States* (1989), wrote: "history museums are central means of presenting history to a variety of publics."<sup>38</sup>

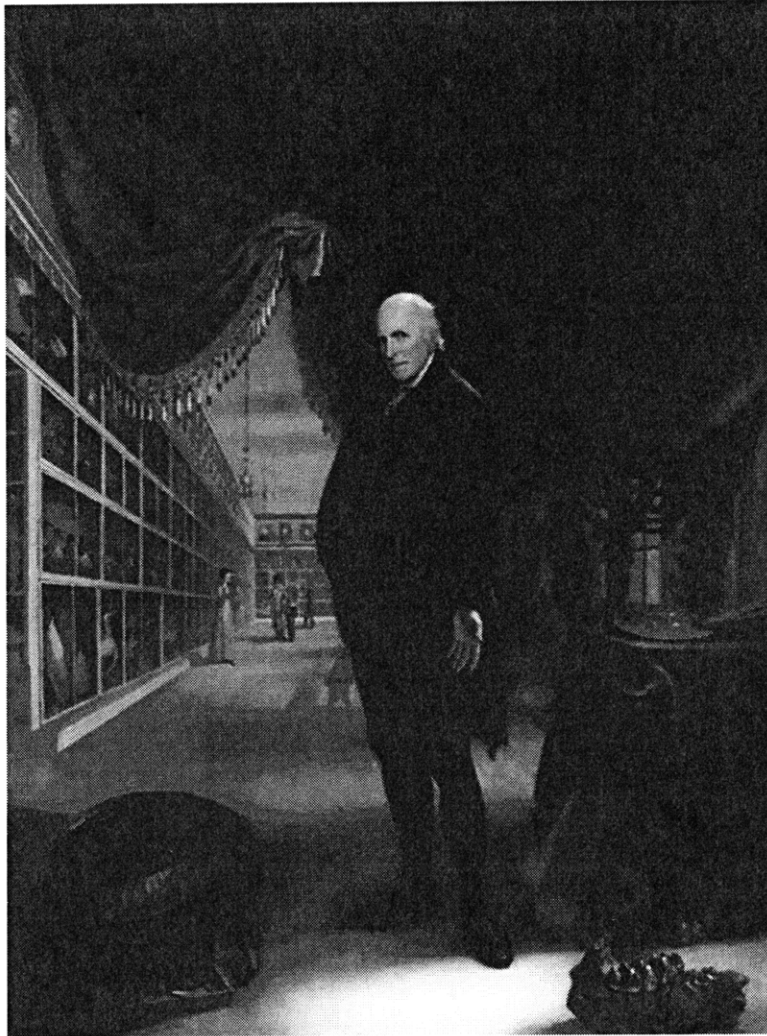
---

representation. Roy Rosenzweig and David Thelen, *The Presence of the Past: Popular Uses of History in American Life* (New York: Columbia University Press, 1998), 2-3.

<sup>36</sup> Dean Maccannell, *Empty Meeting Grounds: The Tourist Papers* (New York: Routledge, 1992), is an attempt to address exactly this problem.

<sup>37</sup> This is in contrast to Gombrich, for whom seeing is less a matter of history and more a function of judgment, the eye is analogous to the machine: "The eye is not passive but an active instrument serving the mind that must be selective if it is not to be swamped by a flood of indigestible messages. Seeing is always looking for something, comparing, interpreting, probing and disregarding;" Gombrich (1988), 106. This issue of judgment versus history will haunt the remainder of this chapter.

<sup>38</sup> Warren Leon and Roy Rosenzweig, "Introduction," in Warren Leon and Roy Rosenzweig, eds., *History Museums in the United States: A Critical Assessment* (Chicago: University of Illinois Press, 1989), xiii.



4.7 Charles Wilson Peale, *The Artist in His Museum*, 1822 (Pennsylvania Academy of Fine Arts, Philadelphia).

The first history museum in America is attributed to Charles Wilson Peale (Fig. 4.7). In 1769, he returned to Annapolis from London and began showing his own paintings. In 1784, after moving to Philadelphia, he modified his gallery to include portraits and busts of “men who distinguished themselves in the politics and warfare of the American Revolution.”<sup>39</sup> From the very beginning, the objects exhibited by Peale

---

<sup>39</sup> Brigham also notes that in addition to the admission fees and hours of operations, the types and arrangements of artifacts, including Peale’s personal collection tastes, tended to reinforce dominant attitudes towards race, class and gender. David R. Brigham, *Public Culture in the Early Republic: Peale’s Museum and Its Audience* (Washington, D.C.: Smithsonian Institution Press, 1995), 1, 122-44.



were tied to an aesthetic of emulation, were the imagery had an educational purpose tied to a reverential approach to national identity. Over the next forty years, until his death in 1827, Peale greatly expanded and recast his collection to include landscape paintings, literary works, historical subjects, handicrafts and natural history.



4.8 Charles Wilson Peale, *Interior room in the museum*, [n.d.] (*The Image Gallery*, University of California, San Diego).

According to Gary Kulik, a former assistant Director at the Smithsonian's Museum of American History, Peale believed that both the order of Nature and the "odd and the curious" (he had in his collection such objects as a five-limbed cow) were a "testament to the Creator's awesome capacity for order amidst diversity."<sup>40</sup> Thus the

---

<sup>40</sup> Gary Kulik, "Designing the Past: History-Museum Exhibitions from Peale to Present," Warren Leon and Roy Rosenzweig, eds., *History Museums in the United States: A Critical Assessment* (Chicago: University of Illinois Press, 1989), 4.

objects are not only important in and of themselves, their arrangement is vital to a program of demonstrating to the viewing public how knowledge can be structured and itself illustrative of a grand (if theologically-inspired) scheme (Fig. 4.8).

In organizing his seemingly disparate collection for public consumption, Peale faced the three problems of the history museum that Wichell would take for granted a century later and that all subsequent museums would face at a variety of scales. Kulik describes these as a question of “what to collect, how to display it, and how to teach.” In other words, the history museum immediately is confronted with issues of taxonomy, display, and pedagogy. However, David R. Brigham, *Public Culture in the Early Republic* (1995), notes that Peale’s museum did more than set a precedent for institutional programs associated with the organization of artifacts. Peale, by first allowing others into a collection founded on an ideological taxonomy and then charging them admission while controlling their experience, made the museum a “cultural analogue to the community at large [where] nonparticipants exempted themselves not only from the museum, but also from the larger category of citizenship.”<sup>41</sup> Ultimately, according to Brigham, despite Peale’s stated intent to create a democratically open museum that could act as a compendium of human knowledge and natural order, his collection reinforced a hierarchical world that “best served men who belonged to the middle and higher ranks of society.”<sup>42</sup> Kunik, however, insists that whatever his many flaws, Peale deserves credit for imagining “a world in which scholarship and entertainment were compatible, in which museums were the great

---

<sup>41</sup> Brigham (1995), 8.

<sup>42</sup> Brigham (1995), 150.

instruments of democratic education, in which the apparent disorder of the world revealed itself in Linnaen order.”<sup>43</sup>

In the nineteenth century, Peale’s vision for a national museum of universal history began in 1835 with a \$500,000 bequest from James Smithson. The Smithsonian Institute was created “for the increase and diffusion of knowledge among men.”<sup>44</sup> However, it took decades for the Smithsonian to sort out what kind of institution it was to be. Powerful patrons, politicians, and intellectuals fought over whether or not the Smithsonian should be a library, a university, a private research foundation, or a museum. In 1879, Congress finally appropriated money for a building devoted to a U.S. National Museum. Henry Cole’s ‘Museum Idea’ was expanded in the United States by the first Director of the U.S. National Museum, George Brown Goode. Like Cole, Goode argued for the utilization of “those objects which best illustrate the phenomena of nature and the works of man” for “the increase of knowledge and for the culture and enlightenment of the people.”<sup>45</sup> According to Kulik, Goode “was intent on developing a ‘museum of record,’ combining the type specimens of the natural sciences with objects of cultural and industrial achievement... In addition to the exemplary, Goode encouraged the collecting of the ordinary and the commonplace.”<sup>46</sup>

---

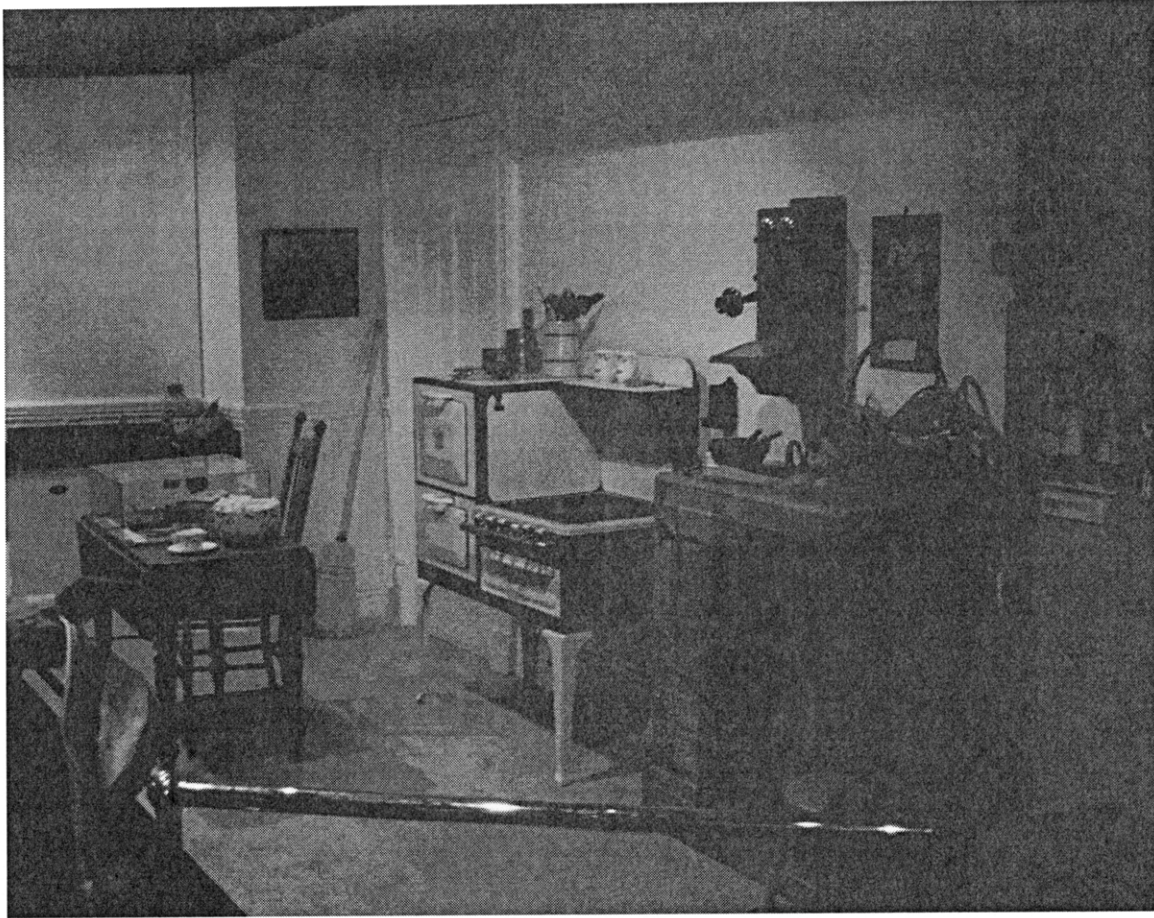
<sup>43</sup> Kulik (1989), 6.

<sup>44</sup> As quoted in Kulik (1989), 7.

<sup>45</sup> George Brown Goode, “The Relationships and Responsibilities of Museums [1895],” in Genoways and Andrei (2008), 112.

<sup>46</sup> Kulik (1989), 8.





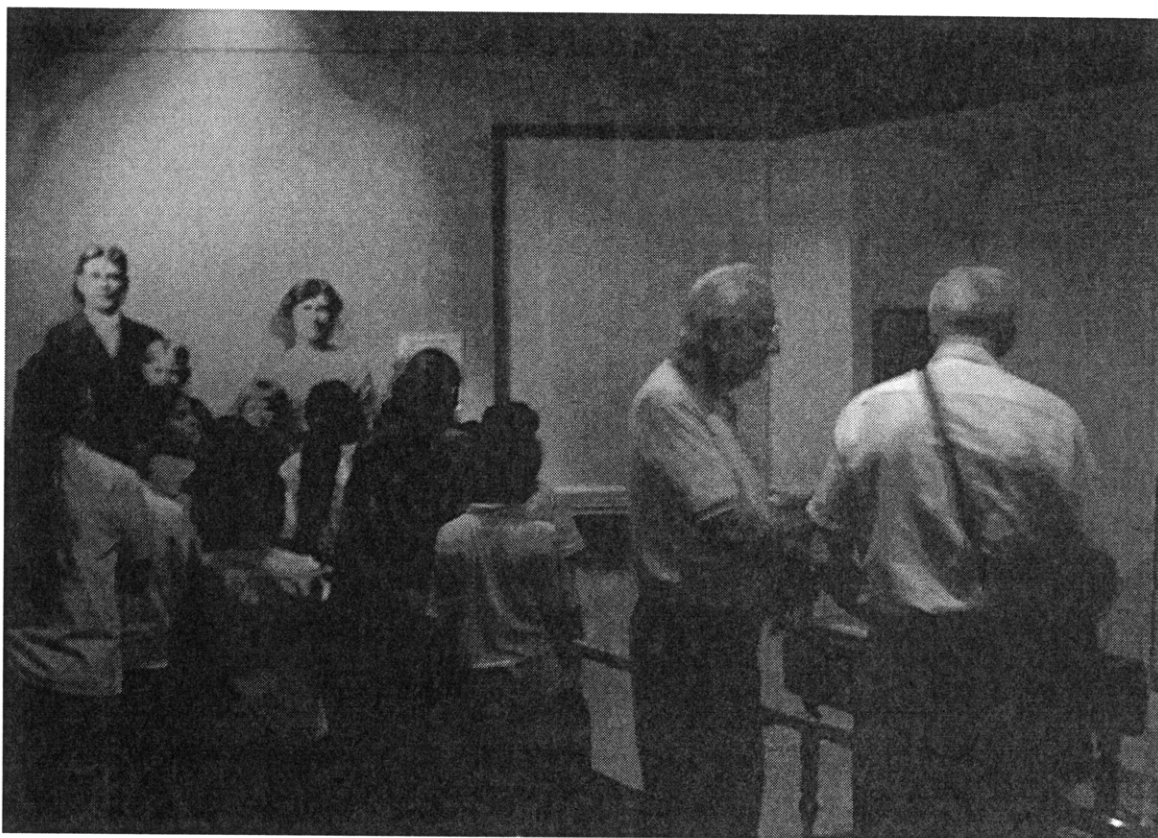
4.9 Reproduction of the kitchen from Reagan's "boyhood home" in Illinois. Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2004).

The theory, following Cole, behind placing so-called commonplace objects in a museum setting (Fig. 4.9), was that it "gave the visitor a hint" according to Frederic Lucas, the Director of the Brooklyn Museum, in 1908, "of the many interesting things that are to be found close at hand, to show their hidden meaning, in short to teach him how to observe and to think."<sup>47</sup> Indeed, Lucas defended as given Cole's prescription for moral instruction by transforming it into an expression of economy, where a "love of knowledge" becomes the test by which civilization is measured: "To inculcate the spirit

---

<sup>47</sup> Frederic A. Lucas, "Purposes and Aims of Modern Museums," *Proceedings of the Staten Island Association of Arts and Sciences* 2 (1908), reprinted in Genoways and Andrei (2008), 58.

of law and order, to foster a love of the beautiful, to teach the visitor to observe and think, to supply 'rational amusement' to the masses, are among the things that a museum does for the public in return for its cash investment."<sup>48</sup>



4.10 School children and my grandparents looking at the reproduction of the kitchen from Reagan's "boyhood home" in Illinois. Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2004).

From Peale's vision and Cole's "Museum Idea" to Goode's "museum of record" and Lucas's test for civilization, the museum by the twentieth century was a complex symbolic and pedagogical mechanism. It was a "temple to secular progress", a "shrine" to great men and patriotism, and clinic where the public could be educated by objects, exemplary and common (Fig. 4.10).<sup>49</sup> Indeed, as Nancy Reagan's assurance attests, the

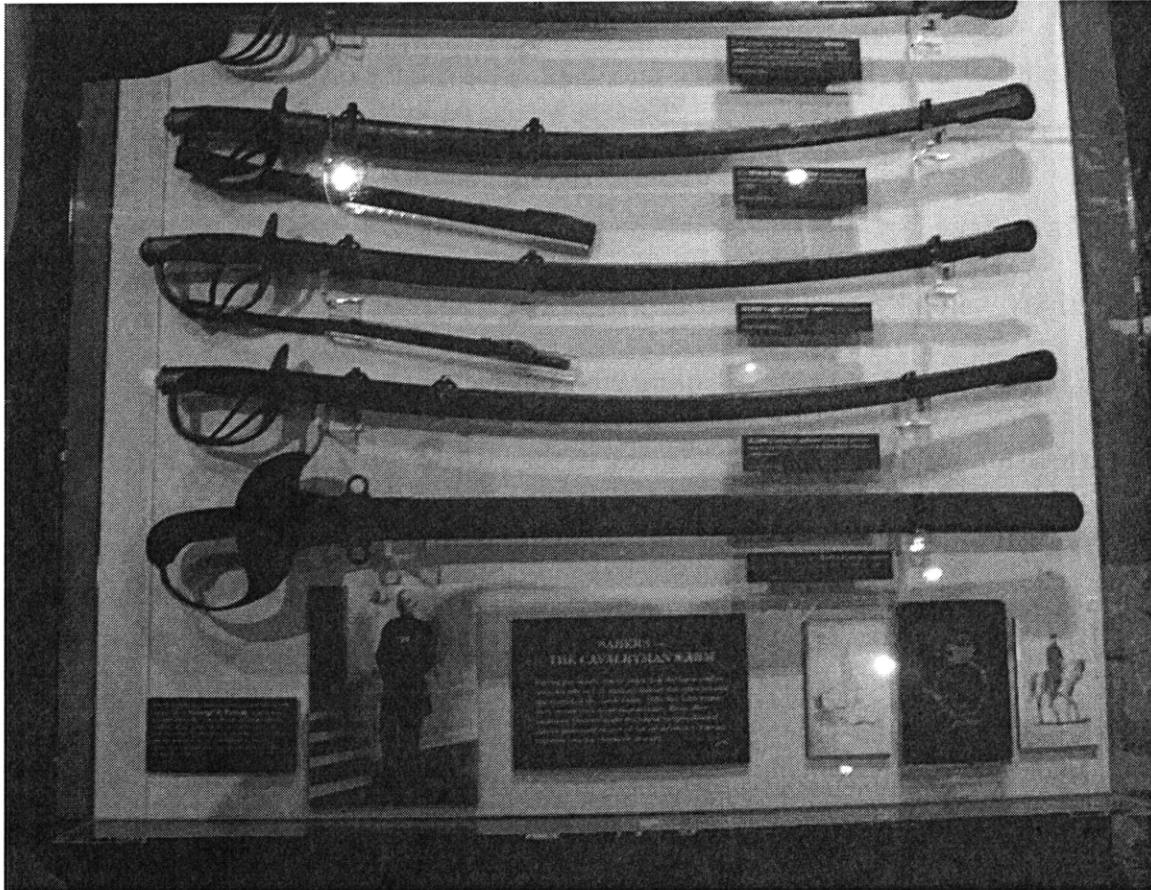
---

<sup>48</sup> Lucas (1908), 60.

<sup>49</sup> Kulik (1989), 9.

presidential library remains deeply embedded within this tradition. Its objects, imagery and mission statement act in concert to keep Peale's vision and Cole's idea at the forefront of museum rhetoric.

### **The Museum and the Politics of Objects**



*4.11 Sword display in a temporary exhibit at the Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2007).*

James Deetz, an Archaeological Advisor to Plymouth Plantation, insists that “...artifacts are useful indicators of individual behavior.” The basic assumption for Deetz, as for Cole, Goode, and many others, is that the object, in and of itself, is basically benevolent. Indeed, their inherent goodness stems from their ability to act as an objective optical system whereby knowledge can be viewed, if used properly. Deetz

projects this judgment onto an infinitely large scale by positing that if “single artifacts tend to mirror individuals and their behavior, collections of them organized into systematic and functional groupings mirror the behavior of groups of people.”<sup>50</sup> Projecting the imagination of the modern viewer back through time through the use of artifacts (large and small) for the purposes of registering “continuity and change”, the twin themes of American culture, is, for Deetz, the primary concern of the museum (Fig. 4.11). Yet he also has a far more subtle and “generally productive” point to make. Deetz locates the disciplinary nature the museum project in terms of time and subjectivity—albeit without a hint of criticality. “The shift from third-person past,” he writes, “to first-person present, if done well, goes a long way toward making the interpretation [of the exhibit] convincing to the visitor.” In other words, he insists that the shift from “they did it that way” to “we do it this way” is a vital step in the interpretive process.<sup>51</sup>

According to Charles Altieri, by assembling disparate artifacts, documents, and film media in one location, museums “make possible a distinctive and necessary way of viewing history; they invite our establishing connections between the range of artifacts they contain and powers of mind that can be intensified by experiencing multiplicity; and they help indicate how such powers may have practical consequences for our non-

---

<sup>50</sup> James Deetz, “A Sense of Another World: History Museums and Cultural Change,” from *Museum News* vol. 58, no. 5 (1980), reprinted in Bettina Messias Carbonell, ed., *Museum Studies: An Anthology of Contexts* (Malden: Blackwell Publishing, 2006), 376-77.

<sup>51</sup> Deetz (1980), 380, at this point is concerned with offering advice to museums whose task is “community recreation”, such as Williamsburg, perhaps, or other “living history” museums whose “exhibit statement is longer being made within walls.”

aesthetic behavior.”<sup>52</sup> Yet, “establishing connections” within a multiplicity of intense experience, is fraught with difficulty, particularly when one questions how such connections are to be made and what expectations precede them (Fig. 4.12).



4.12 This diorama of typical frontier sleeping arrangements was part of a temporary exhibit on Lewis and Clark and the exploration of the West on display at the Reagan Library in 2004. It was part of a visual narrative that painted Reagan as a rugged self-made western hero and connected virtually every display. This particular diorama was followed by the Illinois “boyhood” kitchen replica depicted in 4.9 and 4.10. The duplication in the two displays of rugged domestic simplicity seamlessly connected a legacy of heroism (including Jefferson’s Louisiana Purchase, Lincoln, and the Lewis and Clark Expedition) with the remainder of the museum that focused on Reagan’s life and achievements. Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2005).

---

<sup>52</sup> Charles Altieri, “Museums or Mausoleums?” in Lars Aagard-Mogensen, ed., (1988), 160. For more on the origins of the modern museum and on the historical problem of the relationship between the museum and the work of art—not only regarding the work itself but with respect to the history of writing about such works—see, Andrew McClellan, *Inventing the Louvre: Art, Politics, and the Origins of the Modern Museum in Eighteenth-Century Paris* (Berkeley: University of California Press, 1994), 201-204. McClellan explores how, at its origins, the museum’s (the early Louvre) “potential to stimulate the historical imagination through juxtaposition” was often ignored—most notably by Quatremère de Quincy—in the politics that surrounded the debate about the “aura of the work *in situ*.”



Recent scholarship has increasingly honed in on what Sharon Macdonald calls “the politics of display.”<sup>53</sup> Inspired in part by the controversy surrounding the Smithsonian’s large-scale exhibition of the World War II bomber, *Enola Gay*, Macdonald critiques the struggle over agency that permeates decisions about, not just which objects are displayed, but, how artifacts, through controlled—and often hotly debated—staging, are represented for the purposes of public education. Central to her interest in the politics of display is the vital question: “Who gets to speak in the name of ‘science’, ‘the public’ or ‘the nation’?”<sup>54</sup> Macdonald’s question reinforces the implicit assumption drawn from Cochrane’s dissertation on presidential libraries as policy systems; namely that the specific actions and accountabilities associated with individuals who participate in the display of objects must be part of any history of museums that attempts to reconcile artifacts with the production of public meaning.<sup>55</sup>

Thomas Gieryn’s essay, “Balancing acts: science, *Enola Gay* and History Wars at the Smithsonian,” in Macdonald (1998), further reveals that when history is recalled through an object—especially using an artifact that is poignantly central to the narrative—*for* the public, it becomes inherently political—regardless of an object’s prior history.<sup>56</sup> Hence, before arriving at the object and its historical particularity, the

---

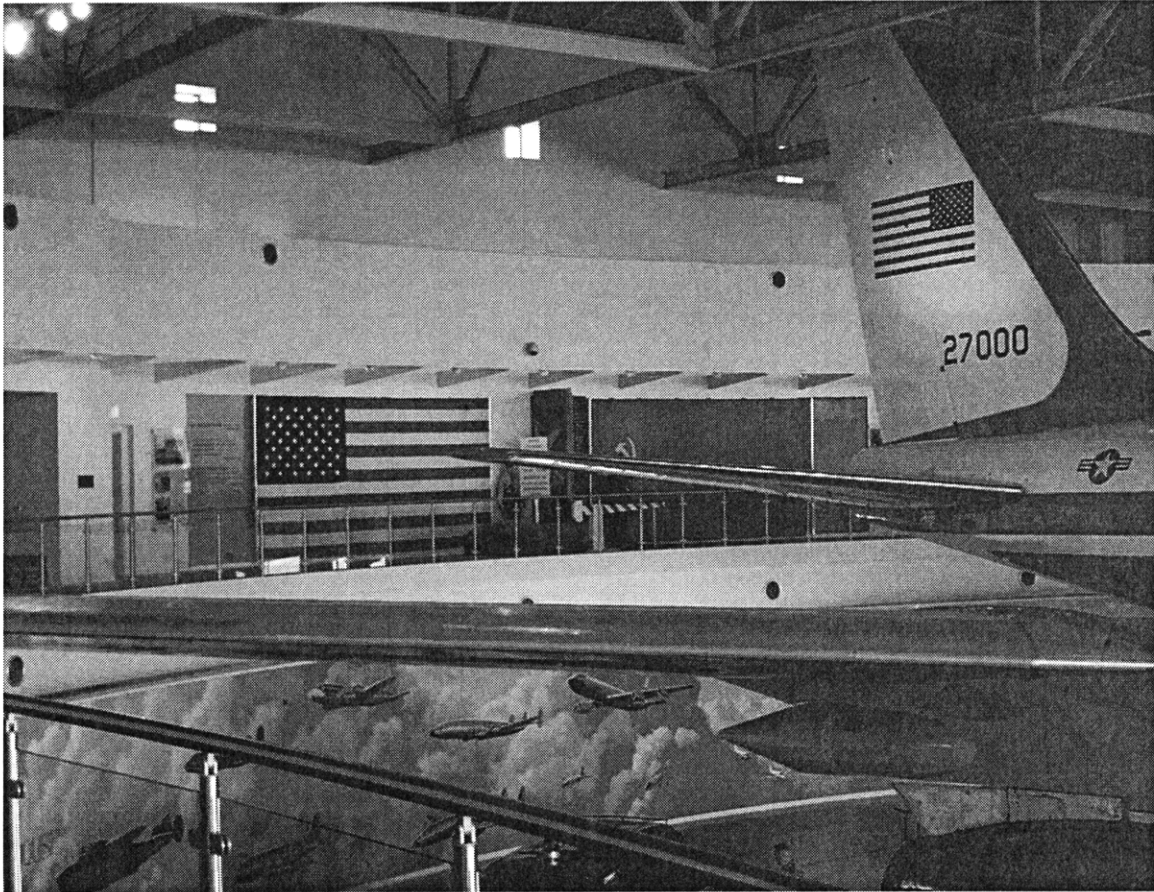
<sup>53</sup> For Macdonald, politics is broadly understood to be the Foucauldian mechanism through which power and knowledge are intertwined and through which “truths” are produced; Sharon Macdonald, ed. *The Politics of Display: museums, science, culture* (New York: Routledge, 1998), 3.

<sup>54</sup> Macdonald (1998), 1.

<sup>55</sup> See Chapter 1.

<sup>56</sup> Thomas F. Gieryn, “Balancing acts: science, *Enola Gay* and History Wars at the Smithsonian,” in Sharon Macdonald, ed. (1998), 197-228. For more on the display of military aircraft, see Timothy W. Luke, “Superpower Aircraft and Aircrafting Superpower: The Pima Air and Space Museum,” *Museum Politics: Power Plays at the Exhibition* (Minneapolis: University of Minnesota Press, 2002), 165-85.

very act of display is *a priori* a divisive one, creating artificial (if operative) groups who stake a claim to the historical record for the purposes of augmenting a certain politics of memory.



4.13 To get onto Air Force One, the public must move along a gallery behind the tail section of the plane. Directly behind the tail section is a stylized replica of the Berlin Wall, with a U.S. flag on one side and a Soviet flag on the other. This diorama hammers home the central component of the Reagan Foundation's narrative theme: Reagan as Hero of the Cold War. Air Force One Pavilion at the Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2007).

Gieryn's essay is all the more vital to this dissertation as a large addition was recently completed at the Reagan Library to display Air Force One (Fig. 4.13).<sup>57</sup> The Boeing 707, last used by President Reagan, along with an older Marine One helicopter

---

<sup>57</sup> This AF1 was replaced by a much larger plane during the first Bush Administration. Outside on the grounds of the library, an F-14 will be displayed in the "Peace Plaza," part of the new Presidential Learning Center.

used by President Johnson, is the largest object on display in a NARA-run U.S. history museum of any kind. The airplane and helicopter, along with a host of other artifacts and imagery, play an integral role in the placing the narrative of the Reagan Library Foundation squarely in the public eye. In some ways, the deployment of these aircraft can be interpreted as violating the non-partisan nature of the NARA charter (more on this in later chapter).<sup>58</sup> The Air Force One Pavilion is a prime example of how artifacts, regardless of intent or preservation success, are inherently political once they are yoked to a narrative, particularly at the presidential libraries.

### **The Modern Museum, Le Corbusier, and the Honest Object**

The naked man does not wear an embroidered waistcoat; he wishes to think. The naked man is a normally constituted being, who has no need of trinkets. His mechanism is founded on logic. ... He is not the keeper of a museum. If he likes to learn, it is to arm himself.<sup>59</sup> - Le Corbusier

According to the polemical modern architect, Le Corbusier, museums have failed, because they “provide no model; they offer only the elements of judgment.”<sup>60</sup> Like Gombrich, Le Corbusier exhibits a great deal of scorn for the unwitting visitors to museums. Le Corbusier, “Other Icons: The Museums” (1925), is an uncompromising attack on the high esteem for museums and their assumed usefulness to culture held by (Western) society. He agrees with Gombrich and likens the museum to a

---

<sup>58</sup> The private Ronald Reagan Library Foundation paid for and operates the Air Force One Pavilion. However, there is no indication for the public that one has moved into a private zone.

<sup>59</sup> Le Corbusier, “Other Icons: The Museums,” in Bettina Messias Carbonell, ed., *Museum Studies: An Anthology of Contexts* (Malden, MA: Blackwell Publishing, 2006), 407.

<sup>60</sup> Le Corbusier (2006), 403.



storehouse. However, for Le Corbusier, the museum is not a misunderstood showplace for possibly great artistic objects that nevertheless remain incomprehensible to the largely blind masses. In direct contrast to Gombrich, Le Corbusier considers the objects typically on display to be gaudy and often-useless relics once owned by 'pre-modern' higher classes—church, monarchy, and aristocracy.

Le Corbusier deplores what he calls the “automatic admiration and total loss of critical faculties” on the part of museum-goers when confronted by these former possessions of high society. The architect justifies his scorn with simple behavioral economics. For him, such objects are considered “collectible” only out of scarcity and a sort of jealous bourgeois longing for the privileged circumstances of prior ownership that they are “pronounced beautiful.”<sup>61</sup> Yet, it is not the excessive preservation and blind veneration of these objects that incurs the bulk of Le Corbusier’s wrath. Rather, he redirects his invective against the pedagogical purpose that governs the types of objects collected and the manner in which they are then deployed by the museum. Le Corbusier calls for a bold modern spirit, a rejection of the detritus of historical objects and a suppression of the indulgent sanctification by mass culture of the “rare and precious.” For Le Corbusier, just as the artifacts on display in the ‘bad’ museum can function as an affirmation of affluence, properly selected objects in a truly modern museum would serve as models for emulation in everyday life.

According to Le Corbusier, the museum stakes its claim to importance on the value of history and culture to a necessarily *contemporary* society. Therefore, he warns

---

<sup>61</sup> Le Corbusier (2006), 403.

against taking pride in learning anything from time spent admiring the vast majority of things on display since the museum only presents a limited and useless story to its visitor. “[O]nce the full story is known,” he writes, “it becomes clear that everything has its time and place and that nothing from the past is ever directly of use to us.”<sup>62</sup> Further, since museums are a relatively recent invention “they are not a fundamental component of human life like bread, drink, religion, orthography.” Le Corbusier is not critical of the Museum Idea described by Cole, where model objects are carefully arrayed for moral and aesthetic re-education. In fact, he would switch his allegiance from that of the iconoclast against the museum to that of the staunch defender of a “truly dependable and honest” museum if only its collection was different and its educational mission articulated in a manner more closely aligned with his own. In other words, change the objects, replace the labels, and then one would have an “honest” and “good” museum.

Le Corbusier’s critique led him to a polemical proposition that the museum, if it is to be a machine for the production of a moral or useful public must reorient its collection of artifacts from one concerned with “trinkets” towards only those objects which can serve—should he choose to ‘learn’ from them—the ideal modern subject: the ‘naked man’. For Le Corbusier, such a man is “an animal worthy of respect who, feeling a head with a brain on his shoulders, sets himself to achieve something in the world.”

---

<sup>62</sup>Le Corbusier (2006), 403.

Towards this purpose, the naked man arms himself with reason and attempts to free himself from all forms of external tyranny and dominance (such as social excess, selfish wealth and the weighty influence of layer upon layer of tradition). Le Corbusier's Rousseau-like naked man begins at the beginning, seeking only to nourish his body and to end his 'nakedness' with shelter and clothing for the sake of protection alone. Only once he is "fed and housed ... [sic] and clothed, [does he] set his mind to work and focus his thoughts on what he thinks is best and most noble." Le Corbusier, in fact, has no quarrel with the museum as a moral engine in society. Noble purpose is, after all, embedded in the claim to legitimacy for the modern museum. Rather, he has taken issue with its collection, the rich and rare trinkets with which the museum pursues its lofty goals. To correct this error, Le Corbusier calls for a museum appropriate to the modern world. It would document and display only useful—often typical, utilitarian, or exemplary (of modernity)—objects (augmented by carefully chosen text) for the pragmatic and moral education of the ideal, and thus productive, modern man.<sup>63</sup> Useful and exemplary everyday objects are, for Le Corbusier, emblematic of modernity's desire for truth of function, form and purpose. Such items might include a motorcar or other technology of modern transport, a simple chair or desk, or a telephone. Indeed, once Le Corbusier's corrective of honesty, true utility, and proper selection of objects is applied to the museum it becomes, for the naked man, a "means of instruction for the most intelligent..."

---

<sup>63</sup> See Arindam Dutta, *The Bureaucracy of Beauty: Design in the Age of its Global Reproducibility* (New York: Routledge, 2007); Felicity Scott, *Architecture or Techno-utopia: Politics after Modernism* (Cambridge, MA: The MIT Press, 2007).

## The Museum as an Optical Mechanism

Georges Bataille once compared the museum to “a colossal mirror” in which man, naked or otherwise, could finally comprehend himself from all sides, “and finding himself literally an object of wonder,” abandon himself to ecstasy.<sup>64</sup> For Donald Preziosi the museum is “modernity’s paradigmatic artifice,” mediating both the individual and the object to enable our desire for the future.<sup>65</sup> He likens the museum to an “extraordinary optical instrument ... for the manufacture, on individual and collective horizons, of societies, ethnicities, races, classes, genders, and individuals; of history, progress, and moralities; of nature itself, and of the future(s) toward which all of what is contained therein might be moving.”<sup>66</sup> Preziosi combines Macdonald’s skepticism of fixed agency with Altieri’s Hegelian reading of potential.<sup>67</sup> Preziosi has thus attempted to tread an epistemological middle road that brings subjective agency, the displayed object, and the architecture that unites them within Maccannell’s paradigm of the modern disciplinary and taxonomic gaze.

The museum both embodies the paradigm of modern vision and has become an optical instrument for mediation between the seeing subject and the object of his future desire. In this guise, it is a mechanism that refracts the gaze towards desire

---

<sup>64</sup> George Bataille, *Museum* [1930], trans. Annette Michelson, *October* 36 (Spring 1986): 25.

<sup>65</sup> Donald Preziosi, *Brain of the Earth’s Body: Art, Museums, and the Phantasms of Modernity* (Minneapolis: University of Minnesota Press, 2003), 3.

<sup>66</sup> Donald Preziosi, “Brain of the Earth’s Body: Museums and the Framing of Modernity,” reprinted in Carbonell (2006), 80.

<sup>67</sup> Contrary to Quatremère de Quincy, who held that the original context of the art object (*in situ*) was central to its character, Hegel felt that its essence was bound to itself, and that its contextual, or historical importance, was a reflexive (incidental) connection rather than a natural one; see, Didier Maleuve, “Hegel’s Guide to the Museum,” *Museum Memories: History, Technology, Art* (Stanford: Stanford University Press, 1999), 21-30.

while simultaneously produces the desiring subject through the refracted vision. At this point, Lacan's seminal essay on the mirror and its impact on subject formation might provide either a way out of circular metaphorical critique, or at the very least, a way back to architecture. Then again, perhaps Lacan's theory of "mirror-stage" formation has merely become embedded in the psychologizing discourse of criticism where transformations of identity are de facto assumed to occur within a visual regime.

The so-called "mirror-stage" described by Lacan in "The Mirror Stage as Formative of the *I* Function as Revealed in Psychoanalytic Experience" (1949) indicates a moment when babies (usually up to the age of eighteen months) can identify themselves as themselves in a mirror. Lacan posits that it is in such a moment, when the subject acquires for itself an image, that "the *I* is precipitated in primordial form." The crucial observation for Lacan was that this proto-phase of subject formation or self-identification occurs prior to the dialectical objectification of social determination of the subject-as-such. According to Lacan, this dialectic of the "paranoiac knowledge" of otherness and the restorative "cogito" will subsequently dominate the life of the human organism.<sup>68</sup> In short, the body associates the image of a body in an environment as its own body in advance of meaning. The dialectical and inevitable acquisition and creation of meaning (through language, society, etc.) becomes the basis of Lacan's "paranoiac knowledge" that will forever govern fearful subject-formation.

---

<sup>68</sup> Jacques Lacan, *Ecrits*. Trans. Bruce Fink (1966; New York: W. W. Norton, 2006), 76.

It is not the purpose of this project to pursue the veracity of Lacan's model of *a priori* subject formation. However, the *efficacy* of his observation, insofar as criticism is concerned, is that it provides an ontological model for critiquing the *mechanism* (the museum) by which a subject determines its relationship with an image *in advance* of any environmental, linguistic, or cognitive input. In other words, it is the connection between seeing and identity as well as its inextricable and necessarily *a priori* nature that enables a theoretical portability once subject-formation is invoked as an unconscious and *inevitable* consequence of a visual regime.

According to Mark Jarzombek, "opticality"—the epistemological connection between "seeing" and "describing" that connects "the eye to the world"—was from the beginning more than a theory, it amounted to a "societal project."<sup>69</sup> In a sense, the "Museum Idea", as an instrument of pedagogical reformation, implied a less-than innocent attempt at the so-called recovery of natural vision, where the perceived and the perceiver could be united in a "vital experience" through a successful aesthetic encounter. The implications of the Museum Idea as a pedagogy of vision and the authentic experience associated with exposure to preserved artifacts, provides a clue as to how a museum—especially a museum where the perceived objects are *intentionally* posited as authentic and thus naturally historic—might be so successful at internalizing a narrative of national belonging and benevolent citizenship.<sup>70</sup>

---

<sup>69</sup> Mark Jarzombek, *The Psychologizing of Modernity* (New York: Cambridge University Press, 2000), 161.

<sup>70</sup> Recent scholarship on the role of changing media technologies in museums and their impact on the efficacious transmission of meaning has largely been concerned with notions of object integrity (conservation, authenticity, documentary value), techniques of representation, and the educational mandate (often conflicting with the conservation or even necessity of physical object integrity). This criticism tends to focus on problems of display, taking into account the viewer, the site of encounter with

## The Museum as Ideological Space

The modern museum traces its roots to the idea of the nation as a vessel of public belonging. Central to this notion is the belief that properly designated artifacts and monuments are instrumentally vital in bringing about an all-encompassing national identity. Didier Maleuve, *Museum Memories* (1999), points out that museums are essentially ideological spaces, producing history by manufacturing a certain image of the past through control over the representation of objects, thus summoning for the viewer the identity of a “reconciled polis” by conceiving of itself as an objective pedagogical tool.<sup>71</sup> If, as Malneuve claims, the nation is “the legitimate vestal of memory and of the past’s ruins,” and “the museum constitutes a formidable model of civic membership,” then the question of how the presidential library museum becomes a permutation of national pedagogy must hinge on an understanding of how the museum produces the idea of the nation and its citizens. Maleuve’s thesis applied to the presidential library posits that by projecting the “ruins” forward in time, the museum gives an image to a future already conceived as (in the hero’s) memory.<sup>72</sup>

---

the object, and the politics of desire that inflect that moment with a past and an expectation for the future. For a short history of the changing media technologies that museums have used in the past century, see Eilean Hooper-Greenhill, “Museums and Communication,” in Hooper-Greenhill, ed. *Museum, Media, Message* (New York: Routledge, 1999), 1-14. For an example of scholarship concerned with the historical importance of new technologies in the museum space, see Andrea Witcomb, “Interactivity in Museums: The Politics of Narrative Style,” *Re-Imagining the Museum: Beyond the Mausoleum* (New York: Routledge, 2003), 128-64.

<sup>71</sup> Maleuve (1999), 9-11,107-12.

<sup>72</sup> *Ibid.*

## The Museum and Historical Amnesia

Recent scholarship on museums has repeatedly highlighted the continued presence of a deeply embedded “historical amnesia.” William Truettner, a curator at the Smithsonian, writes that such amnesia is the point when connoisseurship undercuts history.<sup>73</sup> Essentially amnesia occurs when the appreciation of an object on display intentionally fails to account for the historical particularity of its creation. This particularity may include an object’s assorted meanings prior to collection and display as well as the necessarily political relationships that govern collections in an exhibiting institution. This tends to be true regardless of a museum’s level of commitment, overt or otherwise, towards some form of public enlightenment.

Despite his diagnosis of amnesia, Tuettner’s ‘treatment’ retreats to a faith in some kind future dialectical resolution. For Tuettner, the aesthetic concerns of universal exemplarity can be reconciled with a full and critical accounting of all facets of historical signification. Of course, a ‘full accounting’ or total awareness and transmission of signification is never possible at any given moment in time. However, despite Tuettner’s faith in such a possibility, he correctly identifies the moment of amnesia as a moment of judgment. This is the moment where the complex and often highly volatile history associated with an artifact, prior to its redeployment as a publicly displayed object, is either not pursued or mitigated by the forces of museum administration, academic and institutional politics, and the often conflicting desires of

---

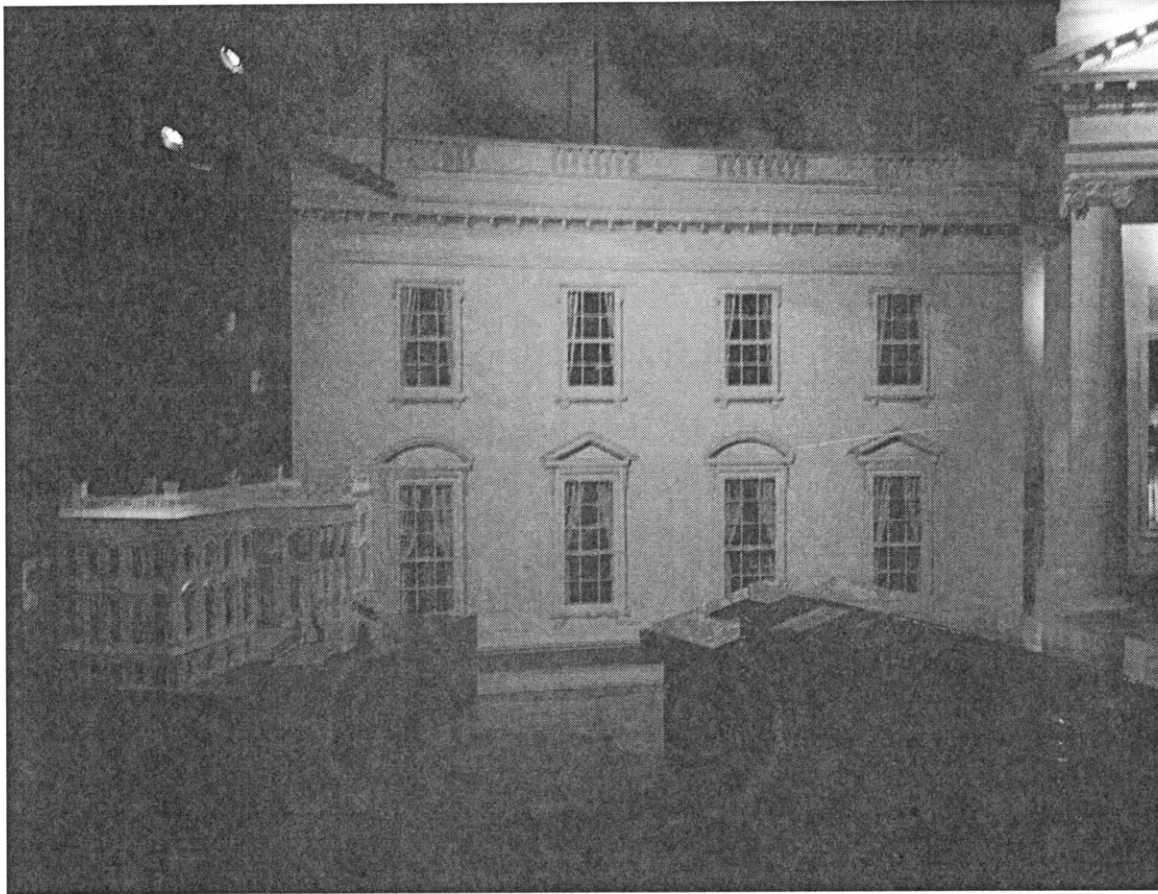
<sup>73</sup> William Truettner, “Museums and Historical Amnesia,” in Daniel Sherman, ed. *Museums & Difference* (Bloomington: Indiana University Press, 2008), 354 – 60, notes, for example, the complete absence of any history of colonial exploitation in the Congo in the V & A catalogue on Art Nouveau.



funding bodies—especially when such agencies are publicly accountable. The moments of decision on what cannot or should not be exposed to general viewing marks the principle point of judgment between acquisition and exhibition. To pinpoint the crisis of judgment at this moment, museum scholarship has begun to push the limits of how museums display artifacts, what that display might truly mean, and, often most conspicuously, what such arrangements have not or possibly cannot ultimately reveal about both an object's history and the institutional practices conditioning its reception.

The point of the above-mentioned summary is that, despite criticism to the contrary, the presidential library museums appear to go a long way towards a resolution between their artifacts and the subject of their representation. The recorded presence of historical particularity *on premises*, beyond the displayed objects, in the form of accessible archives with embedded rules governing accountability potentially allows the viewing public to participate in an end-around moment of judgment. Thus, regardless of the nature of the exhibition or even the absence of critical display, the presidential library's archive as well as its mandate to store all objects for the public makes it possible to question the possibility of using those objects solely to depict history for the purposes of creating a benevolent national future.

## The Presidential Library as a Museum of Architecture

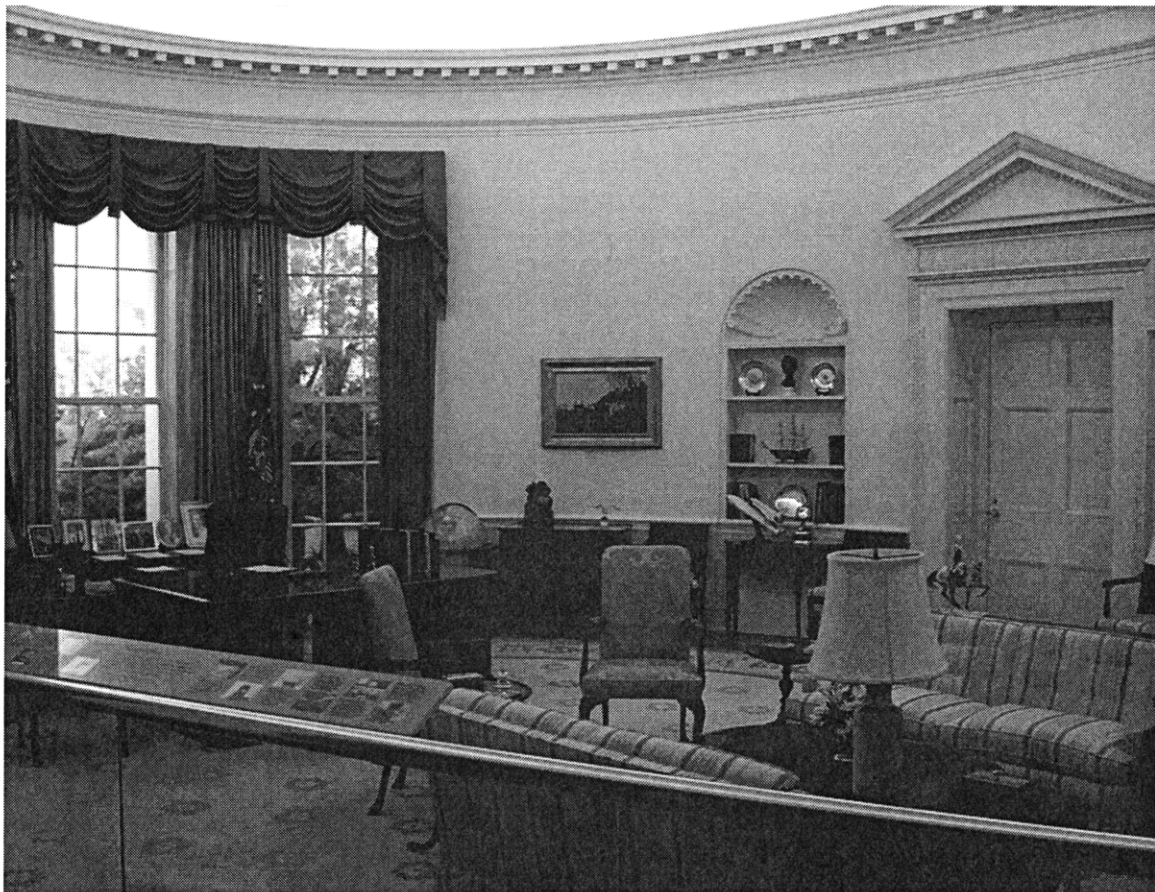


4.14 White House model and scaled display at the George H.W. Bush Presidential Library, Texas A & M University, College Station (Photo by Author © 2006).

In the end, however, there is a conundrum embedded in Gombrich's notion that the museum traces its cultural importance to a tradition of pilgrimage associated with the shrine or temple. Indeed, regardless of whether or not, like Gombrich, one links the vitality of the modern museum to a lengthy, and largely religious, tradition, or one chooses to side with Maccannell's insistence that the museum impulse is a symptom of a modernity's ideological (and mobile) capacity for violent rupture, there remains, despite Le Corbusier, a question of *architecture*.

The presidential library is a type of museum architecture integrally embedded in the museum history outlined above. However, it is also a museum of *architecture*.

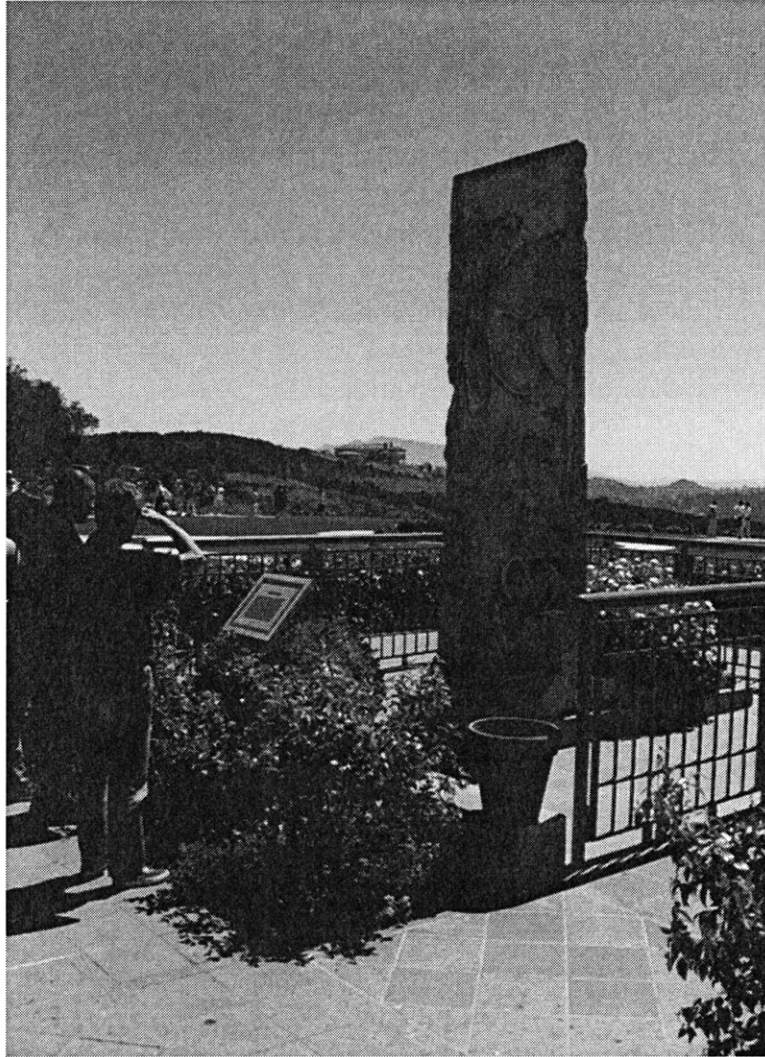
Indeed, there are architectures within the museum that can be inserted into a broad range of historical scholarship beyond the ‘museum’ type. Consider singular architectural images that encapsulate prominent moments in 20<sup>th</sup> century history— Concentration Camps, the Berlin Wall and the Brandenburg Gate, POW Camps, the 39<sup>th</sup> Parallel, the American Embassy in Saigon, the White House (Fig. 4.14) and the Oval Office (Fig. 4.15), even the Watergate Hotel. Preserved, restored, and reconstructed “birthplace” homes are integrated into the narratives of the Roosevelt, Truman and Nixon Libraries (Fig. 8.6).



*4.15 Oval Office reproduction at the Gerald Ford Museum, Grand Rapids, Michigan (Photo by Author © 2006).*

All of these “architectures” can be found in the Presidential Library, as images and as objects. For example, the new (as-yet unopened in early 2009) Watergate

exhibit at the Nixon Library (Fig. 8.14) takes place against a carefully rendered image of the Hotel that arguably changed the face of modern American politics—not to mention the history the libraries and their records (see Chapter 3, 7, and 10). In the case of the Berlin Wall, the architecture has literally been re-erected within the confines of several of the museums. Indeed, a closer examination of the Wall, the most common presidential museum object, unveils a host of historical trajectories and narratives about patronage and triumph that begin and end with architecture as an object “lesson” of “freedom and democracy” and as a symbol of ideological legitimation (Fig. 4.16).



4.16 Berlin Wall (one of several, most of which are reproductions) at the Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2004).

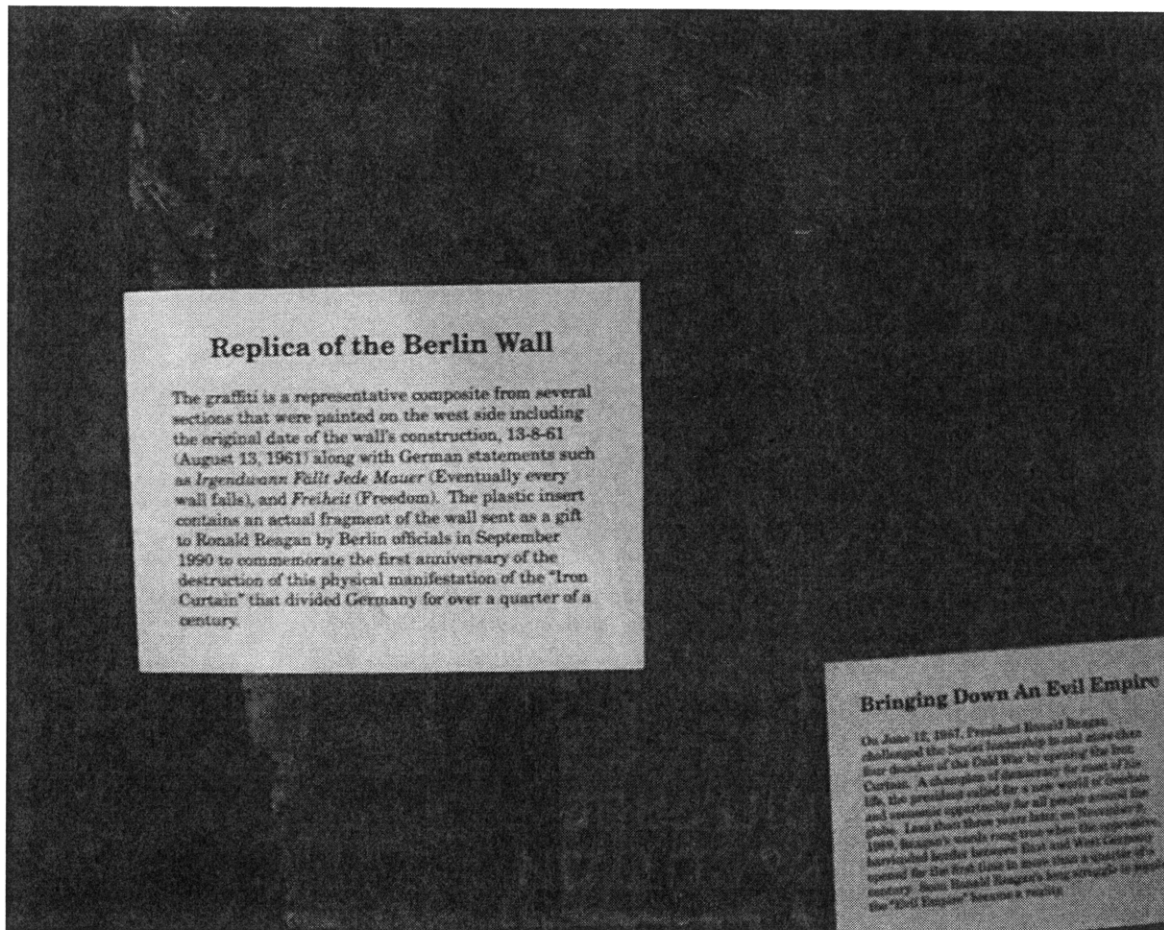
### **The Presidential Museum, the Triumphal Object, and the Berlin Wall**

On July 14, 1789, the people of Paris stormed the Bastille. “As the Bastille was erased from the skyline,” notes Barry Bergdoll “it was turned into a symbol not of oppression but of liberty.”<sup>74</sup> A Pierre-Francois Palloy, was contracted to demolished the structure, yet he kept many of the stones for use in a new monument designed by him (never built) to be erected on site. He also sold many of the stones as souvenirs to

---

<sup>74</sup> Barry Bergdoll, *European Architecture, 1750-1890* (New York: Oxford University Press, 2000), 105-6.

those who wanted to possess symbols of a new era. According to Mélanie van der Hoorn, “Exorcizing Remains, Architectural Fragments as Intermediaries between History and Individual Experience,” the social life of architecture does not end with its destruction.<sup>75</sup> She describes how events such as the demolition of the Berlin Wall reveal how circulation of architectural remains is often charged with meaning, enabling a sense of ownership over a complex narrative associated with fragments and ruins (Fig. 4.17).



---

<sup>75</sup> Mélanie van der Hoorn, “Exorcizing Remains, Architectural Fragments as Intermediaries between History and Individual Experience,” *Journal of Material Culture* vol. 8, no. 2 (2003): 189-213.

*4.17 Berlin Wall "replica" fragment that displays a composite of "representative" graffiti. The selections reinforce the Cold War narrative of "Bringing Down an Evil Empire" that dominates the Reagan museum. One wonders whether or not vulgar or non-ideological graffiti was considered not representative enough. Ronald Reagan Presidential Library, Simi Valley, California (Photo by Author © 2007).*

Two hundred years after Palloy sold off the Bastille in pieces, the Berlin Wall came down and the Cold War was over. Watching on television, New Jersey businessman, Joseph Sciamarelli was so moved that he phoned friends in Berlin. Sciamarelli asked them to send him small pieces of the Wall for memorabilia. The popularity of the souvenirs inspired Sciamarelli to found the Berlin Wall Commemorative Group for the purpose of bringing larger pieces to the United States. Within a month, the Commemorative Group contacted LIMEX-BAU, formerly the building materials agency of the German Democratic Republic government. LIMEX-BAU was in charge of dismantling the Wall. Negotiations between the Commemorative Group and LIMEX-BAU led a plan to raise short-term funds for the G.D.R. health system in order to bring public attention to the conditions prevalent in East Germany prior to official reunification. As a result, the Commemorative Group was awarded exclusive rights to distribute full sections of the Wall in the United States.





*4.18 Berlin Wall segment at the John F. Kennedy Presidential Library, South Boston, Massachusetts (Photo by Author © 2004).*

In January 1990, the first two-ton slabs of the Wall ever to leave East Germany were unveiled at the Air/Sea/Space Museum aboard the decommissioned aircraft carrier INTREPID in New York harbor. The Commemorative Group went on to supply museums, galleries, universities, and private collectors with the limited supply of large sections of the Berlin Wall. Sciamarelli is a prominent Republican donor and the Commemorative Group has facilitated the supply of wall segments to the Herbert Hoover, Richard Nixon, Gerald Ford, Ronald Reagan, and George H.W. Bush



Presidential Libraries. LIMEX-BAU, in conjunction with a variety of other entities—public and private—has supplied hundreds of Berlin Wall segments, of all sizes, to institutions, colleges, museums and other (Democrat) presidential libraries.



4.19 Children's drawings at the exit from the gallery spaces, John F. Kennedy Presidential Library (Photo by Author © 2004).

If there is one thing—aside from the records—that links most of the presidential libraries it is, oddly enough, the Berlin Wall. Many of the libraries have a large section of the wall on display, either inside the museum or on the grounds. Often, the wall forms a rather integral part of the exhibition narrative. At the John F. Kennedy Library, the Wall section is located at the very end of the museum experience, in an alcove (Fig. 4.18). The segment is part of the final sequence in the exhibition, which

includes drawings by school children (Fig. 4.19), before one enters the large atrium dominated by an enormous hanging American Flag (Fig. 1.1).



*4.20 Berlin Wall segment at the Richard Nixon Library, Yorba Linda, California (Photo by Author © 2005).*

The Nixon Library displays its Berlin Wall segment as a dramatic anchor in its “Structure of Peace” gallery devoted to foreign diplomacy, China, and the Cold War (Fig. 4.20). By contrast, the Wall segment at the Kennedy Library is exhibited as both an art object and an historical artifact. The framing space allows the viewer to only see the painted front surface. The protective glass neatly bolted over its surface, the careful lighting of the colors, and form of the paint applied to concrete reinforce the idea that

the piece has an intrinsic aesthetic value. Although it is a self-supporting three-dimensional object, the frontal disposition and the emphasis on the abstract quality of the painted surface (versus the unadorned backside) blurs the distinction between sculpture and painting while leaving little doubt that it is art object. Indeed, a woman accosted me for taking a digital image of the Wall. Her language, emphasizing the frailty of art on display, would not have been out of place in the Sistine Chapel where loudspeakers unceasingly broadcast injunctions against flash photography in several language. Evidently, the flash on my tiny camera was a threat to the artifact's preservation and integrity.



4.21 Berlin Wall fragments in Veryl Goodnight, "The Day the Wall Came Down," 1998, at the George H.W. Bush Presidential Library (Photo by Author © 2006).

Her indignation reinforced the precious treatment of the object behind its plexi-glass barrier. Yet, the museum setting, the woman's rhetoric and the curatorial security measures deployed around the wall segment confounded the historical particularity of this particular object. For decades, this large chunk of concrete and steel was exposed to sunlight and harsh Berlin winters. Further, it was part of a larger structure that was subjected to repeated violence—from bullets to the jubilant sledgehammers and cranes that tore it down. It is this exact historicity of the object that makes it a desirable element to include in the exhibition narrative. Indeed, one might argue that the painted surface so belligerently defended was itself a form of violation when the artist first approached the offending blank wall from the western side and splashed or sprayed the first elements of graffiti. One could even argue that the Kennedy Library is interested in displaying this particular painted surface because the message and form of the graffiti is in line with its meta-narrative of 'freedom, peace, and democracy.' One might wonder what, if any, measures it would take to protect and display (or even purchase) the more contentious, and often outright violent and offensive, graffiti that adorned many other sections of the very same wall when it was still in Berlin. Indeed, there are several fragments at the Bush Library at Texas A & M University that are outside under the elements as part of a courtyard installation (4.21).

The wall segment signals Kennedy's involvement in the Cold War, and by extension—given the presence of the Wall in his museum—his instrumental role in bringing about the fall of the wall. In short, viewing of the wall fragment and then

releasing into the brightly lit atrium reminds the visitor that Kennedy was part of the so-called triumph of American democracy over Soviet communism.

The history of Kennedy's life and presidency is thus neatly wrapped and the redeployment of the wall segment within a larger object-supported narrative positively reinforces the use of history as a prop for the expression of national pride. Further, the removal of the Wall segment from its historical contingency through the transformation of it from an architectural fragment into a museum artifact and the sublimation of its particularity into a prop for inevitable American triumphalism ultimately serves to remove the contingency of time as a critical element in the viewing of history.

## **Conclusion**

Nancy Reagan's assurance about the presidential museum and the lessons of freedom and democracy is not just rhetorical license. The history of the museum reveals that whenever objects and images are disciplined within an organizing taxonomy and yoked to an ideology of public instruction, there is an unavoidable pedagogy. Indeed, it is seemingly impossible to speak of the museum *as* a museum without assuming that transforming people into public through the controlled mediation of objects and images is a good thing in and of itself. Thus, the benevolence that is uncritically attributed to the presidential museum is only heightened, not created, by the complex iconographic narratives woven by artifacts and issues of national identity within the presidential libraries *already* functioning within the museum type.

## Chapter 5

### A Promise of Light:

### Tyranny, Education, and the Many Burdens of the Archive

#### The Presidential Library is an Archive: Introduction



5.1 Standard archive boxes in the research room of the Gerald R. Ford Library, Ann Arbor, Michigan (Photo by Author © 2006).

There is little dispute over whether or not a presidential library is an archive. The libraries are bound to the public through laws specifically enacted as a result of the kinds of records it preserves and makes available (see Chapter 3). The legal history governing presidential records describes a trajectory from public stewardship to

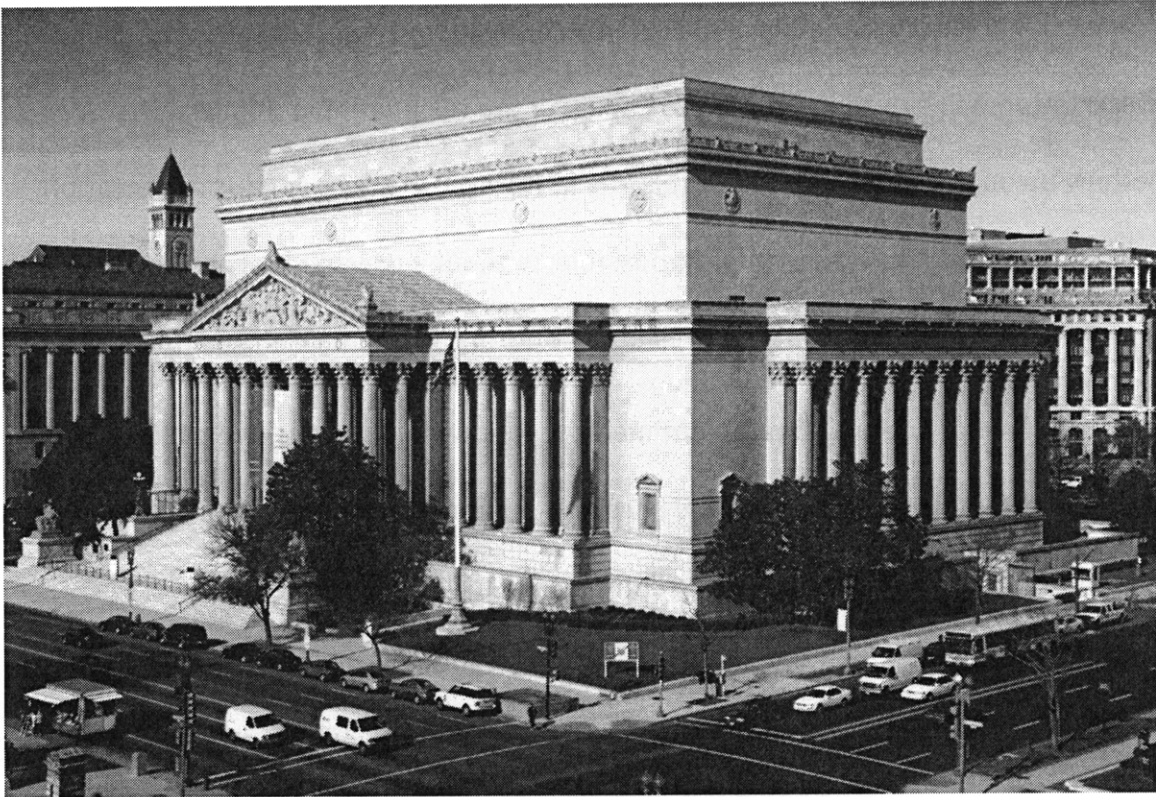


ownership and accountability that remains contestable and in tension. Part III of this dissertation will closely examine the impact of the resignation of Richard Nixon on this history through a small handful of records in the archive. Indeed, this dissertation would be entirely different, if not impossible, without a presidential archive (Fig. 5.1). It is through the archive that the presidential library stakes its claim to the public.

Yet, what does that statement mean, and how does the archive make such a claim possible? If this history of the presidential libraries cannot be 'properly' written without the archive, how does the archive set limits on the writing of history? There is already a growing and important body of work on presidential records. This is particularly true in constitutional law and political history. Publication has a tendency to proliferate during periods of executive controversy (Watergate, Iran-Contra, Whitewater, 9/11), focusing primarily on disputes over due process, privacy, public access, national security and executive privilege.<sup>1</sup> Presidential records legal scholarship reveals a fundamentally vital yet underexplored history to the archive in American public culture. However, much like research on the presidential museum, research on the presidential library's archive function has largely neglected the recent explosion in historical and theoretical archive scholarship. What is more, there is a particular history of the archive in America that directly impacts how it is conceptualized as a metaphor for truth with important consequences for presidential libraries.

---

<sup>1</sup> See Bruce P. Montgomery, "Presidential Materials: Politics and the Presidential Records Act," *American Archivist* 66 (Spring/Summer 2003): 102-138; Jonathan Turley, "Presidential Papers and Popular Government: The Convergence of Constitutional and Property Theory in Claims of Ownership and Control of Presidential Records," *Cornell Law Review* 88, no. 651 (2003): 652-734.



5.2 *The National Archives, Washington, D.C. (Courtesy of the National Archives, [www.archives.gov](http://www.archives.gov)).*

In the United States, it took over one hundred years for a national archive to evolve from idea to building. Throughout the nineteenth century, issues of citizenship and vigilance, duty and honor were embedded in debates over the need for a public archive. The National Archives, as an institution and an edifice, was only opened in 1934, at the beginning of Franklin D. Roosevelt's first term as President. It marked a shift from decentralized collections—by states, separate government departments, and historical societies—to a unified idea of the archive as a patrimonial monument of the nation and its public (Fig. 5.2). Indeed, within this context, F.D.R. began planning the first presidential library only a few years later (see Chapter 2). Over the past decade or more, 'the archive' has been expanded and redefined as a trope for time, history, memory, and often, modernity itself. This chapter synthesizes the early history of the



archive in order to link the ideological origin of publics during the early decades of the United States to contemporary theoretical explorations of what it means to house and control records.<sup>2</sup> It traces how the idea of the archive has carried the burden of checking tyranny and measuring democracy while simultaneously symbolizing history as truth and embodying a nation's virtue.

### The Archive, the Founding Fathers, and Tyranny



5.3 Rare 1823 Engraved Facsimile of *The Declaration of Independence*, presented to the Richard Nixon Library by Mr. and Mrs. Wilbur L. Wright and Family.

---

<sup>2</sup> For a detailed history tracing the “birth” of the archive in the United States, see H.G. Jones, *The Records of a Nation* (New York: Atheneum, 1969) and Victor Gondos, Jr., *J. Franklin Jameson and the Birth of the National Archives, 1906-1926* (Philadelphia: University of Pennsylvania, 1981).

The archive lies at the foundation of American identity.<sup>3</sup> The evolving idea of America as both a nation and a culture is rooted in a fidelity to the Founding Fathers. This loyalty is manifested in a faith placed upon their recorded words, and a respect for sacred texts such as the United States Constitution and the Declaration of Independence. The National Archives calls these documents, among several others, the Charters of Freedom. Indeed, both the Nixon Library and the Reagan Library prominently display a rare 1823 engraving of the Declaration of Independence at the beginning of their respective galleries (Figs. 5.3 and 1.6).

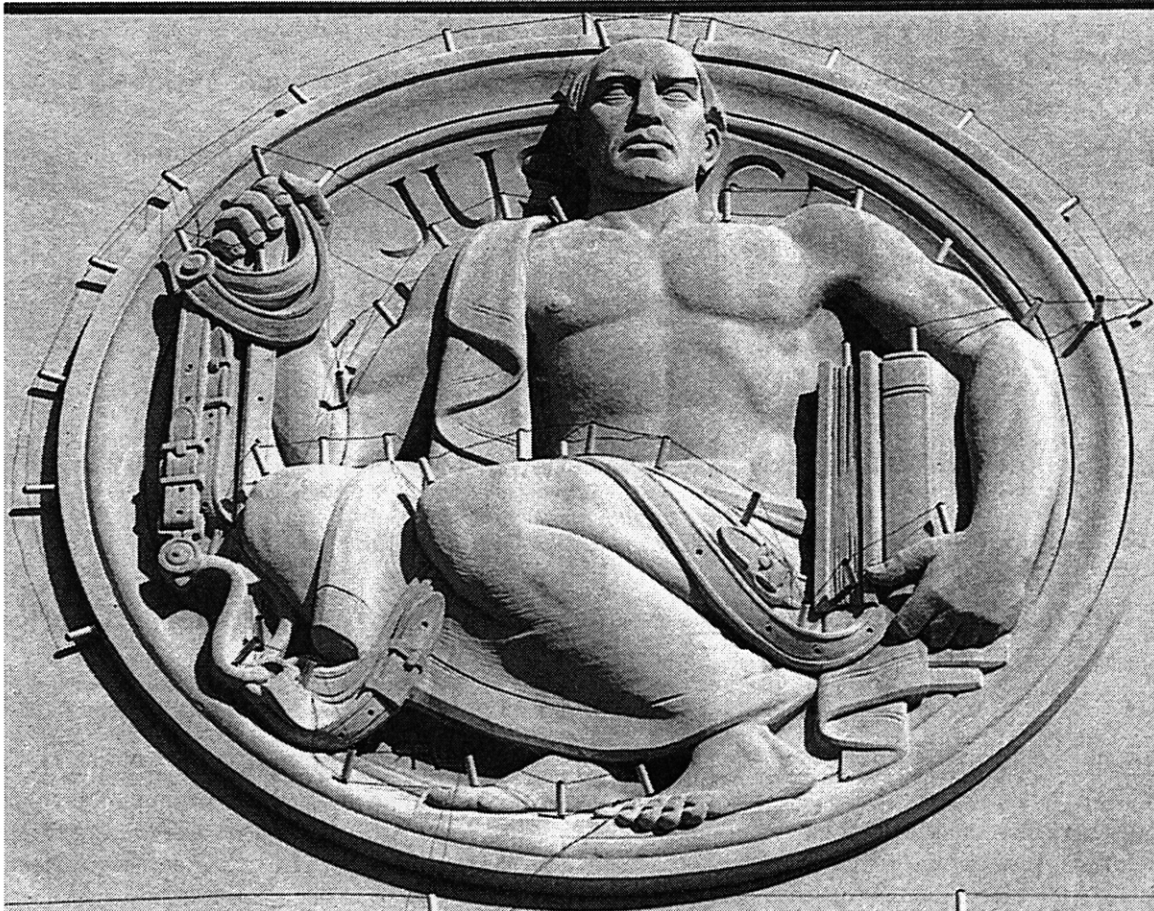
Despite this reverence for the objects, the contents of the documents are not fixed nor are they inviolate. They were always yoked to an idea of the public as guarantor and author. In 1821, Chief Justice John Marshall, writing about one of Charters of Freedom—*Marbury v. Madison* (1803), insisted, “the people made the Constitution, and the people can unmake it. It is the creature of their will, and lives only by their will.”<sup>4</sup> Almost two centuries later, the National Archives and Records Administration’s mission statement declares that it is the people’s ability to inspect the records of history and government, thus bearing witness for the purposes of presenting evidence, that ensures—or more insistently, perhaps, polices—the

---

<sup>3</sup> Pierre Nora insists that this is one of the essential differences between an understanding of “the state” that is France (French) from that which is the United States (American). For Nora, the idea of France as France is rooted in the very history of the notion of the state—in the very word itself, *État*: “it is by means of the state—that is, by its history and politics—that France became aware of itself.” The American rootedness in its awareness of its own sacred texts and its understanding of its boundaries as frontiers for and of the future, are, for Nora, the two chief differences in the formation of American versus French memory. Pierre Nora, *Rethinking France* (from *Les Lieux de mémoire*), trans. Mary Trouille, ed. David P. Jordan (1984-1992; Chicago: University of Chicago Press, 2001), xxxv-xl.

<sup>4</sup> The letter is posted on the National Archives website: [www.archive.gov/national-experience/charters](http://www.archive.gov/national-experience/charters).

representative nature of democracy (Fig. 5.3). NARA's vision is "that all Americans will understand the vital role records play in democracy."<sup>5</sup>



5.4 Medallion from the upper façade of the National Archives building. Designed by Robert Ingersoll Aitken, the figure holds statute books and the "reins of guidance", and symbolizes the Department Justice (Photo by Jonathan Wollen, in Herman J. Viola, *The National Archives of the United States*, New York: Harry N. Abrams, Inc., Publishers, 1984, p. 46).

The relationship between the public, the value of documents and bearing witness can be traced back to the earliest years of the Republic. Public records are mentioned in the earliest documents of the United States. Among its many charges against King George, the Declaration of Independence accuses the King of calling "legislative bodies at places unusual, uncomfortable, and distant from the depository of

---

<sup>5</sup> [www.archives.gov/about/info/mision.html](http://www.archives.gov/about/info/mision.html).

their public records, for the sole purpose of fatiguing them into compliance with his measures.”<sup>6</sup>

In 1834, the generation that fought the Revolution was all but gone and Congress began to purchase the documents of Revolutionary leaders.<sup>7</sup> It was believed that the letters of the Founding Fathers would provide a model of experience for a nation in need of heroes. By 1849 the government had purchased manuscript collections (in varying states of completeness and order) of George Washington, Thomas Jefferson, James Madison, and James Monroe.<sup>8</sup> In addition to acquiring original documents, Congress passed legislation in 1848 and 1850 to help pay for the publication of the writings of Jefferson, Adams, and Madison.<sup>9</sup> Although the government’s impetus for preservation and dissemination was to provide pedagogical

---

<sup>6</sup> Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Alfred A. Knopf, 1997), 105-10, points out that this new charge, along with three others, was added to eight familiar charges against the King that have their origins in an earlier document, the English Declaration of Rights. She claims that this particular charge was most likely the suggestion of John Adams and references the movement of the Massachusetts House of Representative from Boston to Cambridge in 1768 by the Royal Governor in the face of “violent opposition to the Government.” Yet, as Maier notes, the legislature had moved temporarily in times past, and it was not really all that far from Boston to Cambridge, therefore the charges of “uncomfortable” and “unusual” seemed a stretch at best. Indeed, this was immediately pointed out by Loyalist critics of the Declaration. Maier quotes Thomas Hutchinson, a former Governor of Massachusetts, who felt that justifying rebellion on the grounds of such an “unimportant dispute” was ridiculous. However, the critiques do not entirely account for why it was so egregious for the drafters of the Declaration to be removed from a proximity to public records. One might speculate that perhaps Adams or one of his compatriots merely forgot or was unable to bring an important piece of documentary evidence from Boston while being forced to meet in Cambridge.

<sup>7</sup> Richard W. Leopold, “The Historical Profession and Presidential Libraries,” A Paper Prepared for the National Study Commission on Records and Documents of Federal Officials, January 1977, folder “Leopold, Richard,” Box 4, National Study Commission on Records and Documents of Public Officials, Gerald R. Ford Library.

<sup>8</sup> Leopold, *op cit.* (1977), 1-2.

<sup>9</sup> During the the 19<sup>th</sup> C., Congress made an effort to preserve what it felt were vital documents from U.S. history by publishing them. Gerald George, “The State of the American Record: A Report on How Well Americans are Documenting Their History,” National Historical Publications and Records Commission (1992): 5-9. See also Gondos (1981); Jones (1969). as well as Oleson and Brown, *The Pursuit of Knowledge in the Early American Republic*

models for emulation, the documents themselves bore witness to the importance of knowledge in the face of tyranny. Further, within the archive was the idea that it was a vital weapon to be deployed by and for the public.

The idea that public education, especially with respect to history, could serve as a bulwark against oppressive tendencies in government is deeply embedded in not only the birth of the United States as a nation, but in the teleology of some of its most revered heroic figures. According to James Madison,

[P]opular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.<sup>10</sup>

Thomas Jefferson, in his “Bill for the More General Diffusion of Knowledge” (1778), took it for granted that:

...experience hath shewn [sic], that even under the best forms, those entrusted with power have, in time, and by slow operations, perverted it into tyranny; and it is believed that the most effectual means of preventing this would be, to illuminate, as far as practicable, the minds of the people at large, and more especially to give them knowledge of those facts, which history exhibiteth...<sup>11</sup>

---

<sup>10</sup> *The Writings of James Madison* (1910), as quoted in Turley (2003): 651.

<sup>11</sup> Thomas Jefferson, “A Bill for the More General Diffusion of Knowledge (1778),” *Writings of Thomas Jefferson* (New York: Library of America, 1984 ed.), 365.

The paradox of guarding individual rights while relying simultaneously upon majority rule as a bulwark against tyrannical government, is in some part resolved by Jefferson in his conception of the public. For Jefferson, the people was not a passive entity or mass that possessed a single mind acting with singular will; this, for Jefferson and his generation, was the province of the individual. Rather the public is an active state, “created by unanimous contractual consent of naturally independent individuals, whose rights as individuals remain only basic rights and whose consensual combination into people governed by majority rule never transcends the moral primacy of their distinctive individuality.”<sup>12</sup>

Among the many polarities with which Jefferson is contrasted with Alexander Hamilton, is his oft-cited distrust of institutions. Yet, Jefferson was well aware that institutional mechanisms were vital to a well-functioning society, so long as they were controllable. This is why the idea of the contract was so crucial. Indeed, ‘contractual consent’, or the voluntary subjection of individuals and groups to an enforceable agreement, was the key to Jefferson’s idea of public rule. For Jefferson it was government-as-contract that must play a role in educating the governed against government-as-tyranny.<sup>13</sup> To put it another way, in the trinity of “life, liberty, and the pursuit of happiness” from the Declaration of Independence, the educated public was a guarantor against violations of liberty.

---

<sup>12</sup> Lorraine Smith Pangle and Thomas L. Pangle, *The Learning of Liberty: The Educational Ideas of the American Founders* (Lawrence: University Press of Kansas, 1993), 108.

<sup>13</sup> Pangle and Pangle (1993), 109. They also note that Jefferson was committed to using public education in order to encourage and train a “natural aristocracy,” or “a pure selection” of those who might possess “wisdom and virtue enough to manage the concerns of society,” Letter from Jefferson to John Adams, as quoted in Pangle and Pangle (1993), 109.

However, where Jefferson had a remarkable faith in the power of the majority to check the misuse of state power by contractual consent, Hamilton remained skeptical of “the multitude.” Hamilton felt that if “more intelligent” individuals were often party to “contempt” and anarchy, then the mob—no matter how educated—could hardly be so generously trusted.<sup>14</sup> Hamilton, like Jefferson, was an ardent champion of individual and minority rights (very narrowly defined at the time), albeit towards differing ends. His solution to the problem of public vigilance was to keep government both minimal and removed from the immediate control of the people. Hamilton’s public was divided. On the one hand it was defined as public mindedness, a benevolent tendency ‘naturally’ possessed by elite figures. On the other hand, it was the people at large, who needed to remain unfettered (by rules and by responsibility) so that they could pursue productive ends other than governance.

Washington is credited with moderating the views on civic education and public vigilance posed by Jefferson and Hamilton. During his First Inaugural Message to Congress, Washington claimed: “Knowledge is, in every country, the surest basis of happiness.”<sup>15</sup> His concept of public education may have been moderate, but it was also watered down. For Washington, the diffusion of knowledge was a function of the “pursuit of happiness,” not, as with Jefferson, a necessary and vital guarantor of liberty. However, despite the different sentiments with which Washington, Jefferson, Hamilton, Madison, and other founders laid out their ideas for knowledge and education and

---

<sup>14</sup> Pangle and Pangle (1993), 112-13.

<sup>15</sup> George Washington, “First Annual Message,” January 8, 1790, *Writings* 30:493, as quoted in Pangle and Pangle (1993), 113.

despite the variety of opinions on who that public might be, the central tenant of their belief in remained the same. The public must remain vigilant against encroaches on rights by its government.<sup>16</sup>

In the years between the Declaration of Independence and the War of 1812, numerous essays were published which attempted to define what Frederick Rudolph *Essays on Education in the Early Republic* (1965), describes as “the American dream in education.”<sup>17</sup> According to Rudolph many of these essays called for a system or a philosophy of education that was suited to the ideas of the ‘new’ republic and the realization of what could only be an optimistic future. Samuel Harrison Smith, a Jeffersonian editor of a Philadelphia newspaper and member of the American Philosophical Society, won an award in 1797 for his essay on how to institute a plan for public schools that “was adapted to the Genius of the Government of the United States.”<sup>18</sup> However, like Jefferson, the notion of education was intimately tied to the idea of a vigilant public and to inculcating a singular patriotic vision of American citizenship:

Supposing a general illumination of mind to prevail, the means of detecting and the consequences of exposing dishonesty would be so easy and serious that every rational being would see his interest inseparably connected with justice and honesty. Patriotism, a virtue which has fertilized the barren rock and given the greatest expansion to the mind and the heart, would

---

<sup>16</sup> Pangle and Pangle, however, note that Jefferson—unlike Hamilton and Washington—included no reference to instilling a sense of obedience to the law.

<sup>17</sup> Frederick Rudolph, ed., *Essays on Education in the Early Republic* (Cambridge, MA: Belknap Press of Harvard University Press, 1965), xxvi.

<sup>18</sup> Eve Kornfield, *Creating an American Culture, 1775-1800* (Boston: St. Martin’s Press, 2001 ), 31.



become a steady and a rational principle. Founded on an unprejudiced attachment to country, we should cease to glory in error, solely because it proceeded from our ancestors. ... we should not be attached so much to the soil as to the institutions and manners of our country.<sup>19</sup>

Within a few decades, the idea that appropriate knowledge was vital to a virtuous public began to dominate the idea of a knowledgeable public as a guarantor of liberty and a vigilant witness against tyranny. In 1818, Jefferson prepared a report to be used in the formation of the University of Virginia in which he stipulated that education was vital to the creation and maintenance of a 'properly' republican citizenry.<sup>20</sup>

### **The Archive and Fire: A Parable of the Virtuous Citizen**

Despite the purchase of select Revolutionary era documents by Congress in the early to mid-nineteenth century, there was no consensus on whether or not record-keeping itself was an obligation of national importance. Alexis de Tocqueville, on his lengthy visit to the United States expresses shock when public officials gave him original documents. "I am convinced," he writes, "that in fifty years it will be more difficult to collect authentic documents concerning social conditions in America at the present day than it is to find the remains of the administration of France during the Middle Ages."<sup>21</sup> Tocqueville, in his desire to paint America as a forward-looking land of utility, law and justice perhaps felt that Americans did not have the same thirst for

---

<sup>19</sup> Samuel Harrison Smith, "Remarks on Education (1798)," in Rudolph (1965), 180.

<sup>20</sup> "Report of the Commissioners for the University of Virginia," August 4, 1818, *Thomas Jefferson: Writings ...* (New York: The Library of America, 1984), 457-73.

<sup>21</sup> Alexis de Tocqueville, *Democracy in America*. Trans. and eds. Harvey Mansfield and Delba Winthrop (1839; Chicago: University of Chicago Press, 2000).

history. However, in 1837, Richard Bartlett wrote *Remarks and Documents Relating to the Preservation and Keeping of the Public Archives*, a scathing clarion call to address what he felt was vital national and public flaw. Bartlett stated that:

To provide for the safe and perfect keeping of the Public Archives is so obviously one of the first and most imperative duties of a legislator, that no argument could make it plainer to a reflecting mind. They are treasures of so sacred a character, that the public enemy who wantonly devotes them to the flames is, by all civilized people, branded as a barbarian; and so priceless a value, that no money could purchase them of the poorest state in the Union, or replace them when once destroyed.<sup>22</sup>

The canon of Western History provides ample foundation for Bartlett's rhetoric of flames and barbarism on the one hand and civilization and public duty on the other (see chapter 6).<sup>23</sup> While the notion of "sacred character" is evocative of the value placed upon the preservation of documents, what is most surprising is that for Bartlett, the "Public Archive" was understood to be part of a discourse on obligation

Bartlett's outrage was based on more than a general myth of barbaric destruction. His fears had precedence. Less than a year after Thomas Jefferson

---

<sup>22</sup> Richard Bartlett, *Remarks and Documents Relating to the Preservation and Keeping of the Public Archives* (Concord, 1837), 3, as quoted in Ernst Posner, *American State Archives* (Chicago: University of Chicago Press, 1964), vii. Posner subscribed to Bartlett's sentiment so much that he used this quote to open his book on the state archives in America.

<sup>23</sup> The burning of the Library at Alexandria is perhaps the most common historical event encapsulating the parable quality associated with fire and the loss of knowledge. See Matthew Battles, *Library: An Unquiet History* (New York, NY: W.W. Norton & Co., 2003); also, Israel Smith Clare and Moses Coit Taylor, *The Library of Universal History Containing a Record of the Human Race...* (1897), 1071, provides a well-known description of the destruction of Rome by competing tyrants that gives weight to Bartlett's warning in tone and matches his language: "...and the Capitol was set on fire during the struggle, and completely destroyed, with all its valuable furniture, ornaments, works of art, and ancient public records."

relocated the federal government from New York to Washington, D.C., the newly built War Department building was devastated by fire. According to the *Independent Gazetteer*, the losses were “in some respects, irreparable.”<sup>24</sup> Many documents from the improbably victorious Revolutionary War were stored in the building. And, given the vital concern for national legitimacy, such losses to history, even then, were considered tremendous.

Two months later, on January 20, 1801, the Treasury Department building caught fire, endangering many of its records. By 1810, the threat of fire prompted Congress to appoint Congressman Josiah Quincy to head a committee to “inquire into the state of the ancient public records and archives of the United States.”<sup>25</sup> The report concluded that the records were in “a state of great disorder and exposure; and in a situation neither safe nor convenient nor honourable to the nation.” Although efforts, largely unsuccessful until the twentieth century, would be made to correct the safety and convenience of the records, it is the appeal to honor that transforms the archive into a public concern. Further, the description of the records as “ancient” is an attempt to tie the cause of the archive to the legitimization of the nation.

The House met on April 12 to discuss the results of this report and to vote on a bill to provide better accommodations and fireproof rooms for the General Post Office and Patent Office. Opposition was mostly concerned with the size of the appropriation

---

<sup>24</sup> “Domestic Intelligence, Maryland, Georgetown, Nov. 11, A Destructive Fire,” *The Independent Gazetteer*, November 25, 1800, Volume I, p. 2.

<sup>25</sup> U.S. Congress, “House Report of the Committee Appointed to Inquire into the State of the Ancient Public Records and Archives of the United States,” 11<sup>th</sup> Cong., 2d Sess., H. Rept. 125, April 2, 1810, as quoted in Gondos (1981), 3-5.

(\$20,000) and the fact that such expenditures inevitably ran into overruns and the necessity of further appropriations. Congressman Quincy placated the opposition, stating that he was also reluctant to “increase the expenditure of public monies.”<sup>26</sup> However, he felt that “the public records of the country ... were in such a situation as was disgraceful to the House and to the nation.” He appealed to the already palpable sense of historical pride with respect to the Revolution by emphasizing that revolutionary war records were currently being stored “under the eaves ... in a condition extremely unsafe and exposed to destruction by fire.” The closely contested bill passed: 62-52.<sup>27</sup> It is important to note that the value of records was hotly contested at the time. Indeed this period saw the emergence of a new attitude, now commonly accepted, that records (and objects) were valuable in excess of their utility. The transformation occurred by calling into question duty and national identity.

In large measure, marshalling solidarity in the name of patriotism became much easier in the so-called ‘Era of Good-Feelings’ that followed the War of 1812. This war influenced the relationship of the archive to the American public in another way as well. Two years after the United States declared war on Great Britain, the British landed in Washington, D.C. where they burned the White House, the Navy yard and several other public buildings (Fig. 5.5). However, Victor Gondos, Jr., *J. Franklin Jameson and the Birth of the National Archives, 1906-1926*, (1981), notes that very few documents were lost. This is because important records were removed for safekeeping

---

<sup>26</sup> As reported in the “Legislative” section of *The Carolina Gazette*, April 4, 1810, Issue 642, p: 1.

<sup>27</sup> *Ibid.*

a few days before the imminent attack.<sup>28</sup> Without the unknown individuals responsible for this foresight, a vast portion of the archival record from the early Republic might no longer exist.



5.5 View from the Potomac River, of Washington, D.C. under attack by British forces under Major General Ross, August 24, 1814, or “The Taking of the City of Washington in America” by G. Thompson, Oct. 14, 1814, wood engraving [London ?] (Courtesy of Library of Congress, Digital ID: cph 3g04555).

In early April 1833, the Treasury building burned yet again. Within a few days the news had made its way up and down the coast. In Portsmouth, the New-Hampshire Gazette declared: “We regret to announce the total destruction, by fire, of the Treasury

<sup>28</sup> Gondos (1981), 4.

building; but we are happy to add, that, as far as can be ascertained, all the public accounts and vouchers relating to the receipt and disbursement of the public moneys has been saved.”<sup>29</sup> The Gazette emphasized, “the public records and documents, being the chief objects of solicitude, the principal and earliest efforts were made for their preservation.”<sup>30</sup>

An anonymous letter to the editor of the *Richmond Enquirer* linked the pragmatic concern, of maintaining the documents for the use of finance, commerce, and the efficiency of government, to an act of heroic patriotism. “We have all been dreadfully mortified,” the letter writer wrote, “in losing our Treasury building, altho’ [sic] the nation will sustain no injury of consequence, as far as we can ascertain; all the important books and papers having been preserved.”<sup>31</sup> The letter emphasized that the building derived its significance solely from its contents. Only the loss of irreplaceable records could truly cause bodily harm to the letter writer’s anthropomorphic nation.

Besides the vulnerable figure of the nation, the remainder of the letter paints a picture of a model citizen: “the fearless and indefatigable efforts [of a Mr. McLane] during the fire, to save the public papers at the hazard of his life....” Such efforts, the writer insists, “must insure him the good feeling and gratitude of the whole country.”

---

<sup>29</sup> April 9, 1833, *New-Hampshire Gazette*, vol. LXXVIII, is. 22, p. 3.

<sup>30</sup> On one hand, the concern for these documents might have been merely pragmatic since treasury records are vital for commerce. On the other hand, the importance of accountability in the transaction of commerce, and the necessary records which must be preserved in case such a transaction is questioned, brings the issue of economy to the hitherto idealistic assumptions undergirding Jefferson’s conception of the public as a requisite for consensual contract.

<sup>31</sup> “The Treasury Office, To the Editors—from Washington, 2d April,” *Richmond Enquirer*, April 5, 1833, Volume XXIX, Issue 108, page 3. [Emphasis in the original.]

By risking his life to preserve the public papers, Mr. McLane is presented as an allegory of how to behave in the face of a “national misfortune.” “A purer man, or a more devoted patriot,” the writer unequivocally concludes, “I have never known in public life.”<sup>32</sup>

The Treasury fire was followed by a devastating conflagration at the Post Office and Patent Office in 1836. An eyewitness letter sent to the *New York Courier* and reprinted in the *Salem Gazette* highlighted a lack of appropriate and timely action on the part of a negligent populace that contrasted with the parable quality of Mr. McLane’s efforts three years earlier. By accounts, nobody made an effort to save “the building, the books, or the furniture” during the first hour of the fire. And, when the first fire engine finally arrived, “there was no sympathy in the crowd, the mass of whom stood looking on with a feeling apparently akin to gratification.”<sup>33</sup> Eventually a “Mr. Rivers, of the *Globe*, was seen carrying out whole encyclopedias of documents” from the General Post Office side of the building, “and his example was measurably followed by others.” In the end, the “total destruction” described in the letter spared only those papers rescued from the Post Office by Rivers and his belated followers; of the models and drawings and other records in the Patent Office, nothing remained.<sup>34</sup>

---

<sup>32</sup> *Ibid.*

<sup>33</sup> “Great Fire at Washington,” *Salem Gazette*, December 20, 1836, Volume XIV, Issue 102, p. 2.

<sup>34</sup> The writer also describes how the wind initially blew the fire towards the house of a Mr. Seaton, whose friends helped to strip the house of its “moveables [sic].” It was only after the wind shifted direction that much greater damage was averted. “Had it not been for this capricious change, whole blocks, from thence to Pennsylvania avenue [sic], must have been laid prostrate.”

The published descriptions of Mr. McLane and Mr. Rivers offer a model of a heroic citizen that recalls the efforts of Mr. Richard Bentley, the King's librarian (see above). The individual is defined as a hero because he have saved something "at the hazard of his life." However he is a hero and a citizen by virtue of putting his own body at risk, not merely to rescue papers and other materials, but to save the body of the nation from an "injury of consequence." Finally he is a virtuous citizen in that his sacrifice on the part of the nation and rescue of its archive served as a model for others in the crowd, who upon witnessing his heroism, were compelled to emulate his actions.

### **Archive and the Lantern of History**

The United States had to wait a century for the Public Archive that Barlett demanded. Fires at the War Department in the 1870s and 1880s prompted the Senate to pass of bill authorizing some form of archive building. However, over the next four decades, forty-two similar bills would fail to pass both sides of the legislature despite roughly 250 fires (from 1873-1915) in government buildings in Washington, D.C. and the nearly unanimous support from Presidents and their Cabinets.<sup>35</sup> Despite the political failures, the late nineteenth century saw the consolidation of visions for the archive as a national project, particularly for prominent historians and the newly created American Historical Association.

According to Peter Novick's *That Noble Dream* (1998), "the nationalization of historical perspective [during this period]...was a high-priority item on the

---

<sup>35</sup> Jones (1969), 5-6. In Jones's note: *First Annual Report, 1934-34*, pp. 2-3. "Among these bills was one introduced by Henry Cabot Lodge that prophetically embodied in its proposals many of the provisions enacted into law in 1934. Senator Lodge's bill, S. 6728, 59<sup>th</sup> Cong., 2<sup>nd</sup> Sess, Was referred to the Committee on the Library, where it died."



professional historical agenda.”<sup>36</sup> From July 11 -13, in 1893 the American Historical Association held their Annual meeting in Chicago to coincide with the World’s Historical Conference.<sup>37</sup> The meeting was attended by prominent and powerful historians such as Frederick J. Turner and Hubert Bancroft, and AHA President Charles Kendall Adams. It was also attended by Ellen Hardin Wadsworth, an extraordinary woman and active educator throughout her life.<sup>38</sup>

Walworth brought the issue of the public archive to a large stage, recasting the issue as a religious issue for historians and a shameful failure of duty and patriotism for government. For Walworth, “what the Bible is to the theologian and what state law is to the lawyer, the state archive is to the historian.”<sup>39</sup> She meticulously lists the accomplishments of England, France, Spain, and even the Vatican in Italy as shining examples of successful executions of archival obligation. In contrast, the “Government of the United States,” she claims, has been “culpably negligent in the collection and preservation of the national archives.”<sup>40</sup> Beyond her specific complaints or even the comparisons with European nations, Walworth’s presentation in Chicago united a demand for the archive as an obligation with an aesthetic of illumination that

---

<sup>36</sup> Peter Novick, *That Noble Dream: the “Objectivity Question” and the American Historical Profession* (1998; New York: Cambridge University Press, 2005), 73.

<sup>37</sup> Herbert B. Adams (Secretary of the AHA), *Report of Proceedings of Ninth Annual Meeting of the American Historical Association* (Chicago, 1893), 3.

<sup>38</sup> Ellen Hardin Walworth founded a boarding school in Saratoga, New York, was the first active female member of American Association for the Advancement of Science; she was one of the three women who founded the Daughters of the American Revolution and was its first secretary general. She was also the first editor of the *American Monthly Magazine* in 1892.

<sup>39</sup> Ellen Hardin Walworth, “The Value of National Archives,” *Report of Proceedings of Ninth Annual Meeting of the American Historical Association* (Chicago, 1893), 27.

<sup>40</sup> Walworth (1893), 31.

simultaneously addressed the relationship of the historian to the past and the use of history in the present: “To know the old era you must search with a lantern; to know the new era you must winnow.” In both cases, the historian must be in the space of the archive in order to harness its powers of historical illumination.

Walworth’s polemic unites the idea for a national archive with a fantastical image of the historian’s task in the archive. From Jules Michelet to Michel Foucault, the space of the archive, as with the library, is a place of dreams, and fantasy. Foucault claims that the nineteenth century saw the birth of the library as a new imaginative space, heralding a shift from phantasms of dark dreams, sleep, and the uncertain void, to those of wakefulness, vigilance and erudition. As a result, the fantastic now “evolves from the accuracy of knowledge, and its treasures lie dormant in documents.”<sup>41</sup> Michelet was “seized by a frenzy” after reading Giambattista Vico’s “great historical principle” in Vico’s *Principi di una Scienza Nuova* (1744):

In the light of thick darkness enveloping the earliest antiquity, so remote from ourselves, there shines the eternal and never failing light of a truth beyond all question: that the world of civil society has certainly been made by men, and that its principles are therefore to be found within the modifications of our own human mind.<sup>42</sup>

For Carolyn Steedman, Vico could very well be describing the physical act of research in a dark and dusty library or archive. She proposes that perhaps the phantasmic birth

---

<sup>41</sup> Michel Foucault, “Fantasia of the Library,” *language, counter-memory, practice* (Ithaca: Cornell University Press, 1977), 90-91.

<sup>42</sup> From Giambattista Vico, “The New Science of Giambattista Vico,” trans. Thomas Goddard Bergin and Max Harold Fisch (1744; New York: Doubleday, 1961), 52-53, as quoted in Carolyn Steedman, *Dust: The Archives and Cultural History* (New Brunswick: Rutgers University Press, 2001), 70.

of “social history in its modern mode” occurs the moment the historian enters the archive, encounters a document, and then proceeds to shine a light upon it in order to “write the People into being.”<sup>43</sup>

### **The Archive as a National Monument**

After the 1893 AHA Annual meeting, records projects move from an idiosyncratic regional culture (such as the collections maintained by small private or state societies), to a full-blown movement towards what Novick refers to as national reconciliation following and unification following Reconstruction.<sup>44</sup> For Novick, an example of this is mirrored in historical production with the shift in grammatical practice from “the United States are” to “the United States is.”<sup>45</sup> Further, he notes that it is in some manner “surprising” that at precisely the moment when a large portion of the U.S. is engaged in fierce battles over labor, immigration, socialism in Europe, monopolistic practices, populism, etc., the emergent historical profession in the late nineteenth century tied their ‘objectivism’ to promulgating a remarkably coherent consensus history. Prominent historians such as J. Franklin Jameson and his young acolyte, Waldo Gifford Leland, soon took charge of the movement. Once again, like the

---

<sup>43</sup> Carolyn Steedman, *Dust: The Archives and Cultural History* (New Brunswick: Rutgers University Press, 2001), 70.

<sup>44</sup> Novick (1998), 80-82, notes that the reconciliation of America was in many ways linked to a project, encouraged by the ‘science’ of contemporary racist doctrine, for the reconciliation of Anglo-Americans. Producing a consensus history required limiting the influence of the massive waves of largely poor immigrants and the attendant labor unrest. Therefore, it wasn’t sufficient to prove that whites were superior to blacks. There had to be a taxonomy of white people that “distinguished between superior [Anglo-Saxon, Teutonic] and inferior [Celtic, Latin] whites.” Indeed, Charles Beard’s senior oration (DePauw Univ., 1898), titled, “The Story of Race,” was a panegyric to the accomplishments of the Anglo-Saxon race, calling it “the race of progress.” William James dismissed Beard’s presentation as “sniveling cant.”

<sup>45</sup> Novick (1998), 72.

library, the archive became a weapon. Indeed, Novick described Jameson's role in this task as "unremitting warfare."<sup>46</sup>

At the turn of the century the Nation emerged confident in its Teddy Roosevelt military bluster. Historians achieved a sort of consensual contract with nationalism, producing coherent and positive historical foundations for a progressive United States. However, their objectivism still lacked an architecture. This was possibly because the archive project was still for historians. Leland changed that with "The National Archives: A Programme," (1912). For Leland, the archive was more than a fantastical place for historians to "winnow knowledge", it was architecture: "The chief monument of the history of a nation is its archive, the preservation of which is recognized in all civilized countries as a natural and proper function of government."<sup>47</sup>

The archive is a monument.<sup>48</sup> However, it is a particular kind of monument. Jameson's idea for a national archive monument was inextricable from his notion of appropriate historical inquiry. Oddly, Jameson felt that social history was weaker than political or constitutional history because of the difference in source material. For Jameson, the "limited bodies of material, handed down by authority," constituted an archive that was vastly superior to the potentially unlimited sources for social inquiry.<sup>49</sup> He insisted that an archive without limits invited historical bias in the

---

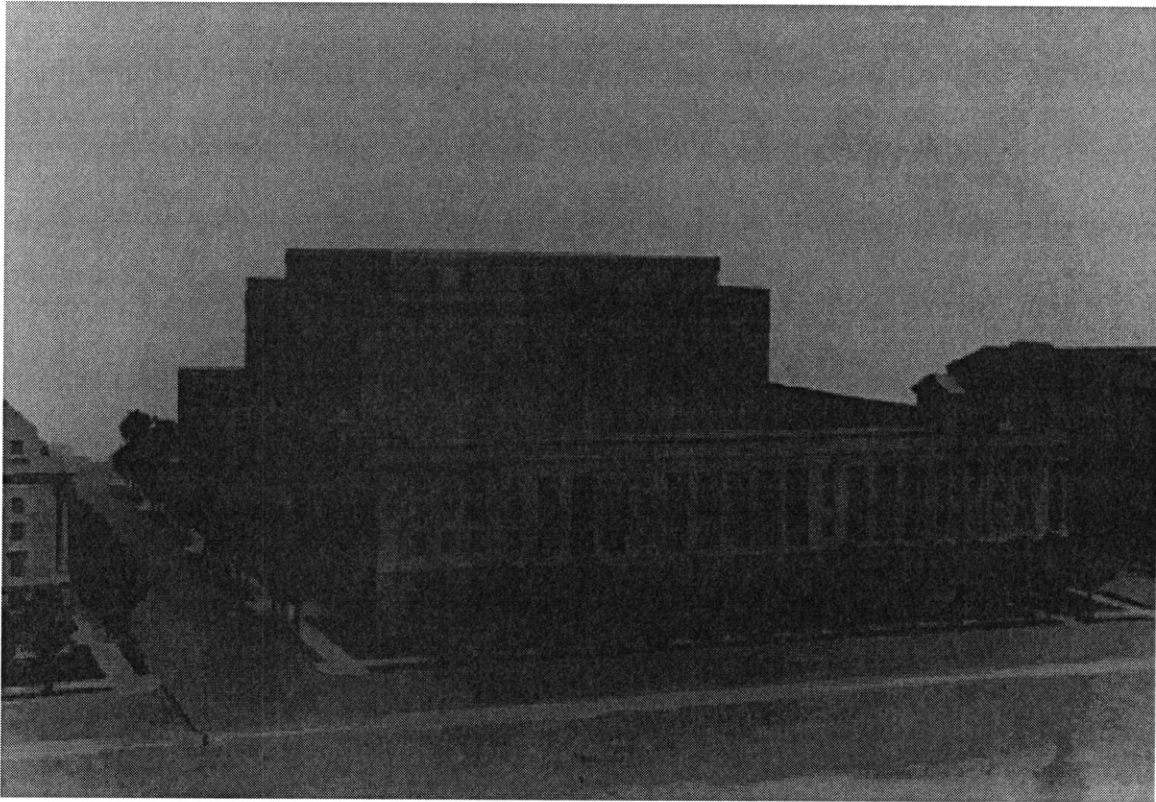
<sup>46</sup> Novick (1998), 73.

<sup>47</sup> Waldo G. Leland, "The National Archives: A Programme," *American Historical Review* vol. 18, no. 1 (Oct., 1912): 1.

<sup>48</sup> Borlen's Mount Rushmore was originally designed to include a massive Hall of Records carved out of the back of the mountain so that after viewing the pantheon, one could delve into the sacred documents.

<sup>49</sup> Letter, Jameson to Turner, 11/25/1927, Box 132, Jameson Papers, as quoted in Novick (1998), 90.

selection of materials.<sup>50</sup> Given this view, it is not hard to see why Jameson was so anxious to provide for an institutional mechanism by which the “proper” sorts of material could be made more readily accessible in a central national archive.<sup>51</sup>



*5.6 Model of proposed National Archives and General Accounting Offices Buildings, 1929, designed by Louis A. Simon, model by Bertram L. Keys (Courtesy of the Library of Congress).*

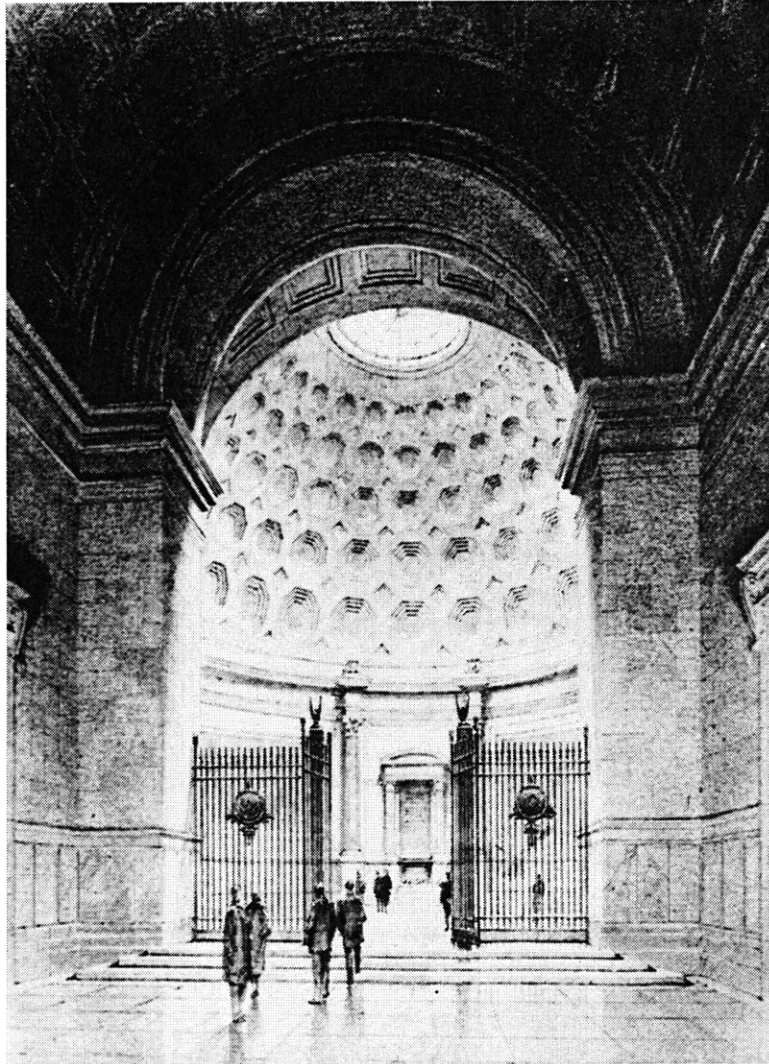
In 1926, Congress finally approved funding for a National Archives edifice within a new program of public buildings intended to beautify and monumentalize Washington, D.C. The Federal Triangle building project was headed by Supervisory

---

<sup>50</sup> Of course, the very survival of any material—artifact, document or otherwise—for use by an historian might be seen as a form of selection given the vagaries of time, damage, and other potentially destructive circumstances.

<sup>51</sup> Indeed, one wonders if Jameson would have been as vigorously supportive of the national archive project had he known how much of its resources and programmatic rhetoric would be devoted to records and artifacts representing aspects of national history which are decidedly social or cultural in nature.

Architect of the Treasury Department, Louis A. Simon. Simon's initial design (Fig. 5.6) and site were swiftly modified by John Russell Pope in late 1927. Pope's more classically monumental design transformed the National Archives into a federal temple (Fig. 5.7). Pope also designed the nearby Thomas Jefferson Memorial that would be built from 1939-42, thus completing the Washington Mall cross marked at the other ends by the Lincoln Memorial, the White House, and the Capitol, and at the center by the Washington Monument. This period, dominated by F.D.R.'s presidency (or more accurately Simon's tenure as U.S. Architect), was characterized by a commemorative program of symbolizing a national heritage and fixing in stone a classically-clad heroic legacy.



5.7 Pope's sketch of the Great Hall for the National Archives. He wanted to provide "a proper realization of the significance and importance of the building itself as a complete record of the history of the National Government." (Image and quote from Herman J. Viola, *The National Archives of the United States*, New York: Harry N. Abrams, Inc., Publishers, 1984, pp. 44-45).

In 1933, President Hoover laid the cornerstone and in 1934, under President Roosevelt, the still largely-incomplete National Archives finally opened.<sup>52</sup> Seven years later, in 1941, F.D.R. dedicated the first official presidential library (designed by Simon) and he immediately placed it under the jurisdiction of the newly created post and

---

<sup>52</sup> See Gondos (1981). Only the exterior of the National Archives was relatively complete. When the staff moved in permanently during the autumn of 1935, there were still no proper shelves for records storage.

administration of the U.S. Archivist. However, the triumphalism and certitude with which historians and others championed the archive never addressed the original problem described by Jefferson. Would archive structure knowledge to be the public's weapon of vigilance against tyranny, or would the pedagogy of the archive merely facilitate an uncritical happiness, an ideological lantern writing the people into being?

### **The Archive as a Curtain**

Timothy L. Ericson, President of the Society of American Archivists (2004), insists that the crisis of the archive is not that it is a monument or even a lantern in a fantasy, but that it is a crisis of secrecy and an architecture of curtains. For Ericson the archive is, and always has been, a battleground of transparency. In Ericson's presidential address to the SAA at the sixty-eighth annual meeting in 2004, he declares, "there are many ways to make curtains. The Russians did so in 1946 with tanks and barbed wire, but ours is a curtain of our own design, woven with executive orders, legislation, and most of all, the system of classifying sensitive documents."<sup>53</sup>

Ericson is not merely critiquing the legacies of Watergate or the obfuscation of "Sunshine" rights by the recent Bush administration after 9/11 (see Chapter 3). He locates the origin of secrecy in the very failure of broadly defined public citizenship during the earliest years of the nation, a time when, even today, there is a mythic belief that "pure democracy flourished and all business was conducted in the open with free

---

<sup>53</sup> Timothy L. Ericson, "Building Our Own 'Iron Curtain': The Emergence of Secrecy in American Government," *American Archivist* 68 (Spring/Summer 2005): 18-19.



discussion and debate.”<sup>54</sup> Ericson reveals that while drafting of the Constitution and other Charters of Freedom (largely in secret), the founders remained aware that there was an inherent paradox in preaching liberty while ensuring that the institutions designed to preserve it prevented open review of their processes by the public. For Ericson, this essential paradox has not been resolved with the arrival of a National Archives. Indeed, laws and executive orders throughout the twentieth century have waged an unsteady war for and against levels of transparency in government practice via transparency and accessibility to records. To be fair, these debates might not have surfaced in a discourse of general public rights without the existence of a national archive project.

For Ericson it is the task of the archivist to be an activist in the spirit of total access. The argument in favor of such a stance was made by then-Congressman Donald Rumsfeld who lobbied in favor of the Freedom of Information Act in 1966 (albeit from partisan lines, attacking the Johnson Administration). Rumsfeld stated that sunshine legislation “will make it considerably more difficult for secrecy-minded bureaucrats to decide arbitrarily that people should be denied access to information on the conduct of Government ... [P]ublic records, which are evidence of official government action, are public property, and there --- should be a positive obligation to disclose this information upon request.”<sup>55</sup> The irony of Rumsfeld’s position aside, it is clear that merely having an archive does not mean that the obligation to deploy knowledge as a

---

<sup>54</sup> Ericson (2005): 22.

<sup>55</sup> Ericson (2005): 43.

mechanism of vigilance has completely been reconciled with the idea that the public has a contractual claim to ownership. The archive remains a site of contested rights.

### **The Archive Divided and Defined**

Beyond the political struggles over records, recent definitions of the archive engage Jefferson's call for vigilance architecturally. Definitions attempt to divide the archive into its functional components. The Society of American Archivists recently defined archives as:

(1) The "non-current records" of an organization or institution preserved because of their continuing value; the term 'archival records' or 'archival materials' signifies any physical medium which is employed to transmit information, such as paper, photographs, audio or video tape, computer tapes or disks, etc. (2) The "agency or program" responsible for selecting, preserving, and making available archival materials; also referred to as an "archival agency." (3) The "building" or part of a building where such materials are located.<sup>56</sup>

In other words, the archive is simultaneously a material, a program (including the institution devised for the execution of the program), and an architecture. Once divided, it is hoped that the archive as an institution can deploy the archive as a process to unveil the archive as a material, all in the spirit of the archive as an idea or dream.

---

<sup>56</sup> From, Lewis J. Bellardo and Lynn Lady Bellardo, *A Glossary for Archivists, Manuscript Curators, and Records Managers* (Chicago: Society of American Archivists, 1992), as quoted in Gilliland-Swetland.

## The Archive and the Truth

Randall C. Jimerson succeeded Ericson as President of the Society of American Archivists in 2006. Jimerson began his Presidential Address with a vision: "In my dream I am entering a temple. Its ornate façade and tall spires give me hope. I will find enlightenment here. I push open the massive door and enter."<sup>57</sup> Within, the temple becomes first a prison, and finally, a restaurant. The temple represents control over social memory; the prison represents control over preservation and security of artifacts and documents; and the restaurant is indicative of the "archivist's role as interpreter and mediator between records and users."<sup>58</sup> Jimerson's architectural analogy corresponds to what he calls the "trinity of archival functions."

Jimerson added the restaurant to Eric Ketelaar's earlier analogy of prison and temple, in order to transform the postmodern concern for the contingency of truth versus its absolute value into a positive model for archival critique and practice.<sup>59</sup> Jimerson's address is primarily aimed at calling for an end to the presumption of archivist neutrality based merely upon a completely objective ideal of dedicated service to others.<sup>60</sup> He insists that since control over records influences the present,

---

<sup>57</sup> Randall C. Jimerson, "Embracing the Power of Archives," *American Archivist* 69 (Spring/Summer 2006): 19.

<sup>58</sup> Jimerson, (2006): 24.

<sup>59</sup> See Eric Ketelaar, "Archival Temples, Archival Prisons: Modes of Power and Production," *Archival Science* 2 (2002):221-38. Jimerson mentions Ketelaar's comparison of the modern archive with Jeremy Bentham's panopticon. For Ketelaar, statements in favor of preservation and, in many cases, secrecy, are merely "rationalizations of appropriation and power."

<sup>60</sup> Jimerson (2006): 20-22, quotes the passive archivist ideal stated by Hilary Jenkinson, *A Manual of Archive Administration* (Oxford, Clarendon Press, 1922): "The Archivist's career is one of service. He exists in order to make other people's work possible ..."

one must acknowledge the agency inherent in the stewardship position.<sup>61</sup> Jimerson acknowledges the archive as a site of power, where records of the past are forced to bear witness to interpretation, and thus demands that the archivist profession abandon its preoccupation with technocratic and ostensibly objective practices to take this into account. Yet, despite his dream of the archivist as a “waiter,” mitigating between the user and the “menu” of information, Jimerson cannot quite abandon the evangelical lure of the temple priesthood: “I hope that we will embrace the power of archives and use it for the good of humankind,” he states. This is “a call for action by archivists.”<sup>62</sup> Jimerson’s archivist has a particular action in mind. Once again, he turns to Ketelaar: “In a democracy, the debate about selection and access should be a public debate, subject to verification and control by the public.”<sup>63</sup>

In order for the public to bear witness against tyranny, they must be able to deploy knowledge as evidence. Generally, historical criticism of archives tends to combine one or more of the following: a Foucauldian genealogy of archival politics and structures (exclusion), links with emergent nationalisms and cultural modernisms, and the (not always explicit) underpinnings of a faith in the articulations of the enlightenment project. In many respects, this approach mirrors the historiography of the museum already explored in Chapter 4; therefore it will not be repeated. However, other theories of the archive question how materials qualify as truth-bearing evidence

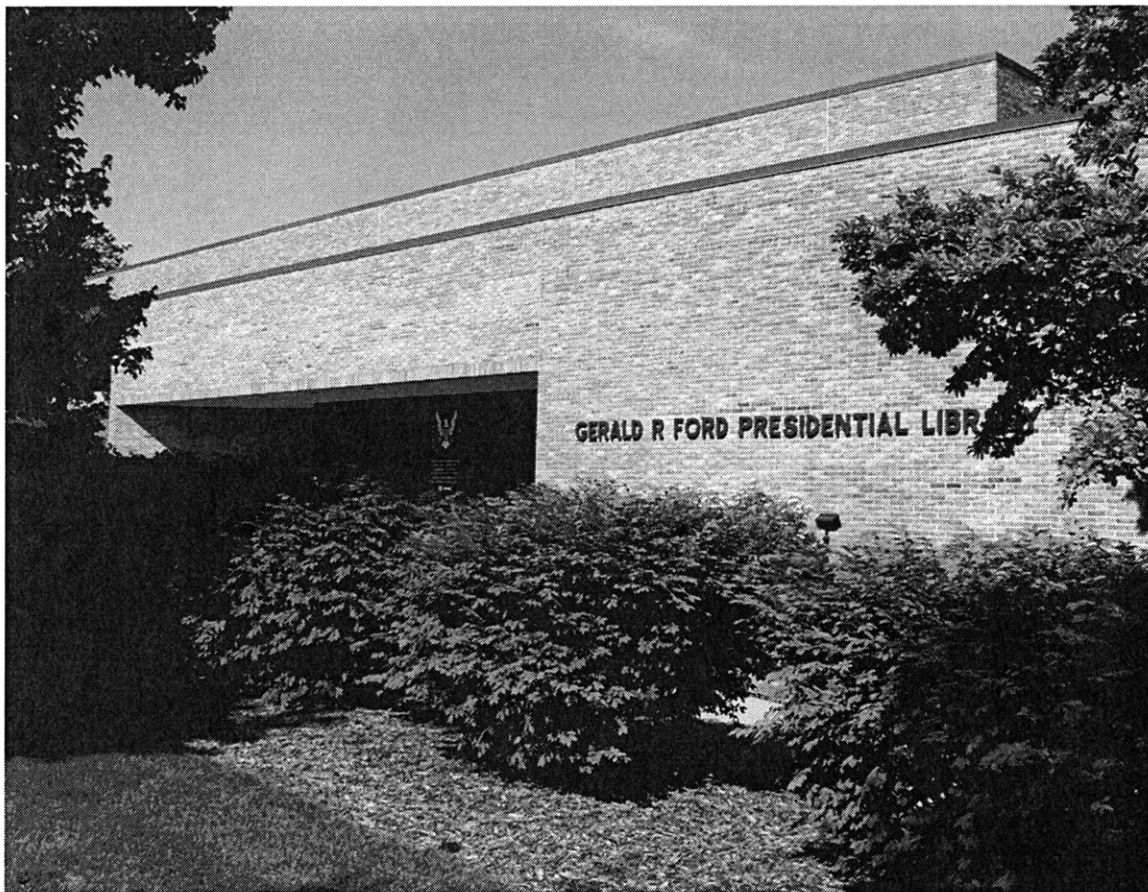
---

<sup>61</sup> Here he quotes from George Orwell’s *1984*: “Who controls the past, controls the future; who controls the present, controls the past ... Past events, it is argued, have no objective existence, but survive only in written records and in human memories.”

<sup>62</sup> Jimerson (2006): 24.

<sup>63</sup> Eric Ketelaar, *The Archival Image* (Hilversum: Verloren, 1997), 19, as quoted in Jimerson (2006): 28.

and the relationship of records to memory. Because the National Archives has the responsibility to administer government records as well as the documentary evidence of national history, the document's claim to truth is vital to this study (Fig. 5.1). This is particularly true of presidential records after Watergate (see Chapters 3 and 10).



*5.8 Gerald R. Ford Presidential Library, University of Michigan, Ann Arbor (Photo by Author © 2006).*



5.9 Gerald R. Ford Presidential Museum, Grand Rapids, Michigan (Photo by Author © 2006).

Dominick LaCapra's *Writing History, Writing Trauma* (2001), presents a provisional dual model of historiography: documentary or self-sufficient research (evidentiary, and, in its extreme form, positivist) and radical constructivism (figurative and rhetorical).<sup>64</sup> LaCapra insists that both models take a problematic stand with regard to "making truth claims." The documentary (based preferably on primary archival texts) model and its "negative mirror image," that of the aesthetic

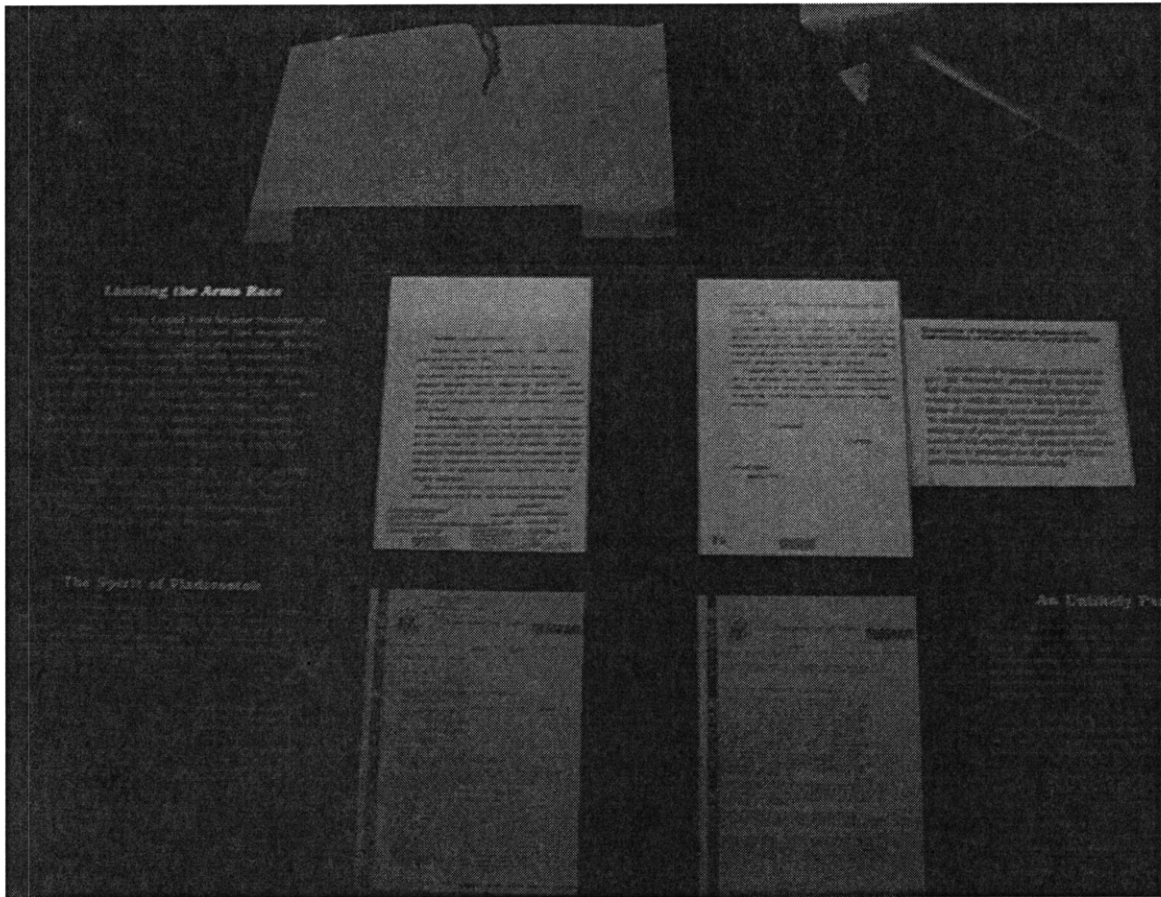
---

<sup>64</sup> Dominick LaCapra, *Writing History, Writing Trauma* (Baltimore: Johns Hopkins Press, 2001), 1.

(representing an ideological self-awareness), finds an initial parallel in the architecture of the presidential library: archive (document) and museum (artifact) (Figs. 5.8 and 5.9). This is only marginally useful, however, as both modes are often present in each of the spaces, particularly at the Ford Museum where documents are used as figures in the rhetorical narrative of its galleries (Fig. 5.10). Ultimately, LaCapra notes, it is at the site of the critical encounter—in the productive space of writing—between the two approaches that the problematic question of identity with regards to the truth of the historic subject unfolds (Fig. 5.11).<sup>65</sup>

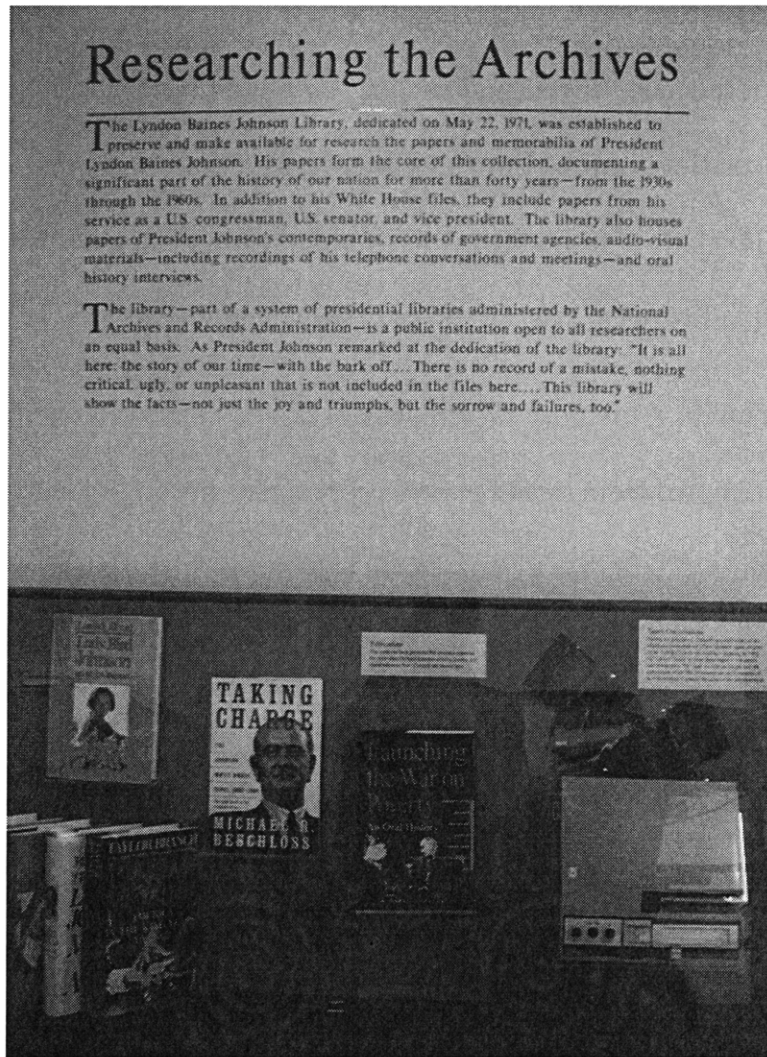
---

<sup>65</sup> This becomes even more interesting when applied to the use of the presidential libraries as both the site of public funerals and the place of burial. This is what LaCapra calls the “important tendency in modern culture and thought to convert trauma into the occasion for sublimity.” Read thus, the iconic death (read-as-trauma) of the president (and, often, his spouse) can “paradoxically become the valorized or intensely cathected basis of identity for an individual or group rather than [an event] that pose[s] the problematic question of identity.” LaCapra (2001), 23. In this way, the presidential library is implicated in the very production of the ‘americanness’ of the American citizen, reversing, perhaps, any uncertainty over the nation as a basis for identity. Contrast this with the presidential funeral event in France. See Mona Ozouf, *Festivals and the French Revolution*, trans. Alan Sheridan (Cambridge: Harvard University Press, 1988).



5.10 Display on the Arms Race that combines original documents, models, images, and accompanying interpretive narrative. Gerald R. Ford Presidential Museum, Grand Rapids, Michigan (Photo by Author © 2006).





5.11 Books written using materials from the Johnson archives. Lyndon B. Johnson Presidential Library and Museum, University of Texas, Austin (Photo by Author © 2006).

## Archive and the Prosthesis of Memory

*Lieux de mémoire* (1984-92), edited and compiled by Pierre Nora, presents a model of memory studies for historians, in which history and memory are problematized in such a manner as to constitute the core of the modern problem of the “acceleration of history.” For Nora memory is a phenomena of the present, “rooted in

the concrete: in space, gesture, image, and object.”<sup>66</sup> By contrast, history is a representation of the past, “dwell[ing] exclusively on temporal continuities, on changes in things and in relations among things.” His assertion that the former is absolute while the latter is relative, has led to criticism that his model leaves little room for distortion, and that historians are to blame for the problems of history.<sup>67</sup>

For Nora modern memory is primarily archival. It has removed itself (or is in the process of doing so) from lived (everyday) practice, becoming institutional practice. Regardless of whether or not Nora’s claim that “historians have abandoned the cult of the document” holds true, he is attentive to the institutionalization of what Leibniz referred to as “paper memory.”<sup>68</sup> The entanglement of memory production in cultural systems highlights what Jacques Le Goff, *History and Memory* (1977), writes about collective memory: that it “is not only a conquest, it is also an instrument and an objective of power.”<sup>69</sup> Therefore, if memory is indeed rooted in space (the architecture of the museum) but that space itself must constantly be adapted to changing politicized images of an ex-president in an effort to simultaneously present a corrected history to the citizenry, then what indeed is the role of the public who can access the documents stored in the other space of the presidential library—the archive—for the purposes of

---

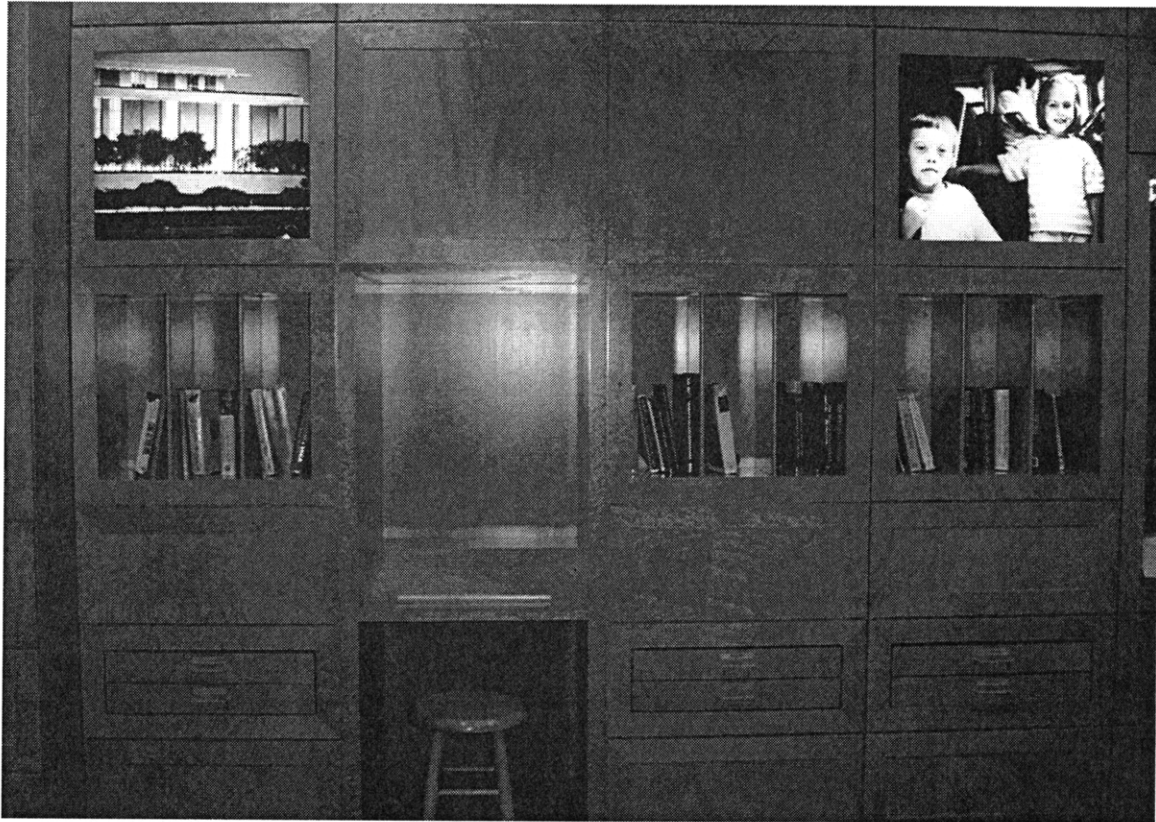
<sup>66</sup> Pierre Nora, “Between History and Memory,” *Realms of Memory: Rethinking the French Past*. Vol. 1, trans. Arthur Goldhammer (1984; New York: Columbia University Press, 1996), 1-3.

<sup>67</sup> The absence of violence, distortion, and “rememberers,” (and, even, absence itself) in Nora’s conception of collective memory, has led to criticism of his polarization of history versus memory; see, Hélène Lipstadt, “Debunking Nora,” in *Humor for Historians* (Courtesy of HTC Lectures, April 2002). According to Lipstadt, Nora’s account might amount to a ‘false’ critique of a ‘false’ consciousness.

<sup>68</sup> Nora (1996), 8-9.

<sup>69</sup> Jacques Le Goff, *History and Memory*. Trans. Steven Rendall and Elizabeth Claman. (1977; New York: Columbia University Press, 1992), 98.

re-presenting aspects of this same history (Fig. 5.12)? Part III of this dissertation addresses this crucial question through the lens of the Nixon Library to challenge the idea that memory and history are not dissimilar when they are brought together in the confluence of spaces—museum and archive—that comprise the presidential library.



5.12 *Books on and by the Kennedys.* The drawers below contain copies of documents and other items from the collection that visitors, particularly school children, can use to integrate the materials with the interactive interpretation of history provided by the museum in this space (immediately preceding the Berlin Wall segment display). John F. Kennedy Library and Museum, South Boston, Massachusetts (Photo by Author © 2004).

The archive appears to stake its claim to truth by virtue of its ability to produce an image of ‘corrected’ history in public memory. Alison Landsberg’s *Prosthetic Memory* (2004) argues that the technologies of mass culture make it possible for anyone to assimilate historical events as personal experience. According to Landsberg, the “unreliability of memory in the modern age, combine with the ruthlessness of the present, compels people to engage in memory projects—projects of narration and

genealogy—that make the past ‘recognizable’ and potentially interpellative.”<sup>70</sup> For Landsberg, the movie theater and the museum are technologies of memory prosthesis. However, one of the principle characteristics of prosthetic memory is that it can act on an individual, regardless of race or gender, to shape politics and forge a sense of solidarity. Further, because the operation is mitigated by virtue of images and objects, its power is based upon the claim of authenticity. Thus, the process of prosthesis becomes fundamentally about bearing witness through the archive, rather than merely a function of the museum. This is doubly the case in that, according to Landsberg, grafting memories of historical trauma onto those who never experienced the corresponding event is one of the principle mechanisms by which mass culture transmits a sense of social responsibility and vigilance.

In contrast to Jimerson’s vision of the archive as a kind of benevolent restaurant, Landsberg provides a model whereby the presidential archive becomes a kind of moral technology. If both materials and memories are contingent upon context with malleable meanings and adaptable functions, then the archive is analogous in a postmodern world to a clinic or an operating room. Thus, following a tradition of architectural metaphor, or allegorical impulse, the archival materials, whether displayed in the museum or transformed into history by researchers, are surgical tools.<sup>71</sup> The archive then becomes an operation embedded in reading and

---

<sup>70</sup> Alison Landsberg, *Prosthetic Memory: The Transformation of American Remembrance in the Age of Mass Culture* (New York: Columbia University Press, 2004), 3.

<sup>71</sup> See for example Craig Owens, “The Allegorical Impulse: Towards a Theory of Postmodernism” in *October*, no. 12 (Spring 1980): 67-86, and no. 13 (Summer 1980): 59-80, reprinted in Brian Wallis ed., *Art After Modernism* (New York, 1984), 203-35.

interpretation that can produce either a confirmation (bearing witness as revelation) of memory or even potentially covert memory (as revelatory history).

### **The Archive, the Accident, and Its Potential**

Sven Spieker's *The Big Archive* (2008) brings the idea of the archive as a technology of representation back to an understanding of its essentially unstable representative nature. He critiques how modern art (through the post-modern period) has become inextricable from the archive. Spieker provides an interesting counter reading to the more commonly held view that the archive "is frequently viewed as a cipher for the modern dream of total control and all-encompassing administrative discipline."<sup>72</sup> Spieker posits that there is an alternative understanding of the archive that "exposes the irrational underside of modernism's archival connection," particularly once one re-investigates an archive's peculiar history from its own contents. "What the archive records," he insists, "rarely coincides with what our consciousness is able to register. Archives do not record experience so much as its absence; they mark the point where an experience is missing from its proper place, and what is returned to us in an archive may well be something we never possessed in the first place."<sup>73</sup> In other words, the archive often tends to collect far more items that exist in excess of its 'finding tools' than items properly described and knowable from its ordering system. Indeed, it is this excess that prompts both the very existence and

---

<sup>72</sup> Sven Spieker, *The Big Archive: art from bureaucracy* (Cambridge, MA: The MIT Press, 2008), 1-3.

<sup>73</sup> Spieker (2008), 3.

even the historical “value” of archives—particularly with respect to the contents of the presidential libraries (see Chapter 9).

Spieker notes that a description of the archive must encompass the “diachronic perspective” of both the archival administrative impulse associated with human beings and records collection throughout history as well as the “technical modalities of archival storage [that] have changed greatly over time.”<sup>74</sup> The second of these, the technology of storage often dominate studies of archives in the modern period, especially following the so-called “control revolution” of the late 19th century.<sup>75</sup> However, Spieker claims that what changed in the nineteenth century was that, beyond technology, archives shifted from “being depositories of legal titles to places where historians hoped to find the sediments of time itself.”<sup>76</sup> For Spieker this means that Lacan’s orders of the Imaginary-Symbolic-Real can be ascribed to nonarchival collections, libraries and archives, respectively.

The archive of the nineteenth century archive became an attempt “to record contingent time [that] aligns itself with the order (the disorder) of the Real.” The crucial point, then, is that this confident nineteenth century faith in the power of the archive must then be reconciled to an as-yet-unrealized technological capacity to address this vast order through proper registration.<sup>77</sup> Spieker summarizes this as the

---

<sup>74</sup> Spieker (2008), 5.

<sup>75</sup> See James Beniger, *The Control Revolution: Technological and Economic Origins of the Information Society* (Cambridge, MA: Harvard University Press, 1986), 37 as cited in Spieker (2008), 5.

<sup>76</sup> Spieker (2008), 6.

<sup>77</sup> Spieker (2008), 6.

nineteenth century's "trust in the possibility of registering contingent time in the form of discrete traces (records), the hope that the present moment—contingency itself—might become subject to measurement and registration."<sup>78</sup> It is here, then, that the archive of the twentieth century—not only in art—achieves its 'irrational underside'. This pure and total register of reality is fundamentally impossible, and thus to fill the gap between the technology of collection and the desire to objectify time, the archive must be both incomplete and composed of accidental deposits.

Nicholson Baker, a self-described "accidental library activist," raises vital ethical questions about the preservation function of libraries and archival depositories (especially at national and public institutions such as the Library of Congress, the National Archives, and the British Library) with *Double Fold: Libraries and the Assault on Paper* (2001). Although Baker is primarily concerned with the destruction and incineration of one hundred years or more of original newsprint in favor of 'more permanent' microfilm technologies (revealed to be insufficient and vastly inferior to paper when it comes to fragility), he is also horrified in his survey of library practices to discover that hundreds of thousands of books and out-of-print journals are relegated to landfills in order to create shelf space in large public libraries every year.<sup>79</sup>

Baker's dispute is focused on issues of economy and the problem of limited architecture. Major libraries claim that they have no money for storage space. Yet,

---

<sup>78</sup> Spieker (2008), 5.

<sup>79</sup> One of the deficiencies of microfilmed newsprint decried by Baker and other historians concerns the total picture of a day provided by an entire newspaper. Selective and faulty images of particular pages, a form of editing and unconscious censorship by the photographer, eliminate one of the most vital functions of a newspaper or journal—its synchronic assemblage of often-unrelated stories and imagery.

Baker points out that the microfilm budgets alone (sponsored by heavy lobbying over the years from firms like Kodak) could pay for the construction and maintenance of a single “warehouse the size of Home Depot”, which could hold centuries’ worth of now-destroyed newsprint.<sup>80</sup> Indeed, the problem is not really about space. Baker points out that throughout the twentieth century, custodians of paper materials have always been enamored with alternative technologies of reproduction. In essence, the words are more important than the material, and because paper is thought to be fragile, other forms of reproduction will inevitably replace books and print. “It isn’t that we’d like more space, one can almost hear them whispering to themselves, ... it’s that the books are, sadly, doomed.”<sup>81</sup>

For Baker, the crisis of the archive is not about access or even building spaces, but about materials. And in contrast to the idea of an activist steward who champions public access and vigilance through information, Baker notes that the priests in the temple of knowledge seem to worship a technological determinism in an ultimate utopia of no place and no objects.<sup>82</sup> This vision of freely accessible universal

---

<sup>80</sup> Nicholson Baker, *Double Fold: Libraries and the Assault on Paper* (New York: Vintage Books, 2001), 36.

<sup>81</sup> Baker (2001), 161.

<sup>82</sup> Bruce A. Sherman, *The Library of the Future: Alternative Scenarios for the Information Profession* (Englewood, CO: Libraries Unlimited, Inc., 1989), describes his shock over the presence of only one book-length text (ever as of 1989 in the United States) on the future of libraries (out of print): psychologist J.C.R. Licklider’s *Libraries of the Future* (1965). According to Sherman, “Licklider foresees a library of the year 2000 as not being a building of bricks and mortar and walls and desks, but rather what he calls a *procognitive* system, which will not only store and retrieve the information and materials wanted by its patrons, but will also provide them in the most convenient manner possible.” In other words, a library should not be a place but as a system. Licklider’s question, essentially the same one posed by Sherman’s book, is ‘How should one explore the library of the future?’ “Technical jargon aside, all Licklider seems to be saying is that we shouldn’t get hung up on the traditional meaning of the terms *books* and *library* and that we should consider only information and the medium for obtaining it, as opposed to the format containing it: walls, shelves, catalog drawers, and desks.”



information transforms the archive from a collection of materials into a system for the dissemination of information.<sup>83</sup>

The problem of completely transforming an archive from architecture and object to information system is one of translation and transparency, and returns to Jefferson's vigilance. How can one verify the disseminated information, and thus affect a critique of tyranny, without recourse to an archive of things? According to Baker, the fundamental issue is not the preservation of information that might be addressed by microfilm or even digital technologies, but rather the two-fold risk of the increasingly mortal weaknesses and contingent dangers of erasure of non-physical media and the loss of authenticity associated with original materials—particularly the contextual experience of reading.<sup>84</sup> Indeed, digital technologies cannot be considered a permanent solution, because they are constantly evolving.

Spieker and Baker are, in this case, in total agreement: "a true archive must be able to tolerate years of relative inattention."<sup>85</sup> This, once again reinforces the idea that an archive is about the potential use of its materials, much more so than the proof or expectation that they remain in constant use. Systemic revolutions in the understanding of the archive as a form of swift access replace a justification of the archive as potential vigilance with a justification of popular and uncritically instant

---

<sup>83</sup> See, for example, A. Moulik and D. Lai, "Rebels in Search of Champions—Envisioning the Library of the Future," *Electronic Library* vol.10, no. 2 (April 1992): 97-102.

<sup>84</sup> Beyond other articles that may be lost in the re-imaging processes, there is a loss of color and texture as well as the complete loss of period advertisements (an example of potentially valuable historical material that are ignored by processors).

<sup>85</sup> Baker (2001), 242.

utility. This presents a paradox of time. Where vigilance requires a system of swift access, dreamt of as a dematerialized universe of total information, to counter a tyranny of the present, the vigilance over historical meaning requires a slow archive, a space full of endlessly interpretable things.

### **Conclusion: The Archive as Promise**

In 2000, the United States elected George W. Bush as its 43<sup>rd</sup> President. He served two terms and was the second Bush to be elected to the office, with his father holding the position only eight years prior. Regardless of whether or not the “representative” nature of American democracy is called into question by the potentially hereditary signals sent by this election, it arguably should have triggered, at the very least, the idea of the archive as a mechanism for vigilance over government. This is particularly relevant given that officials in the White House from 2000-2008, including the Vice President, were prominent members of four prior administrations—three of which were represented and archived in presidential libraries at the time. One could make a similar argument with respect to the current Obama administration and the Clinton Library. Yet, issues of executive privilege and reclassification aside (see Chapter 3), when I conducted research for this dissertation at the George H.W. Bush Presidential Library in 2005 (Fig. 5.13), I had the research room and the extraordinarily helpful staff to myself for three days. I had a similar situation (although I had a little more company) for the Ford Library. Where were the researchers?



5.13 George H.W. Bush Presidential Library, Texas A&M University, College Station (Photo by Author © 2006).

According to a 1994 report by Gerald George for the National Historical and Records Commission on “The State of the American Records”: “Historians always worry that important documents are *deliberately* lost...by government officials who fear the consequences of certain information becoming public. But just as worrisome currently is the official demise of access.”<sup>86</sup> However, beyond the struggle for preservation and sanctioned accessibility—an issue of funding and resources as much as it is a problem of administrative denial—there is an obligation that is essentially embedded in the archive as it reflects representative government. Historians and others may not *want*

---

<sup>86</sup> Gerald George, *The State of the American Record: A Report on How Well Americans are Documenting Their History* (National Historical Publications and Records Commission, 1992): 26.

records to be destroyed or kept from them, but unless they are active in seeking the archive, its symbolic power will always trump the absent representative power of constituent-generated governance. In short, one must care enough to utilize the facilities and advocate for the funding and other measures that ensure its accessible use. For the archive to function as a “lantern” of vigilance against tyranny as it was rhetorically imagined by the Founding Fathers, there must be a public engaged with the archive in excess of its democratic symbolism. Thus the presidential archive may be a guarantor—however contingent (see Chapter 10), but it is not a guarantee.

In Chapter One I suggested that, with hindsight, I might have conjured up the wrong Orwell novel on 9/11. Therefore, this chapter concludes with Jacques Derrida’s *Archive Fever* (1998), that begins a critique of the archive with a quote from George Orwell’s *1984*:

“Who controls the past, controls the future; who controls the present, controls the past ... Past events, it is argued, have no objective existence, but survive only in written records and in human memories.”

Echoing Orwell, Derrida insists that “there is no political power without control of the archive” because its structure, its place in and as human knowledge, is the site of power.<sup>87</sup> He suggests that indeed democratization might even be measured by the access to and the participation in the archive. Furthermore, the archive can be neither memory nor anamnesia, because it not only stands in for, is representative of, is supplement to, and takes the place of, the lived experience of remembering, it also

---

<sup>87</sup> Jacques Derrida, *Archive Fever* (1995; Chicago: University of Chicago Press, 1998), 4.

enables the possibility for radical effacement. In other words, the politics of the archive is that it can control forgetting; holding and disseminating history from “a place of consignment.”<sup>88</sup> Thus, despite the attempt to systematize or even allegorically account for the archive, its insistent potential necessarily signals architecture. Further, despite the historian’s desire to write the people into being, shining a lantern within its depths onto the past, the archive returns always towards an unknowable future and an uncertain public. Indeed, Jefferson may have inadvertently pinpointed the archive’s most powerful quality: it is the essence of obligation and vigilance. Therefore, the question of the archive, as Derrida cautions, “is not, we repeat, a question of the past... It is a question of the future, the question of a response, of a promise and of a responsibility for tomorrow.”<sup>89</sup> Of course, this too can be co-opted; but that is the power of the library (Fig. 1.10), and the subject of the next chapter.

---

<sup>88</sup> Derrida (1998), 11.

<sup>89</sup> Derrida (1998), 36.

## Chapter 6

### Power in the Usual Sense:

#### The Presidential Library *is* a Library



6.1 These books are on display, among many others belonging to Eleanor Roosevelt, at the Franklin D. Roosevelt Presidential Library, Hyde Park, New York (Photo by Author © 2005).

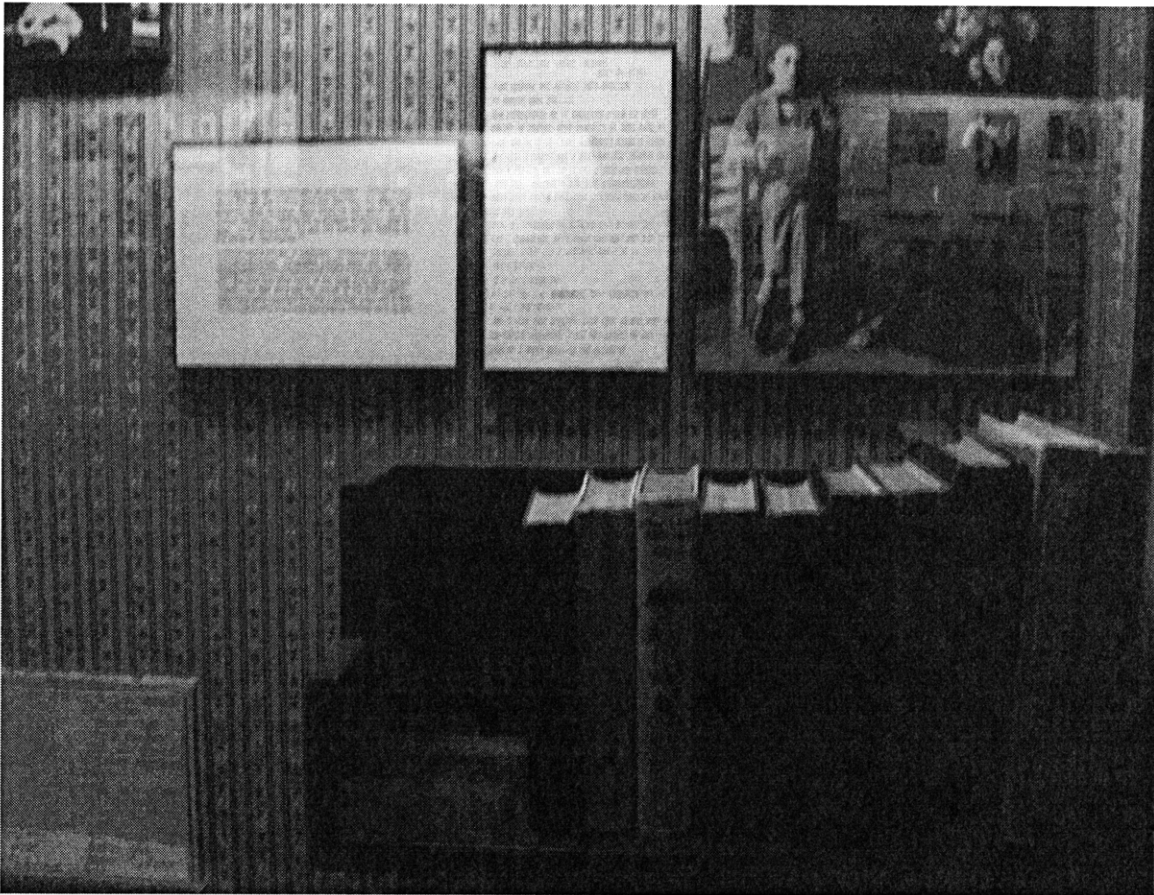
#### The Presidential Library is “not a Library”

According to National Archives and Records Administration, the presidential library is not really a library.<sup>1</sup> Lynn Scott Cochrane and the other presidential library

---

<sup>1</sup> <http://www.archives.gov/presidential-libraries/about/>

scholars tend to agree. Cochrane echoes (almost verbatim) NARA's description, insisting, "these monuments...are actually museums and archival repositories, not libraries in the usual sense."<sup>2</sup> However, the history of libraries and the ways in which what have been called 'libraries' function in society, tells a much different story.



6.2 The books on this shelf belonged to the young F.D.R. Franklin D. Roosevelt Presidential Library, Hyde Park, New York (Photo by Author © 2005).

What is a library? Is it a merely collection of books, or other textual objects? Many of the presidential libraries actually possess large collections of books. Almost all of them, for example, have a "library" that is assembled for visiting researchers.

---

<sup>2</sup> Lynn Scott Cochrane, "Presidential Libraries: Presidential, Yes; Libraries, Not Really," *American Libraries* vol. 33, no. 5 (May 2002), 59.



Although the contents vary, the books usually cover the general history of the twentieth century (focusing on the period of a given presidency and on special topics of note such as World War II, Vietnam, and the New Deal), the institution of the presidency, pertinent biographical information, and federal laws and regulations. Thus, regardless of the records holdings or the museum, each presidential library has, at a minimum, a library on the presidency and on American history.



6.3 This is a functioning children's library and reading room (not just a display) that is integrated into the Bush Library museum as a tribute to First Lady Barbara Bush that emphasizes her passion for encouraging children to read. George H.W. Bush Presidential Library, Texas A&M University, College Station (Photo by Author © 2006).

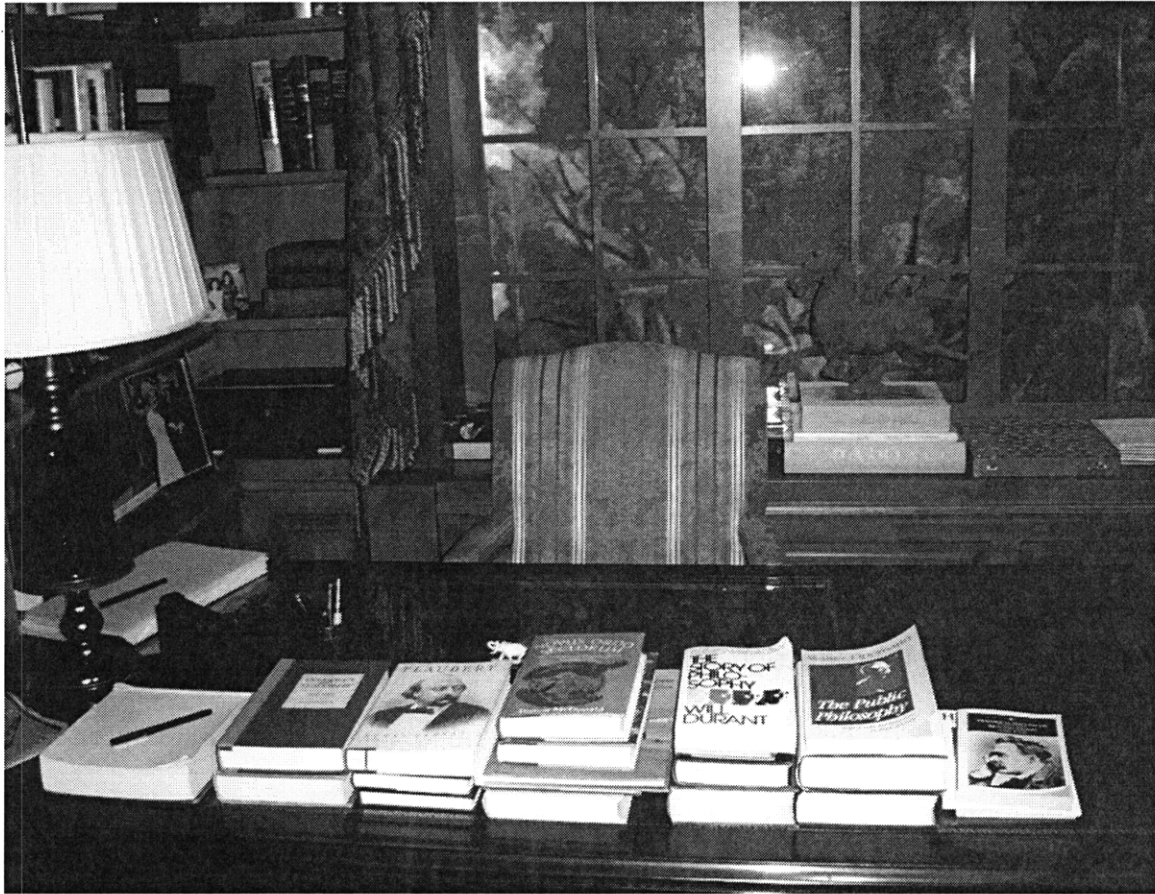
Books are not just a supplement to the archival research functions. Books are also integral to the presidential libraries, as museums and as "structures of symbolic power," after Bourdieu (see Chapter 1). There are libraries within the libraries—



collections belonging to former presidents, and, in some cases, their spouses and advisors (Fig. 6.1). For example, although the scale varies from the size of a single shelf to an entire room dedicated for the purpose, the F.D.R. Library (Fig. 6.2) and the Bush Library (Fig. 6.3) all have what could be called a children's library. There is a small bookshelf in the living room of the Nixon Birthplace Home at the Nixon Library with books dating from Nixon's childhood. Indeed, throughout his life, Richard Nixon was an avid reader. The Nixon Library, like the Hayes Library, actually owns the former president's vast library, made up of thousands of books. Further, many of his books are on display in a reproduction of his home office and library that he called "Eagle's Nest" (Fig. 6.4, Nixon's books and library are examined in more detail in Chapter 9). The Nixon Library also has a collection of books on Watergate formerly owned by prominent Nixon aide, H.R. Haldeman.<sup>3</sup> In short, the Nixon Library, which everyone from Steven Ambrose to the *New Yorker* has emphatically insisted does *not* have a library (see the Introduction to Part III), does in fact have a large library.

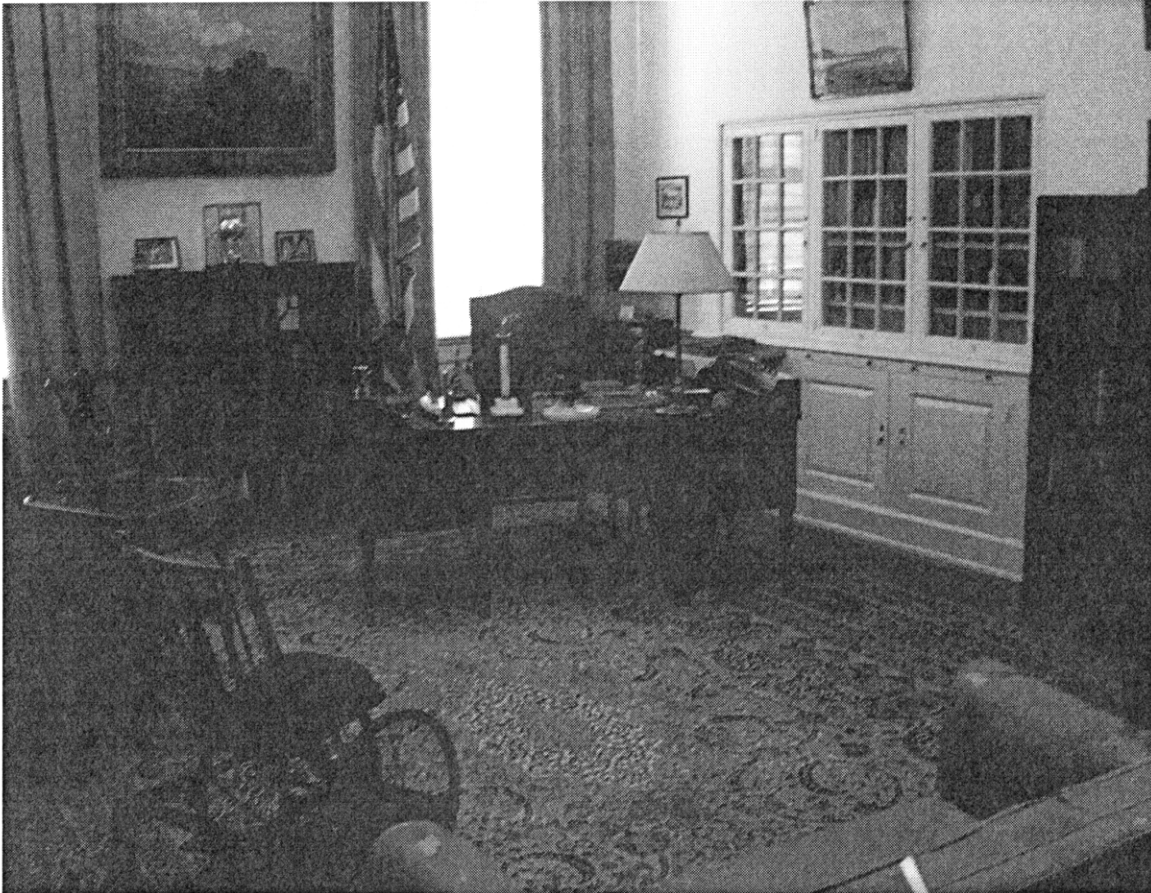
---

<sup>3</sup> An archivist at the Nixon Library told me in 2006 (when it was still privately controlled by the Nixon Foundation) that the Haldeman "Watergate" books were highlighted by Haldeman in three colors, each of which corresponded to whether or not he felt the statement was 'true', 'false', or 'possibly true'.



6.4 *Reproduction of Nixon's desk and actual books from "Eagle's Nest", his post-presidential study (see Chapter 9). Richard Nixon Library, Yorba Linda, California (Photo by Author © 2007).*

Even within the museums, the dominant focus of existing scholarship on presidential libraries, there are libraries. For example, just as most of the presidential libraries have a reproduction of the Oval Office, several, like the Nixon Library's "Eagle's Nest," have reproduction rooms that are themselves a kind of library complete with a collection of books once in the possession of former presidents (Figs. 6.5 and 6.6). These books remain unstudied museum artifacts that arguably have historical value as much for what they may contain as who may have read them.



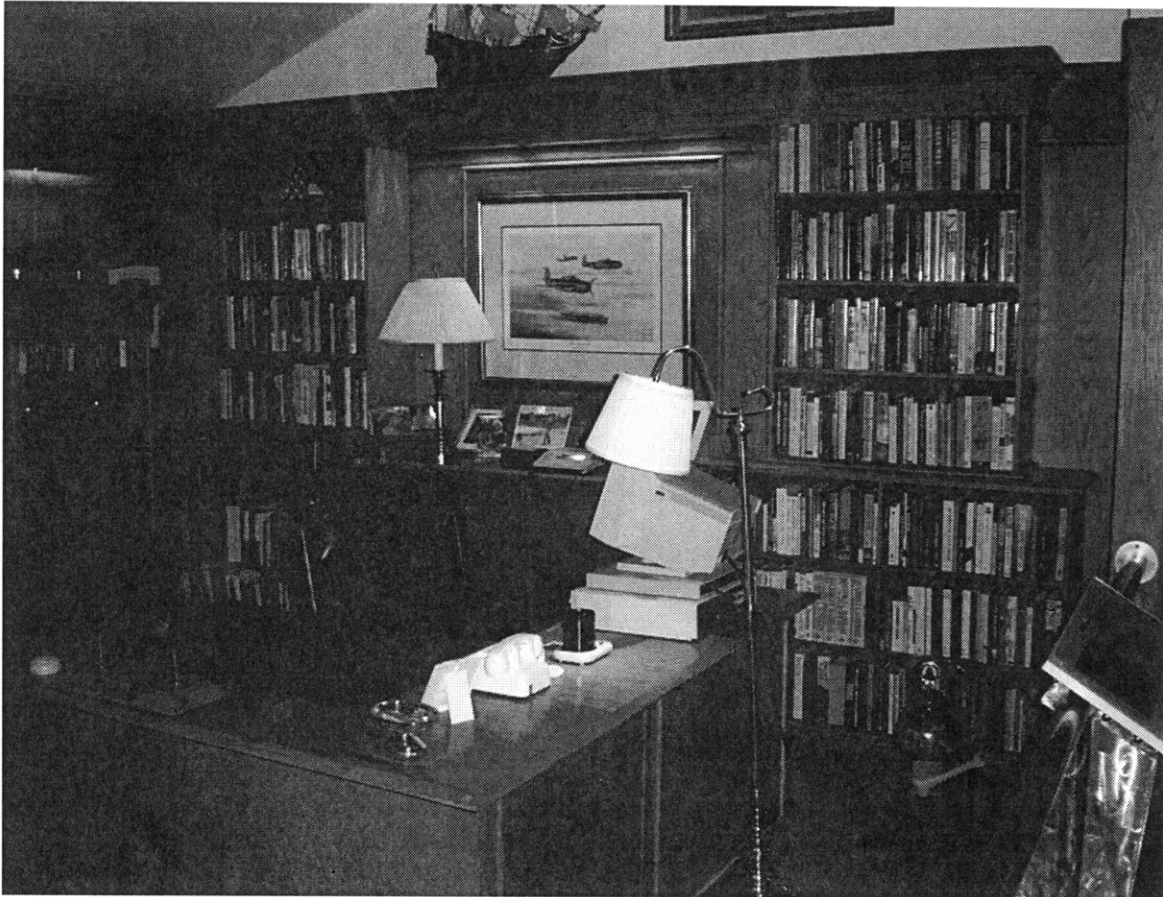
6.5 *Reproduction of F.D.R.'s office while he was president (Oval Office was under construction). Franklin D. Roosevelt Presidential Library, Hyde Park, New York (Photo by Author © 2005).*

Earlier it was argued that the presidential libraries comprise a museum of architecture because many display segments of the Berlin Wall, reproductions of the White House, or even, as is the case at the Truman and Nixon Libraries, a restored “birthplace home.” By the same token, presidential libraries are bound by a single book; or, more precisely, “The Book.” Almost every presidential library has a bible. Indeed, a five-century old family bible is among the earliest objects F.D.R. sent to the first presidential library.<sup>4</sup> The Kennedy and Nixon, Reagan and Ford Libraries, among

---

<sup>4</sup> Memo, 2 June 1942, F.D.R. to Mr. Shipman, Box 3, Folder 5, Franklin D. Roosevelt Library File, Franklin D. Roosevelt Library. Each of the books in the libraries has a history. In this case, the memo describes, among other items, “a Bible, 1601. This bible came down through the Roosevelt family and, according to

others, all have a bible, usually a family heirloom used for their Oath of Office, prominently on display (Fig. 6.7).



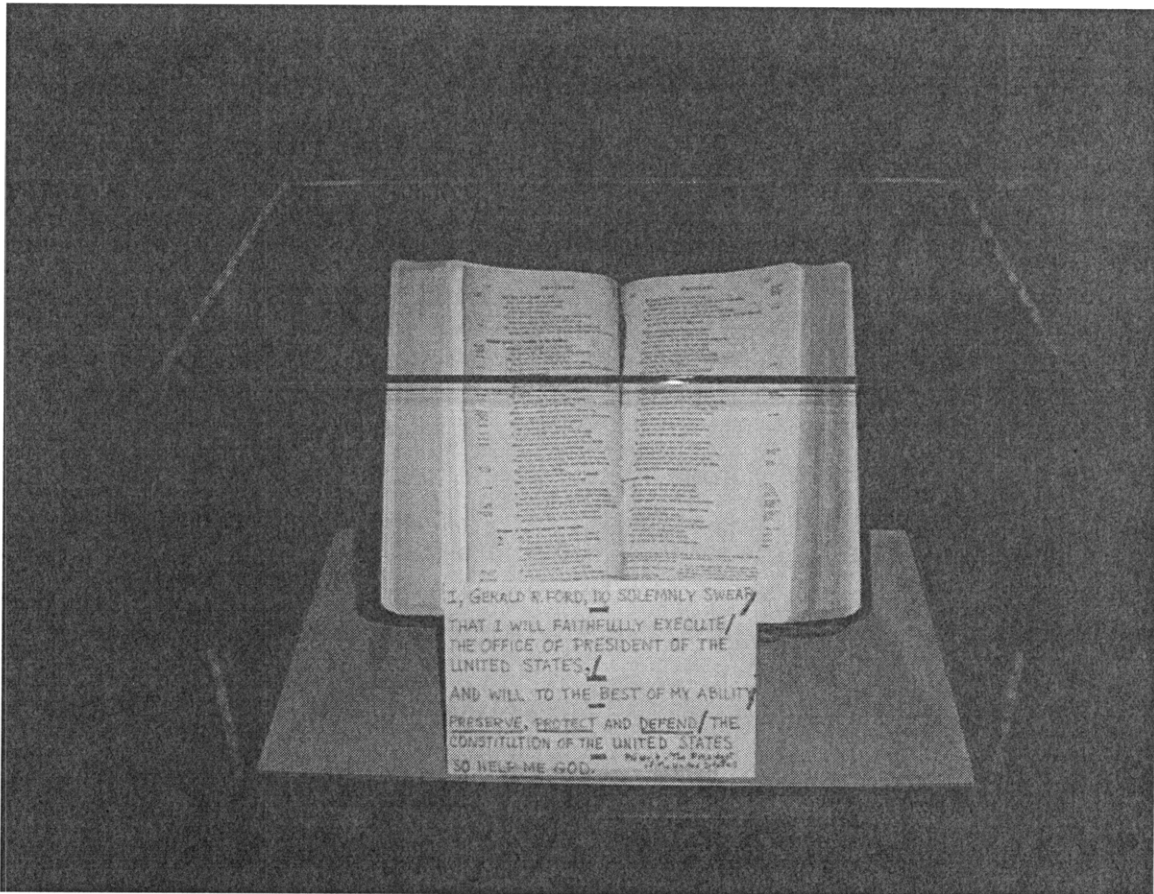
6.6 *Reproduction of the Laurel Office at Camp David. George H.W. Bush Presidential Library, Texas A&M University, College Station (Photo by Author © 2006).*

If a library is merely an edifice or architecture that houses books, then the presidential library, as a collection of libraries and as a library with books as collections, is most certainly a library. However, libraries also fulfill a social or even a sacred function in society. The library, particularly a library that is established with the intent to preserve certain kinds of knowledge and information under the auspices

---

Roosevelt, was “acquired by me from Miss E. M. C. Roosevelt of ‘Rosedale’, a daughter of my uncle, John Aspinwal Roosevelt.”

of state power, has a long history going back thousands of years. And, like the presidential library, the library in history has always been far more than a collection of written works. Chapter 6 explores the library in history and the library in theory. It proposes that as a structure of symbolic power, the presidential library is more of a library, perhaps, than any library “in the usual sense.”



6.7 Bible at the Ford Museum along with the note card he used for his Oath of Office. It is opened to Proverbs, Chapters 2 and 3. Example of the text visible to the public: “When wisdom comes into your heart ad knowledge is a delight to you, then prudence will be there to watch over you, and discernment be your guardian to keep you from the way of evil.” (Prov 2:10-13). Gerald R. Ford Presidential Museum, Grand Rapids, Michigan (Photo by Author © 2006).

### **F.D.R. and the Library in the “Usual Sense”**

In the archives of the Franklin D. Roosevelt Presidential Library there is a letter dated 21 February 1936, from Esther H. Dixon, Executive Assistant, American Library Association, to Dr. John Stewart Bryan, President of the College of William and Mary



and Chairman of the Board for the Richmond Public Library during the 1930s and 1940s.<sup>5</sup> Dr. Bryan was scheduled to make a radio address in conjunction with the ALA meeting to be held in Richmond in May of that year. Dixon's letter and its attachment listed useful tidbits of "human interest" about libraries for Bryan's use during his address. The letter is a good place to begin answering the question: what is a library. Dixon's assemblage of information also described prevailing ideas about libraries, particularly public libraries, during the 1930s that directly influenced the first official presidential library, opened by F.D.R. in 1941.

Dixon, like those in the museum field, stated that the library has three important functions in society. First, the library is storehouse of knowledge. Libraries contained and "made available to all" materials for "use in self-improvement, scholarship and recreation." Second, libraries are a "supplemental education agency", acting to bolster the efforts of schools. Finally, libraries are a form of "community intelligence center", providing up-to-date information on questions pertaining to social issues, government and other pragmatic forms of general knowledge. Given that the radio was the most advanced form of communications technology during this period (and there was no internet) the library in this latter function was a mechanism for accessing important information from regulations and laws to daily news. Dixon's three functions all speak to a common theme of education and public access

---

<sup>5</sup> Letter, 21 February 1936, for Dr. John Stewart Bryan from Esther H. Dixon, Executive Assistant, ALA, PPF 3451, American Library Association, Franklin D. Roosevelt Library.

The library, like the museum, comes out of a nineteenth-century pedagogy advocating the education of more productive citizens.<sup>6</sup> Influential progressive-era historians such as James Harvey Robinson advocated what was called “New History”, arguing that history was “a pragmatic weapon for explaining the present and controlling the future of man” (see Chapter 2).<sup>7</sup> Dixon quotes Theodore Roosevelt who believed that “after the church and the school, the free public library is the most effective influence for good in America. The moral, mental, and material benefits to be derived from a *carefully selected* [my emphasis] collection of good books, free for the use of all people, cannot be overestimated.”<sup>8</sup> The library, in the “usual sense” is thus a weapon of history.

There is no doubt that F.D.R. read Dixon’s letter. Not only is a copy of it in his files, he wrote a “suggested message” for Brown, based almost entirely upon her letter.<sup>9</sup> In his suggestion, F.D.R. claims the “free public library is distinctly an American contribution to civilization. America has followed foreign models in art, in literature, and in formal education but in library technique, I think I may, without fear of

---

<sup>6</sup> The Carnegie Libraries are a prime example of this kind of institution, particularly with his self-aggrandizing belief that the self-made man was only a product of will and education. See Andrew Carnegie, *The Gospel of Wealth and Other Timely Essays* (Garden City, NY: Doubleday, Doran and Company, 1933); Abigail A. Van Slyck, *Free to All: Carnegie Libraries and American Culture, 1890-1920* (Chicago: The University of Chicago Press, 1995).

<sup>7</sup> Morton G. White, *Social Thought in America: The Revolt Against Formalism* (New York: The Viking Press, 1949), 8.

<sup>8</sup> Letter, 21 February 1936, for Dr. John Stewart Bryan from Esther H. Dixon, Executive Assistant, ALA, PPF 3451, American Library Association, Franklin D. Roosevelt Library. Dixon’s re-use of Theodore Roosevelt is not without precedent. Roosevelt is in fact restating a case Thomas Jefferson made for the careful use of education so that certain types of children might become “useful instruments for the public.”

<sup>9</sup> Suggested message from the President to the American Library Assoc. for inclusion in a radio address to be given by John Stewart Bryan in connection with the meeting of the Assoc. in Richmond on May 13, PPF 3451, American Library Association, Franklin D. Roosevelt Library.

contradiction, claim that her leadership is recognized throughout the world.” His bold statement of American exceptionalism was a legacy of Progressivism.<sup>10</sup> However, European art and literature were not only considered to be the backbone of a serious education during this period (and after), they were principle mechanisms in writing the periodization of history itself.

F.D.R.’s insistence on the freely accessible public library as an equivalent contribution, positions the presidential library (in the earliest stages of its conception at this time) as a transformative architecture. This is particularly interesting given the germ of public ownership that grows out of his presidential library. Beyond the simple idea of public access, however, is F.D.R.’s insistence that the library, like the museum, is essential for promoting benevolent citizenship:

Man must be forever bringing his knowledge up-to-date if his usefulness as a worker or citizen is to be maintained. The public library serves all purposes of civic life—industrial, social, religious and recreational. It assists with the education of the young and continues that of the adult. It is truly American, presenting to the native American and the foreign born alike the ideals of our Government...<sup>11</sup>

Of course, one of the official missions of the presidential library system is to educate visitors about the presidency and the America system of government. This is especially

---

<sup>10</sup> See, for example, Louis Menand, *The Metaphysical Club: A Story of Ideas in America* (New York: Farrar, Straus, and Giroux, 2001); Lawrence A. Cronin, *American Education: The National Experience, 1783-1876 and American Education: The Metropolitan Experience, 1876-1980* (New York: Harper & Row, 1988).

<sup>11</sup> Suggested message from the President to the American Library Assoc. for inclusion in a radio address to be given by John Stewart Bryan in connection with the meeting of the Assoc. in Richmond on May 13, PPF 3451, American Library Association, Franklin D. Roosevelt Library. This message is nearly identical to remarks contained in the earlier letter from Esther Dixon. F.D.R., however, replaced “citizen” in Dixon’s version, with “American” in his own.



true at the Ford and the Truman Libraries, where both former presidents insisted from the beginning that the museums emphasize the office over the man. In other words, despite NARA's characterization, the presidential library—through evidence garnered from within—was by F.D.R.'s own characterizations, a library; and, as such, its history properly belongs to the history of libraries.

### **The History and Origins of the Library**

The library has a long history that predates Roosevelt by thousands of years, as a weapon and as a storehouse. For library historian Fred Lerner, the story of libraries “is a history of one of the most enduring human institutions, one nearly as old as history itself.”<sup>13</sup> Lerner traces the “birth of libraries” to the need to preserve and access the written word. More than that, however, he insists that this need is itself inextricable from a desire to contain “wisdom of the past” in the present and, perhaps most importantly, the “hopes and fears of the future.”<sup>14</sup> According to Lerner, these hopes and fears drove the varying needs to which the written word, and hence the library, was deployed. He characterizes these as the need to memorialize rulers, preserve sacred stories and practices, proclaim laws, “sustain a common vision of the past and uphold an order of things in the present.” Lerner sums the principle characteristic of the library up with an anachronistic truism: “Knowledge was power, and whoever controlled the storehouse of knowledge owned treasure indeed.”<sup>16</sup>

---

<sup>13</sup> Fred Lerner, *The Story of Libraries: From the Invention of Writing to the Computer Age* (New York: Continuum, 2006), 11.

<sup>14</sup> Lerner (2006), 11-13.

<sup>16</sup> Lerner (2006), 11.

In many respects, not the least of which is his assessment of knowledge, Lerner's *Story of Libraries* is typical of the genre. It traces the history of libraries through its exemplary or sensational moments: from cuneiform Assyrian libraries, the founding and destruction of Alexandria, the 'first' architectural rendering of a library space at St. Gall, and the House of Wisdom in Baghdad through the modern libraries of the British Museum Library and the Library of Congress. Lerner concludes his survey collection with a chapter on the online database to briefly claim that the future of the library is in its dual (difficult) role as an accessible if impossibly expansive storehouse for ever-increasing information that is simultaneously an institution devoted to the preservation of finite and increasingly-fragile materials. Of course, Lerner, like others who critique the idea of the library in the Information Age, has perhaps conflated the idea of the archive as it encounters the technological opportunities and challenges of the modern age (see Chapter 5) with the idea of the library as a particular kind of monument and weapon.

For Lionel Casson, *Libraries in the Ancient World* (2001), the origin of the library is also linked to the invention of writing. This is traditionally traced to the "cradle of civilization", in the ancient near east, primarily Egypt and Mesopotamia. However, writing alone does not explain the existence of libraries. Casson insists that from the beginning one cannot separate the history of libraries from an understanding of fragility or mortality linked to power.<sup>17</sup>

---

<sup>17</sup> Lionel Casson, *Libraries in the Ancient World* (New Haven, CN: Yale University Press, 2001), 1-3.

Writing materials in parts of the ancient world, particularly Egypt, were often extremely fragile. Papyrus (like its modern descendent, paper) was very susceptible to the forces of nature, in particular the fires of conquest. Scrolls were accordingly stored in the most durable and sacred structures. In Mesopotamia, by contrast, the paucity of useful reeds and the ever-present clay provided a relatively durable material for inscription. However, even the fire-resistant clay was subject to the crushing violence of conquering armies. Like papyrus and cloth, clay tablets were relegated to the safety of sacred precincts subjected to strict laws of access and religious practices which transformed texts into scripture as a guarantor of reverence.

Durability, as Casson points out, always spoke immediately and poignantly to the preservation of power in the face of potential destruction, whether by accident or design.<sup>18</sup> Storage implements and architectures were deployed to safeguard valuable texts such as inventories, accounts, and even early literature. Special rooms in temples and palaces were built for the preservation of text objects. They were also stored in sealed and buried clay pots. Valuable texts were often copied many times over into important catalogues or assemblages of works to ensure that the contents—such as rules governing religious rites, sacred stories that ensured status quo social hierarchies—were preserved.

As Casson notes, almost all texts were created in temples. Sacred precincts were indelibly linked to the power of sovereign ruler, whose control over knowledge and sanctioned authority was guaranteed by the gods. This power manifested itself to

---

<sup>18</sup> Casson (2001), 1-3.

the public through the very ceremonies recorded and proscribed in the preserved texts. Priests and scribes (often the same) were integral to the production and storage of written texts. Indeed, many of the most copied catalogues of works were of considerable religious importance involving the description of public ceremonies.<sup>19</sup> Copies were used as models for the transmission of writing skills, as a form of sacred knowledge, from master scribe to student. The proliferation of copies and the embedded tradition of the sacred copyist within the religious structure was a form of insurance against historical erasure—of particular kinds of knowledge and of remembrance associated with the social hierarchy.

It is possible that the first known library was unearthed in the ruins of the Temple of Assur at Ashur. The tablets excavated from there are traced to the reign of Tiglath-Pileser I (1115 – 1077 B.C.). However, it is Ashurbanipal, the king of Assyria from 668 to 627 B.C. who is considered to be the founder of the “first systematically collected library in the ancient Near East.”<sup>20</sup> The remains of Ashurbanipal’s library, excavated from two palaces in Nineveh, were vast in scale and scope. He was evidently a rabid collector of all forms of writing, sending his scribes over a surprisingly vast territory to copy and obtain texts for his collection.

For this study, Ashurbanipal’s library is notable because it is possibly the earliest collection that united its architecture with specific ideas about access and judgment. Ashurbanipal’s library spaces appear to have only been designed to prevent theft and unwarranted entry by any but the king and a very select group of priest-

---

<sup>19</sup> Casson (2001), 7-8.

<sup>20</sup> Casson (2001), 9-11.

scribes. What is more, his tablets called down the wrath of Ashur, King of the Gods: “Whoever removes [the tablet] writes his name in place of my name, may Ashur and Ninlil, angered and grim, cast him down, erase his name, his seed, and his land.”<sup>21</sup> Even the removal of tablets from other, more forgiving, libraries was harshly sanctioned by the power of the gods to erase one from history. Thus, the memorial aspect of the library, where access was tied to mortality and the preservation of knowledge to immortality, was always integral to its conception.

Oddly, Casson insists that the ‘first’ libraries in the ancient Near East “have nothing to add to the history of libraries” because they ceased to exist when their civilizations ceased to exist.<sup>22</sup> In addition to the point made above, Casson contradicts himself, when he mentions the ‘sacred library’ of Ramses II (1279-1213 B.C.) described by first century (B.C.) Greek historian, Diodorus. Little is known of Ramses’ library barring the inscription: “Clinic for the Soul.”<sup>23</sup> As the authors cited in this essay attest, this motif has survived virtually intact. Regardless, whether or not the contents and precincts of ancient libraries survived, the idea of the library as an architecture of power and the idea that the space of the library is analogous to a clinic or spiritual refuge are two constants that outlived any material antecedents.

For Cassan, the transformation of the library into a space for the public, defined as a public, marks the true origin of the modern library. Casson insists that the “library as we know it...open to readers with interests in all subjects” would have to wait for

---

<sup>21</sup> Casson (2001), 12.

<sup>22</sup> Casson (2001), 15-16.

<sup>23</sup> Casson (2001), 16.

Greek civilization. Once again, writing triggers the “birth” and Casson associates the (re)invention of the library with the (re)learning of writing by the Greeks from the Phoenicians in the first millennium. However, it is with the confluence of schools and booksellers located prominently in public space (*agora*), combined with surviving documentation on the prevalence of private libraries by the fourth century B.C., that the criteria for “the creation of a public library” are finally met.<sup>24</sup> Casson posits that it was the creation of the vast private library of Aristotle, the prodigious writer and “teacher of kings”, that in turn influenced the first Ptolemies to create their famous library at Alexandria when they founded their city in the early third century B.C. More on Alexandria later.

It is another concurrent moment described by Casson that is pertinent to this study, and that is the creation of a model for what might be called a civic library. Casson traces the origins of the civic model for the library to the sacred theatrical tradition of Hellenistic Athens. Plays in Athens were performed under state authorization and as an integral facet of religious festivals, and the works of the writers such as Aeschylus, Sophocles, and Euripides were swiftly enshrined as unsurpassable. However, due to the ‘license’ of performers and the inaccuracies of uncontrolled copying several decades after the deaths of the most prominent Athenian playwrights, the authenticity of their sacred works was threatened. Lycurgus of Athens (leader from 338-325 B.C.), wrote a law to preserve authentic written copies of their works in a records office. Lycurgus’ law was perhaps the first to authorize, by the power of the

---

<sup>24</sup> Casson (2001), 28.

state, the trustworthy preservation and dissemination of authentic material.<sup>25</sup> Once again, the idea of the library is conflated with that of the archive.

The Library of Alexandria is derived from these precedents. It was the influence of the Ptolemies' famous and powerful library that subsequently inspired the propagation of similar collections (in kind if not in scale) across the Mediterranean and Europe for centuries. Alexandria's legacy in the hands of the Roman Empire, with its extraordinary ability to build its distinct cultural edifices (aqueducts, basilicas, arenas) into conquered cultures, bequeathed the idea of a library to the western world. However, as Pevsner so insightfully described, the *form* of the library would be forever changed when the *object* of the library shifts in the early fifth century (A.D.) from the rolled papyrus scroll to the bound codex.

For this study, a history of the presidential libraries *as libraries* can easily be traced to the notion of a repository with rules of access inextricably bound to the mechanisms of power (Assyrian libraries of the ancient world) as well as to the notion of the library as a manifestation of state will where the preservation of authentic materials is considered essential for the propagation of sacred customs and rituals associated with cultural identity (Lycurgus' law). In that the presidential libraries are repositories for artifacts—be it the records or other materials—associated with exemplary figures, and that the institution is described as a “classroom for democracy”,

---

<sup>25</sup> Casson (2001), 29-30. Casson goes on to describe how the Ptolemies took this idea and pushed it to its limits with the creation of the fabled Library of Alexandria. They acquired everything they could get their hands on in order to amass an authentic repository of official versions of all writing.

its history can also be linked to the idea of the preservation and selective dissemination of texts as a technology of memory.

### **The Library and the Obligation of Memory**

According to Bioethics Professor, Jeffrey Blustein, “remembrance is an indispensable ingredient of a good life and a necessary condition of civic health.”<sup>26</sup> The central question for the study of memory as a philosophical inquiry and as a mechanism for *both* judging and realizing a “good life” and a healthy society, concerns not whether we should remember but, following Nietzsche’s “On the Use and Disadvantages of History for Life”, how we choose to remember and how such choices ascribe value to both the operation of memory and the necessity of forgetting. Blustein agrees with Nietzsche’s assessment that memory “is not an unqualified good”, indeed its benevolence is often historically contingent upon the difficult value of forgetting. Rather memory speaks less to goodness itself and more to the notion of obligation—from the collective standpoint as well as that of the individual.

Alberto Manguel, in his *The Library at Night* (2006), suggests that despite Ashurbanipul’s pride in his abilities as a scribe, it was the “emblematic representation of the powerful qualities associated with books” rather than the “transformation of experience into learning” that mattered to him most.<sup>27</sup> Even the Library of Alexandria, he claims, “was a place of memory, of necessarily imperfect memory.”<sup>28</sup> Indeed, all

---

<sup>26</sup> Jeffrey Blustein, *The Moral Demands of Memory* (New York: Cambridge University Press, 2008), 2.

<sup>27</sup> Alberto Manguel, *The Library at Night* (New Haven, CN: Yale University Press, 2006), 96.

<sup>28</sup> Manguel (2006), 30. He even goes so far as to suggest that, given the mnemonic function of libraries, the best proposal for the German Holocaust Memorial was to build a library.



subsequent libraries, no matter the scale or ambition, have “acknowledged this piecemeal function.” And, despite the illusion of freedom maintained by scholars at the Library of Alexandria, the Ptolemies and their successors understood that a library was a monument to memory where controlling memory was power. Even Henry E. Huntington, who amassed a vast library towards the end of his life, believed that “the ownership of a fine library is the surest and swiftest way to immortality.”<sup>29</sup> Juan Perón “wishing to dispel the image of an illiterate ruler”, especially given his later admission that he rarely read, often had himself photographed in front of “large leather-bound, gold-lettered tomes.”<sup>30</sup> For Manguel the long history of the library is a narrative of memorials to heroic leaders and other powerful figures, and this narrative goes straight through the presidential libraries:

[L]ibraries are still founded by (and named after) politicians who, like the ancient kings of Mesopotamia, wish to be remembered as purveyors of that power. In the United States, a string of presidential libraries testifies to this desire for intellectual immortality (as well as tax relief).<sup>31</sup>

The symbolic value associated with founding a library, and its accompanying prestige remains a constant in library history. Wealthy benefactors from the Renaissance to the modern period (in the United States Andrew Carnegie is the prime example)

---

<sup>29</sup> Attributed to Henry E. Huntington according to his agent A.S.W. Rosenbach (arguably one of the most influential booksellers of the twentieth century), in Nicholas Basbanes, *A Gentle Madness: Bibliophiles, Bibliomanes, and the Eternal Passion For Books* (New York: Henry Holt & Co., 1995), 194.

<sup>30</sup> Manguel (2006), 95. Juan and Evita Perón also famously presented themselves as heroic in ‘autobiographies’ that were ghost-written.

<sup>31</sup> Manguel (2006), 94.

established libraries (schools and museums) that became monuments to their founders.<sup>32</sup>

Yet, libraries are also and have always been as much of a threat to power as a manifestation of its authority. Commensurate with the ability to augment authority through the control and display of knowledge is the embedded nature of that same potential to question power. Thus the destruction of libraries and the burning of books are acts that go back to the very origins of writing. Biblioclasm (described below), speaks to the implicit understanding that libraries can speak back to power as much as prop it up. Even at the basic level of organization and collection censorship rears its head, engaging the potentially limitless knowledge and experience generated from the written object through limitations and restrictions imposed by control, editing, and other impositions of value.<sup>33</sup> Libraries and their objects have a dual relationship with power: "As repositories of history or sources for the future, as guides or manuals for difficult times, as symbols of authority past and present, the books in a library stand for more than their collective contents, and have, since the beginning of writing, been considered a threat."<sup>34</sup>

---

<sup>32</sup> Manguel (2006), 96.

<sup>33</sup> Manguel (2006), 30-31.

<sup>34</sup> Manguel (2006), 123-25. Infamously, Caliph Omar of Alexandria is said to have presided over the destruction of all texts that were not Holy, as did Regent Abi-Amir al-Mansur in the fabled learning center of Cordoba. This feat was again repeated in the 19<sup>th</sup> C. at the Great Fatimid Library of Cairo. Ottoman soldiers in the 16<sup>th</sup> C. burned the Great Corvina Library "in an attempt to annihilate the culture of the people they had conquered." The modern era has numerous accounts of control via the book, from Nazi book burnings to state-sponsored Internet censorship to the Patriot Act authorizing the government to keep tabs on borrowing records.

## The Library at War

From Nazi book-burnings to fire-bombs, the memory of World War II left a dark legacy on the history of libraries. However, this too is an important function of libraries as a mechanism for the perpetuation of ideological compliance. There is a letter addressed to Charles H. Brown, President of the American Library Association, in President Franklin D. Roosevelt's personal files, from 17 June 1942:

Your task in a day of war and havoc is a hard and an arduous and a crucial one. You are on guard not only against the threat of violence and destruction that may come to our libraries from beyond our borders but also against the slower death by neglect and disparagement that may imperil them from within. It is your high duty to see that the great works of the human spirit created in the past are not sacrificed to present exigencies, present hazards... In your charge is the living record of all that man has accomplished in the long labor of liberty [and] all he aspires to make of it in the future... By keeping that record always before the eyes of the American people you give them renewed strength in their struggle against the dark backwash of tyranny...<sup>35</sup>

The idea that the library is a tool of war and that its contents must be preserved against "the barbarians," whomever they may be, goes back thousands of years. And Roosevelt did not hesitate to demand the support of libraries during wartime. For Roosevelt,

[L]ibraries are directly and immediately involved in the conflict that divides our world... because they are essential to the functioning of a democratic

---

<sup>35</sup> Letter to Mr. Charles H. Brown, 17 June 1942, PPF 3451, ALA File, Franklin D. Roosevelt Presidential Library.

society [and] because the contemporary conflict touches the integrity of scholarship, the great repositories of culture, and the great symbols of the freedom of the mind...<sup>36</sup>

In these letters, the task of the librarian is made analogous to that of a soldier, and the library, with its perishable contents, is a bulwark against destruction. The purpose of the library is made akin to a call of duty. Once again, it is a weapon.

Of course weapons cut both ways. Harvard Librarian, Matthew Battles begins *Library: An Unquiet History* (2003) with Alexandria because it holds a prominent place in the legacy of Western Civilization. Like Lerner, Battles notes the inextricable importance of the library as a mechanism of power: “the strategic implications of a monopoly on knowledge...were not lost on the Ptolemies.”<sup>37</sup> However, he goes on to suggest that, if it had not been for their “aggressive acquisitions policy” of confiscation and purchase, many lost texts from antiquity might have survived. For Battles, Alexandria is not a mythic utopia where all knowledge can be found. Rather it stands as a stark warning and a fear that has underwritten every library in history.

The dangers of a central all-encompassing site, like Alexandria, (particularly in the ancient world) are that its destruction leaves no trace of its contents. Of course, as Battles points out, “the Ptolemies didn’t see their library as a universal repository devoted to the preservation of liberal learning, however much our cherished origin myths may have us believe so. Libraries are as much about losing the truth—satisfying

---

<sup>36</sup> June 13, 1941, Letter from FDR to Dr. Luther H. Evans, Chief Assistant Librarian, Library of Congress, PPF 3451, American Library Association, Franklin D. Roosevelt Library.

<sup>37</sup> Matthew Battles, *Library: An Unquiet History* (New York, NY: W.W. Norton & Co., 2003), 29.

the inner barbarians of princes, presidents, and pretenders—as about discovering it.”<sup>38</sup> Indeed, it is as likely that the loss of many libraries and their contents is as much the result of disinterest and indifference as it is that of violent erasure.

In any event, the Alexandrian biblioclasm becomes a potent cultural and political force in history that does not need to be true to function as an effective myth. The story of Caliph Omar’s burning of Alexandria’s books in the seventh century was most likely an invention of a 12<sup>th</sup> century chronicler, Ibn al-Qifti, used to justify the massive sale of books by Saladin, who of course needed funds to fight off Crusaders from Europe. Indeed, as Battles describes, the libraries at Alexandria underwent centuries of neglect, partial destruction and revival at the hands of countless rulers and invaders—Roman, Ottoman, and otherwise—for centuries. In other words, “Alexandria burned more than once.”<sup>39</sup>

Perhaps the most notorious story of historical legitimacy through the destruction of libraries occurred in ancient China. During the 3<sup>rd</sup> century B.C., Shi Huangdi, the First Sovereign Qin Emperor, ostensibly issued a decree to eliminate all writings and histories not officially generated and sanctioned by the state in an attempt to reinforce unification through a singular historical vision.<sup>40</sup> In this case a national library was built for a new nation on the ruins of all the old libraries. Unfortunately, the history of the library, as a mythic ward against barbarism and as a

---

<sup>38</sup> Battles (2003), 31-32.

<sup>39</sup> Battles (2003), 22-25.

<sup>40</sup> See for example, Battles (2003), 33-36. Of course, like Alexandria, Shi Huangdi’s purge is largely mythical and has been continually redployed to reinforce ideas about ideological purification and Chinese unification throughout its history.

guarantor of state power, is rife with irony and tragedy. For example, the remains of the clay tablets, such as Ashurbanipul's, from the most ancient libraries (known and yet to be discovered), which have survived fires, conquest, and centuries of violence—natural and manmade—may now finally be erased by tons of ordinance dropped throughout what is now Iraq in recent years.<sup>41</sup>

Battles insists that, mythical or real, 'biblioclasm' have a rationale that can be summed up as accident, revision, sacrament, and erasure. The intentional destruction of libraries has been used throughout history to sanction regimes through the editing of conflicting ideas and facts, to purge competing versions of what might be sacred thus reinforcing a dominant religion, and to completely erase authors and readers in order to eliminate identities that are perceived as dangerous or inferior.<sup>42</sup> In the end, Battles notes, the world wars of the twentieth century proved that "burning a library is not the only way to destroy it."<sup>43</sup>

### **The Library and the Storehouse of Knowledge**

Since Alexandria, the architecture of the library has always included space for reading, contemplation, and discussion in the form of colonnades, courtyards and reading rooms. Thus for centuries, the library has been understood as both a place for the storage of texts *and* a place for their interaction with readers, restricted or otherwise, in pursuit of knowledge.<sup>44</sup> In addition to the history of the library as an

---

<sup>41</sup> Battles (2003), 26.

<sup>42</sup> Battles (2003), 42-46.

<sup>43</sup> Battles (2003), 157.

<sup>44</sup> Battles (2003), 28-29.

apparatus of power and memory, it describes a history directly tied to an architecture of access.

In the short section Durand devoted to 'Libraries' in *Précis of the Lectures on Architecture*, the library as described as more than just a warehouse. For Durand, a library as "a public treasury enshrining that most precious of deposits, the knowledge of humanity" as well as "a temple consecrated to study."<sup>45</sup> Durand's assessment of the library as a sacred space expresses Comte's call for new religion of humanity for humanity's sake through a hopeful architecture. Here Comte's desire for a freedom of the present becomes architecturally achievable through the "mnemonic presence of the past."<sup>46</sup> According to Durand, "most of the libraries now extant were not originally designed for the purpose." Durand's assessment reinforces the idea that the 'library', particularly as a "public treasury" is a type of architecture that is a particularly modern edifice. Perhaps he also felt the need to make this claim in order to explain the grand scale implied by his design methodology and those of his contemporaries, while sanctioning the Enlightenment sacralization of knowledge with architecture.

Manguel suggests that it might be Petrarch who first imagined a state-funded public library. Niccolò Niccoli, in the 15<sup>th</sup> C., "stipulated that any library founded on the basis of his collection should be open to *'omnes cives studiosi'*."<sup>47</sup> His vision for an early form of public library was appropriated following his death by Cosimo de' Medici,

---

<sup>45</sup> Jean-Nicolas-Louis Durand, *Précis of the Lectures on Architecture [1802-5]*, ed. Antoine Picon, trans. David Britt (Los Angeles, CA: The Getty Research Institute, 2000), 160.

<sup>46</sup> Neil Levine, ed., *Rethinking Architecture: A Reader in Cultural Theory* (New York: Routledge, 1997), 352.

<sup>47</sup> Battles (2003), 73.

a friend and rival, who secured control of the collection in return for the money (and the associated prestige) to build what would become the San Marco Library.<sup>48</sup>

National libraries in the modern era are derived from the countless efforts of individuals such as John Dee. After the dissolution of the monasteries by Henry VIII, in Britain, Dee tried to address the loss of their libraries with a proposal for an early form of national library. Dee was ignored. Many years later Richard Bentley, the King's librarian, in shock from the state of the King's books, wrote a *Proposal for Building a Royal Library* to be funded by Parliament; he was initially ignored too. Then, in 1731, a fire threatened the collection and Bentley was seen running out into the street carrying valuable manuscripts (such as, among many other rare manuscripts, the Lindisfarne Gospels, the 4<sup>th</sup> century *Codex Sinaiticus*, and the 5<sup>th</sup> century *Codex Alexandrinus*, liberated of course from the afore mentioned monasteries).<sup>49</sup> Eventually, George II donated the royal library to the new British Museum and a couple of decades later, in 1759, the British Library opened with the caveat that it be accessible to the public.

Pevsner, in his pragmatism, does not resort to a universal description of the library as an eternal treasury or shrine. Indeed, his *History of Building Types* explicitly contradicts Durand's timeline to a certain extent regarding the origin of libraries. However, he does ask whether or not a history of libraries *as architecture* can ever be grounded in a fixed origin. "Where should this chapter [Libraries] start?" Pevsner asks. "It is recorded that the Ptolomies' library at Alexandria had 200,000, or some say

---

<sup>48</sup> Battles (2003), 73.

<sup>49</sup> Manguel (2006), 294-97.



700,000, rolls. ... We also know that in the troubled third and fourth centuries A D libraries closed down.”<sup>50</sup> Despite Alexandria, Pevsner makes the swift decision to begin his history of libraries with the early Christian Church and their conversion of the written object from roll to codex. In this sense, Pevsner picks up the history of libraries where Casson left off. Yet, for Pevsner, the history of library architecture does not begin with writing; it begins with the book. Specifically, the architectural history of libraries begins with the history of structures designed for the purpose of reading and storing books.<sup>51</sup> Pevsner’s history is a narrative of scale, from the book cupboard to the monumental public edifice, that, similar to his meta-narrative of building types, speaks to the relationship of architecture and publics.

### **The Library, the Limits of Knowledge, and Mortality**

The historians cited above are alike in associating the birth of the library with writing. Pevsner marks the origin of how we understand the modern library with the space designed specifically to access and store a new object created by writing: the codex, or the book. Bound books have particular characteristics that inform how they capture writing and how they in turn are captured by libraries. Books open and close. They are bound at the beginning and at the end by a cover. When closed, the cover prevents visual access to what is written inside, with the exception of the practice of

---

<sup>50</sup> Nikolaus Pevsner, *A History of Building Types* (Princeton, NY: Princeton University Press, 1976), 91.

<sup>51</sup> Pevsner (1976), 91-110. After the destruction by fire of the largest libraries, such as the Imperial library in Constantinople in 476 AD, Pevsner locates the origin of the library in the very small structures associated with monastic reading habits: the book cupboard, the ‘bibliotheca’. From the book-cupboard Pevsner traces the lineage of library architecture in a line from medieval religious institutions such as St. Gall, to the Renaissance libraries at colleges such as Leiden and Oxford and private collections such as at S. Marco, up through the Beaux-Arts productions of the nineteenth and early twentieth centuries.

titles and other external classifications. Opening a book is akin to beginning an inquiry, and the turning of pages analogous to the sequential partitioning of time. Its material structure subjects the contents of the book to history and time. “The book,” according to Maurice Blanchot, “rolls up time, unrolls time, and contains this unrolling as the continuity of a presence in which present, past, and future become actual.” Thus, the book is not just the object that sits in libraries, a transparent and unobtrusive technology for the unimpeded transmission of knowledge. The book signals the possibility of knowledge and the very condition for reading and writing. As such, the book is never “simply empirical. The book is the *a priori* of knowledge.”<sup>52</sup> According to Manguel, the ancient cabbalists believed that universe was “not contingent on our reading it; only on the possibility of reading it.”<sup>53</sup>

Jorge Luis Borges brings the idea of the book as the possibility of capturing infinite knowledge together with architecture in *The Library of Babel*. Borges describes the library at its radical limits. For Borges, the ultimate library, containing everything

---

<sup>52</sup> Maurice Blanchot, “The Absence of the Book.” in Mark C. Taylor, ed., *Deconstruction in Context* (Chicago: University of Chicago Press, 1986), 382-83. Blanchot locates this promise, not in the transformation of an historical space known as the library, but rather in the idea of the book and its relationship to the culture as representation itself: “Culture is linked to the book. The book as repository and receptacle of knowledge is identified with knowledge. The book is not only the book that sits in libraries—that labyrinth in which all combinations of forms, words and letters are rolled up in volumes. The book is the Book. Still to be read, still to be written, always already written, always already paralyzed by reading, the book constitutes the condition for every possibility of reading and writing...” Blanchot, in his unabashed poetic indulgence, provides on the one hand, a caution against too easy a reading of the document in producing knowledge of both past and future. On the other hand, he remains ultimately optimistic about the infinite possibilities for knowledge contained within the immutable object of the text as its source. Less critical, but perhaps more dominant views of the book as not only a hopeful, but a valuable object (regardless of text itself) can be found, for example in, Nicholas Brasbanes’s *A Splendor of Letters: the Permanence of Books in an Impermanent World* (New York: HarperCollins, 2003).

<sup>53</sup> Manguel (2006), 237. This idea is also one that Jorge Luis Borges, *The Library of Babel*, trans. Andrew Hurley (Jaffrey, NH: David R. Godine Publ., 2000 ed.), 39n2, summarized: “In order for the book to exist, it is sufficient that it be possible.”

ever written or writable in the future within the limits of language, is a spatial manifestation of an unbearable yet infinite “hope that the fundamental mysteries of mankind might be revealed.”<sup>54</sup> Borges refers to this idea as the “utopia of the Total Library”, a place that, contrary to the philosophers of the Enlightenment, is far from an encapsulation of virtue.<sup>55</sup> Borges traces the idea that an ultimate library is theoretically possible given the fixed number of letters in language through a dizzying array of thinkers and writers, from Aristotle, Democritus, and Cicero through Swift, Flaubert, and Lewis Carroll. He quotes Carroll who theorized that if the number of words and letters in a language is limited, so too must be all possible combinations: “Soon,” wrote Carroll, “literary men will not ask themselves, ‘What book shall I write?’ but ‘Which book?’”<sup>56</sup> Manguel claims that this is the paradox for every library of any general ambition. If, to a lesser or greater extent, a library intends to accumulate and preserve as comprehensive as possible a record of the world, then “ultimately its task must be redundant, since it can only be satisfied when the library’s borders coincide with those of the world itself.”<sup>57</sup> Of course, this is how Borges’ novel begins: “The

---

<sup>54</sup> Jorge Luis Borges, *The Library of Babel*, trans. Andrew Hurley (Jaffrey, NH: David R. Godine Publ., 2000 ed.), 26.

<sup>55</sup> Jorge Luis Borges, “The Total Library,” [1939] in Jorge Luis Borges, *Selected Non-Fictions*, ed. Eliot Weinberger (New York: Penguin Books, 1999), 214.

<sup>56</sup> Lewis Carroll, *Sylvie and Bruno* (1893) as quoted in Jorge Luis Borges, “The Total Library,” [1939] in Jorge Luis Borges, *Selected Non-Fictions*, ed. Eliot Weinberger (New York: Penguin Books, 1999), 215.

<sup>57</sup> Manguel (2006), 66. By extension, any book (potentially housed in such a library) on the history of libraries necessarily falters in the face of an unattainable completeness. Indeed, what becomes apparent, when reading the vast literature on the history of libraries, is that most address this spectre of incompleteness through vast chronological scope complemented by anecdotal (albeit often scholarly and archival) detail.

Universe (which others call the Library) is composed of an infinite, perhaps indefinite number of hexagonal galleries.”<sup>58</sup>

Michel Foucault, in his oft-cited essay, “What is an Author?” makes a series of points that are pertinent to this chapter because the libraries, more than containing the objects of knowledge, are authorized under a single name as a structure of knowledge in and of itself (Fig. 6.8). For Foucault, the name of an author does more than identify an object or a subject. It assures a “classificatory function” within a typology of discourse.<sup>59</sup> Identifying something called a “work” is of vital theoretical concern for Foucault. Indeed, defining what comprises “a work amid the millions of traces left by someone after his death” is a theoretical as well as a technical problem.<sup>60</sup> Finally, Foucault identifies two themes illustrating the ethical nature of the writer’s relationship to his work. The vital theme is the tradition of “writing’s relationship to death.” Foucault describes how heroic immortality is continually implicated in the idea of narrative and writing, linking the act to ideas of sacrifice and essential being. As he puts it, “our culture has metamorphosed this idea of narrative, or writing, as something designed to ward off death.”<sup>61</sup>

---

<sup>58</sup> Jorge Luis Borges, *The Library of Babel*, trans. Andrew Hurley (Jaffrey, NH: David R. Godine Publ., 2000 ed.), 19.

<sup>59</sup> Michel Foucault, “What is an Author?” in *Book History Reader*, ed. David Finkelstein and Alistair McCleery (New York: Routledge, 2002), 227-29. With respect to navigating the proliferate world of works on and about Nixon (Nixonography) as well as the works by Nixon himself, and produced within a realm of works written by others (Nixon’s library), defining the typology of a discourse on ‘Nixon’ becomes paramount.

<sup>60</sup> Foucault (2002), 225-26.

<sup>61</sup> Foucault (2002), 225-26.



6.8 *Lyndon B. Johnson Presidential Library, University of Texas, Austin (Photo by Author © 2006).*

The intersection of events and time through books, writing and memory is the subject of Walter Benjamin's essay, "Unpacking my library." Confronting the object of the book, specifically within the act of collecting, Benjamin cannot help but become interested in the connection, within the space of the collection, and through the act of collecting, between the individual and a past. The book becomes a memory, a monument to a moment in time. As an object, each book is a signpost to a series of historical events, not those narrated within but rather those associated with the acquisition of the object of the book itself. The object is a marker for a biographical moment at the intersection of a particular time and place. Indeed, the object of the book takes on historical meaning in both the act of acquisition and the resulting

location of the book within the space of production in a collection, a library. Benjamin is unapologetic about the psychological forces that shape the almost nostalgic desire to collect books and to possess a collection.<sup>62</sup> However, it is the confrontation with each object, making a new place for it, that opens the possibility for Benjamin to indulge in a personal psychological exegesis that takes the form of historical narrative.<sup>63</sup> The idea that the book in connection with its owner marks a moment of memory and meaning, particularly as an object of desire, is vital to Chapter 9 on Nixon's Library, in Part III.

### **The Library as a Space of Vigilance and Confrontation**

Foucault explores the psychological implications of the library space in modernity. The library, for Foucault is the phantasmagoric modern space *par excellence*. Introducing the element of eternal alertness and careful observation, he describes the library as the domain of "wakefulness, untiring attention, zealous erudition, and constant vigilance."<sup>64</sup> For Foucault, the library has moved beyond a sacred space for what Comte called new religion of humanity for humanity's sake. According to Foucault, however, Comte's "mnemonic presence of the past" is found in the tension between the book object that is possessed and contained in a library and the possessor

---

<sup>62</sup> Aware that these desires are themselves historical and thus traceable, Benjamin might perhaps have made the critical decision to dismiss this awareness, avoiding paralysis.

<sup>63</sup> This act of making the place through writing about the unpacking, is where the lived language, the lived event crosses into representation, into study. The writing cannot occur simultaneously with the unpacking, even if he is writing between pulling books out of crates. But rather the writing is always reflecting back through both the memories of the object (its acquisition) and the recent memory of its unpacking. Further, writing pushes forward in anticipation of the next object, of the collection to be unpacked—and this reaffirmed *as* a collection. Time unfolds doubly as both an historical event retold for the reader (the acquisition of a particular book) and as the narration of the writing or telling itself, as Benjamin unpacks.

<sup>64</sup> Michel Foucault, "Fantasia of the Library," *language, counter-memory, practice* (Ithaca, NY: Cornell University Press, 1977), 90.

and occupant of the library who necessarily cannot read everything that is hidden in all of the books. In short, the bridge of memory generates the possibility of an infinite knowledge manifested as fearful attentiveness that must precede the production of another book. As an example, Foucault describes a scene of books and texts out of which Flaubert—who is “to the library what Manet is the museum”—wrote *The Temptation of St. Anthony*.<sup>65</sup> *Temptation* comes out of the library; not only as a myriad collection of titles, but as an indulgence in the fantastic possibility of infinite universes behind each book spine.

Foucault’s account of the production (and potential reading) of Flaubert’s *Temptation*, occurring as it does over the author’s lifetime and *in a personal encounter within this space*, connects a domain of vigilance (with respect to where a text comes from and where it might lead you) and erudition (with respect to the connections to other texts), Benjamin’s indulgence in narrative—historical and psychological—at the moment of confrontation with Blanchot’s monument to infinite knowledge, and Borges’s sublime site of hopeful—if impossible—revelation. What these describe is an effective set of inquiries for interrogating a complex architectural condition known as the Library. Indeed, the library, particularly the presidential library, is fundamentally an architecture of confrontation, a place of encounter between subjects—in pursuit of what might be revealed—and objects—placed there for what it might reveal. Ultimately, perhaps, the library is the site for an exultant confrontation with mortality.

---

<sup>65</sup> Foucault (1977), 88-89.

As Battles puts it, the library is “a world complete and uncompleteable.”<sup>66</sup> A library’s books “make not a model *for* but a model *of* the universe.”<sup>67</sup> In the library, the books “must be counted and classified before they may be desired.”<sup>68</sup> Battles outlines the problem of library history and the methodological path he has taken to address this difficulty as follows: “a complete history of the library—a documentary account of libraries wherever they have existed, in whatever forms they take—would run to many volumes. [Therefore, he searched for] points of transformation, those moments where readers, authors, and librarians question the meaning of the library itself.”<sup>69</sup> Battles’ ‘points of transformation’ aside, it is instructive that he describes library history as a history of struggle, where the very meaning of the library is necessarily contested from within.

### **Conclusion: The Library as Portrait of History and Judgment**

The Director of the Centre Pompidou Library, Michel Melot claimed that “every librarian is, up to a certain point, an architect. He builds up his collection as an ensemble through which the reader must find a path, discover his own self, and live.”<sup>70</sup> Just as it was believed during the Renaissance that one’s private study possessed “a secret character of its own, which might persist long after the owner’s death,” Manguel thought, “my library chronicles my life story” and “my study holds my identity.”<sup>71</sup> Aby

---

<sup>66</sup> Battles (2003), 5.

<sup>67</sup> Battles (2003), 6.

<sup>68</sup> Battles (2003), 9.

<sup>69</sup> Battles (2003), 20-21.

<sup>70</sup> As quoted in Manguel (2006), 133.

<sup>71</sup> Manguel (2006), 178-79.



Warburg called the unfinished and obsessive yet haunting organization of his library as an iconographic sequence Mnemosyne. For Warburg, memory (particularly of images) was a function of desire, where desire is knowledge.<sup>72</sup> From Victor Hugo, Rudyard Kipling and Cervantes, to John Adams and even Adolf Hitler, studies, studios, and libraries around the world are preserved—whether *in situ*, as recreations, or as fragmentary collections—“as memorials to their phantom owners.”<sup>73</sup>

Manguel insists that every library is autobiographical. What is more, it is possible that “our books will bear witness for or against us, our books reflect who we are and who we have been... By the books we call ours we will be judged.”<sup>74</sup> Indeed, it is perhaps reasonable, Manguel suggests, that social or national identity can “be mirrored by a library” through a collection that both practically and symbolically serves to reinforce particular definitions of collectivity.<sup>75</sup> Antonio Panizzi, the influential librarian at the British Library from the 19<sup>th</sup> century, believed that the state had an obligation to fund the library for the benefit of all, because, he insisted, the British national library was a portrait of the nation’s soul.<sup>76</sup> By all these measures, the presidential library is very much a library, whether through the exploration of

---

<sup>72</sup> Manguel (2006), 208-10.

<sup>73</sup> Manguel (2006), 182

<sup>74</sup> Manguel (2006), 194. Yet, some libraries “belong to the realm of nightmares.” Over one thousand volumes from Hitler’s personal library are preserved at the Library of Congress. Perhaps due to the consequences of extrapolating from an otherwise innocent book the genesis of psychopathic behavior, Manguel thus cautions against constructing “with any hideous accuracy, a portrait of” Hitler from his library. As he concedes, “let there be libraries that the imagination condemns simply because of the reputation of their reader.” Manguel (2006), 288-89.

<sup>75</sup> Manguel (2006), 294.

<sup>76</sup> Manguel (2006), 297-300.

personality and biography hinted at in Nixon's books (Chapter 9), or the deployment of knowledge as a weapon underpinning the ideological foundations of the United States.

### **Part III**

#### **The Object of Nixon:**

#### **The Post-Presidential Portrait and the Richard Nixon Library**

David Greenberg, in his remarkable study of Richard Nixon as an image, *Nixon's Shadow* (2003), called Nixon a “pioneering figure of the postwar age” in part because he brought “imagecraft to the forefront of American political culture and consciousness.”<sup>1</sup> If he is correct, and if the presidential library is the “best way to look at American history”, as President Clinton and others have insisted (see Chapter 1), then studying the Richard Nixon Library is vitally important to any attempt to understanding not just Richard Nixon, but image-making in modern America.

Yet, the Nixon Library is remarkably understudied as a means of making Nixon's image. Perhaps this is because, until 2006, the library was not an official part of NARA and the Office of Presidential Libraries. It did not house the presidential papers nor could it use the word “Presidential” in its title. Historians and journalists wishing to write about the Nixon presidency or Watergate generally used the Nixon Presidential Materials Project in Maryland or relied on popular journalistic accounts such as the multitude of eponymous works by Bob Woodward—even after the then-private Richard Nixon Library and Birthplace opened in 1990. This practice may underscore the idea that only publicly administered materials and witness testimonials (named or

---

<sup>1</sup> David Greenberg, *Nixon's Shadow: The History of an Image* (New York: W.W. Norton & Co., 2003), 347.

otherwise) are objective resources for studying public personas such as Nixon (despite the use of personal memorabilia in constructing biographies for every other president) given the crisis of public access after Watergate (see Chapters 3 and 10).

For Stephen Ambrose, the lack of records at the Nixon Library when it opened was not very egregious “as the ‘library’ did not exist.” Ambrose noted that, except for the Nixon-authored books for sale in the bookstore, “this was a library without books or documents.”<sup>2</sup> Since Ambrose’s massive biography was published one year after the Nixon Library opened its doors, this assessment may have had a ring of truth. What is less acceptable is the identical criticism leveled at the library by Jeffrey Goldberg of *The New Yorker* in 2006: “What is missing for the Nixon Library and Birthplace in an Actual Library.”<sup>3</sup> From Ambrose to Goldberg, the lack of presidential materials (available in Maryland as stipulated by the Presidential Recordings and Materials Preservation Act) and the twin perceptions that without such materials there was nothing worth examining at the library and that the pro-Nixon library foundation would not allow potentially critical access to the seemingly-irrelevant holdings anyways, was an elliptical affirmation of Nixonian obfuscation.

---

<sup>2</sup> Stephen Ambrose, *Nixon: Ruin and Recovery, 1973-1990*, vol. III (New York: Simon & Schuster, 1991), 577. Indeed the ideal of total public access is never fully realized, see Joseph Sax, *Playing Darts with a Rembrandt: Public and Private Rights in Cultural Treasures* (2004; Ann Arbor, MI: University of Michigan Press, 1999), 117-33. For more on the Schlesinger Jr. and FDR Library controversy, see Elena S. Danielson, “The Ethics of Access,” *American Archivist* vol. 52, no. 1 (1989).

<sup>3</sup> Jeffrey Goldberg, “Reputations: Sprucing up Nixon,” *The New Yorker*, May 8, 2006: 25-26. There is a sort of irony in Goldberg’s echo of Ambrose’s dismissal of the library as a library. Where Ambrose was himself the target of legitimate concerns about his tendency towards plagiarism without citation, Goldberg’s critique almost word for word mirrors that of Ambrose—without citation.

In part, Ambrose had an excellent point. Nixon fought for years in court to assert private property rights over the presidential materials that remained under the control of the National Archive. Occasionally the United States had to return materials deemed private or compensate the Nixon estate for the seizure of materials.<sup>4</sup> However, the Nixon library did acquire many other artifacts and documents, including his school papers from childhood through law school, some congressional and vice-presidential materials. After Nixon's death in 1994, the library acquired more post-presidential materials, many of which have been on display in plain sight to visitors and potential researchers alike in the museum for several years.<sup>5</sup> For example, chapter 9 focuses on one particular group of these materials, Nixon's books. Thus Goldberg's critique was either based entirely on bias revealing no efforts at ascertaining the actual holdings of the Nixon Library or founded on a definition of "actual library" that was itself biased towards only those presidential materials—Nixon's or otherwise—governed by statute.<sup>6</sup> A better criticism might have been: there are non-presidential records and materials at the Nixon Library worth studying; however, such study has been fraught

---

<sup>4</sup> *Griffin and Taylor v. United States* (originally filed by Nixon in 1975), was settled in 2000, and the U.S. agreed to pay the Nixon estate \$18 million.

<sup>5</sup> The Richard Nixon Library also has materials and collections from many of his presidential staff, including a collection of Nixon histories owned and heavily marked by Haldeman which aside from archivists also not been read. Haldeman read each book with three different highlight pens, and color-coded statements were 'true', 'not true', or 'possibly true'.

<sup>6</sup> A simple email to archivist Meghan Lee (now part of Dr. Timothy Naftali's NARA-administered archival staff) yielded not only a confirmation that there was a vast library of books at the Nixon Library, she sent me a letter with a list of books *on display* that belonged to Richard Nixon. They even have accession numbers—like a real library. Letter, 21 July 2005, Meghan Lee, Archivist Richard Nixon Library and Birthplace (now on Naftali's staff at the Nixon Presidential Library and Museum) to Author.

with difficulty as the library is notorious for restricting access to those with “proper” credentials and a pro-Nixon bias.<sup>7</sup>

Part III examines the Nixon Library as a case study in presidential library history. It asserts that, following Chapter 6, there is, in fact, a library at the Nixon Library. On the surface, it addresses the conspicuous absence of the Nixon Library as a vital component of Nixon scholarship. It applies the critical framework established in chapters 4 through 6 for the study of museums, archives, and libraries to the study of the Nixon Library and its artifacts. On the one hand, the library and its artifacts exhibit all of the components for conveying meaning and representing history that are typical of the presidential library. On the other hand, because Nixon—more than any other president—had an irrevocable impact on the presidential library history, and because his library remained in private hands for more than a decade, understanding the Nixon Library is vitally important to understanding the history of presidential libraries. More than this, Nixon left possibly the most complete record—publicly available against his will—of presidential practice, psychology, and discourse of any president in history. Indeed, historian Barry Karl asserts that, after the revelations derived from Nixon’s

---

<sup>7</sup> This charge has been most vehemently leveled by Stanley Kutler, see Rick Shenkman, “Nixon Library Cancels Vietnam Conference,” *History News Network*, [www.hnn.us/articles/10585.html](http://www.hnn.us/articles/10585.html), as quoted in Maeve Duvoy, “Exhibit Review: Richard Nixon Library and Birthplace,” *Public Historian* 28, no. 3 (Summer 2006): 205. Off-the-record comments by Library staff, later confirmed in my interview with John Taylor, revealed that it was unlikely my request to see the Nixon book collection, or to study the other materials I was interested in (such his college notes), would have been approved prior to 2005. This might have been attributable to the contentious relationship the library had with Kutler and other scholars. Taylor claimed, however, that this would have been due only to my status as a graduate student. He insisted that only credentialed researchers (whatever that means, not Kutler) were allowed access prior to 2005.

taping system, “no future president is likely to preserve oval office chatter in such a random form.”<sup>8</sup>

Watergate pushed to the forefront of public perception the idea that access to the presidential archive was vital to the judgment of executive conduct. Nixon irrevocably altered the history of presidential records. And Nixon’s already vibrant persona was magnified in the ensuing media spectacle. The Nixon Library is both typical of the presidential libraries and exemplary of the polarities of political representation made possible through its use of images, records and artifacts. The Nixon Library has assumed the burden, perhaps more than in the case of any other president, of assembling an image of Richard Nixon that continuously confronts a shifting public image and the revelatory potential inherent in the presidential library itself—as a system for making history visible through records and objects. Its recent transition from privately-controlled museum to an official presidential library provides an ideal moment to study how a public mandate might alter the execution of the presidential library’s mission. Chapters 7 through 10 trace how expectations of truths and definitions of publics changed at the Nixon Library and how they influenced the deployment of Nixon’s archives and artifacts.

---

<sup>8</sup> Barry D. Karl, “The Nixon Fault,” Review: Richard Nixon, *RN: The Memoirs of Richard Nixon* (1978), *Reviews in American History* vol. 7, no. 2 (1979): 143.

## **Chapter 7**

### **A Third Term:**

#### **Nixon's Public versus the Public's Nixon**

This chapter explores how the mission of the Richard Nixon Library shifted from an emphasis on heroic rehabilitation with limited space for critical engagement when it opened in 1990, to an idea for an accessible “self-curated” museum after it became an official presidential library in 2007 (Fig. 7.1). It begins by summarizing why Richard Nixon is an important figure to study in American culture. Next it traces the history of how the Nixon Library went from an idea that nobody seemed to want to a private institution built on the site of Nixon’s boyhood home in Yorba Linda, California. The Richard Nixon Library and Birthplace as it was originally conceived, framed Nixon’s life in laudatory terms, with exhibits that favorably interpreted his role in vital events such as Vietnam and Watergate. By contrast, when the National Archives and Records Administration concluded its negotiations to bring the library into the official fold of presidential libraries in 2007, the new director insisted on “re-branding” the Nixon Library as an open and non-partisan public facility. Ultimately, this chapter describes how the new mission was challenged by a foundation-dominated funding structure and a narrow benevolent representation of Nixon in the museum. By changing key galleries to represent the polemic consequences of events like Watergate in a manner that connects the archive to a non-partisan museum experience, the new Nixon Library could potentially transform the presidential library into a site for a radical public accessibility.





7.1 *Richard Nixon Presidential Library and Museum, Yorba Linda, CA (Photo by Author © 2008).*

## **Why Richard Nixon**

Studying Richard M. Nixon and the means by which the idea of Nixon permeates America culture is vital, particularly with respect to how that idea is mediated through the library that bears the burden of representing that idea to the public through its documents, objects, and images.<sup>1</sup> Arguably no single figure outside of Franklin D. Roosevelt has had a bigger impact on twentieth century American politics than Richard M. Nixon; and no single president of the post-World War II era has been subjected to so

---

<sup>1</sup> The Richard Nixon Library and Birthplace Foundation claims that the Library is the most “visited Presidential Center in America.” <http://www.nixonlibraryfoundation.org>.

much analysis.<sup>2</sup> As Bob Greene wrote, “the idea of Nixon felt somehow central to being an American during that period of the nation’s history.”<sup>3</sup> John Keener even went so far as to say that in 1996, two years after Nixon died of a stroke, nobody was more present in the American political scene than Richard Nixon.<sup>4</sup>

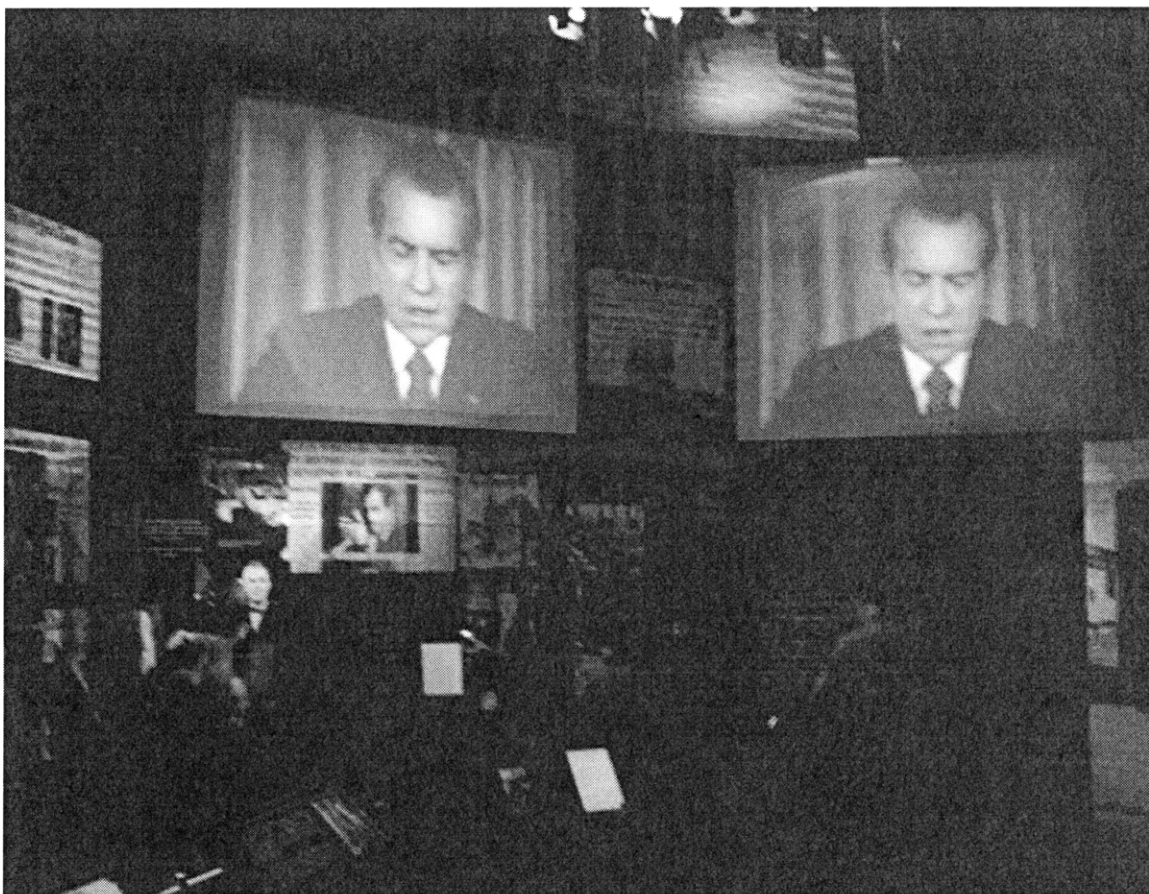
Other presidential libraries, particularly the Ford Library and Museum, have been irrevocably influenced by Nixon’s impact on records legislation, the cultural transformations wrought during his presidency and life of public service, and even the manner in which society’s hyper-awareness of how the news media represents the contemporary moment. For example, the Ford Museum in Grand Rapids opens with a cacophonous exhibit that illustrates how Watergate and Nixon heightened the social unrest of the Nixon era (Fig. 7.2). Indeed, without Nixon’s resignation (and the disgraceful resignation of Agnew months prior) this particular museum would not exist because there would not have been a President Ford. Nor, arguably, would there have been such dominant figures in recent decades as George H.W. Bush (and, by extension his son George W.), Brent Scowcroft, Donald Rumsfeld, Richard Cheney, and Alan Greenspan, to name just a few (Fig. 7.3).

---

<sup>2</sup> David Greenberg, *Nixon’s Shadow: The History of an Image* (New York: W. W. Norton, 2003), xvii.

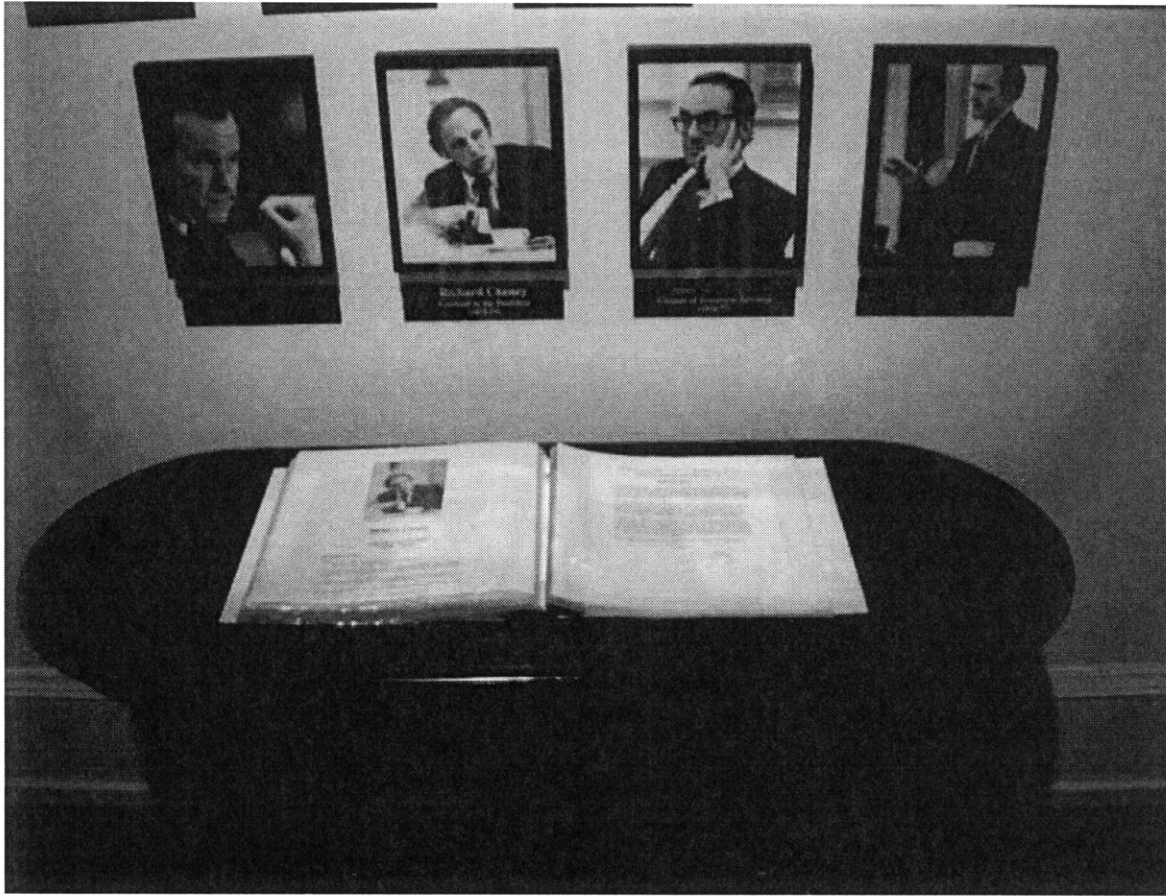
<sup>3</sup> Bob Greene, *Fraternity: A Journey in Search of Five President’s* (New York: Crown, 2004), 19.

<sup>4</sup> David Greenberg, “Defrost Nixon: The Politics of Reputation in the Age of Clinton and Bush,” Plenary Address for *Richard Nixon and the Making of Modern America*, May 11, 2009, a conference held at the Rothermere American Institute, Oxford University, insists that the rehabilitation or rebirth of Nixon actually peaked during this period. For Greenberg, Clinton’s impeachment proceedings and the practice of executive fiat by George W. Bush reinforced the depth of Nixon’s abuse of power, regardless of other “accomplishments.” John F. Keener, “Writing the Vacuum: Richard Nixon as Literary Figure,” *Critique* v.41, n.2 (Winter 2000): 129, notes that four Nixon protégés—Lamar Alexander, Pat Buchanan, Pete Wilson, and Robert Dole—were the frontrunners for Republican candidacy in the upcoming presidential race in 1996.



7.2 Watergate gallery, Gerald R. Ford Museum, Grand Rapids, Michigan (Photo by Author © 2006).

Nixon was a key player in the Cold War drama of the Red Scare as a member of the House Un-American Activities Committee. From his campaign against California Democrat Helen Gahagan Douglas to the Alger Hiss case, Nixon painted himself as an anti-communist Cold Warrior crusading for the average American. He was an activist, media-savvy and globe-trotting Vice President under the popular but reserved President Eisenhower. His so-called “Kitchen debate” with Khrushchev reinforced his image as a fighter.



7.3 Members of President Ford's Cabinet: George H.W. Bush, Richard Cheney, Alan Greenspan, Brent Scowcroft. Gerald R. Ford Museum, Grand Rapids, Michigan (Photo by Author © 2006).

Nixon was a hardscrabble “everyman” foil to the Hollywood glamour and Eastern elitism of John F. Kennedy, and a tirelessly loyal campaigner for Republican candidates all over the country throughout his political life. Indeed, his activities on behalf of other candidates between his 1962 gubernatorial loss and his successful 1968 presidential bid provided Nixon with the party support he needed to resurrect his political career.<sup>5</sup> Nixon influenced American law—from civil rights to environmental

---

<sup>5</sup> Alf Tomas Tonneson, “Nixon’s Right Turn: How Nixon Changed His Strategy from 1960 to 1968 to Capture the Presidency,” and Edward Adkins, “The Odd Couple: Richard Nixon, Strom Thurmond and the ‘Bargain of Atlanta,’” *Richard Nixon and the Making of Modern America*, May 11, 2009, a conference held at the Rothermere American Institute, Oxford University.

legislation, took an active high-profile role in foreign policy—with China and the Soviet Union, and played a key role in personifying for many the confused bitterness of an unpopular Vietnam War that he inherited, escalated, and ultimately, had a hand in ending—however poorly.

Nixon also changed the way American's viewed the president. His public career spanned decades. His successful and confrontational style of populist conservatism, developed in an era of dominated by New Deal and Great Society liberalism, indelibly marked the manner in which all future presidents—Democrats and Republicans—interacted with the public. His compulsive and largely secret documentation of White House activities led ultimately to his unprecedented resignation and altered the essence and character of public trust for every president who followed.<sup>6</sup> Indeed, Nixon changed the relationship between the White House and the news media from one of moderate accommodation to an adversarial and often suspicious attitude. In the eyes of many, Nixon enabled the figure of the President to be as demonized as Washington was lionized. Bridging this representational gap was arguably the most pressing concern for the Nixon Library when it first opened.

Richard Nixon was more than a man who changed history and politics. He was a symbol. Nixon personified both the distrust and the fascination Americans have with political leaders, particularly presidents. He was a quintessentially American hero and anti-hero all-in-one. Nixon had many faces, all seemingly embedded in often-competing ideas about what it means to be American. As Daniel Frick, *Reinventing*

---

<sup>6</sup> Greenberg (2003), 27-72.

*Richard Nixon* (2008), wrote, the ongoing reinventions of Nixon “resonate with certain foundational national myths, stories that impart cultural values that have driven the United States from its earliest days.”<sup>7</sup> The sound of Nixon’s voice on the famous tapes, often tinged with barely restrained hatred and paranoia, and laced with expletives (now available to everyone on the Nixon Library website), his reserved and stuffy appearance to the public, his controversial and opportunistic policies, and his extra-legal activities as the nation’s chief executive, all made him a favorite subject for study and an object of revulsion to political opponents and scholars alike. His attacking brand of populism, his polarizing ‘defense’ of conservative America against a perceived liberal media bias, and his dogged approach to campaigning made him an icon to his supporters.

Despite the divisive and polemical nature of his political career, Nixon remained a vital component of American culture after his resignation. He became an icon in film and literature, pop and political culture.<sup>8</sup> He self-consciously resurrected himself again and again, insisting on his relevance to contemporary society. And society returned the favor in films like *Nixon* (1995) *The Watchmen* (2009) and biting novels like Robert

---

<sup>7</sup> Daniel Frick, *Reinventing Richard Nixon: A Cultural History of an American Obsession* (Lawrence: University of Kansas Press, 2008), 6.

<sup>8</sup> Kingsley Marshall, “Looking for a Way Back Into the Sun: Nixon, Myth and Media,” *Richard Nixon and the Making of Modern America*, May 11, 2009, a conference held at the Rothermere American Institute, Oxford University, notes that Nixon appears in comics, movies, and literature as a caricature of intrigue, cynicism, and political paranoia. The most popular best-selling mask is still a Nixon mask. And, perhaps his most enduring legacy might be how he changed the English language—sinister abuses of power involving cover-ups are ‘Nixonian’, and anything remotely scandalous in popular media receives the appendage “-gate” (as in “Monicagate” (Clinton), “Nipplegate” (Janet Jackson), etc.).

Coover's *The Public Burning* (1977) and Philip Roth's *I Married a Communist* (1998).<sup>9</sup>

While foes cast Nixon as everything from the Devil to the Fool, Nixon's own books, such as *Six Crises* (1962) and *RN* (1978), staged the themes of "the comeback" and "never give up" as testament to his essential qualities of personal resiliency and strength of character. Nixon narrated his own life as a rags-to-riches allegory with himself cast as the tropic "self-made-man."<sup>10</sup> Indeed, Nixon and his supporters, particularly at the Nixon Library and prior to 2007, made these and other characteristics somehow analogous to the virtues that constitute 'timeless' American values.<sup>11</sup> According to Frick, Bob Dole's 1994 eulogy at Nixon's funeral transformed the formerly disgraced president into "an archetypal American hero, a mix of Daniel Boone, Benjamin Franklin, Dale Carnegie, and Ward Cleaver."<sup>12</sup>

Scholars and popular media alike, always seemed to welcome Nixon back, if only to revitalize his image as an allegory of mistrust and cynicism, or use as an outlet for the pent up social rage that dominated parts of America during the 1960s and 70s. His loyal supporters worked tirelessly to rehabilitate Nixon as a bulwark against the chaos and irresponsibility embodied by the Left. For them, Nixon was a martyred

---

<sup>9</sup> Frick (2008), 303-6, lists nearly 60 films (not including made-for-television) produced between 1970 and 2008 where Nixon has some sort of role. Many, like Oliver Stone's *Nixon* (1995) are directly about Nixon. However, many more use Nixon as a kind of foil, or cultural trope. *Good Morning Vietnam* (1987), for example plays on the Nixon tape controversy when Robin William's character plays a modified tape of a fictional Nixon interview where Nixon straightforwardly describes his genitals. As Greenberg (2003) notes, the Nixon masks—as a mask of a mask—in Ang Lee's *The Ice Storm* (1997) transform a moment of awkward teenage groping into a cold and disjunctive scene about alienation.

<sup>10</sup> Frick (2008), 228-29.

<sup>11</sup> Frick (2008), 2-6, notes that in his eulogy for Nixon, Bob Dole practically outlined Nixon's life as a "proof-text for a set of national values: pioneer spirit...work ethic...self-reliance...motherhood [by virtue of his family values]...tenacity..."

<sup>12</sup> Frick (2008), 2-6.

target of unwarranted media scrutiny and the voice of the so-called Silent Majority. Only a few years after his resignation, Nixon worked his own way back into public life, whether behind the scenes, on television (the now-famous Frost/Nixon interview), or through his own writing. He submitted often-scathing editorials for newspapers, called sitting Presidents, and visited China and Russia. After his 1978 memoirs, Nixon published manifesto after manifesto on foreign relations, attempting to influence policy and transform his persona into that of an elder statesman.

Biographers dueled over his life and legacy. Some, like Stanley Kutler remained focused on ensuring that Nixon's legacy remained tied to a history of divisive tactics that irrevocably influenced contemporary politics, particularly with respect to his abuses of power while President. Sympathetic biographers such as his friend (and former felon) Jonathon Aitken, cast Nixon's life in much the same way Nixon did—as an embattled public servant, who wrestled with difficult decisions and fought valiantly against overwhelming odds. The ambivalent Stephen Ambrose with his massive 1990 biography was somewhere in the middle. Ambrose concluded:

Nixon was not ... remotely like Hitler or Stalin, a man to be forever loathed. Americans want to be proud of their Presidents, and Nixon was one of them. He had done some good, some bad, as they all had. Sixteen years after his resignation, he had finally fought his way out of Purgatory. He was like the others, like Roosevelt and Truman and Eisenhower and Kennedy and Johnson. In July 1990, like them he got his own library.<sup>13</sup>

---

<sup>13</sup> Stephen E. Ambrose, *Nixon: Ruin and Recovery, 1973-1990*, vol. III (New York: Simon & Schuster, 1991), 575.



But is his library just like theirs?

### **The Nixon Library Before It Was Presidential: A Brief History**

Richard Nixon, like his predecessors, began planning his library while still president.<sup>14</sup> In 1969, the White House staff received a memo about giving their papers to the Nixon Library.<sup>15</sup> A foundation, chaired by Leonard Firestone, was set up to raise money and to select a site in southern California for the library in 1969.<sup>16</sup> According to a 1973 Los Angeles Times article, the final site was to be selected by 1971, but, due perhaps to the growing unrest over Watergate materials, it was becoming more difficult to raise money and to settle on a final site—with the frontrunners believed to be a “tract near the President’s San Clemente home,” Whittier College (Nixon’s alma mater), Claremont College and a “nearby Irvine estate.”<sup>17</sup> However, the hearings on the

---

<sup>14</sup> There was a copy of a 1971 article on presidential libraries, Bernard A. Wiesberger, “Presidential libraries raise a question: Can documentary gain be separated from the documentary chaff?” *American Heritage* (April, 1971), in the papers of Ford’s Press Secretary; underlined in red were sections about the future Nixon library. Folder “Presidential Libraries (4),” Box 12, White House Special Files Unit: Papers of Gerald R. Ford Press Secretary, Gerald R. Ford Library.

<sup>15</sup> Benton L. Becker’s notes on transcripts from meeting of William Casselman with the Watergate Special Prosecutors, 9 July 1974, where Casselman “seems to recall a Memorandum to staff in 1969 [Casselmann joined the White House Personnel Office January, 1969] saying give your papers to the Nixon Library.” Folder “Nixon—Deed of Gift,” Box 2, Benton L. Becker Papers, Gerald R. Ford Library.

<sup>16</sup> *Ibid.*

<sup>17</sup> “Watergate’s Place in Nixon Library Argued: Loyalists and Historians Taking Sides on Inclusion of Material About Scandal,” Sunday, 8 July 1973, *Los Angeles Times*, copy in folder “Presidential Libraries (1),” Box 12, White House Special Files Unit: Papers of Gerald R. Ford Press Secretary, Gerald R. Ford Library. In the article, Leonard Firestone, Chairman of the Nixon Foundation, insisted that although they were unsure as to when they could “go to the public for funding of the 8 to 10 million dollar library-museum complex” because of Watergate, the project continued to move forward. Initially there was some controversy over nearby property in Laguna Miguel, CA, purchased by the GSA in 1972. Some wondered whether or not the government had purchased the property for the Nixon Library, violating the statutory provision that is to be privately funded and then donated in some form to the public. However, according to a GSA briefing, this was not the case, and the negotiations for the property, which began in 1971, were for routine storage purposes and furthermore assumed that the Nixon library would be completed “prior to his leaving office in 1977.” Memo, F. Lynn May to Philip W. Buchen, 30 October 1974, w/ attachment, “Questions and Answers relating to the Government’s Acquisition of

Hill did nothing to slow down the library process, and in April 1974, White House assistant, Gertrude Brown, visited the Truman, Eisenhower and Johnson libraries as part of what she called her “indoctrination program” into the planning process.<sup>18</sup> Nixon, in spite of his now very public battle over records of involvement in Watergate, always believed that when he left office, a library, set up in accordance with the Presidential Libraries Act, would be soon be built and made ready to receive those documents and artifacts he deemed fit for posterity.

Nixon, however, would not have the luxury of determining which items to leave to the public and which to retain or destroy as he saw fit. “The matter,” as Congressman McCormack had put it, was not “left to happenstance.” Watergate, Nixon’s resignation, and the public outcry over the uncertain fate of his records and recordings after his Pardon by President Gerald Ford, altered his existing plans and the fate of all future presidential libraries, forever. Nixon’s library was in doubt, and even if realized, would be unlike those of his predecessors in that it could not house his presidential papers.

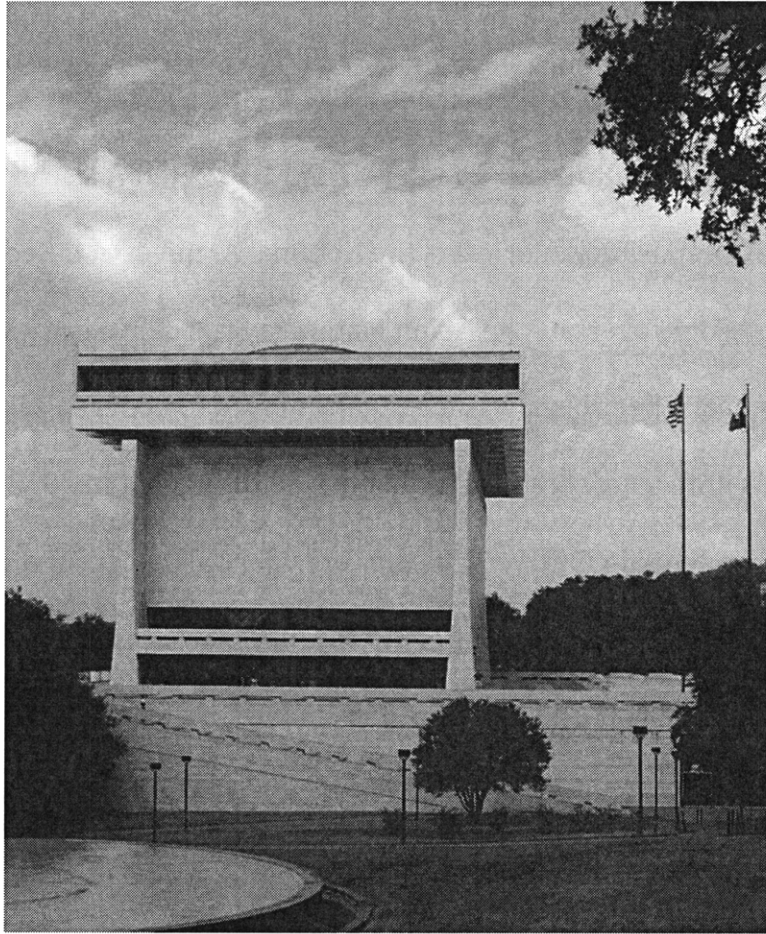
Nixon assumed that when he left office he would be able to take his records and dispose of them as he pleased, as all presidents dating back to Washington had done. However, in the aftermath of the Nixon Pardon, and amidst ongoing public outrage

---

Building at Laguna Niguel,” General Services Administration briefing, folder “Nixon—General,” Box 28, Philip W. Buchen Files (WH Counsel’s Office), Gerald R. Ford Library.

<sup>18</sup> Memo (including notes and itinerary), Gertrude “Trudy” Brown to Bruce Kehrli, 12 April 1974, and, “Schedule for Nixon Library and White House Personnel visiting the Eisenhower Library, 30 April and 1 May 1974,” folder “Presidential Libraries (1),” Box 12, White House Special Files Unit: Papers of Gerald R. Ford Press Secretary, Gerald R. Ford Library.

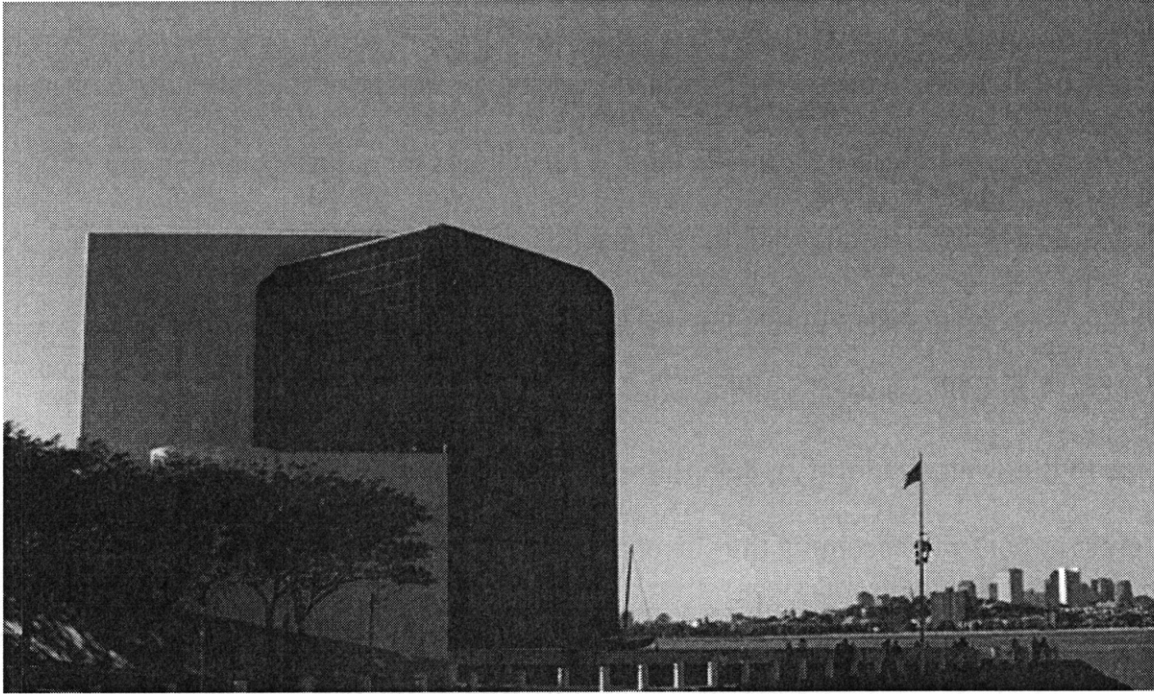
over Watergate, Congress passed and President Ford signed into law the Presidential Recordings and Materials Preservation Act (PRMPA) in 1974 to prevent the destruction of Nixon's records (see Chapters 3 and 10). PRMPA also called for the establishment of a repository. For years the National Archives and Records Service (predecessor to NARA) oversaw the Nixon Materials Project in a brick warehouse in Alexandria, Virginia. The project was eventually moved to College Park, Maryland, where it remains until a new archival facility can be completed in 2010 at the now-official Nixon Presidential Library. Thus the "presidential" aspect of the library, and arguably what made it a legitimate library in the first place, already had a publicly-administered home—albeit a contentious one. Indeed, Nixon spent the remainder of his life in court trying to either secure the return of as much material as possible, or at the very least get compensated for its seizure.



7.4 Lyndon B. Johnson Library, University of Texas, Austin (Photo by Author © 2006).

Despite the uncertain outcome of court battles fought for years to regain control and ownership over his materials, Nixon never stopped planning for his library. As noted above, Nixon courted several universities as potential sites for his library. His predecessor's library, the Lyndon B. Johnson Library (1971), was recently built on a prominent site located within the land-grant campus of the University of Texas (Fig. 7.4). The library of his rival from the 1960 presidential race, John F. Kennedy, was originally supposed to end up as part of Harvard University and the new Kennedy Business School (after lawsuits with the City of Cambridge and its residents, the

Kennedy Library agreed to a site adjacent to the University of Massachusetts in South Boston, Fig. 8.5).



8.5 John F. Kennedy Presidential Library, Boston, Massachusetts (Photo by Author © 2004).

Whittier College, where Nixon excelled as a History student and class president, had lobbied for the right to host his library in 1970, only to withdraw its interest after Watergate. Similarly, professors and students at Duke University, his law-school alma mater, not wanting to appear as if they were sanctioning Nixon's activities, quickly squashed any idea of building a Nixon Library there. Negotiations even fell through with Stanford University, the longtime home of President Hoover's materials prior to the construction of the Herbert Hoover Presidential Library and Museum in West Branch, Iowa in 1962. Surprisingly, less than a year after Nixon resigned, the *New York Times* reported that in April 1975, University of Southern California discussed the deposition of Nixon's papers and materials at a library to be established on campus.

Like the others, this too went nowhere. In general, it appears that the popular atmosphere of the 1970s—especially on college campuses during the period—prevented or precluded any hopes of linking the Nixon Library with a university.

In 1981, Nixon asked Bill Simon, his former Secretary of the Treasury, to serve as president of a new foundation formed to raise funds for a library. Simon not only agreed, he donated \$1 million dollars himself.<sup>19</sup> Simon raised around \$26 million dollars from “amazingly supportive and receptive” business leaders around the country.<sup>20</sup> In 1982, several small towns—such as Independence, Missouri (already home to the Truman Library); Baker, Oregon; and Ottumwa, Iowa—expressed an interest in possibly becoming the site of a future Nixon Library. Arguably, the demographic make-up of these towns perhaps reflected the political support of Nixon’s “silent majority” more accurately than any college campus. However, the remote location of these towns in relation to either the power centers of the East or his familiar California probably meant that, in Nixon’s eyes at least, the sites were never too seriously considered. By the early eighties, as lawsuits between Nixon, the government, and interested public parties dragged on, it was assumed that the project would eventually be moved (presumably by 1986, according to Clement Vose, member of the National Archives Advisory Council) to a “mission-style” library, near Nixon’s

---

<sup>19</sup> William Simon, *A Time For Reflection* (Washington, D.C.: Regnery Publishing, 2004), 120. Simon, who was Nixon’s Secretary of the Treasury, perpetuated this myth, claiming that Nixon took great pride in the “fact” that the Nixon Library was the first presidential library ever constructed without taxpayer funds. However, very presidential library is constructed under the supervision of a private foundation without taxpayer funds *by statute* following Roosevelt’s example. Public money only administers the libraries *after* they are gifted to the National Archives; and, even then, the foundations provide significant resources.

<sup>20</sup> Simon (2004), 120.

long-time home in San Clemente, California—a location Nixon often fell back on, even while president.<sup>21</sup>

San Clemente was and still is a picturesque and primarily white affluent southern California community. Yorba Linda, where the Nixon Library was eventually built, is the California town where Nixon was born. Yorba Linda has more complex lower and middle-class socio-economic demographics (mostly white for decades, the town currently represents numerous cultural groups) that are perhaps more appropriate to the effort to craft Nixon's image as an "everyman" for the "silent majority." Indeed, for those few Nixon apologists who have written histories that address the Nixon Library, the plan for San Clemente has been largely ignored. For example, Curt Smith, *Windows on the White House* (1997), claims that Yorba Linda was always Nixon's first choice. While Nixon still lived in San Clemente, and given the several years during which it was assumed that the library would be built there, this is highly unlikely. Smith claims that the only reason the Yorba Linda location on the old Nixon family orchard was not considered was because it the site of an elementary school named after Richard Nixon when he was Vice-President.<sup>22</sup>

In 1987, however, after years of delays for the San Clemente site on the bluff overlooking Nixon's "Western White House", Yorba Linda closed the school. The Nixon

---

<sup>21</sup> Clement Vose, "The Nixon Project," *Political Science* vol. 16, no. 3 (Summer, 1983): 512. Given Nixon's fascination for recording everything in part so that he publish his way to rehabilitation, the close proximity of his library to his home at the time was most likely seen as convenient. Roosevelt had a similar intent with his library. Hoover and Truman also used their libraries as resources for their own publications.

<sup>22</sup> Curt Smith, *Windows on the White House: The Story of Preisdential Libraries* (South Bend: Diamond Communications, 1997), 139-40.

Foundation bought the land. It also agreed to restore the house where Nixon was born so that the home could be integrated into the program of library. The structure had to be moved back to its original location where it currently sits (Fig. 7.6).<sup>23</sup>



7.6 *The Nixon Birthplace Home, Richard Nixon Library, Yorba Linda, California (Photo by Author © 2005).*

When it opened in 1990, the Richard Nixon Library and Birthplace was a private institution, built for \$25 million (a pittance compared to other libraries of the era) and subject solely to the funding and will of the partisan Richard Nixon Library Foundation. The Library's director was former Nixon aide, John Taylor. (Now-Reverend Taylor recently resigned from the Foundation to focus on his writing and his ministry). Both Smith and Taylor have claimed that the Nixon Library was the only presidential library

---

<sup>23</sup> Smith (1997), 139-41.



other than Hayes' "operated without federal funds."<sup>24</sup> Of course, that is an inaccurate comparison for a number of reasons. First, the Hayes Library is not part of the Presidential Library system and it does participate in a public partnership that includes the State of Ohio. Further, the Nixon Library was not a presidential library at the time, nor was it going to be, because it did not house presidential papers. Bill Simon went further, insisting that the library was the first to be *built* without taxpayer funds—an outright falsehood since every single library is constructed with private money before it is given to the National Archives.<sup>25</sup>

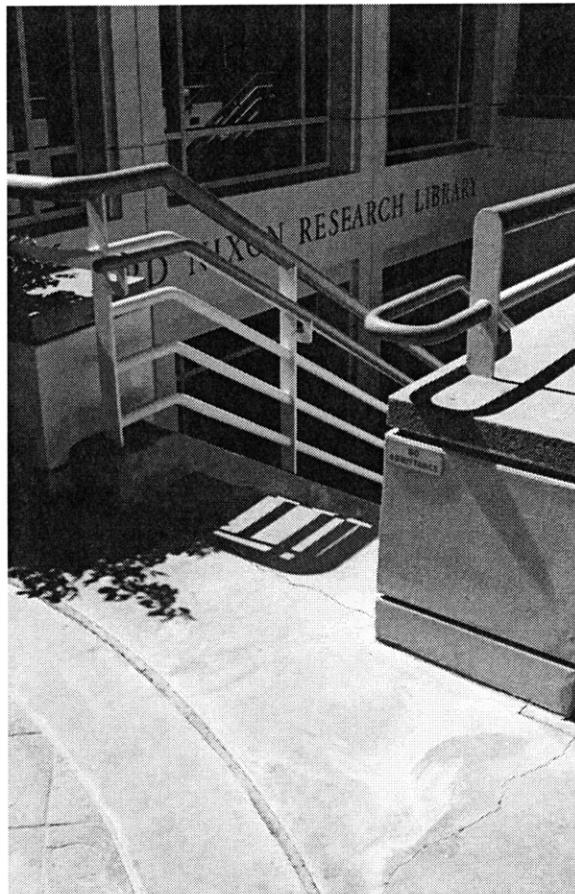
Smith insisted that the library held "the most complete records available on Nixon's life." Despite the absence of the presidential materials (Ambrose and Greenberg's critique notwithstanding, see Chapter 1), that is possibly true. After the President's death in 1994, the library added Nixon's personal papers, books, and other non-presidential materials (those not already housed there) to its collection. Throughout, however, the Nixon Library was not an official presidential library, and therefore remained outside the management structure of the National Archive and beyond the public realm of statutory oversight. The "archive" of the Nixon Library was inaccessible to the general public without the permission and approval of the foundation. Further, the archive itself, what there was of it, was downplayed in the architecture. The non-museum functions of the library were confined to a basement floor. Indeed, archivist offices, storage, and the foundation all shared the space—with

---

<sup>24</sup> Smith (1997), 140.

<sup>25</sup> Simon (2004), 120.

the foundation claiming more than half. The reading room where I conducted my research for Chapter 9 had only a handful of desks and doubled as the room where a large portion of Nixon's book collection (the library within the library, as argued in Chapter 9) was also stored. Archivists in 2005 told me that the space allotted for the proper storage and maintenance of all the materials in the library's possession was woefully inadequate. The only external clue that these spaces even existed was a stair leading to a subterranean entrance of the central garden and court (Fig. 7.7). Indeed when the library became "presidential" in 2007, the research space was vastly expanded, and an entirely new structure had to be planned to receive the presidential materials. The lack of space allocated to the research functions in the original library speaks to a lack of importance placed on the archive and its use by the public. More sinister, perhaps it reveals that there was not supposed to be a complete archive. In other words, the library might never have been intended to house or make available anything but a very small portion of Nixon's materials—presidential or otherwise.



*7.7 Stairs leading down to the "Research Library." The "No Admittance" sign to the right of the steps reveals the inaccessibility of the lower level. Indeed, during my first visit, this space was used as a smoking area and as a means of access only for staff. Richard Nixon Library, Yorba Linda, California (Photo by Author © 2006).*

The public face of the Library and its mission of crafting a benevolent image of Nixon was always intended to focus on the museum. Visitors moved past exhibits authorized and funded by the Nixon Foundation—from the restored birthplace home in the garden to displays on Vietnam, China, and Watergate. The partisan nature of the original library is still reflected in a small sign fixed to the wall outside the basement research room entrance (Fig. 7.8).



7.8 This sign is not clearly visible from the central garden space. The new Director, Timothy Naftali, showed it to me in 2007. He is unsure what to do with it. It potentially runs counter to his non-partisan obligations. However, it is also an artifact of the old library. Richard Nixon Presidential Library, Yorba Linda, California (Photo by Author © 2008).

Nixon approved the design and accompanying texts for the permanent galleries, most of which remain unchanged (remodeling the permanent galleries is proceeding as funding becomes available, focusing first on the most egregious exhibits—such as Watergate).<sup>26</sup> Similar to other libraries, the Nixon museum includes a replica of parts of the White House. The East Wing of the White House was the model for a new wing of the Library that is used for temporary exhibits and Foundation functions (Fig. 7.9).

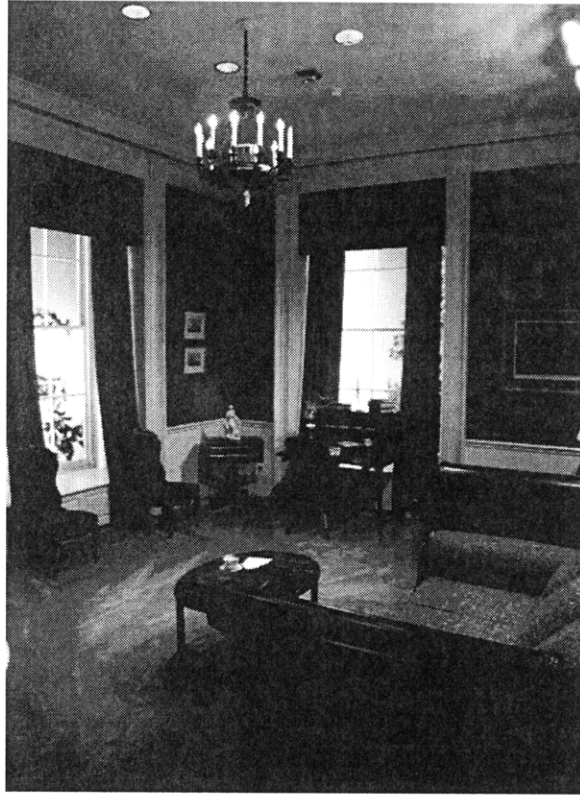
---

<sup>26</sup> Maeve Duvoy, “Exhibit Review: Richard Nixon Library and Birthplace,” *Public Historian* 28, no. 3 (Summer 2006): 203.

There is a replica of the Lincoln sitting room, which by the account was Nixon's favorite White House space (Fig. 7.10).



7.9 "East Wing" at the Richard Nixon Library, Yorba Linda, California (Photo by Author © 2006).



*7.10 The Lincoln Sitting Room, reproduced at the Richard Nixon Library, Yorba Linda, California (Photo by Author © 2008).*

A restored Army One helicopter, the famous aircraft that transported the President from the White House lawn—notably on Nixon’s final day—evokes the imagery of both an armed presidency and Nixon’s inglorious end (although, given the helicopter’s location on the far side of the parking lot, this last bit is sufficiently removed from the narrative, Figs. 7.11 and 7.12).

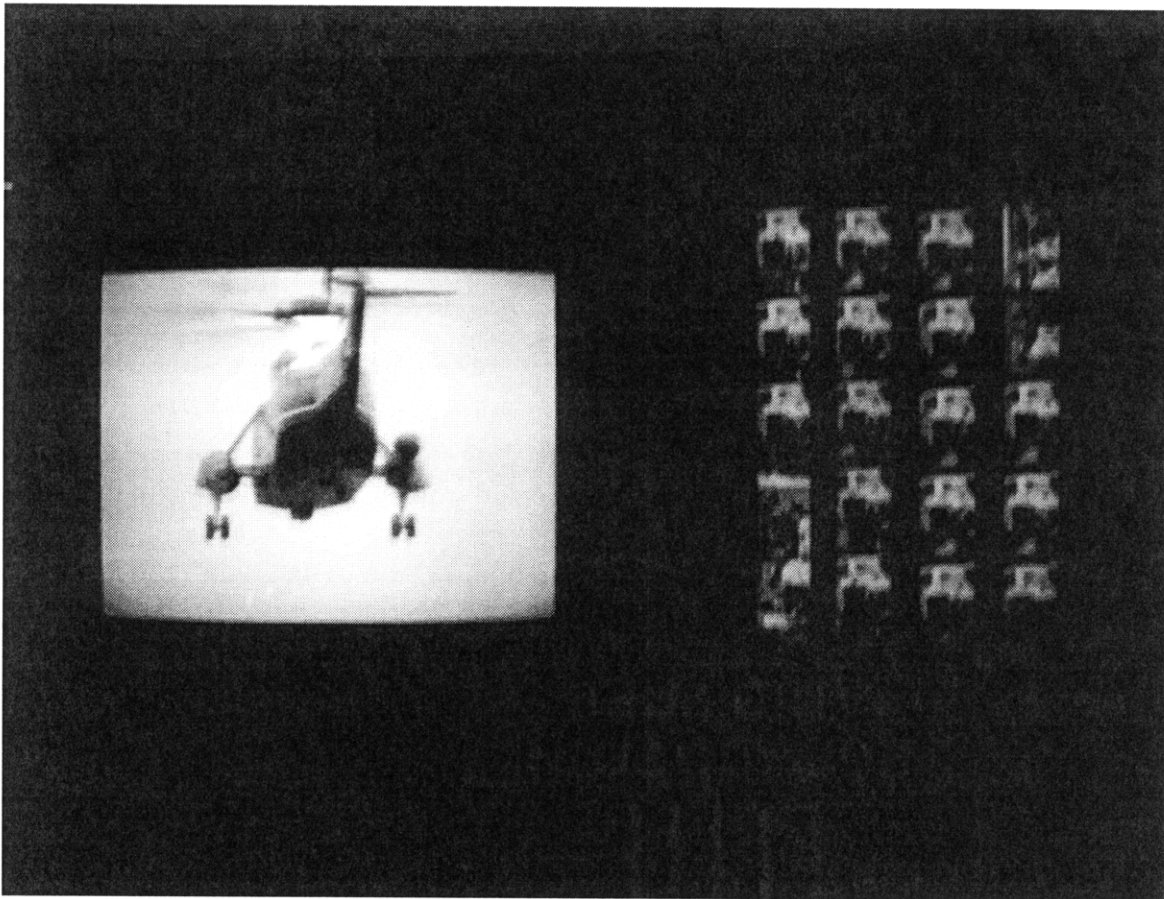




*7.11 Army One. Richard Nixon Library, Yorba Linda, California (Photo by Author © 2008).*

There are also museum galleries that speak to the period, including an exhibit on the Space Program, and a thoughtful and personal exhibit dedicated to the POW experience in Vietnam. However, even these otherwise exemplary moments were tied to the larger mission of the foundation through wall text and placement in the galleries. The POW exhibit concludes the “Structure of Peace” gallery, eliciting empathy from the visitor at the last moment of exposure to Nixon on the world stage. The dominant narrative throughout the museum recasts the popular perception of Nixon from a distant and unapproachable politician to an everyday sympathetic man. For example, the Horatio Alger-like narrative of Nixon’s humble upbringing is reinforced by the tour through the small birthplace cottage and the display of documents from his childhood.

Pictures of the White House wedding of his daughter and the recorded voice of Nixon recalling anecdotes from his childhood, attempt to “humanize” the former president against his popular image. As Simon wrote: “despite his image as a stiff humorless man, I found Richard Nixon fun, charming, enchanting and witty.”<sup>27</sup> Indeed the “Ambassador of Goodwill” gallery devoted to Pat Nixon serves an uncritical and sympathetic bridge between the exhibits devoted to the world stage and the smaller gallery devoted to domestic affairs.



*7.12 Images of Nixon departing the White House on August 8, 1974. Gerald Ford Museum, Grand Rapids, Michigan  
(Photo by Author © 2006)*

---

<sup>27</sup> Simon (2004), 120.



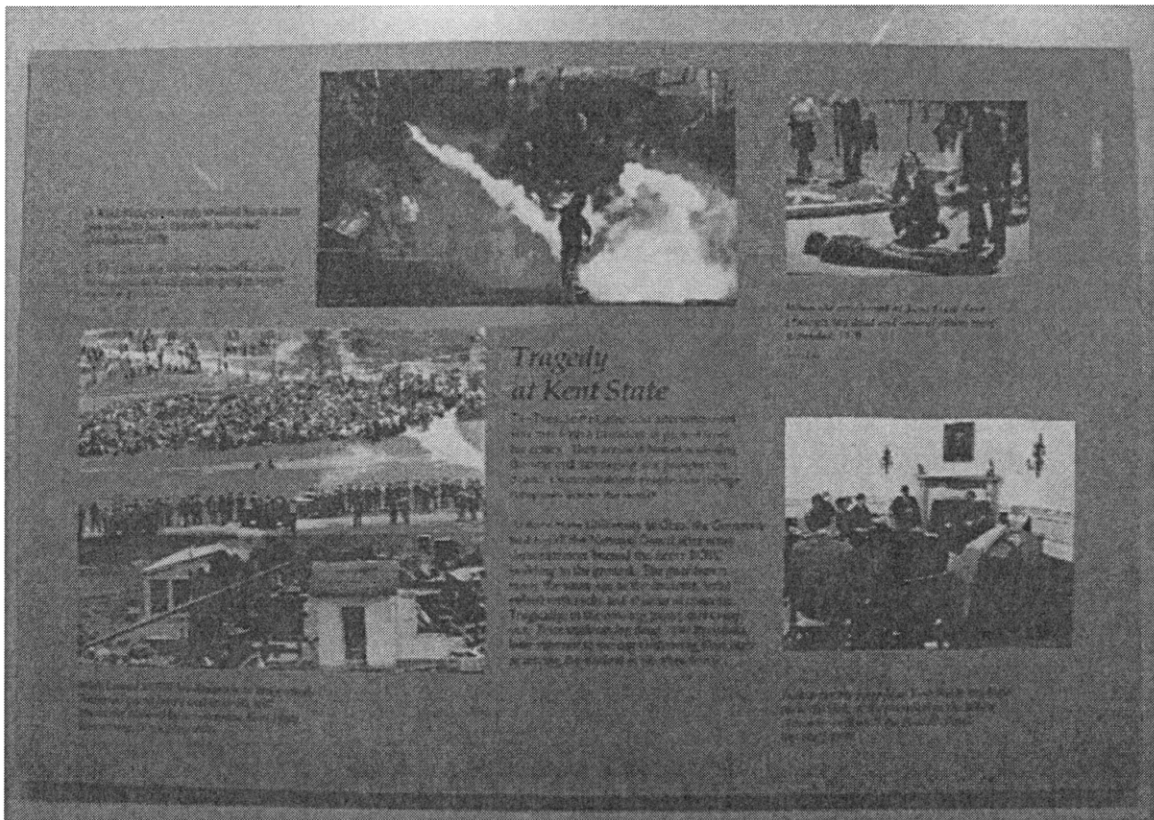
Maeve Duvoy, in her review of the Nixon Library for the *Public Historian* in 2004 noted that for the most part the library

...perpetuates Nixon's unfortunate habit of blaming his difficulties and failures on others...[and] has heretofore attempted to shape the history of Nixon's presidency by ignoring or downplaying such facts [as his enemies list] and by painting him as a victim of bitter rivals.<sup>28</sup>

Several exhibits put a disturbing spin on events like the Kent State shootings and the Vietnam War. The museum display on the former claimed that the students created the problem and implied that the shooting just happened, with no fault on the part of the National Guard or the Administration: "Tragically, shots rang out. Four students lay dead" (Fig. 7.13). The outcome of the Vietnam War was blamed on Congress and prior presidents.

---

<sup>28</sup> Duvoy (2006): 202-4.



7.13 "Tragedy at Kent State" panel. Director Naftali was still visibly disturbed by this panel's contents when he brought the text to my attention. It was a panel I had not read on my first trip. Richard Nixon Library, Yorba Linda, California (Photo by Author © 2008).

Watergate was described in the gallery devoted to the event as a "political struggle between President Nixon and a Democratic Congress" that opposed his policies in Vietnam (the exhibit has been removed—more on this below). The exhibit presented the investigations as a vindictive "fishing expedition" that Congress was using to undo the results of the 1972 elections. Further, it describes the July 23, 1972 tape as the "so-called smoking gun"—of which only selections are presented. The exhibit absolves Nixon of culpability by firmly insisting that John Dean suggested the cover-up and that Nixon first heard of the issue on this date despite a multitude of archival and recorded evidence to the contrary. Nowhere were the serious breaches of executive power, the use of federal agencies to investigate and harass political

opponents, the criminal indictments of staff, or even the implied guilt of accepting a Pardon mentioned.<sup>29</sup>

### **The Richard Nixon Presidential Library: “A sacred obligation to history”**

For over a decade, the Nixon Museum presented Nixon and his career in public service as a narrative of triumph and persecution. The objects on display were interpreted to explain events already in the public memory according to loyalist mission of the Foundation and the rehabilitation desired by its namesake. Further, the archive of non-presidential artifacts and Nixon material remained poorly catalogued and unavailable to all but carefully selected researchers.<sup>30</sup> Scholars and journalists complained that the Nixon Library restricted access to its collections based upon partisan favoritism. However, in 2004, a Republican Congress revised PMRPA (1974) to allow for the transfer of the Nixon Presidential Materials from Maryland to a presidential library facility, should one become available as required by governing statutes. It was largely assumed that this would ultimately bring the materials under the control of the Nixon Library.<sup>31</sup> However, in 2005, a new voice came to the National Archives and Records Administration when Allen Weinstein was sworn in as the U.S. Archivist. Despite some initial reservations on the part of many scholars, on in part due to his appointment by President George W. Bush, Weinstein immediately made it

---

<sup>29</sup> Duvoy (2006): 202-4.

<sup>30</sup> Off-the records comments by Staff in 2006, corroborated by my interview with then-Director John Taylor.

<sup>31</sup> This retracement of public control over executive records by the Bush II administration, implicitly sanctioned by a passive Congress, arguably began in 2001 with Executive Order 13233 (see Chapter 3).

clear that he had a non-partisan agenda that put the integrity of the National Archive mission of public accessibility first.<sup>32</sup>

As the U.S. Archivist, Weinstein assumed responsibility for the presidential libraries administered by the Office of Presidential Libraries. One of Weinstein's first tasks and primary goals was to actively engage with John Taylor, then-Director of the Richard Nixon Library and Birthplace, in order to negotiate the transfer of the privately-run Nixon Library to the publicly administered Presidential Library System on terms that were in keeping with NARA's mission.<sup>33</sup> In March of 2005, Taylor and Weinstein began the controversial (among many Nixon supporters) and long-awaited

---

<sup>32</sup> Weinstein actually came to his position amidst a controversy that was rather rare. In 2004, the U.S. Archivist John Carlin, who originally stated that he wanted to stay until 2005, stepped down—reportedly under pressure. The American Historical Association, the Society of American Archivists, and the Organization of American Historians (among others), issued a statement asking Congress to hold hearings on why Carlin was being replaced and whether or not Weinstein was qualified. Weinstein himself was subject to ethical questions that were directly related to archival access. He was repeatedly accused of withholding the KGB archives that he bought access to for his book *The Haunted Wood: Soviet Espionage in America—The Stalin Era* (1992). His refusal to allow others access to the documents prevented other scholars from critically appraising his work. Further, his co-author and Russian translator, Alexander Vasslilev, accused Weinstein of withholding the manuscript from him until it was published. Possibly more damning, especially with respect to the Nixon Library, is that Weinstein was accused of misrepresenting key sources (by the sources themselves) in his 1978 book *Perjury* which was supposed to be a definitive account of Alger Hiss' guilt. Indeed, all six of the individuals who provided his key testimonies with respect to corroborating statements made by Whittaker Chambers insisted that they had been misquoted or misrepresented by Weinstein. Weinstein claimed that he had their testimony on tapes that he would soon deposit at the Truman Library. That never happened. Weinstein initially offered skeptical scholars access to his records to see for themselves how he arrived at his conclusions. However, when they arrived at his house, Weinstein changed his mind. One of the sources even accused Weinstein of libel, and was paid a substantial settlement when Weinstein could not produce the tapes. The Truman Library has not been able to secure the promised tapes, and what materials they do hold Weinstein refuses to sign over as a deed of gift. See Jon Wiener, "The Alger Hiss Case, the Archives, and Allen Weinstein," *Historians in Trouble: Plagiarism, Fraud, and Politics in the Ivory Tower* (New York: The New Press, 2005), 31-57; Rick Shenkman (History News Network Editor), "Allen Weinstein: The Overlooked Controversy in His Career," *History New Network* (Feb. 8, 2005): <http://hnn.us/articles/10099.html>; Cf. Jacob Heilbrunn, "Allen Weinstein: What He is Qualified for the Post of Archivist," *History News Network*: <http://hnn.us/roundup/entries/5724.html>, originally published in the *Milwaukee Journal Sentinel* (June 14, 2004).

<sup>33</sup> See James Worsham, "Nixon's Library Now a Part of NARA: California Facility Will Hold All Documents and Tapes From a Half-Century Career in Politics", *Prologue* v. 39, n. 3 (Fall 2007), Published Oct. 30, 2008 at [www.archives.gov/publications/prologue/2007/fall/nixon-lib.html](http://www.archives.gov/publications/prologue/2007/fall/nixon-lib.html).

negotiations to successfully bring the library into the fold of NARA and the Office of Presidential Libraries.<sup>34</sup> Taylor told me that opening the Nixon materials to everyone would serve to justify the legacy of Nixon's full record—seen by Taylor to be positive—over time.<sup>35</sup> By contrast, Taylor's own record with respect to the Nixon tapes and the National Archives and Records Administration paints the archivists charged with processing and making available Nixon's materials as "Hardy Boys" who "did their worst." He accused them of bowing to "Nixon-haters" by releasing 201 hours of Watergate-related material in 1996.<sup>36</sup>

---

<sup>34</sup> Worsham (2007). The 2005 Tax Return for the Richard Nixon Library and Birthplace Foundation lists a \$230,340.00 payment to a prominent and powerful Washington, D.C. lobbying firm, Cassidy & Associates, for services associated with "[d]evelopment and follow-up of legislative and executive branch strategies to secure support for adding the Richard Nixon Library & Birthplace to the traditional Presidential Libraries System." Richard Nixon Library & Birthplace Foundation (FEIN 52-1278303), 2005 Schedule A (Form 990 or 990-EZ), Part II-A, and Statement 18, page 1 of 1. Interestingly, two of the three partners, Gerald Cassidy (President and Founder of the firm) and Mart Russo (CEO), began their careers in Washington as part of the Democratic Party in the Nixon and Watergate era. Cassidy served (prior to 1975) as General Counsel for the Democratic National Committee's Party Reform Commission and Russo was elected to Congress in the post-Nixon "Reform Class" of 1974. The third partner, Gregg Hartley (COO), is the lone Republican, formerly serving as an aide to Congressman Roy Blunt (R-MO) and, prior to that, in the administrations of then-Governor John Ashcroft and President Ronald Reagan. Despite the largely Republican (in terms of former employment) roster at Cassidy & Assoc., it is Executive Vice President (and author) Gerald Warburg who represents the Richard Nixon Library and Birthplace Foundation. In 2006 Warburg joked, "'I'm outed ... I'm a progressive Democrat, a liberal Democrat, but I work for the Nixon family.'" Quoted in Elana Schor, "Gerald Warburg, novelist and lobbyist with a 'lovely ambition'," *The Hill* (March 2, 2006). Both Warburg and Dimitri K Simes are listed on the membership roster of the Council on Foreign Relations in the 1980s. Simes is listed as a Board member and the President of the Nixon Center in the same 2005 Tax Report for the Nixon Library Foundation as the Cassidy & Associates payment.

<sup>35</sup> Author Interview with John Taylor (2006).

<sup>36</sup> Maarja Krusten, "The Real Issue at the Heart of the Weinstein Controversy," *History News Network*, 9 August 2004: <http://hnn.us/articles/6675.html>. Krusten, a self-described former member of the "silent majority" in during her college days in the 1960s), was a former archivist assigned to the Nixon tapes and an advocate for non-partisan execution of archival obligations. She has also written extensively on the Nixon tapes as a problem of accountability and political difficulty. Krusten has been troubled by the history of the Nixon tapes and Taylor's virulent attacks on archivists in the 1980s and 90s who were doing their duty to try and reveal the truth of the documents in their possession. She is also disturbed by the forced resignation of Carlin, mentioned above. However, she also notes that the shadowy political nature of the Weinstein proceedings reminded her of another event that called into question the non-partisan integrity of the U.S. Archivist. In 1991, the Nixon materials archivists were "stunned" when former Assistant Archivist for Presidential Libraries, John Fawcett, responded to Stanley Kutler's request

One must be careful, however, of only casting the library foundations as culpable in the limitation of public access. Understanding the relationship between Nixon's materials, library foundations, and the National Archives is extremely important. Indeed, understanding the individuals responsible for executing the NARA mission are, as Cochrane revealed in her dissertation (cited in Chapter 1), crucial to translating rhetoric and law into policy. The influence wielded by sympathetic archivists and partisan library foundations can be considerable in affecting the fragile contingencies that govern public access to presidential records despite the guarantee of law. For example, in 1994, former Assistant Archivist for Presidential Libraries John Fawcett was accused of advocating limited public access to, not only the Nixon materials, but also to select records at the Reagan Library, after misrepresenting the Nixon materials already released by 1992. Indeed, the National Archives Inspector General found that Fawcett's interpretation of the Presidential Records Act was "clearly contrary to the plain language and stated congressional intent of the Act, and would have prevented timely public access to public information in the Presidential Records at the Reagan and subsequent libraries."<sup>37</sup> In 2000, the Archivist John Carlin

---

that a timetable be provided for opening Watergate tapes to the public by claiming that all the relevant segments were already available—something she and others knew to be untrue. Indeed, in 1996 this was proven to be the case, and thus inspired Taylor's rancor. Krusten even chastises Lynn Scott Cochrane's dissertation (see Chapter 1) for taking John Fawcett's views on only preserving a "real richness of materials for historians 100 years from now to study" versus making materials available as soon as possible as "essential evidence" as required by statute. Krusten in her *Kutler v. Wilson* (1992) testimony mentioned a dispute between Nixon Materials archivists and Fawcett over a concept described to her as "putting historical materials in 'archival purgatory'."

<sup>37</sup> NARA OIG Report 94-05, 9/2/94 as quoted by Maarja Krusten, "The Real Issue at the Heart of the Weinstein Controversy," *History News Network* (Aug. 9, 2004): <http://hnn.us/articles/6675.html>. Krusten notes that after Fawcett retired in 1994 it was revealed that he had a reputation among archivists and scholars of taking the side of former presidents and their representatives over that of the

authorized the release of more Nixon materials as required by law. On the eve of the crucial election of George W. Bush, Bush family attorney and the Vice President of the Bush Library Foundation attempted to delay the release of the as they might implicate Bush, Cheney and others in an unflattering manner. Carlin released the materials as planned. The newly elected President George W. Bush swiftly signed Executive Order 13,233 reclassifying years of presidential materials and transforming the rules of access. Four years later, Carlin was asked to resign, to be replaced by Weinstein.<sup>38</sup>

Given the contentiously political nature of the Nixon materials, Weinstein's position was crucial. NARA's intent, Weinstein wrote, is "to preserve and make accessible to everyone the records of Richard Nixon's time in the deep valleys as well as on the highest mountain of his career."<sup>39</sup> He insisted that coming to an arrangement with the Nixon Library—especially given the decades-long controversy surrounding Nixon's records—went to heart of the National Archives' mission of access "to those

---

public accountability demanded of NARA by law. According to Krusten, Fawcett was recently rumored to be consulting for the creation of the George W. Library.

<sup>38</sup> Maarja Krusten, "The Real Issue at the Heart of the Weinstein Controversy," *History News Network* (Aug. 9, 2004): <http://hnn.us/articles/6675.html>, has some rather disturbing insider observations about Weinstein and even Don Wilson, the U.S. Archivist under the first President Bush. According to Krusten, Wilson tended to side with former presidents not the National Archives or the public in disputes over access like Fawcett. Krusten, who testified as an archivist in the case brought by Stanley Kutler against the government demanding access or a timeline for release of Nixon's materials, later told Archivist Peterson, who replaced Wilson, that she felt that there were ethical problems with disinformation and witness intimidation for the government's defense under Wilson. Like Fawcett, Wilson is connected to Republican libraries. When he stepped down in 1993 he became the Executive Director of the George Bush Presidential Library Foundation (1993-1999). Wilson and Weinstein were both trustees of the Mary Baker Eddy Library. Krusten's concern is that Wilson might have recommended Weinstein and that the accessibility mission once again be fought from the top of the NARA organization. How Weinstein's name came to the top of the list to replace Carlin remains an open question.

<sup>39</sup> Weinstein cited Nixon's own self-described journey through the "highest mountains" and the "lowest valleys" as relevant metaphor for the scope of access. Allen Weinstein, "Honoring a Sacred Obligation to History," *Prologue* v.39, n.3 (Fall 2007), Published Oct. 30, 2008, [www.archives.gov/publications/prologue/2007/fall/archivist.html](http://www.archives.gov/publications/prologue/2007/fall/archivist.html).

who will, in the near and far future, look to our holdings for the history of our times.”

Weinstein pledged:

We will continue to safeguard these records every moment of every day, and we will honor our sacred obligation to make them accessible to the maximum extent possible. Without exception. Without evasion. Without excision.<sup>40</sup>

The U.S. Archivist leaves no uncertainty here about the dual responsibility of the archives under his jurisdiction. Records must be preserved, but they also must be accessible. Indeed Weinstein considers the latter to be an obligation, or a “sacred” duty, because “historians will need what we preserve for them, and through them, the judgments of history, including those on Richard Nixon, will come in the fullness of time.” Weinstein’s goal and Taylor’s belief (rhetorically convenient, or otherwise, given the turn of events) summon an identical faith.

The “historian’s prayer” described in an earlier chapter appears to have reached a predictable apotheosis. However, there is another obligation implicit in Weinstein’s pledge: the historian’s duty to render judgment and eventually, in the fullness of time, come to truth *through* the preserved records and objects. In other words, it is less important that there are complete archival materials documenting every moment—an impossibility—than it is that what materials exist are made available to future public judgment. The archivist or librarian in this sense is neither a gatekeeper nor an accumulator of historical evidence. Access is the artifact above all else to be preserved,

---

<sup>40</sup> Weinstien (2007).



regardless of records. There is an implicit critique here of all archives and museums—public or otherwise—where the object is valued more so than the accessibility of a judging public for whom the material is presumably maintained.

On 11 June 2007, the Richard Nixon Library and Birthplace became the Richard Nixon Presidential Library and Museum. Yet, one of the most significant acts in the transformation of the Nixon Library occurred more than a year earlier. The U.S. Archivist realized that the mission of accountability must begin with the Director himself. Therefore, in April of 2006, Weinstein announced that Cold-War scholar Timothy Naftali would be the first Director of the Nixon Library. Weinstein insisted that Naftali, “as the representative of a younger generation of scholars, ... will be able to set a new tone for a national center to study the Nixon era.”<sup>41</sup>

Naftali is not an administrator by training nor is he an archivist. He is a historian, specializing in the history of counter-terrorism, and Cold War Policy.<sup>42</sup> He was educated at Yale and Johns Hopkins University before receiving his PhD in history from Harvard. His scholarly career focused particularly on the importance of archival documents—particularly presidential records—as both a mechanism for historical analysis and an arena for the pursuit of policies of openness and access. From 1999 to 2006, Naftali was a professor at the University of Virginia where he directed the Miller Center’s Presidential Recordings Program. He and his team transcribed and

---

<sup>41</sup> Press Release, 10 April 2006, “National Archives Names Director of the Richard Nixon Presidential Library and Museum”, The National Archives. <http://www.archives.gov/press/press-releases/2006/nr06-84.html>.

<sup>42</sup> Timothy Naftali is also the author of *Blind Spot: The Secret History of American Counterterrorism*; *Khrushchev’s Cold War: The Inside Story of an American Adversary*; and *George H. W. Bush*.

interpreted hundreds of secret meetings and conversations recorded by presidents from Roosevelt to Nixon. Naftali also served as a historical consultant for two important government research and information projects which had at their core an exhumation of sensitive yet vital information from records. From 2000 to 2005, he was part of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group (IWG), which located classified U.S. government records relating to war crimes committed by the Nazi and Imperial Japanese governments during World War II.<sup>43</sup> From 2003 to 2004, he served a historical consultant to the National Commission on Terrorist Attacks Upon the United States (popularly known as the “9/11 Commission”).<sup>44</sup>

Naftali believes that the Nixon Library and its staff have “an obligation to provide programs and exhibits that are nonpartisan and objective” to a variety of audiences.<sup>45</sup> On the one hand, there are “baby boomers” who expect an informative yet nostalgic look at the Nixon era in which they lived—an expectation that was only well met from the nostalgia standpoint of Nixon supporters under prior direction. On the other hand, the Nixon Library, like other presidential libraries and many museums, is compelled—by revenue needs, survival instincts and genuine desire—to “ignite a passion for history” in the general public and students, young and old.<sup>46</sup>

---

<sup>43</sup> Press Release, 25 February 2000, “Historians Appointed by the Nazi War Criminal Records Interagency Working Group,” The National Archives. <http://www.archives.gov/press/press-releases/2000/nr00-38.html>.

<sup>44</sup> Press Release, 10 April 2006, “National Archives Names Director of the Richard Nixon Presidential Library and Museum,” The U.S. National Archives and Records Administration.

<sup>45</sup> Worsham (2007).

<sup>46</sup> Worsham (2007).

Cochrane's research on the political contingencies governing the presidential libraries (see Chapter 1) and the importance of the Nixon materials to the credibility of NARA make the appointment of the Nixon Presidential Library's first Director vitally important to determining whether or not Weinstein's rhetoric can be turned into practice. Naftali's credentials as a scholar exposed to both the production of history and the maintenance and analysis of archives (of the presidency and other sensitive government-managed materials) as well as his 'outsider' status with respect to the presidential library system seem to be the qualities which most recommend him for the position. Further, he argues that being an historian rather than an archivist empowers him to make bold and perhaps unpredictable decisions with respect to the mission of the library that better target these multiple users without being beholden to NARA for his career.<sup>47</sup>

However, it is arguably Weinstein's vision of the historian as a vehicle for judgment and truth in the fullness of time, that drives Naftali's obligation to a certain public as well as his appointment as the new director. Naftali, and by extension Weinstein through his selection, is not (only) seeking to pursue the "sacred obligation" to preserve artifacts for the future and provide access—although that is vital. Rather, as Naftali's participation in government commissions might attest, his appointment implies the radical proposition that access and preservation *must be* a form of historical judgment. In other words, history cannot passively sit well-preserved and waiting to be opened, it must be deployed. Of course, museums and the presidential

---

<sup>47</sup> 13 June 2008, Author's interview with Director Timothy Naftali of the Richard Nixon Presidential Library and Birthplace, conducted at the Nixon Library, Yorba Linda, California.

libraries have always done this to an extent. But explicitly and fundamentally “without exception”, “without evasion” and “without excision?” These are indeed the critical limits that form the essential problem of the Nixon Library as it is transformed into a presidential library. Executing the rhetorical mission could potentially make the Nixon Library as unlike any of the other presidential libraries by virtue of its new radical accessibility as it was for manifesting Nixon’s obfuscating persona in the eyes of one public and his triumphant life in the eyes of another.

Naftali entered into an agreement with the U.S. Archivist, Weinstein, unlike any other in the Presidential Library System. Rather than shackle the first publicly accountable Director of the Nixon Library with strict limits, small measures, and conservative expectations, the Archivist gave Naftali relatively free rein to pursue a rather radical vision for the Nixon Library. In return, Naftali did not sign a fixed contract, giving his fate wholly into the hands of the Archivist who can fire him at any time. As a scholar, Naftali was not interested in a long-term administrative position within NARA. Instead, he saw an opportunity to sow the seeds for a form of institutional revolution within the presidential library system. Freeing himself from the burden of fulfilling a fixed contract, Naftali has pushed himself and his dedicated staff to challenge not only the highly partisan Nixon Foundation’s firmly entrenched ideas about the library’s mission, but also the tendency of many presidential libraries to strike a sort of banal compromise in which the materials and the institution serve as

a both a monument to past achievements and vehicle for post-presidential action. Naftali put this succinctly: "I don't believe in giving a President a third term."<sup>48</sup>

Given the source of funding granted to the maintenance of presidential libraries by statute, and the stewardship role of the libraries under the National Archives, Naftali echoes some of the earliest criticisms leveled by Congress at F.D.R.'s Library and even those leveled at using public money for presidential monuments in the nineteenth-century, including the Washington Monument. "Federal money," he insisted, "should not be spent on shrines."<sup>49</sup> Yet, the cost of maintaining a presidential library, much less completely remodeling and redesigning its exhibits, often exceeds the modest operations budget allocated to each library by Congress. Further, the Nixon Library was about to receive the enormous Nixon Presidential Materials Project that had been stored in Maryland since 1974.<sup>50</sup> Space for the millions of presidential documents, as well as preservation facilities, offices and a new research room had to be built. This funding dilemma was and is a common one faced by all the presidential libraries.

From an architectural standpoint, the presidential libraries, and the Nixon Library, face a challenging design problem. How to represent a president and his presidency in a manner which does not create a "shrine" and in such a way as to also

---

<sup>48</sup> Naftali Interview (2008).

<sup>49</sup> Naftali Interview (2008).

<sup>50</sup> Press Release, July 11, 2007: "The National Archives Open Federal Nixon Library, Releases Previously-Restricted Documents and Tapes," The National Archives.

<http://www.archives.gov/press/press-releases/2007/nr07-114.html>.

represent and facilitate an open-ended public accessibility? The transparency of the façade and the vertical pillars inside the Clinton Library, ostensibly represent accessibility and the archives as the foundation of the presidential library. The archives at the Johnson Library are clearly visible inside its large museum atrium (Fig. 7.14). However, both libraries have arguably transformed the archive into a formal gesture that actually underwrites the enshrinement of the president by virtue of the monumentality of the representation.

For all the architectural mechanisms by which the archives are alluded to or even revealed at the Clinton and Johnson Libraries, the archival contents and the potential judgments they might engender are still removed from direct access by the public. In other words, the galleries are still mediated by non-archival texts and meaning is still controlled in advance of access. The exception is the potential exhibited by the Ford Museum, where original documents or copies are dispersed throughout the otherwise traditional galleries. A large portion of Naftali's dilemma can be described as determining how to imagine a resolution between attendant funding obligations and a self-imposed prohibition against enshrinement that redefines public accessibility.



7.14 Interior of the Johnson Library, with the carefully arranged and designed archive boxes visible from the central atrium. Lyndon B. Johnson Presidential Library and Museum, University of Texas, Austin (Photo by Author © 2006).

Where some libraries have some control over the revenues from tickets to the museum and the proceeds from the gift shops, many only receive revenues from these activities after they are filtered through the hands of the private foundations. The relationship between the library and the foundation, where the foundation serves as the primary source of funds for museum programming, is often idealized as a kind of partnership. Assistant Archivist for Presidential Libraries, Sharon Fawcett describes this as follows:

Presidential libraries have long existed as a loosely knit confederation. All but [the Carter Library] have established a public-private partnership with the library's supporting organization. Taken together, these public-private

partnerships are one of the largest undertakings in the government. These private partners operate as nonprofit foundations of institutes.<sup>51</sup>

However, this “partnership” typically results in a form of compromise between the foundation’s more positivist vision and the ostensible objectivity expected of the library director trying to update or modify the museum.

Foundations traditionally provide most of the funding for museum galleries, special events, educational programs, and most, if not all, of the expensive-yet-necessary curatorial functions. The foundation maintains what amounts to complete control over everything but the archival repository at some libraries. The Eisenhower Foundation describes this relationship in clear terms:

All NARA presidential libraries are constructed with private and/or non-federal funds, then presented to NARA, which provides federal funding for operating expenses. NARA does not fund the design, fabrication, or installation of exhibits, or the production of public programs and events. These must be funded from resources outside the federal government. All libraries in the system rely on foundations or other sources of funding for the resources needed for exhibits, programs, and events.<sup>52</sup>

---

<sup>51</sup> Sharon Fawcett, “Presidential Libraries: A View from the Center,” *Public Historian* 28, no. 3 (Summer 2006): 16.

<sup>52</sup> <http://www.dwightdeisenhower.com/about2.html>. Information on the degree of foundation influence over the libraries is derived from a variety of sources including, but not limited to, interviews with Director Timothy Naftali (Nixon Library) and Director John Taylor (Nixon Library Foundation). This was corroborated with off-the-record conversations with archivists and staff at the Bush Library, Nixon Library, and Ford Library. The need to study the relationship between the foundations and the libraries was the principle concern to come out of the 2004 Princeton meeting on Presidential Libraries, the summary of which is contained in Presidential Libraries: Programs, Policies, and Public Interest, Special Issue, *Public Historian* 28, no. 3 (Summer 2006).



Many of the libraries have entered into agreements with universities in order to defray technology costs and to support “digitization projects and audio and video Web-streaming. Libraries have found that their university and foundation peers are many generations ahead of NARA in hardware and software. Out of necessity, they have sought such partnerships to support their electronic-access programs.”<sup>53</sup> With each agreement, many of which are not publicly available, the accountability for how funds are deployed under the umbrella of NARA’s mission is potentially deteriorated. Given NARA’s grossly underfunded activities, Fawcett relies on foundations and even presidential family members to lobby Congress for “line-item funding in congressional appropriations to support renovation and expansion projects.”<sup>54</sup>

The Nixon Library had, and still has, a multitude of expensive needs. According to Naftali, the foundation’s resistance to change in the museum would under any other circumstances have real teeth, as revealed by Fawcett’s idealistic candor about the so-called public-private partnership. Reverend John Taylor fully expected the role of the Nixon Library Foundation “to be akin to that of other foundations affiliated with the other libraries.”<sup>55</sup> As expected, Naftali offered the foundation the opportunity to co-sponsor his redesign efforts. However, without significant input into how the library would achieve the open-access desired by Weinstein. Given the potentially radical nature of Naftali’s new plans, they refused, believing perhaps that without their funding the efforts would fail. Naftali arguably shocked everybody when he found

---

<sup>53</sup> Fawcett (2006): 18-19.

<sup>54</sup> Fawcett (2006): 20.

<sup>55</sup> Worsham (2007).

funding elsewhere. He then proceeded to implement the re-branding efforts without the financial assistance—and input—of the Nixon Foundation. Perhaps, the offer had to be made in the interest of fairness, but for Naftali the refusal was predictable and, in a sense, given the varying degrees of control traditionally exercised by the partisan library foundations, desirable.<sup>56</sup>

In addition to bringing the records collection up to date and beginning a program of archival access in accordance with the statutory regulations, Naftali has a mandate to “update” the exhibits at the Nixon Library in accordance with national standards for Presidential Libraries. As of this writing, the renovation process has only just begun. At best, the existing exhibits are merely old and need to be modernized for a 21<sup>st</sup> century museum public. At worst, textual explanations accompanying images and artifacts present everything from extremely biased to outright false interpretations of often-controversial historical events.<sup>57</sup> This shaded view of the Nixon era is often reinforced by the loyal—albeit affable, knowledgeable, and hard-working—old-guard docents who still guide visitors upon request through the exhibits.<sup>58</sup>

Essential to Naftali’s re-branding effort is his insistence on non-partisan exhibits, programs, and funding. Everything from the terms of his own contract to his

---

<sup>56</sup> Naftali Interview (2008).

<sup>57</sup> Even a cursory examination of the presidential records destined for the library as well as records at the Ford Library speak to the grossly skewed facts in the old Watergate exhibit alone.

<sup>58</sup> To be fair, these individuals, like docents at many museums, are extremely dedicated to the care of the subject matter in the museum and, given their many years of voluntary service and the partisan nature of the institution’s history, understandably reluctant to tarnish their subject’s image.

position with respect to the Nixon Foundation's money serves to reinforce this goal. NARA acknowledges that the state of presidential museum exhibits varies throughout the system. In response to recent criticisms and recommendations, Fawcett admits that the Office of Presidential Libraries should do a better job of providing the viewing public more information about how exhibits are created. Since most are donated to the government by the foundation, Fawcett concedes that "introductory information to the exhibit should acknowledge those involved in creating the themes and text of the exhibit."<sup>59</sup>

For Fawcett, providing a "broader understanding" of the exhibit, illustrating "how others view particular events or policies depicted" should be a task of the educational programming required of all the libraries. However, despite her desire to resist hagiography, Fawcett insists that "the National Archives does not expect an exhibit in a presidential library to denigrate the president's legacy."<sup>60</sup> The problem is that Fawcett's position assumes that a president's legacy is necessarily positive. Further, how can one stake a claim to public accountability if historical judgment—critical or otherwise—is predetermined by a refusal to tarnish a certain image presented benevolently by a foundation's donation? The very idea of holding an archive of artifacts and documents sacred as a form of public trust *requires* preserving "denigration" *as a possibility* and maintaining that potential *in perpetuity*.

---

<sup>59</sup> Fawcett (2006): 30-31.

<sup>60</sup> *Ibid.*

Naftali has embraced this potential in his radical vision for the Nixon Library as a paragon of accountability, accessibility and sustainable relevance. For Naftali, this is not just a political or ethical question, it is also fundamentally architectural and visual. In order to both survive in the twenty-first century and to engage the true potential of unlimited access, the new Nixon Library must provide “a full view, a 360-degree view” of Nixon and his times—the good, the bad, and the possibly ugly.<sup>61</sup> To that end, Naftali envisions a multimedia archive and museum facility whose limits extend beyond the walls of the physical library. This rebranding of the library began with the Watergate exhibit and will ultimately extend to a unification of archive and museum experience.

### **Towards a “Self-Curated” Museum: The New Watergate Gallery**

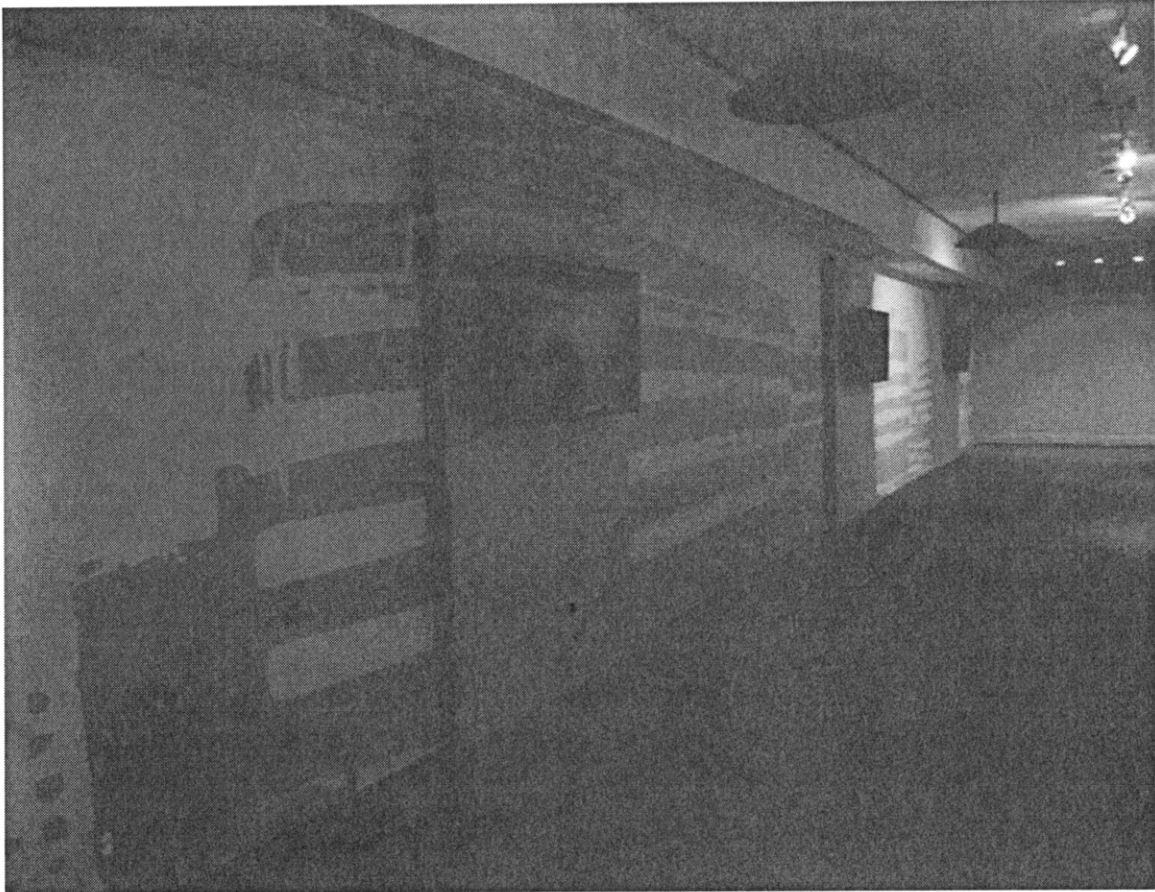
Watergate goes to the heart of the presidential library envisioned by Naftali and Weinstein. Naftali closed the old exhibit almost immediately. The methodological model for the new gallery, and eventually the whole museum, follows the idea of self-directed learning, where knowledge serves action, advocated by progressive pragmatist John Dewey.<sup>62</sup> In essence, Naftali wants to provide visitors—to the galleries and to the library website—information and imagery in an easily accessible way, in context, so that they can then direct themselves through the information en route to questioning history and forming critical opinions.<sup>63</sup>

---

<sup>61</sup> Worsham (2007).

<sup>62</sup> Naftali Interview (2008). See John Dewey “Theories of Knowledge,” *Democracy and Education* (1916) reprinted in Louis Menand, ed. *Pragmatism: A Reader* (New York: Vintage Books, 1997), 205-18. See also Ernst A Breisach, *American Progressive History: An Experiment in Modernization* (Chicago: University of Chicago Press, 1993); Peter Novick, *That Noble Dream: The “Objectivity Question” and the American Historical Profession* (New York: Cambridge University Press, 1998).

<sup>63</sup> Naftali Interview (2008).

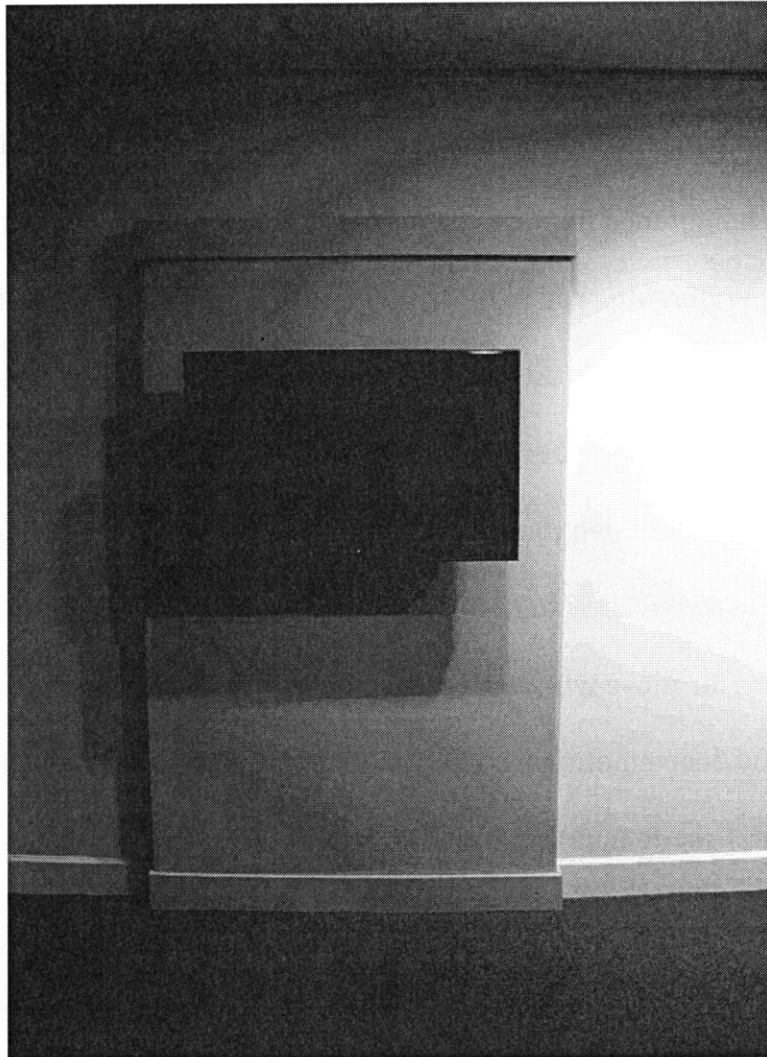


*7.15 New Watergate exhibit (under construction when this image was taken). Richard Nixon Presidential Library, Yorba Linda, California (Photo by Author © 2008).*

His plan for the new exhibit (still under construction in 2008) involves an architecture of self-directed visual and auditory experience. It begins by recalling the origin of the term “Watergate” itself. In two-tone green paint, the Watergate Hotel façade is rendered on the wall of the gallery space (Fig. 7.15). Visitors are expected to stand in front of an interactive screen where they can navigate through events, film, and documents associated with Watergate. They will also be under a sound bell so that they can select and listen to tapes. In addition to allowing the public to experience the content of the records and other archival footage, they can experience the task of the historian who attempts to decipher meaning from original records and recordings—a

task that is all the more challenging given the often-unintelligible voices on the Nixon tapes.

The new Watergate gallery places a particular burden on the public. Rather than present packaged historical resolution for passive visitor consumption, the interactive archival arrangement demands that visitors—at least to the extent that they place themselves in front of a screen—act as a public. In other words, the museum becomes a site for the performance of *active* citizenship. The passive spectator will walk through a green room adorned only with flat-screen TVs, disengaged of necessity from the content of the gallery. Arguably, this passive experience is no different—and, I would argue, more desirable—than the standard experience whereby the consumption of pre-determined meaning via a traditional exhibit provides the illusion of historical efficacy by virtue of its ease of apprehension. The very idea of the self-curated museum demands a new level of engagement by the public for whom the institution maintains materials in trust.



*7.16 Screen designated for the 'old' Watergate exhibit. Richard Nixon Presidential Library, Yorba Linda, California  
(Photo by Author © 2008).*

The new exhibit will offer a similar experience currently available in small measure on the new Library website, where previously unavailable memos and sound bites can be viewed or downloaded wherever there is internet access. What is more, the old exhibit is now part of the archival experience. Naftali had the exhibit meticulously filmed, and there is a designated screen where the public can tour the original display for its own interpretive and comparative purposes (Fig. 7.16). The screen is marked as different from the others by virtue of the casing that protrudes

from the wall behind it. To an extent, this treatment enshrines the prior exhibit at the same time as it marks the old library as an out-of-date artifact. Indeed, the very need to redesign the exhibit—a decision which is itself exhibited by the special screen—calls attention to the heightened implications of pre-determining the historical truth of the event known as Watergate. Yet, in this gallery, the nostalgic Nixon loyalist has equal access to archival materials in advance of determining meaning, as does a dedicated “Nixon-hater.” What is more, because the archive has expanded to include the old exhibit by virtue of the filmed tour, the gallery has ensured that the renovation has not erased Nixon’s own view of Watergate. Importantly, however, the new gallery becomes relevant for those who came of age after the contentious Nixon years, who may not have any deep emotional commitment to either Nixon’s version of Watergate or that of his harshest denigrators.

To a certain extent, the idea of the museum is erased by the new gallery. By redesigning the exhibit to demand a public that peruses images and archives—including the original exhibit—in pursuit of an indeterminate meaning, Naftali has arguably made the museum into a window on the archive as a compulsive collection of information without directed purpose. Yet, the risky self-curated redesign might also reflect a faith in the ability of records to vindicate or even generate a dominant view of Nixon’s legacy given time. This is the common ground expressed by both Naftali and Taylor—one through his practice, the other through a rear-guard rhetorical revisionism.

Indicative of the new library’s mission as a site for radical openness is a research project begun by Naftali that will be part of the publicly accessible images and



information in the Watergate exhibit. Naftali has filmed over 145 hours of interviews with many surviving members of the Nixon White House as part of a larger and ongoing oral history project on the era. When it is completed, the project and the footage will become part of the library's material holdings. Interviews reveal contrasting views on the Nixon White House, often-detailed narratives of the experience of working for the President, and even fascinating anecdotes on how powerful figures influenced the day-to-day operation of American government. Interesting moments include G. Gordon Liddy describing how the floor of J. Edgar Hoover's office sloped up to the desk so that Hoover "sat looming above you."<sup>64</sup> The footage will also be freely accessible through the Nixon Library to anyone for research or documentary purposes. Naftali insisted on this contentious and rather radical condition is a crucial aspect of rebranding the Nixon Library.

### **Conclusion: The Nixon Library Brand**

Naftali envisions the presidential library as a disseminator of information, where the museum is not just a place to be visited once, but a resource that can offer new insight with every visit to both website and library. Ultimately, he hopes to offer an experience of the artifacts that is tied to visitor-directed inquiry through the archive for many of the other gallery spaces. Thus, the interpretive nature of the presidential gallery becomes, in his words, a "self-curated" experience. The public redesigns the exhibits with their use and towards their own ends—where the ends themselves are

---

<sup>64</sup> Naftali conducted the interviews himself. The project is, in many respect, similar to one he initiated for the George H.W. Bush Library while he was at the Miller Center. The Liddy anecdote is from a selection that he played for me during our interview to illustrate the potential of the project once it is finished. Naftali Interview (2007).

potentially redirected via exposure *en situ* to the archive. Perhaps visitors, particularly those with deeply engrained opinions about Nixon, will only reinforce their beliefs through their control over the images and documents that they access and avoid. Indeed, as mentioned, total disengagement is integrally part of how the new gallery works. I would argue, however, that this is an unavoidable consequence of maintaining a faith in the visibility of records as a mechanism for achieving objective historical judgment. The very possibility of ambivalence, avoidance, or even delusion cannot be precluded from such a belief without resorting to a form of control over meaning in advance of public apprehension.

More than two decades after Nixon's crisis of public accountability and during current attempts to reinstate excessive presidential and private privilege over records (see Chapter 3), Nixon's Library has begun the process, more so perhaps than any other presidential library, of manifesting the notion of accessibility as public control through its information architecture and its mandate. Material previously returned to the Nixon estate and thus hidden from public view is becoming available on the website. Selected tapes can be played online. The Nixon Library will also continue to maintain and integrate artifacts such as the birthplace home into the total experience. Some of the exhibits will be virtually unchanged. For example, the gallery exhibit on POW's in Vietnam is powerful and poignant, and will most likely remain as is. Ultimately however, Naftali hopes to deploy the multiple facets of the library—its archival collections, its imagery, and the experience of the gallery—in unison to create a reflexive historical experience directed towards a diverse public. "Federal money should not be spent on shrines," Naftali unequivocally stated. "The new library belongs

to the people of the United States. It will be a center of discussion, debate, and scholarly exploration. Its mission is to inspire a love of history and critical thinking.”<sup>65</sup>

Naftali’s intent is to “re-brand [the Nixon Library] in a very dramatic and sustained way.”<sup>66</sup> The Nixon Library as a “brand” is quite vital. Given the partisan nature of the exhibits and the understandably (perhaps) positive spin on the library’s mission from seventeen years of private control, the library does not have a reputation among most scholars, educators or the general non-Nixon-admiring public as an institution associated with objective history. Rather, as the sentiment “there is no library here” cited earlier make clear, the Nixon Library has, perhaps harshly, become in the minds of many an extension of President Nixon’s own personal qualities of obfuscation and obsession with the presentation of a one-sided positive image. In other words, the Nixon Library was just another mask for President Nixon that extended into his post-presidency and beyond. Yet, as noted, understanding Nixon as an image and as a historically vital figure, are essential to understanding American politics and culture in the twentieth century and today. Therefore, Naftali sees the re-presentation of the Nixon Library as a respected and objective institution for learning and the open-ended possibility for education to be of primary importance.

---

<sup>65</sup> Press Release, 11 July 2007, “The National Archives Open Federal Nixon Library, Releases Previously-Restricted Documents and Tapes,” The National Archives. <http://www.archives.gov/press/press-releases/2007/nr07-114.html>.

<sup>66</sup> Naftali Interview (2008).

## Chapter 8

### The Danger of Images:

#### History, Painting, and the Politics of Discovery at the Nixon Museum

Richard Nixon always insisted that he did not care about images. He told NBC in 1971, “I don’t worry about images...I never have.”<sup>1</sup> Yet, while President, Nixon had a well-known penchant for grilling advisors about public opinions. He devoted an immense amount of time and energy scouring the media for ‘bad press’ and trying to “correct” his public image. Despite his efforts, Nixon remained (and remains, to many) simultaneously an enigma and the personification all that is good or bad, depending on who you are, in America. Throughout his political career and even after his resignation, he never understood why his name could inspire such hostility, and he continually lamented the public’s inability to understand him. On the one hand, he often used this as a combative trope, a hero endlessly battling unseen enemies. On the other hand, he never ceased in his attempts to rehabilitate his historical legacy.

After his narrow loss to John F. Kennedy in the 1960 presidential election, Nixon wrote *Six Crises* (1962), recasting his life as a series of triumphs in the face of defeat. In the aftermath of Watergate, Nixon tried to justify his presidency with his 1978 memoirs *RN: The Memoirs of Richard Nixon* (his version of Watergate literally became the exhibit at his library, see Chapter 7). Nixon saw himself as an intrepid hero,

---

<sup>1</sup> David Greenberg, *Nixon's Shadow: The History of an Image* (New York: W.W. Norton & Co., 2003), xxvii-xxxvi.

battling insurmountable odds, getting knocked around some but persevering through the strength of his character and the justice of his mission. He repeated this jeremiad with *In the Arena: A Memoir of Victory, Defeat, and Renewal*, published in 1990.<sup>2</sup> When the Richard Nixon Library and Birthplace opened a couple of months later, on July 19, 1990, Nixon and his loyal supporters were allowed to define his legacy in the manner expected now of all presidents after Roosevelt—despite, and perhaps because of, the absence of Nixon's presidential records. With a tour through the museum, chaperoned by loyal and attentive docents, the public could finally view history as Nixon viewed history, see Nixon as Nixon saw himself, and come to understand America through the image of Richard Nixon.

When Nixon died in 1994, the startling outpouring of positive rhetoric during his funeral service at the Nixon Library prompted many to wonder how the formidably controversial former president had managed to endlessly reinvent himself, possibly rehabilitating his historical legacy with some finality. Nixon scholar Daniel Frick noted that “taken in totality, the funeral suggested that the problem of Richard Nixon had been solved, that he was, well, history.”<sup>3</sup> However, Nixon in history remained a hotly contested image, even after his death, as the impeachment proceedings and the cavalier use of executive fiat by Clinton and Bush II (with the help of Nixon acolytes) reinvigorated the shadowy Nixon legacy. Indeed, Frick has likened the battle to

---

<sup>2</sup> Daniel Frick, *Reinventing Richard Nixon: A Cultural History of an American Obsession* (Lawrence: University of Kansas Press, 2008), 179, notes that the “real story [of *In the Arena* (1990) is] the presumption of Nixon's total rehabilitation.” Timing the book to coincide with the opening of the Library, where it was prominently on sale in the gift shop, was therefore no accident.

<sup>3</sup> Frick (2008), 5.

reinvent Richard Nixon to an endless “act of war” for the future of America.<sup>4</sup> This is because Nixon and his supporters were no different from those who cast Nixon as evil incarnate—they all believed that the battle over Nixon’s image was nothing less than a struggle for the image of America.



8.1 Ferenc Daday, *Nixon at Andau*, 1971, Richard Nixon Library, Yorba Linda, California.

The struggle over the image of Richard Nixon is embodied at the Nixon Library by the history of a single painting. In 1971, the Los Angeles Hungarian community commissioned Hungarian-born artist and Nixon supporter Ferenc Daday to paint a large mural commemorating then-Vice President Nixon’s five day trip to a Hungarian refugee camp near the Austrian border town of Andau in 1956 (Fig. 8.1). *Nixon at Andau* (1971) was dedicated to the cause of Hungarian freedom from Soviet-backed communism after the failure of Hungary’s short-lived 1956 revolution. The painting

---

<sup>4</sup> Frick (2008), 238.

depicts Nixon as a pivotal figure in an apocryphal historical battle between the forces of freedom and the forces of communism. It is portrait of Richard Nixon as a compassionate savior and a vigilant anti-communist. The painting is also an allegorical representation of the Cold War as a struggle for the future of humanity, with Nixon personifying the mission of prophetic American providence in one historical moment prior to his presidency in the same manner as heroic figures such as General George Washington (Fig. 8.2).<sup>5</sup> Indeed, when *Nixon at Andau* was unveiled at the Nixon Library in 1992, *New York Times* columnist likened it to a Presidential icon that could be placed “perhaps, alongside the image of Washington crossing the Delaware.”



8.2 This full-sized modern copy of Emmanuel Leutze's iconic *Washington Crossing the Delaware*" (1851) was on display in the temporary exhibit space of the Nixon Library across from a travelling exhibition that included a large scaled model of the White House. Richard Nixon Library, Yorba Linda, California (Photo by Author © 2006).

Daday's painting was donated to the Nixon Library when it opened in 1990. From 1992 until 2008, the massive *Nixon at Andua* hung prominently at the end of the library's galleries. It was the final image encountered before the visitor re-entered the

---

<sup>5</sup> During my first visit, a full-sized copy of Leutze's 1850 *Washington Crossing the Delaware* (Fig. 8.2) was also hanging in the Nixon Library.

lobby. A historian of the Hungarian Revolution noted that the Nixon museum staff's decision to "put the painting on permanent display in a prominent place...restored [the Hungarian Revolution] of December 1956 to American memory."<sup>6</sup> However, Daday's painting also provided the penultimate image for a rehabilitated Nixon legacy that is communicated throughout the Nixon Library's museum. Further, *Nixon at Andau* enshrines Nixon's self-promotion as a virulent anti-communist. Both the painting and the library cast this as an historical task that is the essence of an American mission of enacting peace on earth. Indeed, Nixon's desire or obsession, even after death was always to be known as a "peacemaker."<sup>7</sup> The epitaph on his tombstone in the garden at the Nixon Library (Fig. 8.3) reads: "The greatest honor history can bestow is the title of peacemaker."

*Nixon at Andau*, because of its location at the terminus of the museum experience and the manner of its representation, captured in one image the mission of Nixon and the Richard Nixon Library Foundation, making that task equivalent to the very image of America as the global protector democratic freedom.<sup>8</sup> As former Library

---

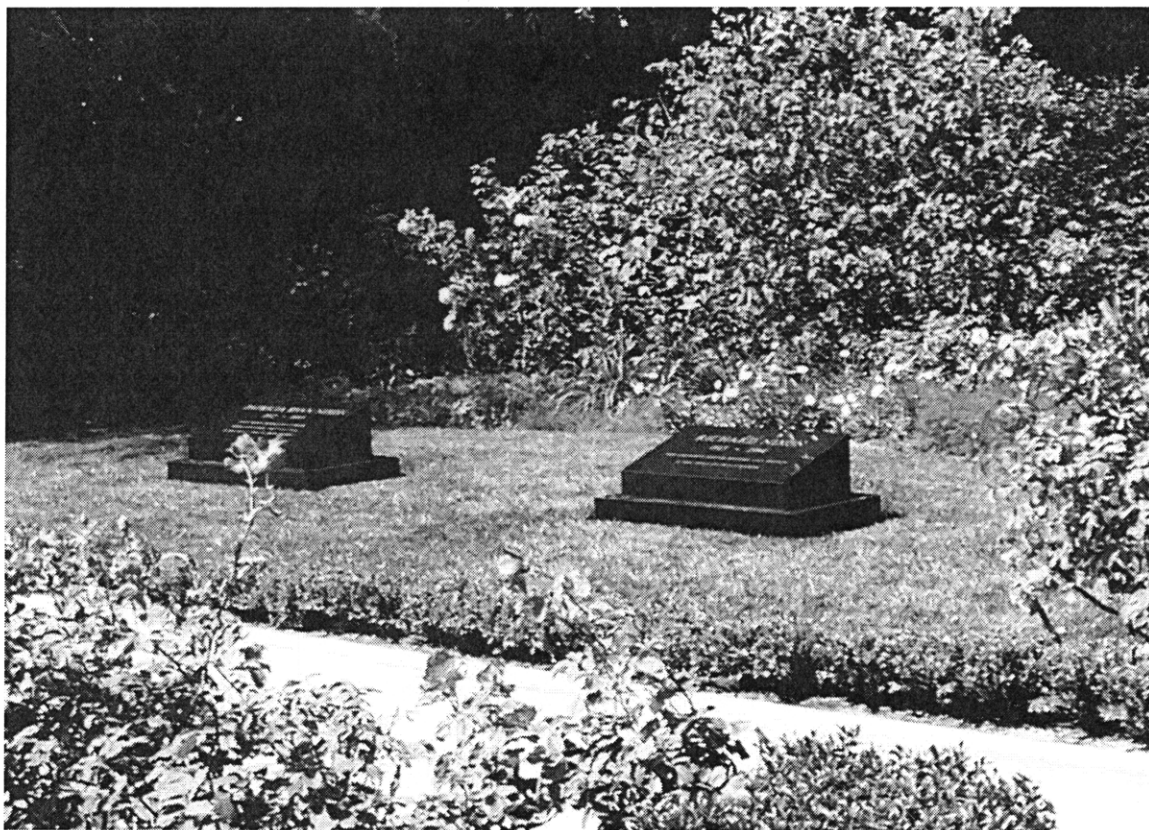
<sup>6</sup> Istvan Deak, Tibor Glant, and Miklos Zeidler, *Remember Hungary 1956: Essays on the Hungarian Revolution and War of Independence in American Memory*, East European Monographs, v. 718, Agnes Szechenyi, ed. (New York: East European Monographs and Columbia University Press, 2007), 148.

<sup>7</sup> Lawrence Howe, "Now Playing at a Presidential Library Near You: The Films of the Presidential Museums," *The Public Historian* vol. 17, no. 1 (Winter, 1995): 136, notes that the introductory film at the Nixon Library (at the time), *Never Give Up* continually asks the viewer to view his full career, not just Watergate, and to "reconsider harsh judgment in new perspective." Nixon's voiceover invokes Sophocles: "one must wait till evening to see how splendid the day was."

<sup>8</sup> On his blog for the Nixon Center, John H. Taylor referred to *Nixon at Andau* when he critiqued the Bush administration's policies in the former Soviet Union after Georgian forces entered the separatist South Ossetia in 2008. He unfavorably compared the Russian policy of Bush administration to that of President Eisenhower and Vice President Nixon. For Taylor the Ossetia crisis was analogous to Hungary 1956. Taylor insists that rather than risk nuclear war with the Soviet Union through an aggressive stance, "virtually all [Eisenhower] could do was send Vice President Nixon to meet with Hungarian



Director now-Reverend John Taylor wrote in January 2009 when he resigned as Executive Director of the Nixon Foundation, “we have been dedicated to the legacy of a President who made the world safer for billions of people through his far-reaching, course-changing policies abroad...”<sup>9</sup>



*8.3 Richard and Pat Nixon's grave markers in the central garden of the Richard Nixon Library, Yorba Linda California (Photo by Author © 2006).*

---

refugees who had flooded over the border into Austria.” That the revolution was ‘virtually’ over weeks before the U.S. did anything, let alone send Nixon on a PR mission is conveniently covered by the use of the word ‘virtually’. In any event, Taylor’s use of the painting to critique the stance of President Bush II in Russia reveals how the painting and the moment stand powerfully for the Nixon Foundation’s vision of Nixon as a model ‘Peacemaker’ for contemporary politics. 12 August 2008, John Taylor, “Andua, Ossetia, and Taiwan,” [www.thenewnixon.org/international-affairs](http://www.thenewnixon.org/international-affairs).

<sup>9</sup> Letter, John H. Taylor to Kris Elftman, 20 January 2009, The Richard Nixon Library Foundation, as reprinted at [www.nixonlibraryfoundation.org](http://www.nixonlibraryfoundation.org).

However, in 2007 the library and its contents were transferred into the custody of the National Archives and Records Administration. The new Director, as described in the previous chapter, demanded a library that was non-partisan and formulated a new mission whereby the library's museum would mediate the overtly positive, and often historically inaccurate, narrative inherited by NARA. One of Director Timothy Naftali's earliest actions as public custodian of the Nixon museum was to remove the massive painting in January 2008. The problem with displaying this particular painting at this particular presidential library is grounded in the invisible politics of fascism.<sup>10</sup> For Naftali, it is not an overt fascism that poses the essential difficulty—after all, the presidential library is a history museum and should fascism be relevant to the history of Nixon's presidency it would most certainly fit within the library's mission. However, given the contentious legacy of Richard Nixon, even a hint of fascism must be carefully mediated. The director's principle concerns are derived from ambiguities concerning the artist Daday's past, the factual circumstances of Nixon's 1956 trip versus the heroic manner of its depiction, and the location of the painting within the museum narrative.

Chapter 8 explores Richard Nixon's image of Richard Nixon and how that image is negotiated at the Nixon Library, before and after 2007, through the Daday painting, *Nixon at Andau*. It examines how one image in the presidential library narrative can encapsulate the legacy desired by a former president and yet be anathema to the non-partisan obligations of the library's public custodians. Further, this chapter proposes

---

<sup>10</sup> 13 June 2008, Author's interview with Director Timothy Naftali, Richard Nixon Library and Birthplace, Yorba Linda, California.

that the documents and objects of the Nixon Library can provide both an historical account of Nixon's image of himself and a means for its critique following the promise of the archive as it was outlined in Chapter 5. In other words: What is the image of Richard Nixon at the Richard Nixon Library? And, how does the Library itself determine how that image can be defined, and how removing a particular image from view can be justified within the Nixon Library's new mission of radical accessibility?

This chapter begins by examining two memorandums on Nixon's image, one by Donald Rumsfeld and the other Richard Nixon himself, written around the same time as Daday was painting his mural. These documents were only made available to public view on the library's website after the 2007 NARA transition. They reveal Nixon's thoughts on the importance of establishing a certain presidential image and outlined the mechanisms for embedding certain images of Nixon in the public's memory. They also indicate how access to the archive provides a critical lens through which to critique the museum's benevolent narrative. Next this chapter analyzes how *Nixon at Andau* transformed a largely forgotten event from Nixon's political career into a portrait of Nixon as a transcendent peacemaker and enshrined him into a canon of heroic American imagery. A closer examination of the painting and its status at the Nixon Library reveals that beyond restoring an historical event to American memory, the painting—as an image and as a representative object within a presidential narrative—obfuscates the role of belief in the politics of image-making where an event is portrayed as history in the advantageous absence of factual truth. This highlights the potentially dangerous role in such a politics that might be played by a publicly funded museum and archive. Thus the problem of the painting and its accessibility is

fundamentally an issue of memory versus historical accuracy as they come into conflict in the public arena. Finally, this chapter assesses how Naftali's concerns about the painting and its former location within the old library narrative are only problematic within a tradition of heroic American commemoration established at the Nixon Library, and less a result of the historical particularities of covert fascism.

### **The Image Memos: Discovering the Mystique of Being Presidential**

In 1972, Richard Nixon sought re-election as President of the United States. In June of that year, aide Donald Rumsfeld wrote a memorandum to Nixon's current Chief of Staff, H. R. Haldeman. Rumsfeld's memo pragmatically outlined a strategy for the re-election campaign: 1) The President's posture between the Conventions; 2) The President's posture from the Republican Convention to the Election; 3) Strategy for the President's campaign; and 4) The opposition's strategy.<sup>11</sup> From a contemporary standpoint, the memo is apparently benign. Yet the Rumsfeld memo affirms that Richard Nixon established a model for the president that internalized image-making as a "growing relation between public relations methodology and politics, and the need to construct charisma."<sup>12</sup> After all, Haldeman was formerly an advertising executive.

---

<sup>11</sup> 16 June 1972, Memo from Donald Rumsfeld to H.R. Haldeman, "Response to your Memo of June 12<sup>th</sup> on the President and the Campaign," Special Files, Richard Nixon Presidential Library and Museum (hereafter: Rumsfeld Memo (1972)). According to the Nixon Library, the Special Files were "created by Nixon chief of staff H.R. Haldeman in 1972 to segregate its most sensitive information from the White House Central filing system. These approximately 58,000 pages materials consist of sensitive political discussions regarding political campaigns and family matters. Included in the release from the Special Files are materials whose release was contested by President Nixon on the eve of NARA's planned opening of this material in 1987." They were returned by the Foundation to NARA in 2007, and thus made universally accessible, as part of the agreement establishing the library as a presidential library.

<sup>12</sup> Barry D. Karl, "The Nixon Fault," Review: Richard Nixon, *RN: The Memoirs of Richard Nixon* (1978), *Reviews in American History* vol. 7, no. 2 (1979): 146.

First and foremost, Rumsfeld insisted that the President should “Be Presidential.” After listing specific tactics targeting potential opponents, Rumsfeld concluded his memo with some final thoughts on what this might mean for Nixon:

The President has hopes and ideals yet correctly understands human characteristics. He knows that to actually move the maximum distance toward those ideals, those hopes of most human beings, you have to be tough, pragmatic, courageous. That’s what we need as President, and we’ve got it. Thank God. But, as the President has said, not every voter fully understands that. People can be moved and persuaded by appeals to their hopes and aspirations even though the approach is fuzzy, impractical, even counterproductive or dangerous. ... The more people ‘feel’ and believe (as opposed to understand) that the President has ideals, hopes and concerns, the more they will accept his approach based on the vital qualities of strength, courage, brilliance, and competence, because they will feel he is going—and taking them—where they want to go, and doing it skillfully.<sup>13</sup>

Rumsfeld’s analysis pinpointed the importance of cultivating an image that capitalizes on belief over knowledge. Nixon, even inside the White House, was characterized as pragmatic and strong, but lacking an essential “fuzzy” component that would resonate with the public. Rumsfeld noted that McGovern’s “warmth, concern, [and] decency” appealed to the public because “people dream, hope, aspire, and want to be better than themselves, want better for their children, and because they have fears.”<sup>14</sup>

For Rumsfeld, however, the image is also dangerous. Perhaps he understood that, as Greenberg noted years later, once an image is crafted in public culture it is

---

<sup>13</sup> Rumsefeld Memo (1972), *op cit.*

<sup>14</sup> Rumsefeld Memo (1972), *op cit.*

impossible to control. Yet, despite this inherent difficulty, he sets forth a methodological model for governance whereby the representation of “warmth”, “decency”, and “hope” is understood as an essential component to portraying a leader as a model for virtuous emulation as a prelude to “skillfully” engineering followers who accept Nixon’s policies.<sup>15</sup> In other words, there is a difference between being the President, and being Presidential. Being the President means understanding and acting to achieve goals. Being Presidential, by contrast, means constructing a belief that reflects a hopeful public for the purpose of separating their critical faculties from their support of executive action. The implication is that, to date, Nixon and his administration had yet to accomplish this important, if risky, feat of image-making.

Rumsfeld brought the problem of “being Presidential” to a contemporary understanding of the campaign as a form of branding. But Nixon already knew that there was something else missing, something elusive, yet traceable through history: “the aura of the office.”<sup>16</sup> In 1970, Nixon wrote to Haldeman, “reluctantly [concluding] that our entire effort on the public relations front has been misdirected and ineffective... There is a mystique to the President which goes far beyond that which has to do with basic elements of character,” he insisted, and “we have been utterly deficient in creating that mystique.”<sup>17</sup>

---

<sup>15</sup> Rumsefeld Memo (1972), *op cit.*

<sup>16</sup> Memo, 4 December 1970, President Richard Nixon to H.R. Haldeman, Special Files, Richard Nixon Presidential Library and Museum (hereafter: Nixon Memo (1970)).

<sup>17</sup> Nixon Memo (1970), *op cit.*

In the Image Memo, Nixon reminded Haldeman that this mystique is not created only through “personal style” but through the constant public “hammering” of this to the media. He lists how the public characterized his predecessors—Johnson as “hard-working”, Truman as “courageous” and “gutsy”, Eisenhower as “kindly” and “fair”, Kennedy as “charming” and “warm.” Nixon explained to Haldeman that public perceptions actually ran counter to the manner in which the men conducted themselves as presidents (according to Nixon, who paints himself as a reliable witness on all accounts) with regards to policy and the White House staff. In other words, Eisenhower was not all that kind, nor Kennedy, warm. By extension, Nixon is in fact warm where the public sees him as cold and calculating.<sup>18</sup>

Indeed, the public image of himself that Nixon thinks is most successful paints him only as a sort of thoughtful martyr. He noted that “the image of RN which comes across...boils down to three main points: 1) he is doing the best he can in a hard job; 2) he is at least trying to get us out of the war; 3) he is a cautious, careful man.” For Nixon, effort in the face of difficult challenges is his principle virtue. Yet, despite any progress on what he is “doing” or “trying” to do, Nixon insisted that it is the mystique of the man not his actions in office that develops voter support.<sup>19</sup>

Throughout the memo, Nixon is obsessed with “warmth” and appearing as a warm person. Perhaps this is because warmth is the attribute he associates with his old rival, Kennedy, or because warmth is an antidote to the perception that he and his

---

<sup>18</sup> Nixon Memo (1970), *op cit*.

<sup>19</sup> Nixon Memo (1970), *op cit*.

White House are cold and calculating. It is all too easy to push an analysis of this obsession into psychobiographical exegesis. Nevertheless, phrases such as, “incidentally on the warmth deal,” appear frequently. Indeed the word appears more than almost any other.<sup>20</sup>

Nixon’s dense and rambling eleven page memo is best described as an expose on the need for presidential mystique interspersed with numerous anecdotal narratives describing kindly acts he performs all the time without anyone knowing—from phone calls to sick staff or a losing football coach at Purdue, to phone calls to heads of state in crisis—for his staff to promulgate. He described how he called Fred Cialles as he was going into cancer surgery. “I didn’t tell anyone about the call and won’t.” He then mentions how he talked to the nurse and asked her to “give a lift” to the other patients, thereby immediately informing other people of his actions. Of course, he is also writing about it to Haldeman. Nixon chastises the staff for disseminating only quantifiable information (the number of people who attended a dinner, etc) about White House activities, “which is utterly useless in terms of building up the kind of mystique which is so important,” instead of relating how, for example, “Pat is gracious to the most unbelievable yaggle (?) [sic] of visitors that has ever crossed the threshold of the White House.”<sup>21</sup>

---

<sup>20</sup> Nixon Memo (1970), *op cit*.

<sup>21</sup> Nixon Memo (1970), *op cit*. Comments such as these reveal how much Nixon imitated the ‘highbrow’ prejudices of those elites he so profusely and publicly claimed to disdain. The “yaggle of visitors” in the 1960s and 70s most likely paled in comparison to the populist open-door policy of Andrew Jackson, for example.



Nixon is not certain how to develop a mystique outside of a heightened self-promotion of himself acting in a “warm” manner towards others. He is also overly sensitive to being perceived as caring about his image. “People like to think that their President doesn’t give a damn about politics,” he insisted. He seems confused as to why the virtuous acts such as those described throughout the memo have not had any lasting impression on the public. “This memorandum,” he wrote, “is not intended to start a program to build up the President as something he is not. It is simply intended to get across a more balanced view of what he is.” Indeed, he is careful to mention that the stories of Nixon acting in a warm manner must make their way into the public as if by accident. Not that he explicitly called for a plan of action to achieve this. Rather, he implied that his staff has been strangely derelict in not already pursuing this path of their own volition.<sup>22</sup>

Nixon adopted a writing strategy that conveys the illusion of authentic advice by referring to himself in third person—as “RN”, “the President”, or “he”—whenever his private anecdotes transition become a declarative discourse on mystique or the public. He tells Haldeman, “you might find out that RN carries [sic] over his thoughtfulness in regard to people that are down as well as when they are up by his telephone call to Trudeau when Trudeau was under savage attack in Canada.”<sup>23</sup>

Throughout the memo, Nixon is doing exactly what he insists must not be done—describing a history of his virtue (particularly the ‘virtue’ of not telling) for the

---

<sup>22</sup> Nixon Memo (1970), *op cit*.

<sup>23</sup> Nixon Memo (1970), *op cit*.

public establishment of a proper mystique. And despite his insistence on not instituting a program of action, the memo amounts to a passive-aggressive instruction sheet for how Haldeman can influence the staff (“should be emphasized”). He even directly asks Haldeman to convene a meeting, which Nixon will not attend—after all, the President must not be seen to “brag”—with Safire, Moore, and perhaps Rumsfeld, “although I would lean against [him] since he is such a practical, no-nonsense type.”<sup>24</sup>

In the midst of asking Haldeman to convene a meeting to address the problem of discovering his warm mystique, Nixon confesses, “I guess I am writing [this] more for the record than for any implementation of action.” The memo is almost a road map—albeit a stream of consciousness one—of images that can be assembled at a later date to establish a sense of presidential mystique. They are organized around themes such as the “simple idea of warmth” or “compassion.”<sup>25</sup> “The dignity theme can,” he wrote, “incidentally, be related to the White House worship services.” The memo underscores Nixon’s implicit understanding of the power of narrative linked to a theme and abstracted into a static image.<sup>26</sup>

The authenticity of the manner of conveying the mystique is almost more important to Nixon than even the mystique itself. He chastises Safire and Erlichman,

---

<sup>24</sup> Nixon Memo (1970), *op cit*.

<sup>25</sup> Pushing this to its cynical limits, one could speculate that admirable actions by the Nixon administration may not have exactly been performed to achieve a warm mystique, but there can be little doubt that Nixon was very pleased with the reaction following his call for increased funds for the NEH and NEA in 1969-70. Music teachers likened him to an angel (at least in this instance) when they reprinted his congressional message supporting the increase in their professional journal. Richard Nixon and Wiley L. Housewright, “Nixon—On the Side of Angels,” *Music Educators Journal* vol. 56, no. 6 (1970): 85-87.

<sup>26</sup> Nixon Memo (1970), *op cit*.

for their insistence on using media gimmicks such as “pushing out to a Negro Jr. College, or doing something else with great flash and publicity.” Nixon is very cognizant of how ineffective forcing an image of him as warm on the media has been. He suggests subtle background stories and a program of personal interaction. Nixon was prophetically aware of the ‘man behind the mirror’ cynicism that grounded the public’s apprehension of media images. What is more, the origin of Nixon the man to be revealed to the public must not be seen as originating with Nixon. “Don’t ask me to do it. What I am saying here is that these are public events, which illustrate the private and consequently sincere attitude of the President...” He even suggested that “Rose and other staff members” could probably “search their memories” for “other incidents of this type.” Nixon in the memo has revealed more than an interest in correcting a public image. He has unveiled a typological understanding of the past where certain events are already cast as a “type” of image that can be discovered by the public as an authentic characterization of Nixon being presidential.<sup>27</sup>

The idea of the accident that Nixon described to Haldeman is ultimately quite revealing. What is more, it recasts the act of image-making from one engaging in cynical and forceful event-making into a choreography of “finding out”, where historical moments are discovered to already be constitutive of the desired image:

All of this must be handled subtly, and under no circumstances am I going to sit down with anybody and start telling them all the good deeds I have done. Again, such things, to be believable, have to be discovered, and one of

---

<sup>27</sup> Nixon Memo (1970), *op cit.*



President (Nixon's own best characterization of himself in the public eye) into that of the virtuous and warm President.<sup>29</sup> "I don't mean [that] we want to get away from the fact that the President is reserved, dignified, etc., but there are innumerable instances of warmth which have not come through."<sup>30</sup> Even his loyal supporters admired him in the complex guise of embattled ideologue and conservative pragmatist, not as a "fuzzy" charmer. However, the 1972 memo reveals that, regardless of whether or not crafting a mystique failed as a policy, Nixon understood that an historical legacy of his image could be constructed as a series of virtuous anecdotes. Nixon self-consciously brought together the methodologies of discovery and anecdotal narrative for the purposes of constructing authenticity.

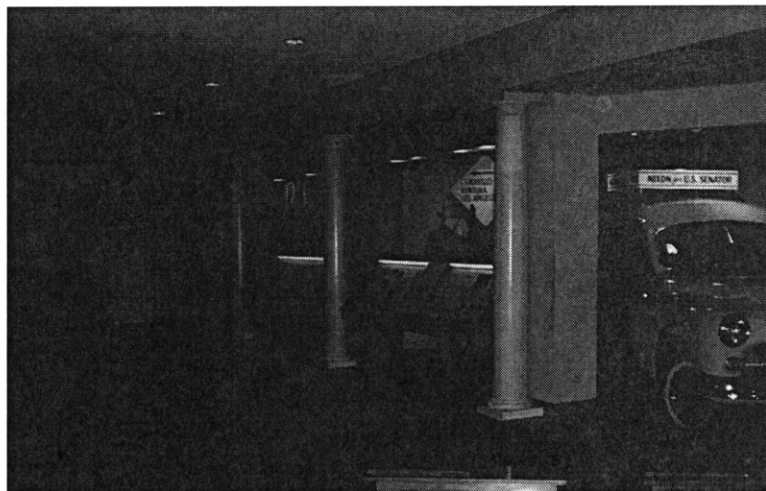
The museum at the Richard Nixon Library and Birthplace, as it was originally designed, follows the logic of Nixon's memo. In short, Nixon's "mystique" memorandum is a sort of proto architectural manifesto for the crafting of a legacy through image-making. Although the exhibits are arranged in a pseudo-chronological manner, they in fact depict select events designed to emphasize a particular characteristic of Nixon as a "remarkable leader." For example, "Road to the Presidency" begins with an 1823 engraved reproduction of the Declaration of Independence and sets the stage for a public career that will end with the presidency. The depiction of his Congressional and Senate campaigns, as well as his role in the

---

<sup>29</sup> Nixon combined his two most common themes, asserting: "if warmth is to be believable it must be discovered." Despite his best efforts, including the often-mocked photo shoot of Nixon walking the beach in his suit, deep in thought, that was planned days in advance, Nixon's warmth was never "discovered" by a public that never ceased viewing his attempts at warmth with cynicism.

<sup>30</sup> Nixon Memo (1970), *op cit*.

Alger-Hiss trial frame Nixon as a tireless campaigner and fervent anti-communist. The exhibits “The 1960 Campaign” and “The Wilderness Years/1968 Presidential Campaign”, stage Nixon’s loss to Kennedy as the prelude to a ‘comeback’ for the theme of struggle and triumph (Fig. 8.6). Indeed, the title of “wilderness years” implies the soul-searching travel of a biblical prophet. The Nixon memo mentions Pat Nixon and his daughters as examples of a warm and open the Nixon White House.<sup>31</sup> This is reflected in the “Ambassador of Goodwill” exhibit that is dedicated to the Nixon Ladies. The innocuously titled “Domestic Gifts” exhibit displays objects such as the pistol Elvis presented to Nixon, linking the “King” with the notoriously ‘unhip’ former president. “World Leaders” and “Structure of Peace” highlight Nixon’s favorite presidential occupation, foreign affairs, and celebrate Nixon’s image of himself as a man who interacted as an equal with some of the most prominent leaders of the twentieth century.



8.5 Nixon’s “Road to the Presidency” at the Richard Nixon Library, Yorba Linda, California (Photo by Author © 2006).

---

<sup>31</sup> Nixon Memo (1970), *op cit*.

Perhaps the most powerful display at the library for the rehabilitation of Nixon's "warm" image, is the restored birthplace home. The quintessentially small American home illustrates the Horatio Alger-type upbringing of Richard Nixon. Indeed, the characterization in his memoirs of his hard-working parents—a saintly mother and a temperamental father—is reinforced by the ability of visitors to visualize them and the young Nixon in the small house.<sup>32</sup> There is an audio tour of the home narrated in Nixon's voice, where the former President tells stories about his childhood.

The final exhibit, "Eagle's Nest", recreates Nixon's desk in his study, as it was the day he died. It presents the image of Nixon as a scholarly elder statesman, still active, but contemplative as he finished his final book. *Beyond Peace* (1994) is Nixon's self-described manifesto for a new America, the last he would write. Nixon the author is imagined behind his desk in the role of a critical prophet who bases his insight on the fact that he is taken as foreign affairs expert by virtue of his presidency (much like President Carter) and the wisdom of the books that surround him (Fig. 6.4). According to Nixon, "America is great because it acknowledges a power greater than itself."<sup>33</sup> "Eagle's Nest" is a bookend, recalling a public life well-lived, and a post-presidential legacy of contemplation. It was after this final exhibit, right before the re-entering the library, where *Nixon at Andau* was hung, reminding the visitor of the warm, virtuous and peacemaking Nixon the "truth" of which they "discovered" in the Nixon museum.

---

<sup>32</sup> This mystique (also present in the Truman home) is comparable, perhaps, to the heroic Revolutionary aristocratic image portrayed at Mount Vernon or Monticello.

<sup>33</sup> Richard Nixon, *Beyond Peace* (New York: Random House, 1994), 19.

## ***Nixon at Andau (1971), Communism, and the Painting of American History***

In August 1960, less than three months before his electoral loss to John F. Kennedy, Vice President Richard Nixon wrote, "The Meaning of Communism to Americans."<sup>34</sup> Nixon insisted:

The major problem confronting the people of the untied States and free peoples everywhere...is the threat to peace and freedom presented by the militant aggressiveness of international communism. A major weakness in this struggle is lack of adequate understanding of the character of the challenge which communism presents. ... What we must realize is that this struggle probably will not be decided in the military, economic, or scientific areas, important as these are. The battle in which we are engaged is primarily one of ideas. The test is one not so much of arms but of faith.<sup>35</sup>

Nixon proposed that communism is rooted in the idea that there are "no universal truths or general truths of human nature" nor are there "eternal truths." As a result of this proposition, Nixon concludes that there can be no concept of right or wrong and therefore no system of social justice that can check tyranny and oppression.<sup>36</sup> By contrast, law and reason are presented as an eternal legacy devised by society to check arbitrary power. Therefore, America must be prepared to combat what he calls the "fighting faith" of communism with conviction in order to prevent global tyranny.

---

<sup>34</sup> Richard M. Nixon, "The Meaning of Communism to Americans: Study Paper by Ricahrd M. Nixon, Vice President, United States of America," August 21, 1960, reprinted courtesy of *The American Presidency Project*, University of California at Santa Barbara, [www.presidency.ucsb.edu](http://www.presidency.ucsb.edu).

<sup>35</sup> Nixon (1960).

<sup>36</sup> Nixon (1960).



For Nixon, the stakes are nothing short of the future of the world. What is more, he has placed himself as a prophet to truth in the face of communism, and the American role in leading this struggle. Nixon casts himself as the witness bringing a testimonial of the battle between hope and tyranny home to the American faithful from his trips overseas as Vice President:

We have a great tragedy...that has existed since World War II. I know what this tragedy is, because I saw it in the eyes of a quarter of a million Poles when I visited last year. I saw them with tears streaming down their cheeks, and they saw an American Vice President who was not famous to them, but who represented the hope of freedom, who represented ideals, faith in God, belief in the rights of man...even though they have had communism imposed upon them now 15 years, [the] hope of liberty, the hope of freedom still burns in their hearts. And this is true, I know, also in Hungary, because I was on the border of Andau at Austria, and I saw come across that line, young men, young women, workers, educators, students,... they were willing to risk even death in order to come to the land of freedom.<sup>37</sup>

In Nixon's eyes, saving these people from communism becomes the great historical mission of America, and by extension, the heroic task of the American president. He has born witness to suffering and hope, and thus demystified communism, therefore in 1960 Nixon was ready to lead humanity to its salvation. Less than three months later he narrowly lost the presidential election to John F. Kennedy. Evidently, not every American felt as he did.

---

<sup>37</sup> Nixon (1960).

Eight years later, however, Nixon was finally President. Soon after, Ferenc Dady painted Nixon's visit to Andau, rendering on canvas the magnitude of the event and enshrining Nixon's crusade for all to 'remember'. Dady then held onto the painting, waiting until Nixon's legacy was finally secured and commemorated in a future presidential library. Yet, was Nixon's heroic stand on the border of Hungary really a momentous occasion in the battle of ideas? And is Dady's painting a faithful representation of that moment?

The Hungarian Revolution lasted just under three weeks, from October 23 to November 10, in 1956. Reacting to the failure of post-Stalin reform, partly by the newly acquired "neutral" status of neighboring Austria, and encouraged by the voices of British and American-funded Radio Free Europe and Voice of America, Hungarian students and a supportive crowd of nearly 200,000 crossed the Danube in protest, toppling a 300 foot statue of Stalin as they went. Violence soon escalated between armed revolutionaries, Soviet soldiers, and government loyalists. On October 25, the government collapsed. Three days later a ceasefire was arranged, and by November 4, Soviet troops withdrew completely from Budapest. In the interim, a tentative new government was formed. Both the leaders of the new government and the Soviet Politburo initially held to the view that the uprising was a reaction to a failure of reform and not a counter-revolution against the communist ideology. However, the Politburo swiftly changed its mind and on November 1, Soviet forces descended upon Hungary. By November 10, despite resistance from the Hungarian Army, the Soviet military stamped out the revolution and re-instated a pro-Soviet regime.



8.6 Hungarian refugees, 1956 (Public Domain, courtesy of the American Hungarian Federation: [www.hungary1956.com](http://www.hungary1956.com)).

Between two and three thousand Hungarians lost their lives, and over two-hundred thousand fled the country (Fig. 8.6). Almost thirty thousand were tried by the new regime and nearly half of those were accused political crimes and placed in prison. International reaction to the revolution was critical of the Soviet crackdown, but provided little substantive assistance beyond the settling of refugees. Throughout the crisis, the United States was called to task for its relatively insufficient response to the

refugee problem.<sup>38</sup> President Eisenhower and the U.S. Congress were emerging from a crucial election year dominated by budgetary concerns, the Korean War and domestic Communism. In late December, after his successful re-election, President Eisenhower finally dispatched Richard Nixon, his young Vice President, to Austria on a “fact-finding mission.”<sup>39</sup>

Nixon’s trip was as much a public relations gambit on the part of the Eisenhower administration as it was a real attempt to assess the refugee situation in Europe. Nixon was apparently not notified of his involvement until December 13, the same day that the news of his trip was made public.<sup>40</sup> The Nixon-led delegation left on December 18 and returned to the United States on December 24. Nixon returned from Austria with the realization that the United States should commit itself to a greater effort of resettlement. After touring the camps in Austria, he felt that with their technical skills, the Hungarian refugees would be productive economic assets in the United States. Upon returning to Washington, D.C., Nixon issued a statement: “As a result of [the freedom fighters’] sacrifice, international communism has suffered a fatal blow from which it can never recover. It has been exposed as a giant failure.”<sup>41</sup>

Perhaps the most important gesture of the trip occurred when Nixon insisted upon

---

<sup>38</sup> See Thomas J. Torda, “The Hungarian Revolution and America’s Failure to Actively Respond: Personal View of a U.S.-born Hungarian-American,” paper submitted to 50<sup>th</sup> Anniversary Conference on Hungarian Revolution, Budapest, September 2006, published at: [www.americanhungarianfederation.org](http://www.americanhungarianfederation.org).

<sup>39</sup> Deak, et al. (2007), 148.

<sup>40</sup> Notes re Austria trip, 13 December 1956, unsigned, 3 pages, Richard M. Nixon Pre-Presidential Papers: Series 354, Box 1: Austiran Trip, 1956 to Munich Germany: Folder: 12/18/56 anf 12/24/56, Austria Trip; as cited in Deak, et al. (2007), 148 n5.

<sup>41</sup> “Nixon Returns Singing Praise of Hungarians,” *Chicago Tribune*, December 24, 1956, as quoted in Deak, et al. (2007), 164 n51.

visiting the border between Austria and Hungary. The brief event took place at 3:30 in the morning, before the sun came up, perhaps to minimize the risks of exposing the Vice President to sniper fire.<sup>42</sup> The act of staring across the border combined with his published statement complemented an already strong, and well-cultivated, public (and self) image of Nixon as a defiant Cold Warrior stemming largely from his role in the Alger Hiss trial and his controversial, yet successful, 1950 Senate race against New Deal Democrat, Helen Gahagan Douglas.<sup>43</sup>

Yet, like the commemorative painting, Nixon's role in the aftermath of Hungarian Revolution was almost entirely symbolic and extremely brief. On Christmas day, Nixon participated in a national telethon to raise money for Hungarian refugees and on December 26, Nixon met with President Eisenhower. However, despite the ongoing stalemate with Congress over the settlement and citizenship status of Hungarian of refugees and despite his intense involvement on the issue over a short period of time, by January 9, 1957, Nixon was no longer interested in the problem.<sup>44</sup> The White House report to Congress did little to change the course of action already initiated. Throughout 1957 the crisis slid further down the administration's agenda, and on December 28, a year after Nixon's visit to Austira, the refugee relief program

---

<sup>42</sup> Deak, et al (2007), 148.

<sup>43</sup> David Greenberg, *Nixon's Shadow: The History of an Image* (New York: W.W. Norton & Co., 2003), 28.

<sup>44</sup>Richard M. Nixon Pre-Presidential Papers, Box 2, Folder, Austria Trip (2/2), RN's Reading Material, as cited in Deak, et al. (2007), 174 n72.

was terminated. A total of 38,000 refugees were legally admitted to the United States under the program, many prior to Nixon's trip, at a cost of over \$71 million.<sup>45</sup>

Nixon's trip to Austria is barely a footnote in the vast 'Nixonography.'<sup>46</sup> Perhaps this is odd considering the iconic depiction of the event as yet another significant moment in Nixon's history where he faced down communism. By 1971 Nixon had crafted a well-scripted and well-known political narrative of anti-communism derived largely from the trial of Alger Hiss. Indeed, his trip to Austria might cynically appear as just one moment, among many in his political career, where an astutely opportunistic Nixon could thus reinforce his own position *vis a vis* communism. In this context, and given his rapid disengagement from anything having to do with Hungary following his return from Austria, his support for Hungarian "freedom fighters" and his early morning defiant stare into the territory of the enemy were nothing more than a minor articulation of an oft-repeated theme. The near total inattention paid to Nixon's trip in his own memoirs as well as by historians—sympathetic ultra-critical biographers alike—seems to reinforce this notion.

Daday's *Nixon at Andau* endows Nixon's trip with a significance it never had, transforms Nixon's role from one of a brief participant to a heroic actor, and elevates

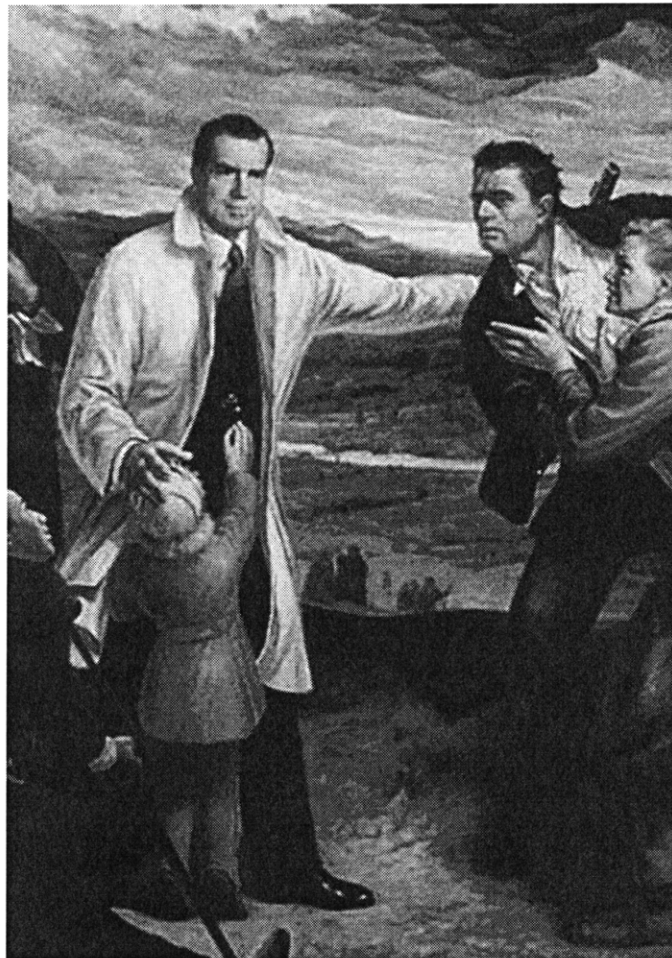
---

<sup>45</sup> Deak, et al. (2007), 148-176.

<sup>46</sup> Nixon's trip is rarely if ever mentioned in Nixon biographies, which is odd given the iconic prominence ascribed to the event by the painting. Even one of his most sympathetic biographers, Jonathan Aitken, only mentions the Hungarian revolution in one sentence and as background describing Eisenhower's re-election bid. Nixon's trip is surprisingly never mentioned. Jonathan Aitken, *Nixon: A Life* (Washington, D.C.: Regnery Publishing, 1993), 244. The less sympathetic Elizabeth Drew, *Richard M. Nixon* (New York: Times Books, 2007), does not mention it either.

Nixon into a hopeful icon of American history through its formal tropes and by virtue of its careful deployment within the Nixon Library:

Under the darkly glowing roil of a furious sky, desperate people driven before the blast struggle uphill from despair toward hope. Hope takes the form of Richard Nixon in a white trench coat (Fig. 8.7).<sup>47</sup>



8.7 Richard Nixon as Hope, *Nixon at Andau* (Detail).

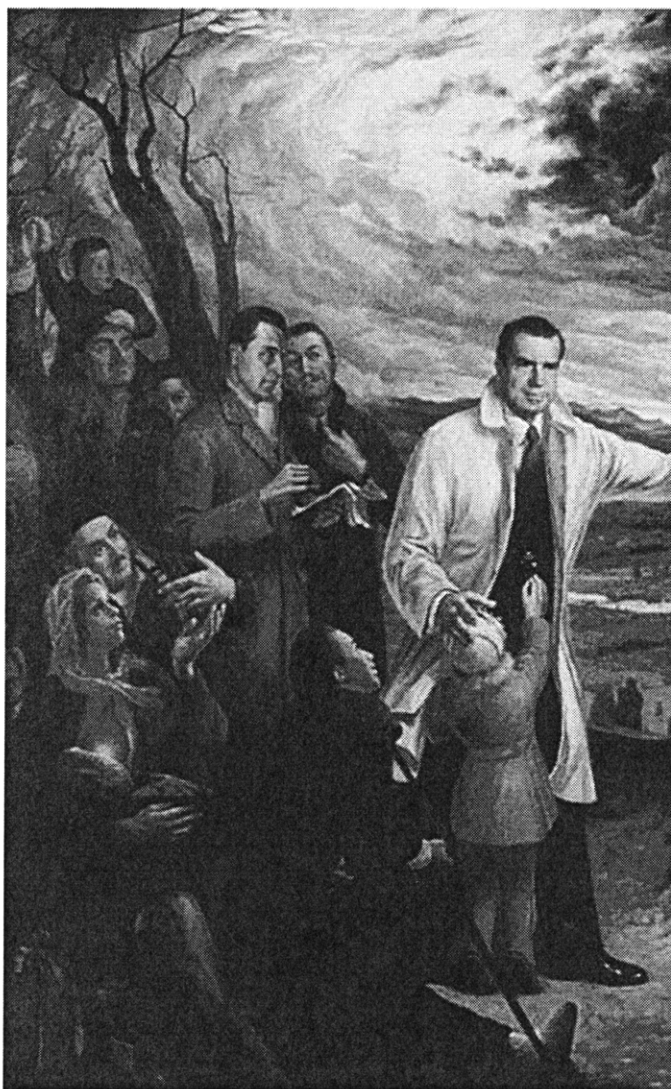
Directly behind the figure of Richard Nixon are two men, also attired in trench coats and wearing ties and scarves (Fig. 8.8). These men are perhaps the most cynical of the

---

<sup>47</sup>From a description of the 8<sup>th</sup> annual gallery show on “little-known but impressive works [that] shed light on our past from the great days of New Bedford’s whaling industry to the Cold War.” From “The Winter Art Show,” *American Heritage* vol. 44, no. 1 (Feb./Mar. 1993): 98.

groups depicted in the painting and contrast with Nixon as the figure of hope. One man holds a notepad upon which he is writing, while the man to the right puts the collar of his coat up while studying the “furious sky.” These two gentlemen perhaps represent the ambiguous benevolence of the West: as both the testimonial and political power of its established media and the bureaucratic strength of its governments. That the two figures are part of the ‘establishment’ and not part of the refugee crisis can be seen in both their clothing (which aside from its coloration, is identical to Nixon’s), and in their relatively calm and studied demeanor. The Hungarian crisis, and indeed the presence of Nixon at the border, are only things to be objectively studied and reported on in a larger geo-political game. Indeed, they appear to be waiting for Nixon, not the refugees. The failing Hungarian revolution does not directly affect either man. It is telling that Nixon, not the media, embodies the image of Western compassion.





*8.8 Left side of painting, Nixon at Andau (detail).*

The metaphor of Hope is firmly anchored by the remaining figures behind Nixon on the left side of the painting (Fig. 8.8). The most allegorically unambiguous assemblage is in the lower left of the mural painting. This family-like group of five members provides the moral ground of the image and counters the potential cynicism that might be read from the two men in the trench-coats and the awkward realism of Nixon. The group consists of an older man, a young man sitting with crutches, and a young mother suckling an infant. The fifth figure is a small girl, standing on tiptoe with

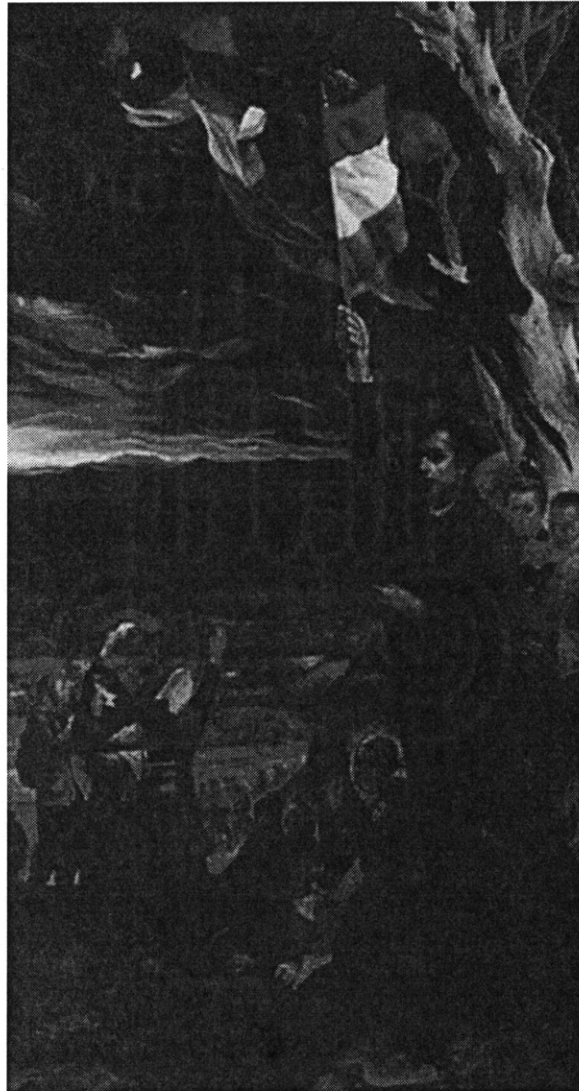
her back to the viewer, offering a flower up to Nixon. The young mother is the crucial figure, doubling as both a rescued woman now safely out of reach and an allegory for the West as a land of peace and protection.

In case the meaning of youthful yet matronly succor is unclear, Daday has painted the woman breastfeeding with her blouse open and skin framed by her headscarf into a tear-drop shape. Indeed, the brightest highlight in the painting, perhaps brighter even than the light illuminating her face and that of Richard Nixon, glows almost white on the bottom edge of the framed skin in front of the infant. The man behind her leans in and gestures the refugees toward her. Meanwhile, she holds her hand, palm up, under his as if to receive them. The young mother's upturned hand and the beckoning gesture of the man behind her duplicate the beseeching hand gestures of the woman's hands in the middle of the painting. However, the artist has transformed the meaning of the duplicate gestures from anxious askance to calm welcome in order to reinforce the narrative of salvation.

Beyond the use of light and color and the quasi-religious thematic echoes throughout the mural, Daday's formal strategy appears to rely upon the appearance and repetition of an upright 2:1 right-angle triangle, with the 90-degree angle corresponding to the lower left corner and the diagonal moving from lower right to upper left. The triangular form occurs in four distinct moments in the painting, each time reinforcing a narrative purpose commensurate with the master allegory of salvation told as a move up from an unstable and evil Communist world to a stable and benevolent Western world. The base of the 90-degree corner of triangle represents

this stability while the diagonal represents the movement up and out of a darker chaotic East.

The left side of the canvas echoes the allegory of safety depicted with a formal stability using a resolved triangular arrangement of family groups. Each family group is itself arranged in a triangle. The seated family group in the lower left corner creates a solid base to the larger triangle that uses the bottom and left edges of the canvas for two sides. The young mother's right leg angles down alongside that of the young man with a crutch. The young mother's outstretched leg is barefoot, with one shoe cast off beneath her, perhaps in a sympathetic echo of the young man's bandaged foot in front of her. The two outstretched legs and the crutch buttress the Western, and thus benevolent, side of the narrative. The crutch forms the third and diagonal edge of the triangle leading through the leaning tree to the upper left corner. From the bag in the lower corner to the tip of the crutch, this formal base is one half of the height of the left edge of the canvas. The standing group at the top of the triangle consists of a son sitting on the shoulders of his father, and the man's wife leaning on his shoulder. The father and son raise their right arms and grasp hands reinforces the vertical stability of the left edge of the painting and doubly recreates the stable isosceles triangle in miniature—using all three members of the group and with the two outstretched arms alone. The reinforcement, or repetition of the right-angle triangular form occurs repeatedly throughout the left third of the image, in groups and in various body positions of individual figures such as the young mother and the boy with a crutch.



*8.9 Right side of Nixon at Andau (detail).*

On the far the right of the painting a young man leans forward, holding a Hungarian flag with its communist sigil cut out high above his head (Fig. 8.9). He is striding down a sloping rock towards the center of the painting. At his feet sits a group of three: a young girl holding an infant who dangles a doll. Also leaning in, above and nearly parallel to the diagonal cant to the flag waiver's body, is a burned out, and still smoldering tree. The triangle form, figures leaning in towards Nixon, is here at its most unstable and unresolved, reflecting the instability of Hungary under Soviet rule and the

short-lived revolution. Indeed, the banner of Hungary, violently voided of its communist symbolism—despite the revolution originating in a worker-student partnership for communist party reform—will be protected by her “freedom fighters” carrying it into the West.



*8.10 Center of Nixon at Andau (detail).*

The man and the woman in the middle of the painting form another triangular arrangement. The line running from the woman’s back ankle up her back forms the diagonal, again leaning towards Nixon and the West. A line from her forward foot up to her face forms the vertical. The man leading the refugees duplicates her stance, leaning forward, but with both feet firmly on the ground. He is the only armed figure in the

painting, with a rifle strapped to his back. The general absence of arms in this depiction might be puzzling except that it serves to reinforce the bully status of the Soviet regime and the innocence of the resultant refugees. However, in order to imply that Nixon is on the side of the freedom fighter, an actual fighter must seemingly be present. It is important that his weapon is non-aggressive and out of the man's hands. The refugees must not be depicted as dangerous—especially considering that the United States has a long history of protectionist politics with respect to immigrants (especially those from Eastern Europe) that rely upon an image of them as the brutish bearers of uncontrollable violence.

Nixon of course never met with a stream of refugees in 1956. And Ferenc Dada, himself fleeing to the United States around the time, never witnessed the event. The actions and figures depicted within the painting are completely allegorical and do not reference a moment of historical truth. Indeed, the only figure depicted with any representational accuracy is the “real” subject, Nixon himself. His polished shoes and iconic trench coat recall the Nixon from television news footage. His face is a “fuzzy” hybrid creation based upon photographs and official portraits of an older Nixon as the president, not vice-president. With one arm outstretched his pose transforms the bodily form of tropic immigrant hope from the familiar form of the Statue of Liberty into a warm and human scaled gesture. However, dismissing the piece as merely positivist and propagandistic would be to deny a rather venerable tradition in history painting whereby a seemingly minor event is re-interpreted via the canvas into an heroic moment represented at an heroic scale for political purpose endowed with veracity through the depiction of realistic costume details.

Critics of *Nixon at Andau* when it was unveiled at the Nixon Library (mostly short reviews for regional newspapers in California) panned it as everything from “Stalinist realism” to quasi-religious fantasy. Yet, while Daday’s painting owes some of its stylistic resonances to an odd combination of Latin American muralists, academic religious painting, and even perhaps a conservative American realism, *Nixon at Andau* is best viewed as belonging (however awkwardly) to a tradition of depicting exemplary heroism in history painting—in particular, American history painting.

In the second half of the eighteenth century, Sir Joshua Reynolds insisted that students at the Royal Academy in London paint images expressing the highest ideals of humanity, moral lessons that could provide a benevolent model for society. Young American painters such as John Trumbull, Benjamin West, and Charles Wilson Peale took up Reynolds’ clarion call for images of “heroism, sacrifice, and patriotism.”<sup>48</sup> However, unlike their contemporaries in England and France who alluded to political moralism through the depiction of classical subjects, they were inclined to choose subject matter from the events and landscapes of a turbulent and barely-born nation.

Daday’s decision to reinvent an actual moment combined with his decision to portray Nixon (and the other “westerners”) in contemporary dress is a stylistic choice that can be traced all the way back to Benjamin West. West, arguably the first history painter in America, defended his decision in *The Death of General Wolfe* (1770) to portray the figures in contemporary dress while altering the factual details of the event

---

<sup>48</sup> Frank H. Goodyear, Jr., *Contemporary American Realism Since 1960* (Boston: New York Graphic Society, 1981), 91.

itself. He insisted that on the one hand the artist should be guided by the same truth as the historian. On the other hand, the artists felt that the appraising mind could never be properly stimulated by the mere facts alone.<sup>49</sup> West's addition of historical objectivity to heroic representation set a precedent in American history painting.<sup>50</sup> Indeed, John Trumbull and other American painters often cited books on history and other biographical texts as sources for both their topics and the particular point of view expressed in their imagery.<sup>51</sup>

The concern for a history painting's inherent historicity had the effect of yoking its narrative and didactic intent to the expression of contextual details. The accurately portrayed uniform or insignia signaled the artist's 'good faith' effort to represent historical truth. Thus, detailed truth in the minutiae acted as a guarantor of the artist's attempt to represent a greater historical truth—which was often a deliberate misrepresentation of events for effect.<sup>52</sup> Nixon's white trench coat and even his accurate physiognomy, faithfully compiled by Daday from a handful of official portraits, stand in as testimonial evidence to artist's "faithful" attempt to capture the essence of the historical moment.

---

<sup>49</sup> For more see Arthur S. Marks, "Benjamin West and the American Revolution," *American Art Journal* vol. 6, no. 2 (November 1974).

<sup>50</sup> Patricia M. Burnham and Lucretia Hoover Giese, *Redefining American History Painting* (New York: Cambridge University Press, 1995), 2. West helped Sir Joshua Reynolds found the Royal Academy in London. West derived the theoretical foundations of history painting from Reynolds, who added the "structure of historical prose" to the specifications for the genre formulated in the seventeenth century by Roger de Piles of the French Academy.

<sup>51</sup> Burnham and Giese (1995), 3.

<sup>52</sup> Burnham and Giese (1995), 7.



Daday's *Nixon at Andau* is quite large and the figure of Richard Nixon is virtually life-sized. *Time* magazine in its brief description of the painting at its unveiling in 1992 went so far as to insist that "every family should have a painting like this", perhaps due to its scale. The painting, after all, is "huge and vastly heroic."<sup>53</sup> In case the tradition of large-scale history painting in American art is lost upon the viewer of *Nixon at Andau*, there was a full-scale replica of Emanuel Leutze's *Washington Crossing the Delaware* (1851) hanging in the temporary gallery of the Nixon Library during my first visit in 2005 and again in 2006.

*Washington Crossing the Delaware* was considered the "the grandest, most majestic and most effective painting ever exhibited in America" in 1851, the year it was finished.<sup>54</sup> The canvas is more than twelve feet tall and twenty-one feet wide, making George Washington "life-size" if not larger. It is arguably one of the most recognizable images in the American art history and history lexicon. In 1910, the Bulletin of the Metropolitan Museum of Art listed the image as among the most well-known "among older children" precisely due to its almost ubiquitous presence on public school texts throughout the country.<sup>55</sup> It has graced countless textbooks and numerous books—a practice which continues today.

---

<sup>53</sup> "Great Moments in History," *Time* vol. 140, iss. 8 (Aug. 24, 1992): 11.

<sup>54</sup>From the *New York Evening Mirror*, July 1851, as quoted in John K. Howat, "Washington Crossing the Delaware," *The Metropolitan Museum of Art Bulletin*, New Series, vol. 26, no. 7 (March 1976): 293.

<sup>55</sup> Florence N. Levy, "The Children's Favorite Pictures," *The Metropolitan Museum of Art Bulletin* vol. 23, no. 8 (Sept. 1910): 208. Levy mentions that the records of the children's department at "a public library" reveal that among younger children the most desired subjects are: fairy tales, animal fables, myths, and "stories of brave deeds and men." For Levy, such desires are easily transferred to art. The omnipresence of *Washington Crossing...* to public school children could only be heightened by its combination of national myth and "stories of brave deeds and men." In this sense, Leutze's painting is analogous to Delecroix's *Liberty Leading the People* in France.

The very first lines in David Hackett Fischer's Pulitzer Prize-winning *Washington's Crossing* (2004), which was not only inspired by the painting of the event, but has a detail from the painting as its cover, are from Mark Twain, *Life on the Mississippi* (1883). Twain describes how there is an engraving of Washington crossing the Delaware centered on mantels and doors in "the residence of the principle citizen" from St Louis to New Orleans. Fischer then recalls the recognition of the image by a stranger, and his subsequent questions: "Was it like the painting?" and "Did it really happen that way?" The answer to the question, according to the book's editor James McPherson, is largely irrelevant because "no single day was more decisive for the creation of the United States than Christmas 1776."<sup>56</sup> Therefore, it is imperative to remember the particular moment in time and the individual whose "decisive" action in effect 'created' a nation and changed the world.

Fischer is less insistent than McPherson, but he notes that the painting's own history points to its importance as a vehicle for the *use* of history. Leutze, in support of the Revolutions of 1848, began searching for a subject that would "encourage Europe with the example of the American Revolution."<sup>57</sup> The artist found his inspiration in the poem "Ca Ira" by Ferdinand Freiligrath:

You ask astonished: "What's her name?" To this question there's but one  
solution, And in Austria and Prussia it's the same: The ship is called:  
"Revolution!"

---

<sup>56</sup> James McPherson, Editor's Note, in David Hackett Fischer, *Washington's Crossing* (New York: Oxford university Press, 2004), ix.

<sup>57</sup> Fischer (2004), 3.

Thus, the object of the painting was intended as a model for contemporary political action in advance of the depicted event and its hero that were themselves already exemplary moments of past action. By uniting the painting's original purpose to the importance of the event, Fischer's use of *Washington Crossing the Delaware* and McPherson's appraisal of the night crossing doubly insist that commemorative individual action provide examples for emulation. For Fischer, Leutze's painting is in fact the perfect representation of why Washington *should* be held up as a model American citizen. Indeed, his underlying theme is that such subjects also dictate through an inherent virtue the ideal form of history itself.

The ubiquitous use of Leutze's painting stems more from its iconic place in the American lexicon than for its epic scale precisely for its ability to capture the patriotic *figure* of exemplary heroism. And, despite the factual inaccuracies in Leutze's painting (from the craggy icebergs to the aggressively unsafe position of General Washington on the overloaded boat),<sup>58</sup> the meticulous attention paid by the artist to the details of costume and physiognomy lent taxonomic accuracy to the moral imperative of depicting an event of questionable narrative accuracy—albeit one embedded within an historical context—in a mythic and heroic manner. It is this facet of the history painting genre—didactic intent—that is of primary importance here. As Burnham and Giese note, “didactic intention assumes there is a moral center, a hortatory aim, and

---

<sup>58</sup> Fischer summarizes the inaccuracies in the image that have been paraded by the paintings detractors: “The flag was inaccurate (the Stars and Stripes was not adopted until 1777). The boat was not correct (a ship's longboat, rather than the rivercraft that the army used). The river was wrong (more like the Rhine than the Delaware). The light was mistaken (the crossing took place at night). The ice was not right (jagged blue bergs rather than rounded white river floes).” Fischer, *Washington's Crossing* (2004), 4.

exempla or principles to teach.” Always a core component of the history painting genre, such lofty goals were derived in no small measure from the tradition of classical rhetoric, where the messenger’s eloquence, or the manner of expression alone, was supposed to be enough to persuade any listener to aspire to raising their standards of conduct—patriotic, moral or otherwise.<sup>59</sup> Like Leutze, Daday deployed scale, an exemplary moment, and the use of selective detail (Nixon’s face, shoes, and coat) for the didactic purpose of deploying Nixon as a model American, facing down communism while embodying a warm and welcoming mystique.

It is, of course, challenging (to say the least) to equate Nixon with Washington, or even his early morning public relations visit to the Austrian border with Washington’s crucial military decision during the American Revolution to make a night crossing in the dead of winter. Yet, from art historical perspective, Daday has indeed attempted to fulfill the benevolent purpose of commemorative history painting—even history itself—as implied by Fischer, by emulating Leutze, West and others: an actual event is re-interpreted for didactic intent and its persuasive ‘realism’ is reinforced by an attention to contemporary dress and a tradition of heroic myth-making at a large scale. The question is not whether or not Nixon *deserves* to be commemorated in like fashion to Washington; rather, does Daday’s painting *do* for Nixon in history what

---

<sup>59</sup> Burnham and Giese (1995), 11. Burnham and Giese refer to Patrick Henry as a paradigmatic image of an exemplary rhetorical event, citing Peter Rothermel, *Patrick Henry in the House of Burgesses of Virginia, Delivering his Celebrated Speech Against the Stamp Act* (1851). Contemporary American narrative painting in the ‘realist’ vein (as opposed to traditions of abstract modernism) is difficult to quantify, but it has resurfaced in the 1930s as a form of ‘social realism’ and again in the 1970s with artists as divergent as Alfred Leslie and Jack Beal, see Goodyear, Jr. (1981), 91-99.

paintings such as Leutze's *Washington Crossing the Delaware*—itself on display (as a copy) at the Nixon Library—did for Washington?

As a figure for emulation, Leutze's Washington is symbolic of bold and decisive action as a catalyst for making history, and West's Wolfe represents noble sacrifice in service of one's country. The representative power of Daday's Nixon is both far more specific to the twentieth century politics of the artist and his subject and general enough to narrowly follow the tradition of virtuous sacrifice. However, while the painting does not "restore" the largely-forgotten events of Hungary 1956 to memory with any accuracy, Daday's painting succeeds in rendering Nixon's vision of himself as a compassionate prophet of American idealism. Further, the scale of the painting, its proximity to a Leutze copy, and the narrative location of the image in the museum, all speak to the same didactic purpose. Indeed, one could argue that the mere adjacency of the two painted images forces equivalence between the muddy canal at Andau and the river Delaware, the tyranny of communism and the tyranny of the British, and thus Richard Nixon and George Washington. Thus the public upon exiting the Nixon library galleries is not just confronted with a rehabilitated image of Nixon but encouraged to be *more like him*, following Nixon as Nixon followed Washington.

### **The Specter of Fascism: The Artist and the Museum**

Naftali's reservations, however, do not stem entirely from the painting's presumption of Nixon's heroic rehabilitation. The library director was primarily concerned with the possibility that the artist's own past might reveal ties to fascism, a political and aesthetic legacy of twentieth century whereby powerful leaders such as Hitler, Mussolini, and Peron have deployed the resources of the state to coerce and

reinforce their power through the manipulation of the public's apprehension of their own heroic image. Fascism in the twentieth century has a deep history of using state power to prey on the public's belief and desire for heroic images.<sup>60</sup> Indeed, Rumsfeld's memo, despite the reservations he states about the "danger" of this belief, and Nixon's own memo reveal how Nixon was perfectly willing to engage in the crafting of a leadership mystique. Yet, throwing the accusation of fascism at Nixon has its own history, and that is not Naftali's concern.<sup>61</sup> Instead, he is concerned with displaying the work of Daday without mediating, or at least understanding, the relationship that the artist might have buried in his own history.

Ferenc Daday was born in 1914 the eighth son of a teacher in rural Hungary.<sup>62</sup> In 1934, he attended the School of Industrial Design in Budapest. During this time Daday supposedly walked to Italy during his college years to see Renaissance paintings "with his own eyes."<sup>63</sup> Perhaps it was in the 1930s Italy of Mussolini that Daday first became acquainted with the art, architecture and propaganda machine of twentieth-century fascism. He also worked for a Hungarian Christian nationalist government that increasingly supported the policies of Nazi Germany. After World War II, Daday designed state exhibits for the Hungarian Bureau of Foreign Trade. In 1947, during an

---

<sup>60</sup> Frederic Spotts, *Hitler and the Power of Aesthetics* (New York: The Overlook Press, 2002), xii-xiv, notes that in large measure, Hitler's power resided in his ability to transform the public from spectators with rights into participants in their own (or that of defined others) oppression, and in his endless use of state power to manipulate history into a visibly legitimate mythology.

<sup>61</sup> See Greenberg (2003), 73-124.

<sup>62</sup> Daday's birthdate varies depending on the source. Some exhibition bios claim that he was born in 1915; see for example: "Human Spirit in 'A Night in Fullerton' Spotlight at Muckenthaler Cultural Center," *US States News* (Mar. 19, 2007). The date of 1914 used here is from Deak, *et al* (2007), 177. This is the primary source for information on the artist presented here.

<sup>63</sup> Deak, *et al.* (2007), 177.

official trip to Stockholm, Daday declined to return to his home country, perhaps as a result of the appalling practices of its ruling party during the war. He applied for refugee status in Argentina, selecting the South American country over the United States because it was “more of a virgin land.”<sup>64</sup> Once in Argentina Daday secured a position painting murals for more than fifty Peronist projects. According to Daday, these projects mostly involved a fund for building children’s towns, hospitals, and retirement communities. The fund was likely connected to the extremely powerful Eva Peron Foundation.<sup>65</sup> After Peron was ousted in 1955, Daday fled to the United States.

What is notable about the above biography, largely derived from the elderly artist when he was interviewed at the Nixon Library in front of *Nixon at Andau* in 2006, is that it skips entirely the period of World War II.<sup>66</sup> The scholar who conducted the interview was largely concerned with the Hungarian Revolution and its place in American memory, not a detailed biography of the artist. Perhaps, therefore, Daday merely wished to focus on the event depicted in his mural. Then again, one might wonder if the quasi-state-sponsored nature of his work in Peronist Argentina would come under swift scrutiny if he lingered over his earlier career in Hungary working for a government that was allied with Nazi Germany. Indeed, his stated preference for

---

<sup>64</sup> From a 2006 interview with Daday, as cited in Deak, et al. (2007), 177. In 1947, however, Argentina and the United States were differentiated by far more than the presence of “virgin land” (politics, alliances, economics, etc.). Given the large influx of Germans and other ‘Axis’ ex-patriots into Argentina following the war, Daday’s rationale is understandably thin.

<sup>65</sup> There are few references on the architecture and art/propaganda of Peronist Argentina, this is an understudied subject. Typical studies such as, Shifra M. Goldman, *Dimensions of the Americas: art and social change in Latin America and the United States* (Chicago: University of Chicago Press. 1994), tend to focus on Mexican muralists, Cuban poster artists, Chilean art under Pinochet, the dialectic between elitist patronage and populism, and indigenous art influences on modern art in the Americas.

<sup>66</sup> Deak, et al. (2007), 147-87.

“virgin” Argentina over the United States in 1947—a time when Peron’s nationalist government was harboring a large influx of post-war German refugees—might signal a concern over his unknown political past. However, it is equally possible that his murals for the children’s towns, hospitals and other projects merely fall under the rubric of “landscape” illustration, thus pointing to allegiances with Eva over Juan Peron. This becomes increasingly likely given the poor rural upbringing of Eva Peron—particularly if Daday’s murals emphasized an idealized and romantic Argentina.<sup>67</sup>

Daday’s stated affinity for virgin landscapes is reinforced by evidence of his late artistic career in the United States. A 1990 exhibit and reception held at the Radisson Bel-Air Hotel in Los Angeles of “prestigious artists” from Sedona, Arizona succinctly described Daday as a “renowned landscape artist.” He is also introduced as the “former art advisor to Richard Nixon, and commissioned muralist to Evita Peron.”<sup>68</sup> By focusing on the landscape—such as a romanticized and nostalgic American West—Daday has perhaps successfully erased his contentious political past in popular memory (if such a memory even exists in America). The virginity of his vision for the American West (a tropic cliché in popular Americana) then stands in for a cleansing of his past prior to crossing the Atlantic (another popular American trope).

---

<sup>67</sup> By contrast, however, Juan Peron’s policies of economic reform and labor appeasement were increasingly directed against the agrarian elite, focusing instead on a (largely failed) policy of national industry and urban growth.

<sup>68</sup> “The Beauty of Sedona Come to Bel-Air; Meet the Artists and their Work,” *PR Newswire* (Oct. 31, 1990).

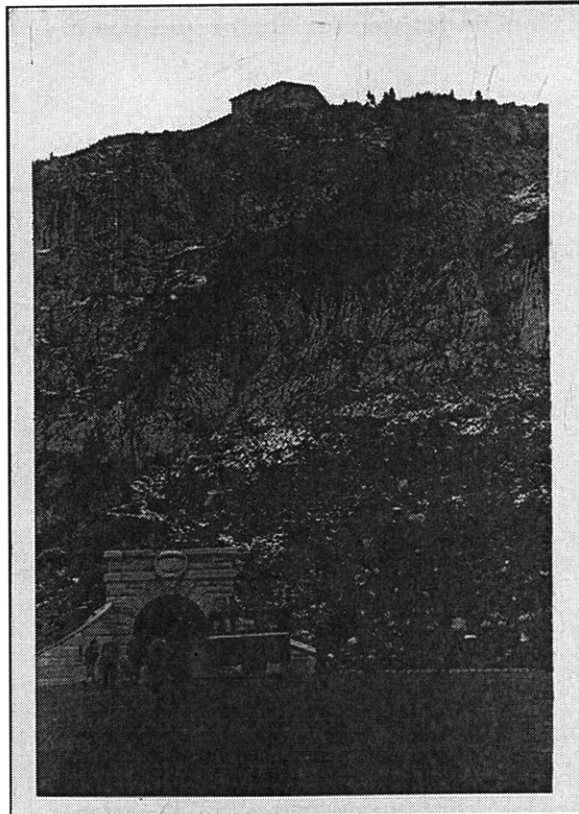


Daday's assimilation of both Western and Immigrant tropes translated directly into his late art. For example, in 2007, his work was featured at an exhibit titled; "A View of the Historic West: Romantic Legacy of the Pioneers", part of the 43<sup>rd</sup> Annual "A Night in Fullerton" celebration of art, music, dance, and food. Indeed, the press release by the city of Fullerton advertising the event omitted his history as a painter for the Peron's in Argentina, and insisted that Daday is "very much in demand to paint large murals in private and public spaces throughout the world."<sup>69</sup> The press release then reminds its readers that his mural of Nixon can be viewed locally at the Nixon Library in Yorba Linda.

Most of this is pure speculation. What is more, *even should a solid connection between Daday and fascist politics be confirmed*, art history and the museum establishment have often embraced and displayed objects for their aesthetic value regardless of the actions of the object's maker, providing at best a mediated textual accompaniment for the public. It is precisely this absence of knowledge about the artist that triggered Naftali's reservations. Without understanding Daday's role in the government in 1930s Hungary or even how he came to work for the Peron family, there are too many unknowns for the director. The mythologizing of Nixon's role in the 1956 revolution as a heroic tale of salvation from communism only adds to the conundrum.

---

<sup>69</sup> "Human Spirit in 'A Night in Fullerton' Spotlight at Muckenthaler Cultural Center," *US States News* (Mar. 19, 2007).



*8.11 Kehlsteinhaus, presented to Adolf Hitler on his 50<sup>th</sup> birthday, also known as Eagle's Nest. The entrance was at the base of the mountain. The small villa at the top of the image is Eagle's Nest. Photo taken by Allies in 1945 (Courtesy of the Library of Congress).*

There is also the troubling proximity of the painting to the final exhibit, “Eagle’s Nest.” While the reconstruction of Nixon’s post-presidential study seems innocuously innocent, it’s name inadvertently alludes to a prominent architectural landmark of Nazi Germany. In 1937 Reichleiter Martin Bormann conceived of the idea for a small Bavarian retreat where the Adolf Hitler could relax and entertain foreign dignitaries. Two years later, the Kehlsteinhaus was completed and presented to Adolf Hitler for his 50<sup>th</sup> birthday. The Kehlsteinhaus, perched high on a mountain bluff, was also known as Eagle’s Nest (Fig. 8.11). Again, the connections are not overt, however even the suggestion of association between Hitler and Nixon is fraught with difficulty. In essence, the painting sets up a model whereby associational mythologies are made

possible and encouraged—for positivist purposes with respect to Nixon’s image. However, proximity of so many unknown historical facts and the similitude between the name of Nixon’s retreat and that given to Hitler’s potentially relies upon an identical process—this time, the effect can cast Nixon in a wholly different light. Either way, the new library’s mission of historical accuracy and non-partisan public accountability necessitated the removal of the painting’s didactic power, particularly given the proximity and narrative resolution it provides *vis a vis* Eagle’s Nest.

### **Conclusion: Access, the Image, and the Archive**

Naftali has removed the painting, and thus perhaps prevented a public confrontation with an important event of the Nixon Vice Presidency, the 1956 Hungarian Revolution. One could argue, however, that the original library did not provide any historical assessment of this event in the gallery sequence, and therefore, such a confrontation was never truly possible. Naftali plans to add an exhibit after Eagle’s Nest on the Cold War and other aspects of Nixon’s post-presidency that resonated in the world following his presidency. Thus, rather than a heroic image that proposes a final answer to the question of Nixon’s image, Naftali’s plan is to provide an opportunity for ongoing questions through a representation of Nixon’s role in determining the history that both informed the culture of the world in which he achieved the presidency and continued to shape it long after he resigned. Perhaps the painting can then be redeployed, alongside archival documents, to illustrate Nixon’s vision of himself during the Cold War that defined his era.

*Nixon at Andau* (1971) anchored the program of rehabilitation desired by Nixon and fixed in a publicly visible space by the Nixon Library’s museum narrative. It

opportunistically transformed a minor moment from Nixon's Vice Presidency into an allegory of hopeful American benevolence and salvation as it confronted the evils of communism, as they were described by Nixon and believed by his supporters—including the artist, Daday. While the painting certainly belongs to a didactic tradition of heroic image-making in America, it also captured Nixon as he saw himself, as revealed by two documents from the now-available Nixon archive. It is arguably for this reason that the painting was placed in such a prominent position, at the end of the gallery sequence. Yet, the *potential* specter of fascism raised by this location combined with the artist's unknown past, arguably made the painting all too powerfully dangerous, and prompted its removal.

Naftali remains conflicted about how to handle the painting and under what circumstances it should be made available to the public. Given his stance on a museum for all the public, and his desire to transform the museum in a non-ideological representative space, the removal of the painting might be justified. However, given the new mission of radical accessibility that has guided the transformation of the Watergate exhibit (see Chapter 7) and allowed the image memos to be used as an open-ended means by which to judge Nixon's image in history, the removal of *any* object out of fear for what it may or may not reveal counters that very openness.

The history of *Nixon at Andau*—why it was made, where it was displayed, and why it was removed—illustrates in microcosm the complex issues of curatorial judgment and public access, biographical myth and truth that have always haunted Nixon and the Nixon Library. Indeed, even after 2007, it appears that Nixon's image still conjures moments of obfuscation. The archive proves that Nixon did, in fact, care

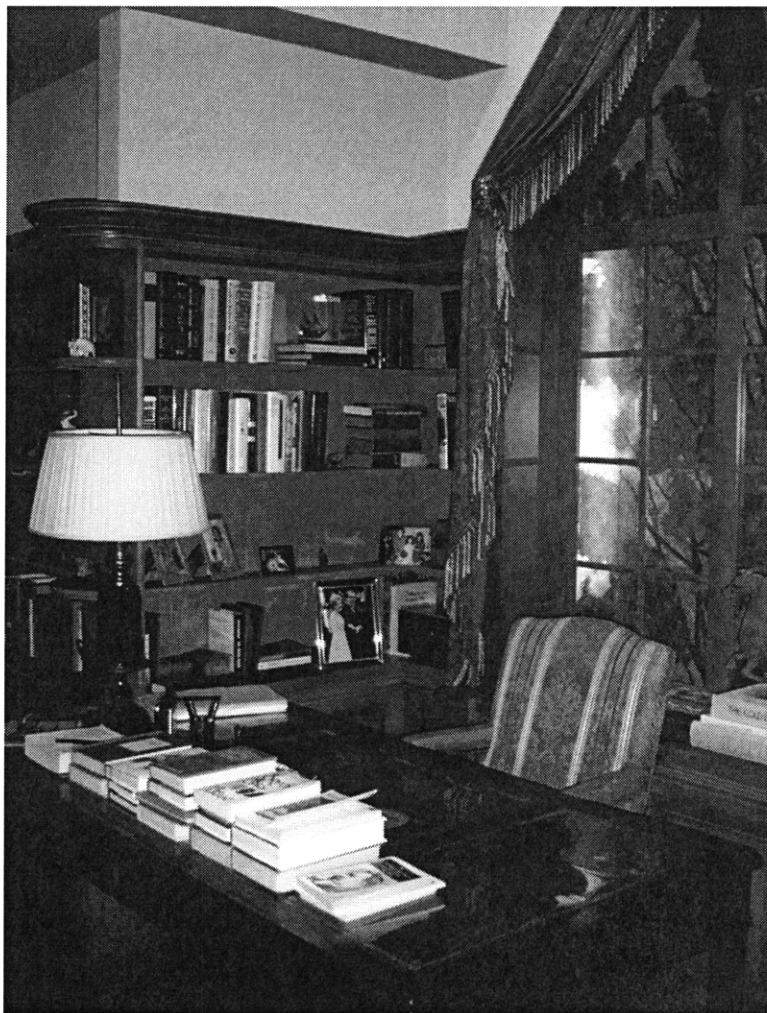
quite a lot about his image. He obsessed about it in detail and he greatly desired a means by which the public could “discover” the mystique he desired, seeing Nixon as he saw himself. The Nixon Library and its controlled disposition of artifacts provided that means, no object more so than *Nixon at Andau*. Daday’s painting may in fact be a mythically absurd portrait of the former president, historically inaccurate and ideologically dangerous. Yet, in conjunction with the program for image craft suggested by the memo, it also reveals Nixon’s own image of himself in the world as it might be undone through a critique of that very image accidentally discovered in the archive.

## Chapter 9

### Reading Nixon's Library:

#### Knowledge and the Object of Understanding

"Some books are to be tasted ... others to be swallowed, and some few to be chewed and digested." –Francis Bacon, quoted in Will Durant, *The Story of Philosophy* (1961 ed.), p. 87, underlined by Richard M. Nixon.



9.1 Eagle's Nest exhibit at the Richard Nixon Library, Yorba Linda (Photo by Author © 2006).

On Monday, June 13, 1955, in a statement read before a House of Representatives Special Subcommittee Hearing on Bills to Provide for the Acceptance and Maintenance of Presidential Libraries, Archivist of the United States, Dr. Wayne C. Grover, made the following claim about the broad scope and potential inherent in the presidential library collections:

The phrase Presidential Library has come to signify an agency containing not only the papers of a President, but also his other treasured possessions... This is one of the most valuable features of this kind of an institution, for it makes possible the preservation within one establishment not only of the letters a President sent and received, but also the books that he read, the gifts that he received... All of these materials preserved in the immediate vicinity of the place where the President spent his formative years make possible an understanding of the man which the bare use of a collection of letters does not permit.<sup>1</sup>

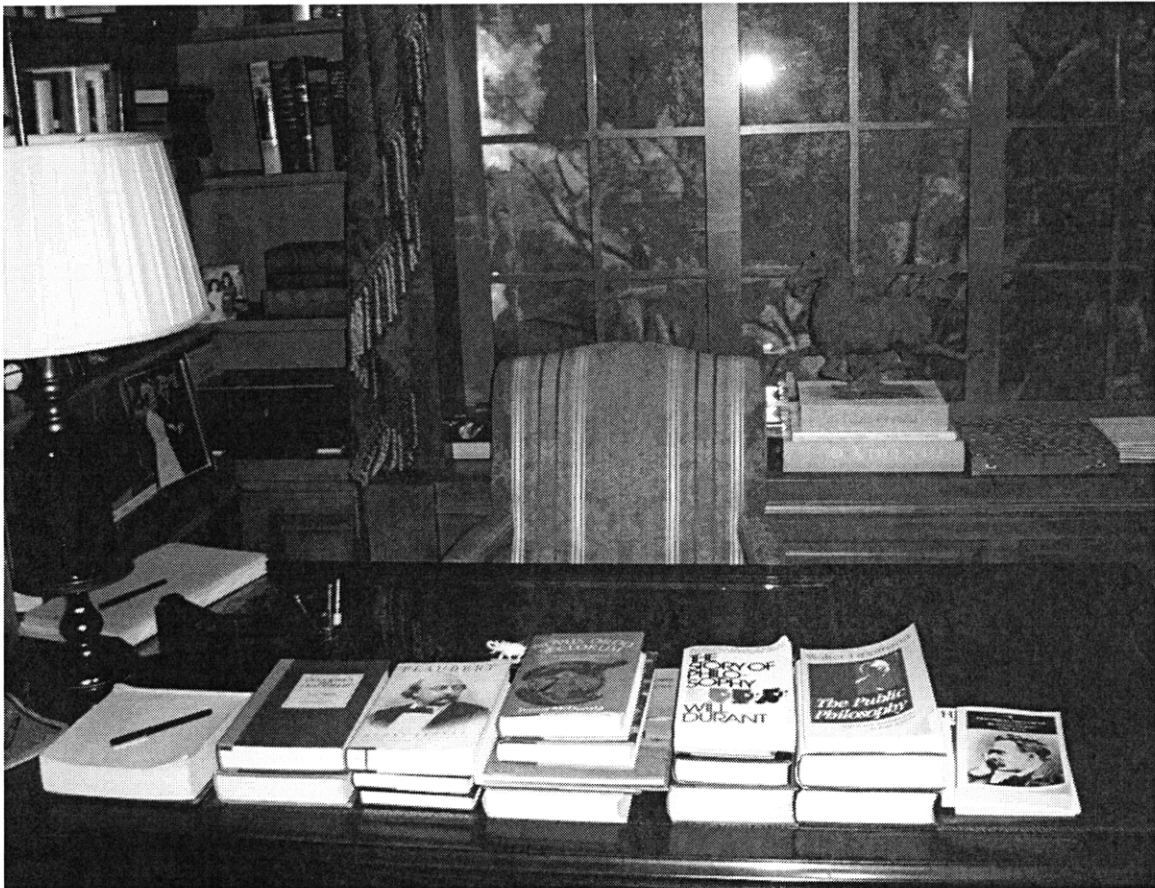
Fourteen short years after Franklin D. Roosevelt declared his library open with an “act of faith,” the presidential library became a signifier, a representative object enabling the production of knowledge through the biographical perusal of preserved objects. Further, this task—“an understanding of the man”—could only be properly undertaken, according to the Archivist, through a study *beyond* the presidential records. Indeed, Grover’s statement insists that the subject of the “historian’s prayer,” discussed at length in chapter 2, is not to be valued merely for political judgment and

---

<sup>1</sup> Wayne C. Grover, Archivist of the United States, Statement read before Congress, Hearing Before a Special Subcommittee of the Committee on Government Operations House of Representatives Eighty-Fourth Congress First Session on H.J. Res. 330, H.J. Res. 331, and H.J. Res. 332, Bills to Provide for the Acceptance and Maintenance of Presidential Libraries, and For Other Purposes, June 13, 1955, folder “Legislative History—Presidential Libraries,” Box 45, Barry N. Roth Files, Gerald R. Ford Library.

deterrence over executive practice through the preservation and inevitable exhumation of presidential records. Rather, the value of the presidential library is in its more parochial potential for proper biography and understanding.

Chapter 9 takes Grover's statement at face value. What, if anything, do "the books that he read" and "the gifts that he received" contribute to our understanding of Richard Nixon? Can one ever come to an understanding of Richard Nixon? And, does such an understanding inform and expand the vast and complex biography of the 37<sup>th</sup> President, or does it merely speak to a faith in the presidential library as an instrument of truth and judgment?



9.2 Nixon's books on Nixon's Desk. Richard Nixon Library, Yorba Linda, California (Photo by Author © 2006).



This chapter, more than any of the others, was *found* at a library. It was not originally planned. Yet, what I discovered at the Richard Nixon Library in Yorba Linda, California, reshaped the scope of my dissertation. I first visited the Nixon Library in 2005. The trip to Yorba Linda was an afterthought, undertaken largely to assuage my need for due diligence with respect to visiting as many of the presidential libraries as possible. When I walked through the door of the Nixon Library, I had no research agenda. I intended only to capture a general sense of the museum. I had no plans for records research since the Nixon Library was privately run at the time and, therefore, Nixon's Presidential Records were not even there. After a day spent on the grounds and among the various galleries and displays—some banal, many shockingly partisan or inaccurate, and a few which were striking, thoughtful and informative—the last exhibit in the museum piqued my interest.

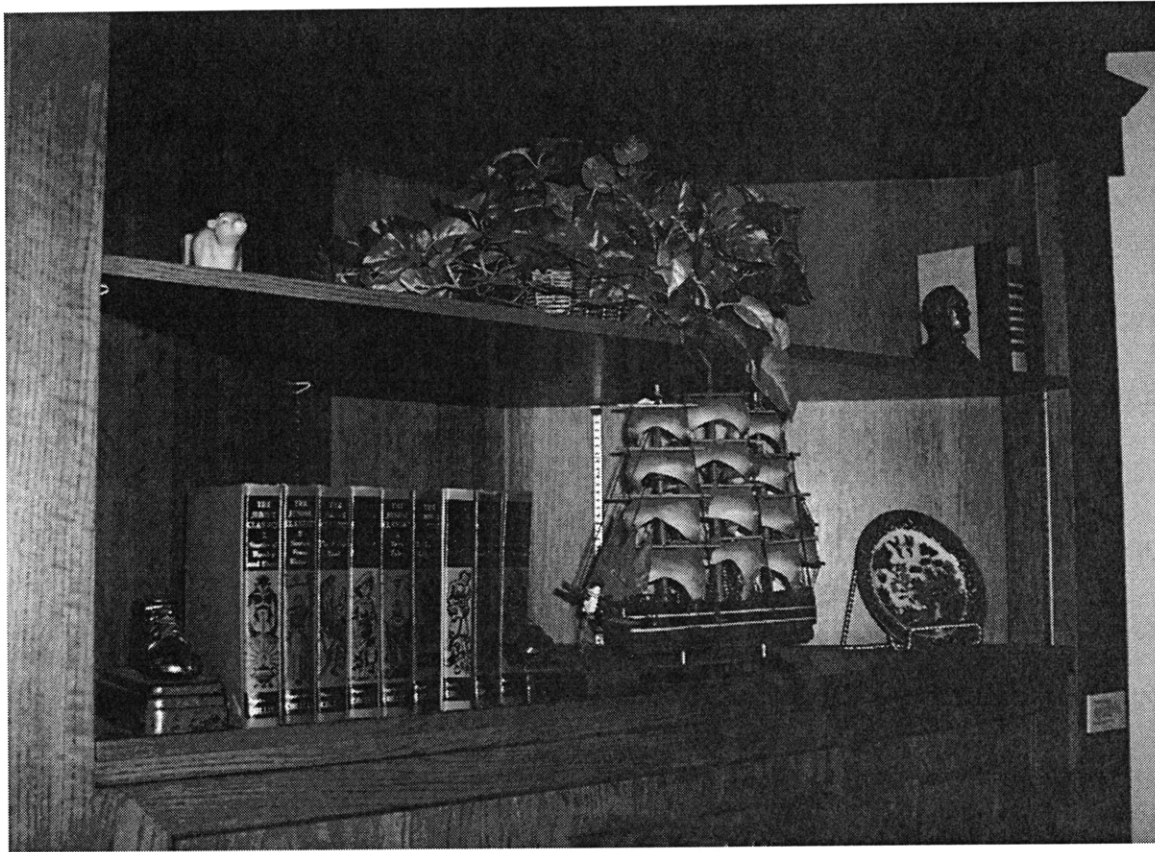
The final exhibit in the museum gallery of the Richard Nixon Library and Birthplace is a reproduction of Nixon's study (Fig. 9.1) at his New Jersey home called "Eagle's Nest." It contains some bookshelves and a desk reproduced from the police photo taken of Nixon's private study as it was on April 18, 1994, the day the former President suffered his stroke while working on what would be his final book, *Beyond Peace*. The shelves around the desk and the mock window with its red curtain are full of books, artfully arranged amongst objects such as small ceramic and bronze animals. Behind the chair and on the desk are twenty-seven volumes arranged in neat piles (Fig. 9.2). The subjects ranged from philosophy and political science to art history and French literature. They include such titles as: Irving Babbitt, *Democracy and*

*Leadership* (1979), Will Durant, *The Story of Philosophy* (1961), Friedrich Nietzsche, *Beyond Good and Evil* (1990 ed.), and Henri Troyat, *Flaubert* (1992).<sup>2</sup>

Given the numerous decorative book sets on cheap bookshelves throughout many presidential museums, including this one (Fig. 9.3), the staged office seemed at once odd and provocative. I love books and I tend to write in mine. I idly wondered if perhaps Nixon wrote in his, marking passages of interest or adding notes in the margins. Therefore, when I returned home, I emailed questions about the books in the exhibit to the Nixon Library staff (then still a part of the Nixon Foundation and not yet part of NARA): Were the books really Nixon's books? How had the display been configured and for what purpose? And, in a sudden moment of curiosity, was it possible to look at them?

---

<sup>2</sup> Complete list, excepting those already mentioned, provided by the Nixon Library Staff: *Humanitas*, vol. VI, no. 1 (Fall 1992/Winter 1993); Paul M. Angle, *The Library of Congress* (1958); Edward Carr, *The Twenty Years Crisis* (1964); Kent Cooper and Houston Harte, *In Our Image: Character Studies from the Old Testament* (1949); Paul Gottfried, *Carl Schmitt: Politics and Theory* (1990); D. Clayton James, *The Years of MacArthur, 1880-1941* (1970); Kingdom of Saudi Arabia Port Authority, *Report 3 1400/1980*, (1980); Russell Kirk, *Eliot and His Age* (1971); Margaret Brown Klapthor, *The First Ladies* (1970); Frank M. Leonard, ed., *Summons to Greatness* (1972); Abraham Lincoln, *Speeches, Letters, Etc.*, (1989); Walter Lippmann, *The Public Philosophy* (1992); Michael Mac Liammoir, *Ireland* (1970); Ellen McDonald, *Requiem: Variations on Eighteenth Century Themes* (1988); Forrest McDonald, *Novus Ordo Seclorum* (1985); Myrtle Cheney Murdock, *National Statuary Hall in the Nation's Capitol* (1955); Robert Nisbet, *History of the Ideas of Progress* (1980); Kevin Phillips, *Boiling Point* (1993); Richard Reeves, *President Kennedy: Profile of Power* (1993); Leo Straus, *History of Political Philosophy*, 2<sup>nd</sup> Ed. (1963); Julian Street, *The Most Interesting American* (1916); The United States Capitol Historical Society, *We, the People* (1964); H. G. Wells, *The Outline of History*, vol. 2 (1949 ed.); Letter, 21 July 2005, Meghan Lee, Archivist Richard Nixon Library and Birthplace (now on Naftali's staff at the Nixon Presidential Library and Museum) to Author. According to Lee, the books on the desk are copies purchased for display, the originals are part of the archive. The books on the shelves, however, are originals since they are far enough back to avoid accidental damage from the public. Lee also noted that those originals (at the time) were not available for research because of their use as part of the display.



9.3 Fake books adorning a decorative shelf in a gallery of the museum, Richard Nixon Library, Yorba Linda, California (Photo by Author © 2006).

Rather than reply by email, one of the archivists called me to confirm that, yes, they were Nixon's actual books. They were in fact only a small part of a rather large collection (over three thousand) in the library's possession. Further, upon opening some of them, the archivist confirmed that he had indeed written in many of them.<sup>3</sup> What was most surprising, however, was the phone call itself. Evidently, nobody had ever requested to see the books before and she wanted to make sure she understood

---

<sup>3</sup> Footnotes in this chapter which reference books from the Nixon collection will be followed by Courtesy of the Richard Nixon Library. Quotations and other references derived from passages marked by Nixon with an underline or by another method such as vertical lines and check marks in the margins are prefaced in the notes by 'RN:'. This assumes nobody else marked Nixon's books with a pen or pencil. However, it is extremely difficult to ascertain the origins of the marks with certainty.

my request so that she could check to see if it was in fact possible to view them (which it was).

Given the extraordinary amount of written material on Richard Nixon my initial reaction was that the lack of even casual scrutiny appeared to be a rather extraordinary historical oversight. After all the Nixon Library, even if it was not officially (at the time) a presidential library with official presidential materials, had the President's actual library since 1994. Curiosity prompted another research trip in 2006. I returned to the library for three days to read Nixon's books. Because of the short duration of my stay, I only examined the books on the desk. I was not interested in supplementing Nixon's biography, but rather in determining what Grover meant in 1955, and what kind of knowledge do presidential materials represent as historical objects beyond the official presidential records governed by PRMPA and PRA. On the one hand the display of personal memorabilia at the presidential libraries present a biographical model of history situated within an institutional narrative. On the other hand, this chapter proposes that the texts and markings of the objects themselves resists Grover's belief in the ability of artifacts to positively supplement biography.

### **Types of knowledge**

There are, Vico learned, and repeatedly emphasized, two types of knowledge: *Verum* and *Certum*. The first is *a priori* truth, dependent upon axioms or principles which man himself constructs, and requiring only strict adherence to deduction for steadily more complex conclusions to emerge. *Verum* is absolute knowledge and, of course, the only kind that Descartes had been interested in, a kind marvelously exemplified by geometry. The second kind of knowledge or truth, *Certum*, is proximate, not

absolute, and is dependent not upon intuitively arrived at axioms and rigorous deduction from “clear and simple ideas,” but rather on the patient observation of things—past and present.<sup>4</sup>

The above passage, taken from Richard Nixon’s copy of Roger Nisbett’s *History of the Ideas of Progress* (1980), was vigorously underlined by the former President at some moment during his post-presidency.<sup>5</sup> This chapter, dealing as it does with historical expectations for the truth-value of the objects and records associated with arguably the least truthful (at least to popular perceptions) of 20<sup>th</sup> Century Presidents—Richard Nixon—takes the entire passage at face value. Nixon’s emphatic reading of Nisbett’s description of knowledge via Vico in fact provides dialectic of truth-form through which his presidential and non-presidential materials, the artifacts upon which truth-value is repeatedly thrust, must seemingly be read.

Nixon’s Presidential Materials, until very recently, were sequestered by law at a special branch of the National Archives and Records Administration following Nixon’s resignation *precisely* because those records were expected to reveal truths upon which public judgment of actions could be rendered. The preservation and display of his artifacts by the Nixon Library, the mechanisms by which they are presented to the

---

<sup>4</sup> Passage underlined in vigorous blue ink by Richard Nixon, in his copy of Roger Nisbet, *History of the Ideas of Progress* (New York: Basic Books, Inc., 1980), 163, Courtesy of the Richard Nixon Library.

<sup>5</sup> That Vico, Nisbett goes on to describe, came to the conclusion that *Cerum*, against Descartes’ *Verum*, was the superior form of knowledge, was not marked by Nixon. Nixon did, however, mark the following statement about Descartes by Nisbett: “What made Cartesian philosophy revolutionary was Descartes’ insistence that his method was available to Everyman, that one need no longer pay homage to scholars and scientists and *archives and libraries* [my emphasis].” Nisbett (1980), 116, Courtesy of the Richard Nixon Library. By the same token, Nixon noted that Nisbet, one page earlier, himself pointed out the inconsistencies in the ‘two’ Descartes: one who “urged the destruction of all libraries because of the errors and superstitions they contained” and the Descartes who “could not possibly have existed had it not been for libraries of one kind or another.”

public, and even the evolving status of the presidential materials, all speak to an assumption of truth-value as necessary to the proper functioning of the public in the future based upon a better understanding of the past. If there are two forms of knowledge and truth (absolute, deductive and principled knowledge versus contingent and intuitive knowledge based upon the “observation of things—past and present”), then what type of truth are Nixon’s objects, including his copy of Nisbett’s book, expected to yield? And, assuming such a question can be answered once posed, whose truth and towards what kind of knowledge?

### **Traces of Mind: The Books and the Man Nobody Knows<sup>6</sup>**

In the final hour of his presidency, Nixon famously read to his White House staff a short passage from Theodore Roosevelt’s diary.<sup>7</sup> “As you know,” he said, “I kind of like to read books. I am not an educated man, but I do read books.”<sup>8</sup> By all accounts it was a poignantly theatrical and emotional moment.<sup>9</sup> With this small self-deprecating joke, at the end of one of the most written about and controversial periods of American History, Nixon gifted history, or historians, with a clue. Indeed Nixon’s friend and sympathetic biographer, Jonathan Aitken, felt that Nixon’s “bizarre”, rambling, and yet very personal final speech to his staff “contained several interesting signposts to both

---

<sup>6</sup> This title is a play on Nixon’s 9 March 1934 essay, “The Man and the Book Nobody Knows.” The essay synthesizes a series of arguments claiming that nobody really understands the Bible or Jesus given the uses to which both have been subjected in history. Richard M. Nixon: Whittier College, 1933-44, “What Can I Believe?” p. 30, folders 11 & 12, Box 12, Nixon Family Collection, Richard Nixon Library.

<sup>7</sup> Theodore Roosevelt wrote: “And when my heart’s dearest died, the light went from my life forever.” As quoted in Bob Woodward and Carl Bernstein, *The Final Days* (New York: Simon & Schuster, 1975), 455.

<sup>8</sup> Quoted in Woodward and Bernstein (1975), 455, and in Jonathan Aitken, *Nixon: A Life* (Washington, D.C.: Regency Publishing, 1993), 523.

<sup>9</sup> See Woodward and Bernstein (1975), 455; Aitken (1993), 517-24.

his insecurities and his strengths.”<sup>10</sup> Thus, this chapter begins its critique of the Nixon Library and the ‘historical record’ created at a confluence of books and reading. What is more, it questions the “signposts” left by Nixon and tests the very construction of narrative and biography—psychological or otherwise—out of a confrontation with Nixon’s objects and archives.

The biography, as a form of writing, has been around in various guises since Greek antiquity. Where early biographies, from Tacitus to Plutarch presented their subjects as a model for either imitation or warning, the middle ages introduced the notion of the *exempla*—where the reader/believer is assumed to have obligation to follow the example set by a life lived with often generic heroic and faithful virtue.<sup>11</sup> Dozens of biographies have been written about Richard Nixon. However, biography is crafted from a variety of sources, and the books in his library have not been part of Nixon scholarship to date. Therefore, what, if any, impact does a study of Nixon’s books have on the biography of Nixon? Does reading his books call into question prior acts of biography itself as a claim towards truthful knowledge? A predictable use of Nixon’s book collection and his pre-presidential papers would be to supplement biography, or as Grover put it, come to a better understanding of the man. This chapter proposes that using Nixon’s books in such a manner does not so much supplement biography, as critique biography as a mechanism for archival understanding.

---

<sup>10</sup> Aitken (1993), 523.

<sup>11</sup> Louis Dupre, *The Enlightenment and the Intellectual Foundations of Modern Culture* (New Haven: Yale University Press, 2004), 61.

In 1934, Nixon wrote the following passage. Although it might not definitively illustrate Nixon's attitude towards scholarship (a fraught proposition), it provides—from within the Nixon archive—a synthesis of biography and purpose:

In order that noone [*sic*] who boasts of nobility may dare to contradict me and say that gentlemen as people rate them are of more worth because of their birth than those who till the soil or live by their own labor, I declare that no one is noble unless he is mindful of the virtues. ... Nobleness comes from "great heartedness"; for the nobility which comes as an inheritance is not in itself worth anything if goodness at heart is lacking. ... Scholars have a better chance of being noble, courteous, and wise than have princes and Kings who do not know literature. This is the reason. The scholar sees in writing, together with (in addition to) the sciences, proved, reasonable, and demonstrated, all the evil things from which one should abstain and all the good things that one should do. He sees written the things of the world as they are done and said. He sees in ancient biographies the bad deeds of all the villains and the good deeds of the chivalrous men, and the compendiums of all the noble acts one can do. In brief, he sees written in books from what one should flee and what one should follow. Consequently all scholars, pupils, and teachers are noble, or ought to be so.<sup>12</sup>

According to David Greenberg, "in American culture, few symbols carry greater meaning than the president. Starting with childhood, we regard the president as the

---

<sup>12</sup> Richard M. Nixon: Whittier College [Class Notes-French Lit], folder 1, Box 12, Nixon Family Collection, Richard Nixon Library. My speculation that the passage is a translation stems from three observations. First and foremost is that the majority of the notes for this course are written in French, presumably a requirement of the course. Second, those notes are similar to Nixon's notes from other courses in that they are disciplined and organized in an outline format. This contrasts with the English prose of the page-long passage on "Nobility." (The title at the top of the page, in Nixon's slanted cursive reads "Nobility" with the 'N' looking more like an 'M'). Finally, the style of the passage bears little resemblance, outside of its propensity for idealism, to his other essays from college in the collection.



personification of politics and the nation.”<sup>13</sup> Although on one hand, the propagation of this personification is the object of my research, on the other hand, within the mechanisms and the materials of propagation itself, its historical instability is found. If, for example, one were to indulge in pursuing such psychologizing in conjunction with a study of presidential imagery, then perhaps some of the virulent political reactions against and for presidents exhibited by young adults in the so-called media age would come as no surprise given the age at which they are exposed in university to a pedagogy of questioning that leads them to a crisis of image. The well-constructed benevolence of the president (any and all of the presidents) from a child’s early education is arguably made unstable and possibly destroyed, thus the young adult is left betrayed—either by the president who turns out to be less-than-ideal, or, by the pedagogical and cultural systems which may appear to be founded on the destruction of the very benevolent idealism they come to hold dear. The Nixon Library, and indeed all presidential libraries, might constitute a treatment for such a condition.

However, this form of psychological reasoning leads down a fragile theoretical road towards the conflation of individual autonomy and social group interaction; a blending of subjects that gets played out in a medically-determined historical field—a field that speaks not only to deviant and normative behavior (good versus bad history) but to illness and cures. In short, the individual in the clinic becomes society in history. Further, the presidential library becomes this clinic, the site for curing of memory and

---

<sup>13</sup> David Greenberg, *Nixon’s Shadow: The History of an Image* (New York: W.W. Norton & Co., 2003).xxv. Also, see Fred I. Greenstein, “The Benevolent Leader: Children’s Images of Political Authority,” *American Political Science Review*, v. 54 (1960): 934-43; Robert D. Hess and David Easton, “The Child’s Changing Image of the President,” *Public Opinion Quarterly*, v. 24 (1960): 632-44.

its traumatic consequences through the deployment of understanding. This series of maneuvers comes back in on itself in the Nixon biographies, psycho-analytically inclined and otherwise, often overtly.

It is difficult to resist supplementing the narrative about Nixon' character, emotions, and motivations out of the passages marked by him in his books as somehow important. Indeed, there are many more anecdotal and apparently deeply personal analogies that appear at first glance to have been highlighted by Nixon out of some sort of personal kinship with the sentiments expressed in the words. Some appear, on the other hand, to have been marked for use, or merely interest, in one of his many book projects—including the one on which he was working when he died: *Beyond Peace*. Any attempt to 'make use of' Nixon's markings has to account for their appearance: Are they indicators of a state of mind or a sense of emotional kinship? Do they call out a passage that he could then utilize for his own writing (i.e. research notes)? Or, are the markings merely a sign of interest or enthusiasm, for whatever reason, for the contents of the text at a given moment in time by an attentive yet casual—albeit armed with a pen or pencil—reader?

Perhaps an example of the first possibility occurs in Will Durant's *The Story of Philosophy*—a heavily underlined book from Nixon's study desk. Nixon underlined the following statement by Durant about Spencer: "...his fame vanished almost as suddenly as it had come. He outlived the height of his own repute, and was saddened, in his last years, by seeing what little power his tirades had had to stop the tide of 'paternalistic'

legislation.”<sup>14</sup> Without much effort a one-to-one correlation could be drawn between this comment on Spencer and the immediate legacy of Nixon following Watergate. Yet in Troyat’s book on Flaubert the final passage on a dog-eared page—one of very few that are marked in this particular book, and by far the longest—is underlined, and cautions against exactly this sort of direct and rather limited reading:

No doubt [Flaubert] would have been pained by this relentless effort to understand him, he who tried to preserve his privacy by living aloof from his fellow citizens and excluding from his writings all personal opinion. But the price of genius is, after one’s death, to reveal to the curious crowd the secrets one has jealously guarded throughout one’s life. And the good fortune of genius is that in most cases, those who seek to track down the truth get nothing for their pains and that, despite the most learned explications, the mystery of the artist remains inviolate.<sup>15</sup>

These two passages point to the very limitations of the library as a vehicle for knowledge and as a way of both seeing history and memorializing its objects. However, as already mentioned, Nixon not only presented a complex and yet undeniably captivated mystery to “friend and foe” alike, he cultivated the cliché of himself as a misunderstood, yet somehow humble, genius; Job-like in his trials and tribulations.<sup>16</sup>

According to Nixon biographers Elizabeth Drew and Richard Reeves, by the time Nixon arrived in the White House he was already exhibiting all of the signs of a

---

<sup>14</sup> RN: Will Durant, *The Story of Philosophy* (1961 ed.), 299, Courtesy of the Richard Nixon Library.

<sup>15</sup> RN: Henri Troyat, *Flaubert* (New York: Viking, 1992), 344, Courtesy of the Richard Nixon Library.

<sup>16</sup> Daniel Frick, *Reinventing Richard Nixon: A Cultural History of an American Obsession* (Lawrence: University of Kansas Press, 2008), 179-82.

paranoid personality. Indeed, Drew insists that “his behavior met the criteria defined in the official psychiatric diagnostic manual.<sup>17</sup> One of the most obvious and notable examples of the deployment of psychoanalysis in Nixon biography, is an essay by Bruce Mazlish, one of the early overt practitioners of psychohistory, “A Psychohistorical Inquiry: the ‘Real’ Richard Nixon,” published originally in 1970 and republished with few corrections in 1990.<sup>18</sup> Mazlish followed up on this essay with his influential book, *In Search of Nixon* (1972). It is notable that Mazlish’s texts were written and published prior to Watergate.

During the presidential campaigns of 1968, Mazlish became convinced that there was no more “significant task than to seek greater understanding of the way in which one of the most powerful people in the world might approach his power and position.”<sup>19</sup> For Mazlish, the need to deploy the techniques developed by psychoanalysis with respect to Richard Nixon was vital due to the inability of “friends and foes alike to know who the ‘real’ was and how he might be expected to behave” as the 37<sup>th</sup> President of the United States.<sup>20</sup> Mazlish’s task is identical to Grover’s assertion that the presidential library’s real value might be the non-presidential

---

<sup>17</sup> *Diagnostic and Standardized Manual of Mental Disorders*, 4<sup>th</sup> Ed. (Arlington, VA: American Psychiatric Association, 2000), 634-38, as cited in Elizabeth Drew, *Richard M. Nixon*, The American Presidents Series, ed. Arthur M. Schlesinger, Jr. (New York: Henry Holt & Co., 2007), 28-29.

<sup>18</sup> Bruce Mazlish, *The Leader, the Led, and the Psyche: Essays in Psychohistory* (Hanover: University Press of New England, 1990), 198-246. “A Psychohistorical Inquiry: the ‘Real’ Richard Nixon,” was first published in *The Journal of Interdisciplinary History* I (Autumn 1970). It was written in 1969 and first presented in early 1970 to The Group for Applied Psychoanalysis in Boston. Mazlish taught history at MIT and is also the author of, among other books, *The Riddle of History* (1960).

<sup>19</sup> Bruce Mazlish, “A Psychohistorical Inquiry: the ‘Real’ Richard Nixon,” *Journal of Interdisciplinary History*, Vol. 1, No. 1 (Autumn, 1970): 52.

<sup>20</sup> Mazlish (1970): 49.

materials it contained; materials that could lead anyone to a better understanding of a president not as a president, but as a man—and a powerful man at that.

Nixon has “inspired more psychological studies than any other United States President.”<sup>21</sup> Vamik D. Volkan, a psychoanalyst; Norman Itzkowitz, an historian “with psychoanalytic training;” and Andrew Dod, one of Itzkowitz’s students at Princeton, wrote, *Richard Nixon: A Psychobiography* (1997) in part to understand, many years later, “why a powerful president would destroy himself when there was no need to do so.” Volkan, et al, select moments from Nixon’s childhood and his presidency to diagnose his multiple levels of narcissism. Vietnamization and the trip to China represent the “bold action” and “peacemaker” sides of his personality that only served to place his “dark side” in sharper relief.

There are a number of criticisms that can be leveled at this book, not the least of which is the all-to-easy translation of large complex historical events into an individual’s medical symptoms. Dean Kotlowksi, who reviewed the book for the *Journal of American History*, noted that “the authors’ explanation for Nixon’s contradictions tends towards speculation and over-argument.”<sup>22</sup> Further, he insisted “an examination of White House documents would have enhanced the portrait of Nixon’s narcissism, since this president repeatedly expressed concern about the need to improve his public image.”<sup>23</sup> He even goes on to chide the authors for implying that

---

<sup>21</sup> Dean J. Kotlowksi, Review: Vamik D. Volkan, Norman Itzkowitz, and Andrew Dod, *Richard Nixon: A Psychobiography* (1997), *Journal of American History* v.86, n.2 (September 1999): 840-41.

<sup>22</sup> Kotlowksi (1999): 840.

<sup>23</sup> Kotlowksi (1999): 841.

Nixon identified himself strongly with Lincoln, insisting that such a claim is essentially baseless.

Kotlowski's criticism that presidential records were not used in the study is admirable, given the scope of this dissertation. However, to suggest that Nixon's presidential materials could actually have proven the psycho-analytic diagnosis posited by Volkan and others, is merely to shift the burden of evidence from public behavior (however broadly interpreted) to the archive and Nixon's hand. By that measure Kotlowski's critique of Volkan et al with respect to Nixon and Lincoln can itself be countered—assuming that relevant archives exist, as Grover insisted, in excess of those produced during presidential tenure.

Grover's proposition suggests that there is such an archive. With respect to Kotlowski's critique, there is a copy of *Lincoln: Speeches, Letters, Miscellaneous Writings, The Lincoln-Douglas Debates* on Nixon's desk and visibly on display at the Nixon Library. Nixon 'dog-eared' several pages of the "Fourth Debate", and marked in black ink the following from Lincoln's Rejoinder: "I would like to know how it comes about, that when each piece of a story is true, the whole story turns out to be false?"<sup>24</sup> A number of passages in the debate, primarily concerned with slavery, are underlined or otherwise marked by Nixon. Perhaps, they indicate an "affinity" for Lincoln—at least after 1989 (the publication date of Nixon's copy). On the other hand, during Nixon's senior year at Whittier College in southern California, he wrote a series of

---

<sup>24</sup> RN: "The Lincoln-Douglas Debates," in *Lincoln: Speeches, Letters, Miscellaneous Writings*, (New York: The Library of America, 1989), 681, Courtesy of the Richard Nixon Library.

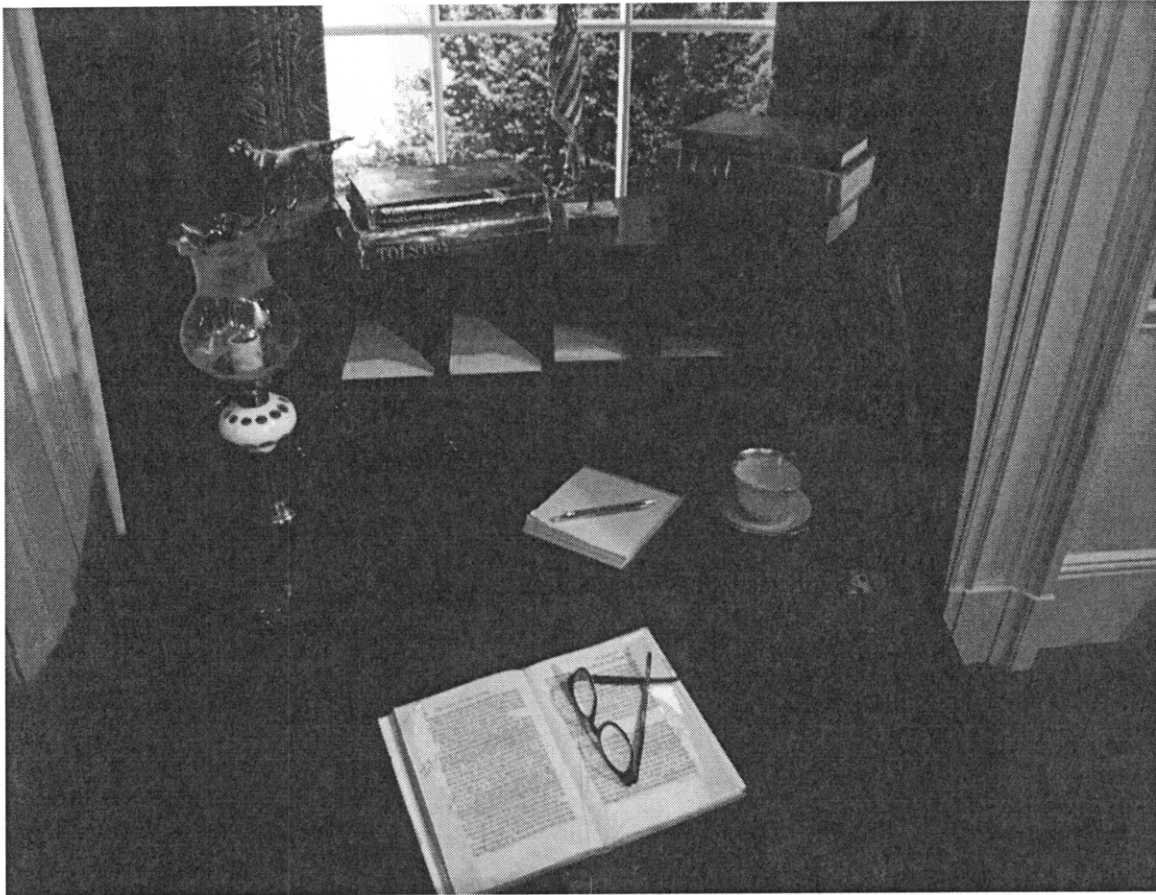
essays under the title “What Can I Believe?” for his course on the “Philosophy of Christian Reconstruction” in which he mentions how the biography of Woodrow Wilson “thrilled me as much as the story of Abraham Lincoln.”<sup>25</sup> However, whatever the scale of identification with Lincoln posited by Volkan, et al’s psychological analysis and discounted by Kotlowski, the Nixon materials at the library support at the very least the fact that the 16<sup>th</sup> President’s “story” was “thrilling” to a young Nixon.

Also present in the “Eagle’s Nest” display are numerous texts by or about, Winston Churchill, F.D.R., and Eisenhower. Then again, Nixon prided himself on his skill when presenting an argument, and the Lincoln-Douglas contest, besides demonstrating the vicious rhetoric of the time (notable given the contemporary tendency to see ‘mudslinging’ and ‘personal attacks’ as recent phenomena), is a record of one of the most famous and skillful debates in United States history.<sup>26</sup> The above statement could also be read ironically against Nixon’s history of obfuscation, particularly regarding Watergate.

---

<sup>25</sup> Richard M. Nixon: Whittier College, 1933-44, “What Can I Believe?” p. 30, folders 11 & 12, Box 12, Nixon Family Collection, Richard Nixon Library.

<sup>26</sup> For another example, Nixon underlined a speech from Thucydides, quoted in Durant, *The Story of Philosophy* (1961), 17: “Your empire,” said Pericles, in the oration which Thucydides invents for him, “is based on your own strength, rather than the goodwill of your subjects.” He also underlined the coercion of Melos against Sparta by the Athenians: “You know as well as I do that right, as the world goes, is only in question for equals in power; the strong do what they can, and the weak suffer what they must.”



9.4 Writing desk in the Lincoln Sitting Room. This view only possible because Director Timothy Naftali brought me into the space to show me the book on the table after hearing about my earlier research on the contents of Eagle's Nest. Richard Nixon Library, Yorba Linda, California (Photo by Author © 2008).

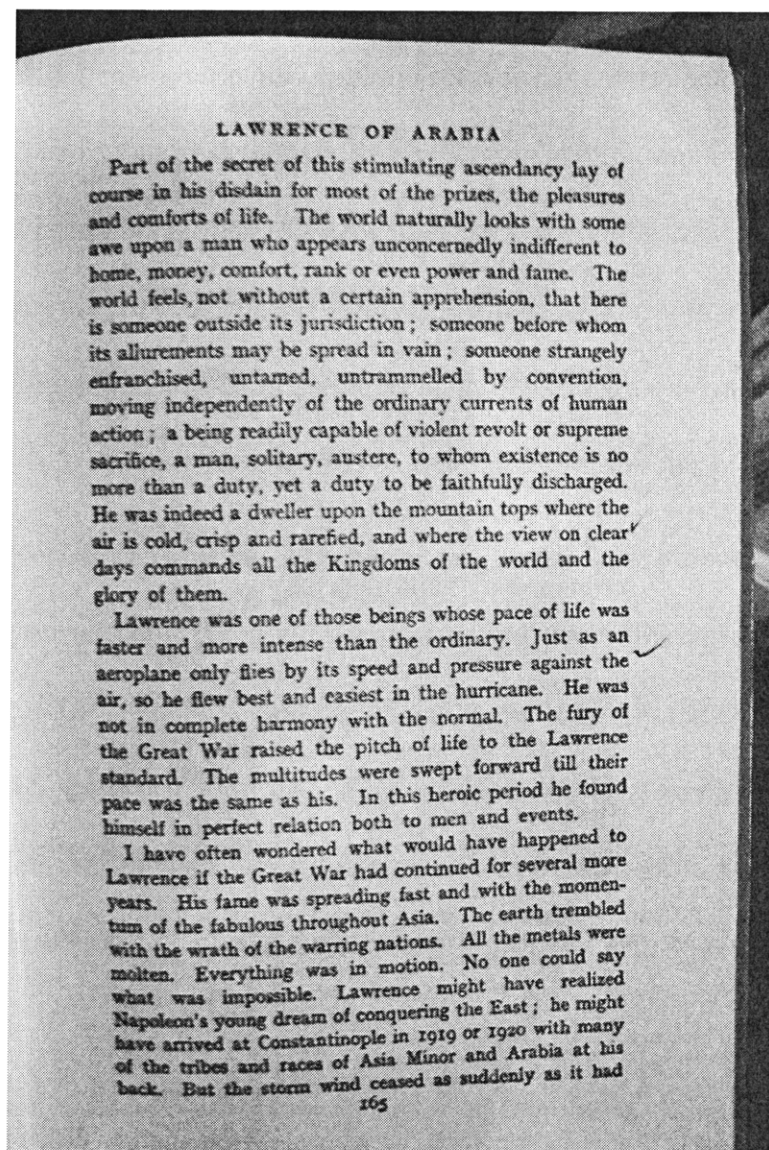
In the Lincoln Room at the Nixon Library (Fig. 8.10) there is an open book on the writing desk that is out of reach and sight from the casual visitor (Fig. 9.4). Within Nixon marked passages on heroic historical figures such as this one about Lawrence of Arabia (Fig. 9.5): "Just as an aeroplane only flies by its speed and pressure against the air, so he flew best and easiest in a hurricane."<sup>27</sup> Lines like these perhaps resonated with the former president, who often staged his life—in his writings and in his museum—as series of triumphs in the face of adversity. Nixon believed that it was the

---

<sup>27</sup> RN: The quote is adjacent to Nixon's check mark in a chapter on Lawrence of Arabia, p. 165 on the writing desk in the Lincoln Sitting Room Replica at the Richard Nixon Library.



bold actions of individuals that moved history. Nixon's books can be deployed to supplement an analysis of Nixon's deep-seeded 'desire' to emulate or be part of the fraternity of Great Men. There are several biographies on Churchill and Eisenhower in his library. Nixon underlined and marked countless passages on historical figures like Genghis Kahn and Charlemagne in H.G. Wells, *The Outline of History: The Whole Story of Man* (1949).



9.5 Open page with a check mark next to a passage on Lawrence of Arabia, Lincoln sitting Room, Richard Nixon Library, Yorba Linda, California (Photo by Author © 2008).

Nixon's hand provides a seemingly endless record of the ability of Great Men to make history. And, as the passage on Lawrence of Arabia might indicate, Nixon had an apparent affinity or at least interest in descriptions of personalities defined by overcoming crisis. However, Nixon does not appear to be indiscriminate in his markings. He seems to have paid particular attention to 'enlightened' attitudes towards knowledge and education on the part of heroic rulers. In a passage on Charlemagne from Wells (1949), Nixon underlined, "he had a real respect for learning and a real desire for knowledge [despite not knowing how to write himself], and he did his utmost to attract men of learning."<sup>28</sup> On Gibbon's assessment of sovereignty, also in Wells, Nixon marked the following passage with a pencil: "A monarchy learns by ruling, and an oligarchy of any type has the education of affairs; but the common man, the peasant or toiler, has no experience in large matters, and can exist politically only through the services, devotion and guidance of educated men."<sup>29</sup>

Reading Nixon's reading can also point to his awareness of the limitations of hubris and of the missed opportunities by Great Men. Nixon apparently goes along with Well's indictment of Napoleon, marking passages such as: "Failing [noble imagination], Napoleon could do no more than strut upon the crest of this great mountain of opportunity like a cockerel on a dunghill." He underlined Victor Hugo's indictment, "God was bored by him."<sup>30</sup> He marked in blue ink Well's quote from

---

<sup>28</sup> RN: H.G. Wells, *The Outline of History: Being a Plain History of Life and Mankind*. Revised and brought up to the end of the Second World War by Raymond Postgate, Vol. II. (Garden City, NY: Garden City Books, 1949), 653, Courtesy of the Richard Nixon Library.

<sup>29</sup> RN: H.G. Wells (1949), 860, Courtesy of the Richard Nixon Library.

<sup>30</sup> RN: H.G. Wells, (1949), 935, Courtesy of the Richard Nixon Library.

Napoleon dismissing “any plan for the instruction of females...because they are never called upon to act in public.”<sup>31</sup>

There are also many passages, just in the few books on display at the library that might be used to reinforce the notion that Nixon had an affinity for those abused by history. For example, he underlined the following sentence in Wells (1949) about two tenth-century Roman noblewomen: “These two women were as bold, unscrupulous, and dissolute as any male prince of the time could have been, and they are abused by historians as though they were ten times worse.”<sup>32</sup> Beyond a ‘persecution complex’ posited by his biographers, and supplemented by interviews with those close to him during his years in office, Nixon himself cultivated an adversarial attitude versus the history-making establishment—be it media journalists or academics.<sup>33</sup>

He felt, as do his supporters and many who partake of the Nixon legacy, that he too was “abused” by history. Nixon had a well-known distrust, hatred or even envy, towards the “privileged” intelligensia of the Ivy League.<sup>34</sup> Nixon was accepted to Harvard, but due to his family’s meager finances, and perhaps their particular strain of conservative Quakerism, he went instead to Whittier as an undergraduate and to Duke for law school. Of course, Nixon was educated, and did very well in college, therefore perhaps his sense of persecution can also be traced to his upbringing—a connection he

---

<sup>31</sup> RN: H.G. Wells (1949), 937, Courtesy of the Richard Nixon Library.

<sup>32</sup> RN: H.G. Wells (1949), 658, Courtesy of the Richard Nixon Library.

<sup>33</sup> Greenberg (2003), 232-69.

<sup>34</sup> Greenberg (2003), 312-13.

makes, albeit not in these terms, again and again in his own writings. Again, however, the biographical information is conflated with the psychological, and hence medical (especially the idea of developmental psychology), diagnostic terms, such as envy and abuse, so often applied to Nixon.

Nixon's relationship with academia is not confined to a diagnosis of his personality alone. It has also been attributed to a much broader anti-intellectual strain in twentieth century American thought—particularly among the so-called 'silent majority' that Nixon actively cultivated as a rising politician. Then again, perhaps this could be interpreted as a cynical disillusionment with the "noble" purpose of scholarship combined with a distaste for inherited privilege.<sup>35</sup> If one wished to support this more sympathetic diagnosis one could return to Nixon's notes, quoted above, from a French Literature class he took in college.<sup>36</sup>

Such passages are seductive. Further they appear to be seamless with regards to reinforcing the voluminous, and 'psychologized' biography of Nixon. The books on display at Nixon's library and the hand which marked them all apparently supplement an ever-increasing historic-psychological diagnosis of the narcissism, paranoia, hero-worship, delusions of grandeur, and even the acknowledged erratic genius of Richard Nixon. Yet, the same hand on the same books can be read against this use of such markings as evidence in pursuit of diagnosis qua biography. Yes, Nixon marked passages on heroic historical leaders from Napoleon to Justinian, Asoka, Marco Polo

---

<sup>35</sup> See the lengthy passage quoted above from Nixon's French Literature class notes.

<sup>36</sup> Richard M. Nixon: Whittier College [Class Notes-French Lit], folder 1, Box 12, Nixon Family Collection, Richard Nixon Library.

and even the Russian Tsars. And, like those on Napoleon, his readings can be used to reinforce the view that Great Men make history—either as models for emulation or as cautionary tales to those who would exercise power in the world. One might even assess Nixon’s world-view from Wells’ own simple model and borrowed from a long history of historians, in particular Gibbon whom he quotes at length (and which Nixon marked). On the one hand there is the notion that “cold, poverty, and a life of danger and fatigue fortify the strength and courage of Barbarians.”<sup>37</sup> On the other hand there is the positivist idea (quoting Gibbon again) that, against the Barbarians, and through Providence and the will of Great Men, “every age of the world has increased, and still increases, the real wealth, the happiness, the knowledge, and perhaps the virtue, of the human race.”<sup>38</sup>

In spite of what developed into an apparent distrust of historians (justified or otherwise), Nixon could make a legitimate claim to knowing a bit about history given the nature of his education.<sup>39</sup> Indeed the Nixon library has his class notes from high school and college, most of which are from history classes, courses in which he excelled. On 3 January 1934, Nixon presented a summary of the Bessie Pierre essay “Public Opinion and the Teaching of History in the United States,” to his History 201

---

<sup>37</sup> RN: H.G. Wells (1949), 858, Courtesy of the Richard Nixon Library.

<sup>38</sup> RN: H.G. Wells (1949), 859, Courtesy of the Richard Nixon Library.

<sup>39</sup> Indulging in the psychobiographical, Nixon appears to have had an affinity for hard-nosed figures who had been ‘wronged’ by historians. For example, in his copy of H.G. Wells (1949), 658, Nixon dog-eared the page which describing the lives of two tenth century Roman noble woman, and underlined the following: “These two women were as bold, unscrupulous, and dissolute as any male prince of the time could have been, and they are abused by historians as though they were ten times worse.” Courtesy of the Richard Nixon Library.

class at Whittier College.<sup>40</sup> He insisted that the essay was an “historical account of some of the attempts to control the teaching of history.” According to the final lines of his meticulous presentation outline, public opinions with regards to censorship were best encapsulated by a December, 1923 statement by the American Historical Association: “That criticism of history textbooks be based not upon grounds of patriotism but only upon grounds of faithfulness to fact as determined by specialists or tested by consideration of the evidence.”<sup>41</sup> Then again, deploying Nixon’s books, it also appears that when he was older, Nixon reversed the logic of the above statement, figuring the very existence of evidence as proof in a larger faithful cause—a timeless purpose that underwrites the presidential libraries as sacred instruments for realizing a certain future (see chapter 2):

[I]t seems evident from the historical record, in the context of a true culture in which the core is a deep and wide sense of the sacred are we likely to regain the vital conditions of progress itself and of faith in progress—past, present, and future.<sup>42</sup> The final line from Nixon’s copy of Robert Nesbit’s conservative *History of the Ideas of Progress*.

### **Conclusion: Beyond Biography**

The selective display of Nixon’s books in the Nixon Library creates a certain representation of the post-presidency. This image presents the former president as an elder statesman-turned-vindicating prophet in the guise of a philosopher. Such a man

---

<sup>40</sup> Bessie L. Pierre was an Associate Professor of History at University of Iowa.

<sup>41</sup> Notes I (1 of 2), Box 12, Nixon Family Collection. Richard Nixon Library and Birthplace, Yorba Linda, CA.

<sup>42</sup> RN: Robert Nesbit, *History of the Ideas of Progress* (New York: Basic Books, Inc., 1980), 357, Courtesy of the Richard Nixon Library.

forecasts the future while rewriting the past, often against the historical record. Ultimately, the mechanisms by which these artifacts were ignored, hidden or even manipulated through their display reveals a politics of historical imagination that implicates a failure of biography and the truth-value of archival history and even as the artifact points towards its public redemption.

“I love him who willeth the creation of something beyond himself and then perish,” said Zarathustra.<sup>43</sup> From Nietzsche, underlined in Will Durant’s *The Story of Philosophy* by Richard Nixon.

The potential of Grover’s hopeful artifacts becomes seductive when the objects are books, the contents of which are always open to interpretation. Further, the marginalia and other markings left by Nixon can only supplement pre-existing notions of character without knowing why and under what circumstances each mark was made. In any event, the absence of taxonomic exactitude is itself a signpost indicating the conflict inherent in trying to interpret the objects of Nixon’s books—as historical materials in their own right, valuable objects by virtue of their former ownership, as supplements to biography, and as artifacts in a museum display already embedded in a narrative designed to craft a certain image of the former president (see chapters 7 and 8):

The notion of conflict as a motor cause of change and development is of course a very old one in Western thought ... Whether the conflict is among members of a species, as with Darwin, between classes, as with Marx, or

---

<sup>43</sup> Friedrich Nietzsche, *Thus Spoke Zarathustra*, 86, as quoted in RN: Will Durant, *The Story of Philosophy* (New York: Simon and Schuster, 1961), 334.

among manifestations of the Spirit, as with Hegel, is of less concern than the emphasis upon conflict as an indispensable process.<sup>44</sup>

Just as the marked passages cited above are only a select few from the books on the desk, those few books are only a very small sampling from Nixon's vast personal library now available for research at the Nixon Presidential Library. The exhibit is indicative of the tensions within the museum and the archive. However, Nixon's materials, and the mechanisms by which they are available for viewing and for redeployment as history are vital elements of study. This is particularly true since the execution of the archival mandate, to render historical truth through public access, can be pushed to its limits by exposing to view the traces of Nixon's reading which to date remain unseen by the public.

This chapter tested Grover's proposition of understanding against the display and research potential books in Nixon's library on display at the Nixon Library. What, if anything, do "the books that he read" and "the gifts that he received" contribute to our understanding of Richard Nixon? Can one even come to an understanding of Richard Nixon? And, does such an understanding serve a purpose that informs the vast and complex biography of the 37<sup>th</sup> President, or does it merely speak to a faith in the presidential library as an instrument of truth and judgment? In the end, the use of Nixon's books for the purposes of rewriting of the 'Nixonography' is inherently a conflict between Vico's two forms of knowledge. The unread archive, once brought

---

<sup>44</sup> RN: Robert Nesbit, *History of the Ideas of Progress* (New York: Basic Books, Inc., 1980), 72, Courtesy of the Richard Nixon Library.



into play, always makes the objectivity expected of the historical record and interpretive observations of biography ultimately irreconcilable.

It was not my intent to supplement the vast biographical narratives (heroic or otherwise) dedicated to the lives of Presidents. And, although I find it rather odd that many historians and journalists have written extensively on the life of the controversial Richard Nixon without trying to see the contents of his library, this chapter is not intended to redress this discrepancy. Instead this chapter (perhaps mundanely) records what it might mean as a curious historian to sit in his library and read his books. In short, what kind of history might Nixon's library within a library make possible? How, by displaying aspects of this particular library's moment at Nixon's death, can it be defined from within? Further, if the narrative of the museum is itself a form of biography—of both an institution and a man—can a limit to the biographical model be found in the presence of previously unseen and unread material?

“If you wish to converse with me,” said Voltaire, “define your terms.” How many a debate would have been deflated into a paragraph if the disputants had dared to define their terms!<sup>45</sup>

The display of Nixon's study in the Nixon Library is both a part of Nixon's library and signal for Nixon's library. The object of the book takes on historical meaning in the act of acquisition (by Nixon in the first place, and the Nixon Library in the second), in the resulting location of the book within the space of production in a

---

<sup>45</sup> RN: in Durant (1961), 48, Courtesy of the Richard Nixon Library.

collection, a library, and in its display as part of a museum narrative. Further, each book, often written in as it was read, is a library unto itself. It indicates a series of historical events, not those narrated within its pages but rather those associated with the acquisition or reading of the object of the book itself by its famous owner.

## Chapter 10

### The Measure of Democracy:

#### Saving Nixon's Records, An Archival History in Three Documents



*10.1 Richard Nixon addressing the White House staff August 9, 1974, for the final time as President. Gerald Ford Museum, Grand Rapids, Michigan (Photo by Author © 2006).*

#### Archive as limit, record as narrative

On 8 August 1974, President Richard M. Nixon announced that he would resign the Presidency “effective at noon tomorrow.” The following morning, Nixon assembled the White House staff and thanked them for their service (Fig. 10.1). He talked about

his parents and read passages from Theodore Roosevelt's published diary, *In the Arena*.<sup>1</sup> Then, television viewers watched him walk across the White House lawn for the last time as President, leaving his records and materials behind with the expectation that they were his personal property. Bill Gully, a White House military aide, began shipping materials to San Clemente, California where Nixon lived and planned to build his presidential library (see Chapter 7).<sup>2</sup> Yet, the circumstances surrounding his resignation, and the efforts of a few individuals on the new President Ford's staff set in motion a series of events that prevented Nixon or his library from receiving his materials during his lifetime. Indeed, in 1991 when the Richard Nixon Library and Birthplace, a private library outside the presidential library system, opened in Yorba Linda (not San Clemente), Nixon's presidential materials would still be in Maryland. They would not begin to arrive in Yorba Linda until 2007.

Watergate created a crisis of access with regards to the value of and control over the records of the presidency that brought the archive and the public together, however unstably, through political practice and the force of law. During August of 1974, at precisely the moment Nixon resigned, a seemingly irreversible shift began in records stewardship, from a tradition of volunteerism (donating materials) to an embattled legal codification of public ownership. The Ford White House was immediately embroiled in a hotly contested debate over the disposition of presidential

---

<sup>1</sup> Elizabeth Drew, *Richard Nixon* (New York: Henry Holt & Co., 2007), 131-32. Nixon would borrow the title wholesale with Richard Nixon, *In the Arena: A Memoir of Victor, Defeat, and Renewal* (New York: Simon & Schuster, 1990) in the Spring of 1990, just prior to the opening of the Richard Nixon Library and Birthplace in Yorba Linda (see Chapter 8).

<sup>2</sup> Drew (2007), 136-37. Drew notes that Gully advised other members of Nixon's staff to send papers to California before Ford's staff could realize what was going on.

records and the value of history for the nation. Four years later, Congress passed the Presidential Records Act (1978), giving the United States “complete ownership, possession, and control of Presidential records” and thus transferring legal title to the documents from individual private hands to the public. The battle over the Nixon materials ultimately brought the force of law to bear for the first time on the question of why presidential documents are important, who should own the presidential archive, and, ultimately, who should be allowed access. As recent President of the Society of American Archivists, Randall C. Jimerson, wrote, “Archives not only hold public leaders accountable, they also enable all citizens to know the past.”<sup>3</sup>

Yet, in 1974 the shift from private control to public stewardship was not so clearly defined, nor was it so obvious a precedent.<sup>4</sup> This chapter describes the moment immediately following the resignation of Richard Nixon when both the historical sanction, described in Chapter 3, and the issues of posterity and proprietary rights with respect to presidential materials came, very publicly, into conflict. Chapter 5 suggested that democratization might be measured by the access to and the participation in the archive, described as the “promise of the archive.”

---

<sup>3</sup> Randall C. Jimerson, “Embracing the Power of Archives,” *American Archivist* vol. 69 (Spring/Summer): 19-32.

<sup>4</sup> Clement E. Vose, “Nixon’s Archival Legacy,” *Political Science* vol. 10, no. 4 (Autumn, 1977): 432, is quick to point out that while the battle over Nixon’s presidential materials had an impact on public policy and understanding about “archival philosophy, practice, and policy,” the “events are ripples, not a tidal wave.” They have “given poignancy” to a already present series of historical events which have made archives and their problems a larger part of the professional and public realm; such as the formation of the Society of American Archivists (1938), Federal Records Act (1950), Presidential Libraries Act (1955), the presidential libraries managed by the National Archives, Freedom of Information Act (1967), Privacy Act (1974). Clement E. Vose, Wesleyan University, became the American Political Science Association’s representative on the National Archives Advisory Committee in 1971.

This chapter explores the promise of an archival exhumation of the most notorious event in presidential records history—the battle for control over President Richard Nixon’s materials at the end of 1974. It describes how the crisis surrounding Richard Nixon’s resignation altered not only the legal status of the presidential archive, but the declaration of public stakes that authorized its preservation. This crisis is unpacked in a chronological narrative constructed directly from the Ford presidential materials.

After coming to office on the heels of Watergate, Gerald Ford only served in the White House for half a term. Yet, there are over 23 million pages of memos, letters, and other documents at the Gerald R. Ford Presidential Library in Ann Arbor, Michigan. The White House memos, court records, committee reports, and other records from the Gerald R. Ford Library (Fig. 5.1) are used in this chapter to illustrate in minute detail how disputes over public obligation, the right of access to records of government, and the legally enforceable power of tradition were constantly rehearsed and contested by Ford’s administration, Congress, and in court.

The presidential archive at the Ford Library reveals that the Ford Administration took its obligations with respect to Nixon’s materials very seriously. And, while the Pardon of Richard Nixon was inextricable from questions over how to execute this obligation, contrary to cries of conspiracy, Ford’s closest legal advisors provided the means by which control over presidential materials entered the public realm in the form of legal debate, court challenge, and ultimately the force of statutory

law.<sup>5</sup> Memos and court depositions archived at the Ford Library describe in detail how a few individuals in the Ford Administration began a highly controversial process that led to not only the Pardon of Richard Nixon but also an arrangement to modify the customary practices of a departing president with respect to retaining control over his materials. The contents of the archival boxes at the Ford Library assume both a methodological prominence and a representational burden. Indeed, where the following summary of events from Nixon's resignation to his pardon may be rather detailed and lengthy, for what purpose does the archive exist if not to be examined and redeployed in detail? While there is no certain answer to such a question, this chapter is in some sense an experiment devoted to exactly such a proposition.<sup>6</sup> This presidential archive describes the moment in 1974 when limits to records access and definitions of archival stewardship were challenged and transformed after Nixon.<sup>7</sup>

In the first part of the chapter, the Ford archive is used to unveil the history behind three rather short documents, all of which shaped the future of presidential

---

<sup>5</sup> Bob Woodward, *Shadow: Five Presidents and the Legacy of Watergate* (New York: Simon & Schuster, 1999), 1-38, suggests that Ford considered a Pardon for Nixon throughout August 1974. Woodward is concerned primarily with establishing a narrative that explains why and how Ford pardoned Nixon, and whether or not there was a deal. Woodward's narrative (was presumably constructed in part, given the Acknowledgements, from research at the Ford Library; although there are no notes to confirm his source material for each element as is typical in journalistic account) appears to suggest that although Ford considered the ramifications of the Pardon from his earliest moments in the White House, there was not really a 'deal' as such. Indeed, Woodward claims that "as the years have passed", he is "more and more convinced" that Ford made the right decision. He also briefly makes the connection between the Pardon and the disposition of Nixon's materials.

<sup>6</sup> Further, this chapter is illustrated with images taken from the presidential museum—the most public face of the archive.

<sup>7</sup> Obviously, the archive remains ultimately inscrutable without the interpretive gaze of the researcher. However, given the physical presence of vast quantities of paper material, this chapter begins by assigning—even if temporarily—value to the minutiae of each memo. Indeed, the archive is justified precisely because of its potential as a source of detailed information with which the President may be publicly judged.

materials: the Saxbe Opinion, the Nixon – Sampson Agreement, and the Pardon of Richard M. Nixon. These documents were published simultaneously on September 7, 1974 and spawned a series of important legal decisions. They ultimately led to the passage of the Presidential Recordings and Materials Preservation Act (1974) and the Presidential Records Act (1978) described in chapter 3. Further, they defined how the fate of presidential materials is inextricable from not only the nature of democratic obligation but also the very essence of Constitutional government.

The second half of the chapter the initial court battle that erupted in the aftermath of September 7 to uncover the paradoxical relationship between precedent and provenance that underscores records and property jurisprudence and its method of ascribing to events and materials both historical value and public good. It describes how Congress and public interest groups—such as the American Historical Association, American Political Science Association, and various journalists—became involved in the dispute over the control of Nixon’s records in order to force the courts to redefine the legal status of presidential materials.

In the end, the actions of Ford’s legal team from Nixon’s resignation to his Pardon, the judicial and Congressional response to the Nixon-Sampson Agreement, and the subsequent rulings of the courts, redefined the terms by which the public is vested in the fate of presidential records. While President Ford, Congress and the Court ultimately failed to define Nixon’s records and all presidential materials as de facto public property, they forced the issue into the public realm, injected the idea of legal preservation with a Constitutionally-sanctioned obligation into the debate, and laid the groundwork for subsequent legislation (and challenges) that would establish



presidential materials as public property when Congress finally passed the Presidential Records Act in 1978 (see chapter 3).

### **Summary of Events from Nixon's Resignation to His Pardon**

President Nixon left the White House on 9 August 1974. He walked across the lawn and boarded Army One for the last time, raising his hands in the now-famous double victory salute.<sup>8</sup> At noon, on the flight to California, Air Force One became Sam 2600—denoting its status as non-presidential transport—and Richard Nixon relinquished the power, duties, and title of President of the United States. He entered his post-presidency and was now officially a private citizen and an ex-President. According to Benton L. Becker, private counsel to the new President, Gerald R. Ford, “What became significant about President Nixon’s August 9 departure from the White House was not when or how or why he left, but what he failed to take with him.”<sup>9</sup> For, when the helicopter took Nixon to the airport, all of his papers remained in Washington, D.C. (Fig. 7.12).

Prior to his resignation, President Nixon directed his staff to begin placing over 40 million pieces of paper and almost one thousand tape recordings in boxes, most of which were piled in the Old Executive Office Building with the intent that, once packed, they be sent to his home in San Clemente.<sup>10</sup> However, the packing process would take

---

<sup>8</sup> At the time, shuttling the President by helicopter was shared between the Marine Corps and the Army. Now, only the Marine Corps is responsible for the helicopter, hence the more commonly known moniker: Marine-One.

<sup>9</sup> Benton Becker, “The History of the Nixon Pardon,” Cordell Hull Speakers Forum, *Cumberland Law Review* vol. 30, no. 1 (1999-2000): 33 (hereafter: Benton Pardon History (2000)).

<sup>10</sup> In 1978, Benton L. Becker, now a Law Professor at the University of Miami, sent a brief “Annotated History of the Nixon-Sampson Agreement” to Trever Ambruster. Becker stated that Nixon left behind

some time to complete, and, when he landed in California Nixon was no longer President.<sup>11</sup> His papers—indeed all of his materials from checkbooks to gifts to suits—remained in the Old Executive Office Building and the White House.<sup>12</sup> Becker recalled that from California, “citizen Nixon picked up the telephone and called his former Chief of Staff, Alexander Haig [telling him] to immediately send all of the boxes containing ‘his’ records, papers, and tapes to San Clemente.”<sup>13</sup> Despite consistent attempts, Nixon never received the majority of those records.

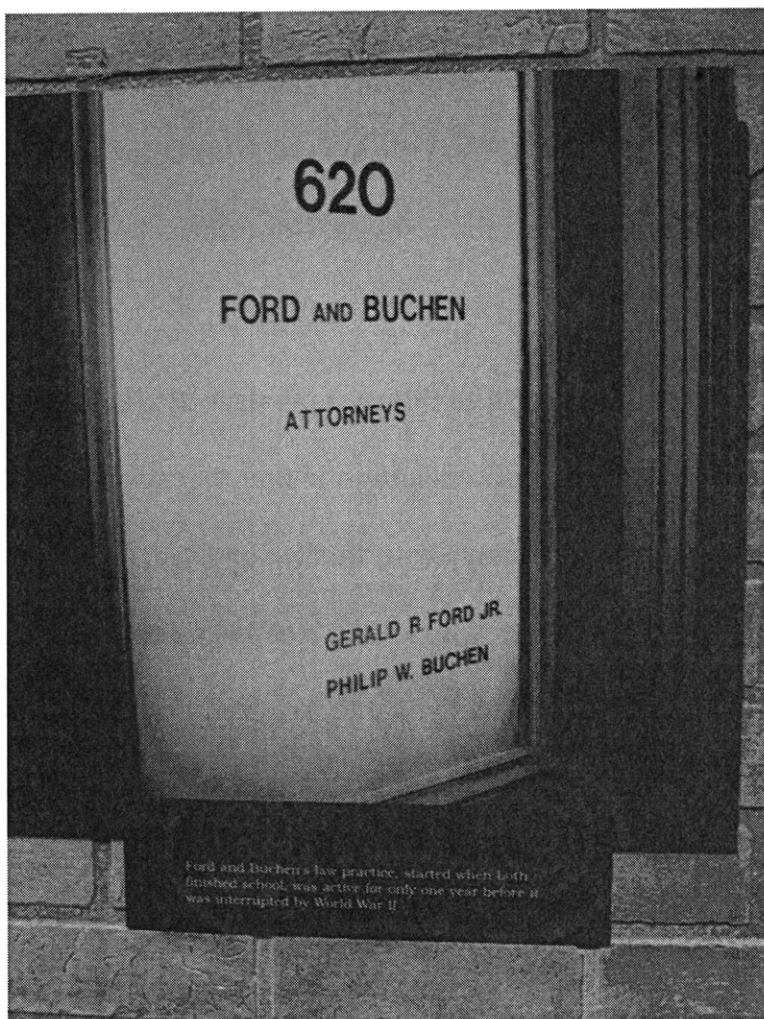
---

forty-two million pages of documents and eight hundred and eighty tape recorded conversations. Memo, Benton L. Becker to Trever Ambruser, 3 May 1978, folder “Nixon-Sampson Agreement, History,” Box 2, Benton L. Becker Papers, Gerald R. Ford Library. In another memo from Becker’s memoirs, however, he estimated that there remained in the White House, “[a]pproximately 46 million pieces of paper and 950 reels of tape which traditionally were the property of the former President.” Memo, Benton L. Becker, 9/9/1974-9/27/1974 [dates are on top of each page, presumably these are the dates the document was written], “History and Background of the Nixon Pardon,” attached to Memo, David Horrocks (Gerald Ford Library), re: Identification of ‘The Bird’ [in Becker memoir papers], 6/9/1992, folder “Nixon Pardon – Becker’s Memorandum,” Box 2, Benton L. Becker Papers, Gerald R. Ford Library (hereafter: Becker Pardon Background (1974)).

<sup>11</sup> Deposition of Benton Becker, 11/13/1974, re: Nixon v. Sampson, folder “C.A. 74-1518, 1533, 1551,” Box 6, National Study Commission on Records and Documents of Public Officials, Gerald R. Ford Library (hereafter: Becker Deposition (1974)), describes the packing process in some detail, and notes that by September 10 and even at the time of the deposition, in November, Becker still believed that the packing was unfinished.

<sup>12</sup> For a longer description of these materials, see Becker Deposition: 62. Evidently the frenzied efforts to secure the Nixon materials in the weeks after his resignation were so concerned with the possibility that something important would go missing that Nixon and his wife were unable to get even their clothing or personal items. When Becker went to meet Nixon in California in order to secure his signature on the Nixon-Sampson letter (more on this later on in the chapter), the former President tried to give him a memento of some kind, but, “raising both hands toward his shoulders, said, ‘But I don’t think I have anything any more. They took it all away from me. Everything is gone. I tried to get you a Presidential tie pin and cuff links with my name on it, but I don’t even have them any more.’” Becker Pardon Background (1974), *op cit.* At one point in late August, a story leaked, claiming that a truckload of materials had been loaded for shipment to California. In Becker’s deposition, he described the contents of that truck as mostly “clothes and some personal items.” However, somehow through a “failure of communication” a box of records had made its way onto the truck. According to Becker, after Casselman informed him of the situation, Becker stopped the truck, and, acting on Buchen’s behalf, removed the records. Becker Deposition (1974).

<sup>13</sup> Becker Pardon History (2000): 34-35. According to Becker these phone calls from Nixon “increased daily.”



10.2 Sign on the door to Gerald Ford and Philip Buchen's brief law practice, Gerald Ford Presidential Museum, Grand Rapids (Photo by Author © 2006).

Between 9 August and 13 August 1974, two memos circulated among the White House Staff. The first authored by Jerry Jones, Special Assistant to the President, the second, by J. Fred Buzhardt, White House Counsel's Office (both appointed by Nixon and inherited by Ford).<sup>14</sup> The memos instructed the staff to prepare and pack the materials of the Nixon Administration for eventual shipment to California in

---

<sup>14</sup> J. Fred Buzhardt was appointed by President Nixon to be his special counsel on Watergate, in May 1973. He remained in the White House Counsels Office through the first week of the Ford Administration until he was replaced by Philip W. Buchen on August 15, 1974.

accordance with tradition and on the assumption of legal precedence.<sup>15</sup> On 15 August Philip W. Buchen (on his first day in the White House Counsel's Office, Fig. 10.2),<sup>16</sup> and Buzhardt met with representatives from the Special Prosecutor's Office investigating Watergate to discuss "future needs for access to—or future needs to see certain materials in connection with ... ongoing investigations...."<sup>17</sup>

Up until now, most of the White House staff—largely Nixon-era holdovers—were packing the materials under the assumption that they would end up in California. However, by mid-August, Becker, along with Buchen and William J. Casselman (a long-time associate of Ford, carried over from Ford's Vice-Presidential staff, now part of the White House Counsel's Office),<sup>18</sup> "independently realized that the White House could not simply turn over these materials to Nixon ... with the chance that they might be destroyed," given that the White House had "certain obligations" with respect to ongoing litigation and the requirements of the Watergate Special Prosecution Force.<sup>19</sup>

---

<sup>15</sup> See, Memorandum for White House Staff, Jerry H. Jones, Special Assistant to the President, 9 August 1974, folder "Nixon Papers – Government Officials Memoranda (1)," Box 31, Philip W. Buchen Files (White House General Counsels Office), Gerald R. Ford Library.

<sup>16</sup> Buchen and Ford were longtime associates. After law school, Ford and Buchen started a brief practice together. However, Ford ended their partnership when he joined the Navy during World War II. Immediately prior to joining the Ford White House, from 15 March to 15 August 1974, Buchen was the executive director, "on a consulting basis" of the Cabinet-level Domestic Council Committee on the Right of Privacy—chaired by then-Vice President Ford. The council worked with Congress to draft and ultimately pass what became the Privacy Act (1974).

<sup>17</sup> Deposition of Philip W. Buchen, 11 November 1974, re: Nixon v. Sampson, etc., folder "Nixon v. Sampson (1)," Box 2, Benton L. Becker Papers, Gerald R. Ford Library (hereafter: Buchen Deposition).

<sup>18</sup> William Casselman had ties to Ford that predated his tenure in the White House Counsel's Office. After serving as the General Counsel for the General Services Administration prior to joining the staff of then-Vice President Ford. As Counsel for the GSA, Casselman inherited the erupting scandal involving the Nixon Papers Deed of Gift (1969 and 1970) made under the watch of his predecessor Mankin.

<sup>19</sup> Memo, Kenneth S. Geller, Special Prosecutor, to Files, re: Nixon v. Sampson; interview with Benton Becker, 1 November 1974, folder "C.A 74-1518, 1533, 1551 Becker Deposition," Box 6, National Study Commission on Records and Documents of Public Officials, Gerald R. Ford Library.

This is perhaps the earliest mention in the record of the idea of *obligation*—central to this chapter and to this dissertation—with respect to presidential materials. What is the nature of the obligation? To whom is it owed? And, how might it be enforced? These are questions that were forced into the public realm by Nixon’s resignation.

The following week, on August 22, Ford requested an opinion from Attorney General William B. Saxbe (Nixon’s fourth appointee to that office) in the wake of ongoing Watergate investigations regarding the custodial obligation with respect to presidential materials in general and the legal ownership of the Nixon materials still in the possession of the White House.<sup>20</sup> Saxbe submitted his opinion to the President on September 6. He also asked the President for permission to make the brief public.<sup>21</sup> The Attorney General concluded that while the materials were private property and belonged to Richard Nixon, the President did have custodial duties with respect to ongoing litigation.<sup>22</sup> Simultaneously, in California, Richard Nixon signed an agreement,

---

<sup>20</sup> Buchen Deposition. Letter, Gerald R. Ford to William B. Saxbe (Attorney General), 22 August 1974, folder “Nixon - Papers: Saxbe Opinion re: Ownership,” Box 32, Philip W. Buchen Files (White House General Counsel’s Office), Gerald R. Ford Library.

<sup>21</sup> Letter, William B. Saxbe to Gerald R. Ford, 6 September 1974, folder “Nixon - Papers: Saxbe Opinion re: Ownership,” Box 32, Philip W. Buchen Files (White House General Counsel’s Office), Gerald R. Ford Library (hereafter: Saxbe Opinion). According to Becker Pardon History (2000), 34-35, Antonin Scalia, later a Supreme Court Justice, assisted in the preparation of the Saxbe Opinion. Scalia left the Law faculty at the University of Chicago in 1971 to become Counsel for the Office of Telecommunications Policy under Nixon. In 1974 Ford appointed Scalia to the Justice Department’s Office of Legal Counsel. Edward Lazarus, *Closed Chambers: the Rise and Fall of the Modern Supreme Court* (1998; New York: Penguin Books, 2005), 192, a former clerk for Justice Blackmun, described Scalia as exceedingly brilliant and academically inclined yet “brash, didactic, [and] outspoken in his desire to reshape and limit the role of federal courts.” This description seems to uphold Becker’s claim that Scalia, at least in part, authored the Saxbe Opinion.

<sup>22</sup> Saxbe is reiterating the opinion expressed two decades earlier by Wayne C. Grover, Archivist of the United States (1948-1965), who stated that “though the papers of the Presidents are the property of the Presidents, they constitute a class of property which is, so to speak, affected with a public interest.” Statement of Wayne C. Grover, Archivist of the United States, before the *Hearing Before A Subcommittee of the Committee on Government Operations House of Representatives Eighty-Fourth Congress First Session*

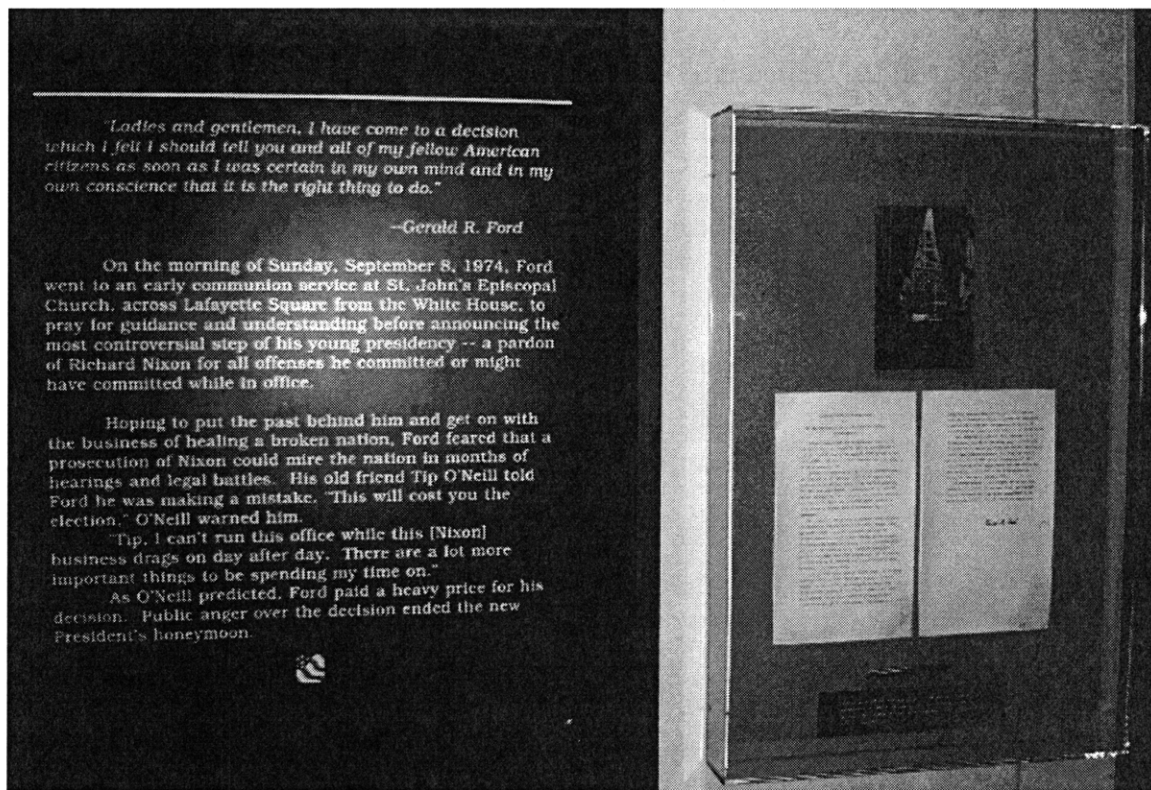
drafted by his attorney Herbert J. Miller, Buchen and Becker, to transfer and deposit his materials temporarily with the Administrator of the General Services Administration, Arthur F. Sampson, subject to limitations and *without relinquishing title*.<sup>23</sup> On September 7, Sampson signed the agreement in Washington, D.C. The following day, September 8, 1974, President Gerald R. Ford pardoned Richard M. Nixon.<sup>24</sup> All three items, the Pardon, the Agreement, and the Saxbe Opinion, were made public on the same day (Fig. 10.3).

---

on J.J. Res. 330, H. J. Res. 331, and H. J. Res. 332, Bills to Provide for the Acceptance and Maintenance of Presidential Libraries and for Other Purposes, as published in "To Provide for the Acceptance and Maintenance of Presidential Libraries, and for Other Purposes," *Hearing Before A Subcommittee of the Committee on Government Operations House of Representatives Eighty-Fourth Congress First Session* on J.J. Res. 330, H. J. Res. 331, and H. J. Res. 332, Bills to Provide for the Acceptance and Maintenance of Presidential Libraries and for Other Purposes, June 13, 1955, Printed for the Use of the Committee on Government Operations, folder "Legislative History – Presidential Libraries," Box 43, Barry N. Roth Files (WH Counsel's Office), Gerald R. Ford Library (hereafter: Grover Statement).

<sup>23</sup> During this period the National Archives was operated under the umbrella agency of the General Services Administration. For more, see H. G. Jones, *The Records of a Nation: Their Management, Preservation, and Use* (New York: Atheneum, 1969).

<sup>24</sup> See, Proclamation No. 4311, 39 Fed. Reg. 32,601 (1974).



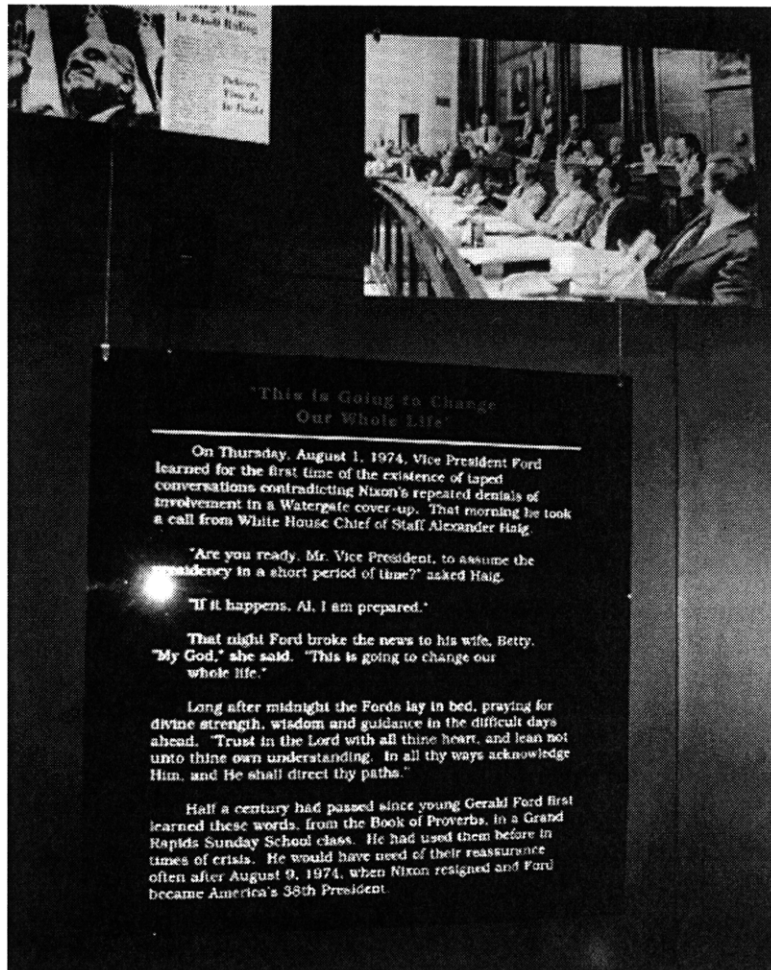
10.3 Pardon display at the Gerald Ford Presidential Museum, Grand Rapids, Michigan (Photo by Author © 2006).

## The Problem

From the standpoint of presidential records, the Ford Administration faced an unprecedented problem. Incoming presidents always found the White House emptied of records, a practice governed by tradition dating back to Washington and, inconclusively, by prior statute. When Nixon arrived at the White House in 1968, “literally all of the cupboards were bare... You simply couldn’t find a piece of paper in the place.”<sup>25</sup> In the final days leading up to August 9, 1974, according to Becker, the

<sup>25</sup> Becker Deposition: 12-13. Indeed, Larry Wadsworth, Professor of International Law at The American University, recalled Marshall Wright informing him that “[w]hen the Nixon administration entered the White House, the only paper in the house was the toilet paper.” Quoted in a letter from Larry Wadsworth to Herbert J. Miller (Nixon’s attorney), 3 September 1974, attached to a letter from Wadsworth to William Whyte, and referred by Whyte to Bill Timmons. Memo, Bill Timmons to Philip W. Buchen, 1 October 1974, folder “Nixon Papers—General (1),” Box 30, Philip W. Buchen Files (White House General Counsel’s Office), Gerald R. Ford Library. Becker remembered a conversation he had with a custodian of

staff of Nixon's White House endeavored in some manner to duplicate this feat of past presidents, in part by packing materials for shipment and in part by resorting to rapid and radical disposal.



10.4 1 August 1974, Vice President Ford was contacted by Nixon's Chief of Staff, Alexander Haig, regarding the possibility of becoming President "in a short period of time." Gerald Ford Presidential Museum, Grand Rapids, Michigan (Photo by Author © 2006).

Evidently, the destruction of Nixon's documents was a concern for Ford and his top advisors even before Ford took the Oath of Office (Fig. 10.4). On 8 August, the day

---

the personnel files in the Central Files Unit who claimed that there were a lot of documents in there to be processed in contrast to when the gentleman "came aboard in 1968. They were just totally empty." Becker Deposition: 66.



before Nixon's official resignation, Becker met with Robert Hartmann, then-Vice President Ford's Chief of Staff. Hartmann and Ford "had received information that Nixon's staff members were stuffing an inordinately high amount of papers into burn bags. These bags were later macerated chemically."<sup>26</sup> Ford then asked Becker to look into "the security of papers and records from the Nixon Administration," which he agreed to do. It is unknown how many records of any value were destroyed, or whether or not this behavior is out of the ordinary, given the largely undocumented survival history of prior presidential papers and attendant executive disposal practices.<sup>27</sup> It is also unclear what actions Becker took or was empowered to take as a result of his informal investigation on behalf of the Vice President, and whether or not these had any significant impact on the future of the presidential archive.<sup>28</sup>

---

<sup>26</sup> MeBecker Pardon Background (1974), *op cit*. A placard in the Ford Museum claims that on August 1, Vice President Ford learned of the existence of taped conversations that contradicted Nixon's Watergate denials. Evidently, it was at this time that Gen. Alexander Haig asked Ford if he was ready to assume the office of the Presidency.

<sup>27</sup> See Grover Testimony. This is perhaps the most pressing concern for contemporary presidential studies—not the history of records preservation, but the *lack* of knowledge about records disposal practices. In other words, what is the history of erasure as executive practice?

<sup>28</sup> Becker claimed in his deposition that it was Buchen who first discussed the problem of the disposition of the Nixon materials, but refused to pinpoint a date when the decision was made to not ship them to California. While possibly true in a limited interpretation, this is rather difficult to fathom given the aforementioned August 8 meeting between Hartmann and himself that he recorded. In his deposition for *Nixon v. Sampson*, Becker also stated that he became involved with the "question of the disposition of the records of the Nixon Administration" at the request of Buchen "almost immediately after President Ford's swearing in. Becker would, however, confirm that the 15 August meeting with the Special Prosecutors was the first time any decision was made to actually withhold any of the material. Becker also made an important point in that the 15 August date was "significant for another purpose and that is that it is also the date that Mr. Buchen was elevated to the position of Counsel to the President. Therefore, any action and/or decision or thoughts Mr. Buchen had prior to August 15 would be ones without authority." Becker Deposition: 4-9.

## White House Practice I: “by custom and tradition”

The remains of ancient laws which have come down to us are [sic] quite absurd ... men in general desire the good, and not merely what their fathers had... Even when laws have been written down, they ought not always to be remain [sic] unaltered.<sup>29</sup>

Prior presidents took their papers with them. Some eventually donated or sold them (at their discretion or that of their heirs) *voluntarily* to either presidential libraries or the Library of Congress. Therefore, the past, if used as a guide, should have resulted in the immediate transfer of Nixon’s materials to the former president in California. Indeed a memorandum written by Special Assistant to President Nixon, Jerry H. Jones, on the morning of August 9, 1974, reminded the White House Staff of the following:

By custom and tradition, the files of the White House Office belong to the President in whose Administration they are accumulated. It has been the invariable practice, at the end of an Administration, for the outgoing President or his estate to authorize the depository or deposition to be made of such files. President Taft in his book “Our Chief Magistrate and his Powers,” made the following reference to this practice: ‘The retiring President takes with him all the correspondence, original and copies, which he carried on during his administration....’ In the interest of continuing this practice, it has been directed that, so long as President Nixon’s files remain in the White House Office, there is to be no intermingling of the files of the two Administrations. This applies of course both to the Central Files and the files in the offices of various members of the staff. Papers of the White

---

<sup>29</sup> From Aristotle’s *Politics*, as quoted in Robert Nisbet, *History of the Ideas of Progress* (1980), p. 33, passage highlighted by Richard Nixon, Courtesy of the Richard Nixon Library.

House Office at the time of President Nixon's resignation as well as those en route at that time and intended for him shall be considered as belonging to the Nixon Administration files. Of course, some Nixon Administration files may be needed for future reference. These files should be duplicated and placed with all other papers accumulated after noon today which constitute a new set of files for President Ford. Specifically, please expedite the return of all withdrawals you have made from Central Files.<sup>30</sup>

By circulating this memo Jones authorized the continuation of records storage *and removal* even though Nixon would no longer be president by the end of the day. He sanctioned this practice at the outset through "custom and tradition."

The Jones memo gives weight to precedent by claiming history as an "invariable practice." Practice is further sanctioned by a selection from the writings of former President Howard Taft to ensure that such history must remain inviolate "in the interest of continuing this practice." Defined as both "invariable" and "inviolable", history is set in stone and placed *in advance* of law and even the possibilities of new executive sanction or practice. In other words, in the case of the archive, for tradition to be made sacred, it must be both authorized and enforced (see Chapter 5). Perhaps more importantly, tradition is considered to be a continuance of an a priori "belonging," where an individual is connected to materials through an assumption of inalienable property rights. Ownership is vested directly in authorship of records by hand or, by extension, decree. Only a new authorization, it would seem, could violate

---

<sup>30</sup> Memorandum for White House Staff, Jerry H. Jones, Special Assistant to the President, 9 August 1974, folder Nixon Papers – Government Officials Memoranda (1), Box 31, Philip W. Buchen Files, Gerald R. Ford Library (hereafter: Jones Memo). This 9 August memo comes up in both the Becker and Buchen depositions for Nixon v. Sampson.

tradition and transform customary practice. However, according to Jones, any such authorization would amount to historical rupture.

### **White House Practice II: “precedent and responsibility”**

Beyond the crisis of executive power at the forefront of Watergate, the problem of Nixon’s materials challenged the relationship between authorship and ownership, particularly with regards to control. To wrest control from the ‘author’ (Nixon), even temporarily, Ford’s team had to find a legal obligation inherent in the execution of a public office that superseded Nixon’s claims to privacy and property all while maintaining an ideological commitment to just such rights.<sup>31</sup> Thus, the pursuit of obligation was always tied to a problem of access and the unknown and often-conflicting rights of the public.

On 15 August 1974, Watergate investigators Phil Lacovara, Peter Kreindler, and Richard Ben-Veniste from the Special Prosecution Office, met with Buzhardt and Buchen to discuss their “future needs for access” to the Nixon materials. In addition, they “sought some assurances that the location of the materials would be preserved until such time as their needs were accommodated.”<sup>32</sup> This convinced Buchen that the materials might need to be withheld and a protected site provided until both the ownership of the papers and the responsibilities of the Ford Administration to the

---

<sup>31</sup> Summary, 74 CIS PL 93579; 93 CIS Legis. Hist. P.L. 579, Copyright © 1974, Congressional Information Service, Inc.; Gerald R. Ford, “Statement on Privacy Legislation,” 10/9/1974, <http://www.ford.utexas.edu/library/speeches>.

<sup>32</sup> Deposition of Philip W. Buchen, 11 November 1974, re: Nixon v. Sampson, etc., folder “Nixon v. Sampson (1),” Box 2, Benton L. Becker Papers (Advisor to Gerald R. Ford), Gerald R. Ford Library (hereafter: Buchen Deposition): 5.

court were more clearly resolved. At this point access and obligation in excess of private property were tied narrowly to the needs of the court.<sup>33</sup>

Up until 15 August, boxes were still being packed and organized, with the assistance of archivists under the supervision of John Nesbitt, per the Jones memo.<sup>34</sup> Increasingly, however, “custom and tradition” were unable to sufficiently account for the various claims to the Nixon materials. Buchen intervened, and prevented the packed boxes from leaving. He notified the Secret Service and the mail room that no boxes were to leave. Indeed he noted that the “best protection” for items like the personal diaries and dictabelts would probably be to finish packing them, then seal them and store them. According to his notes, Buchen preferred the “West Wing basement under guard of military aides.”<sup>35</sup> This suggests that within the White House, Ford’s closest legal advisors believed that Nixon’s records needed protection if they were to be preserved.

The problem of Nixon’s materials began to take up more and more of the new White House Counsel’s time. According to Buchen, he was involved in the question of the Nixon papers “almost every day after [August 15].”<sup>36</sup> Because of this, Becker

---

<sup>33</sup> It should also be noted that the need for a site where the materials could be protected marks the moment when issues of access and obligation become a demand for architecture!

<sup>34</sup> Becker believed that there was a preliminary decision made prior to August 15 to “withhold transmittal of any records” until certain procedures and requests with regard to outstanding subpoenas could be determined. However, he was not able to officially substantiate this with any specific recollection (see Becker’s statement with regard to Buchen becoming Counsel to the President, *op cit*), Becker Deposition: 11.

<sup>35</sup> Notes, ca. 16 August 1974, folder “Nixon—Papers: General (1), Box 30, Philip W. Buchen Files (WH Counsel’s Office), Gerald R. Ford Library.

<sup>36</sup> Buchen Deposition. There are also a few handwritten notes in his files at the Ford Library that record his immediate involvement in the question. For example, on 16 August 1974, his handwritten notes

recalled “virtually every member of the White House staff who had worked for Richard Nixon collectively urged President Ford ... to put all the records and tapes on an airplane and immediately send them to California.”<sup>37</sup> He claims that only one other of the “so-called Ford loyalists” (Buchen presumably) advised the President to withhold the transmittal of the materials.<sup>38</sup> For, if the materials were indeed sent, “there would be one hell of a bonfire in San Clemente; and ... American history would record [the] transmittal ... as the final act of the Watergate cover-up.”<sup>39</sup>

While Buzhardt assumed the papers belonged to Nixon, Buchen claimed to have no opinion on the matter.<sup>40</sup> He remained primarily concerned throughout the proceedings with White House obligations, specifically Presidential responsibilities to the investigation in particular and the national well-being in general (as they saw it). The Special Prosecutor appeared to be similarly disposed, implicitly sanctioning prior ownership practice by refusing to directly weigh in on the problem. Indeed, Brussard

---

record questions about the location and security of the Nixon materials, and court cases already underway involving access to various records of the Nixon Administration. Notes, 16 August 1974, *op cit*

<sup>37</sup> Becker Pardon History (2000): 34. Becker also insists that in the early days the majority of Ford’s staff were holdovers from the Nixon Administration and therefore their advice with respect to issues involving Nixon “was often knee-jerk pro-Nixon, with little consideration of the overall interest of the nation or the best interest of the new President.”

<sup>38</sup> The identity of the other person Becker refers to is open for speculation; but it is probable, given later recorded testimony in depositions by both Buchen and Becker, that it was either Buchen or Casselman.

<sup>39</sup> Becker Pardon History (2000):34. This statement by Becker may be conflating events that transpired over the course of August. If, however, his conversation with Ford occurred very early on, he did not refer to it in his November deposition (cited earlier). Although, there are a couple of places in the deposition where he claimed privilege, refusing to recount any conversations he had with Ford. See, for example, Becker Deposition: 17. Woodward (1999) uses this quote in his own narrative of the first month of Ford’s presidency, although it is a bit out of order, attached to other quotes and incited.

<sup>40</sup> Buchen Deposition: 6. This claim, however neutral it may appear, is not entirely genuine, as Becker’s own testimony, detailed later in this chapter, attests.

hoped that “the interests of the Special Prosecutor’s Office could be so defined that the great bulk of materials falling outside its interest could be transferred.”<sup>41</sup>

To this point, perhaps surprisingly given the overwhelming majority opinion in the White House, it appeared as if none of Nixon’s materials left White House custody during the short week between August 9 and Buchen’s first day as White House Counsel on August 15. Becker was later unable to recall if any instructions were given preventing shipment to Nixon prior to August 15. Indeed, without knowing precisely what they might be and who might have issued them, Becker nevertheless believed that someone must have intervened, citing a “news story purporting to reflect a conflict in position between Mr. Sinclair and Mr. Buzhardt on the question of ownership.”<sup>42</sup> Evidently, Sinclair also disagreed with Buzhardt and majority of Ford’s staff. This disagreement marks one of the earliest opinions in the Ford Administration with respect to *ultimate* ownership and title *beyond* temporary custody.

Becker was correct about the intervention. Less than a week after the Jones memo circulated, the Secret Service and the mail room was verbally instructed to not

---

<sup>41</sup> Buchen Deposition: 5. The first time the issue of ownership occurred with respect to President Nixon’s papers was not directly related to Watergate. First in 1968 and again 1969, Nixon made a gift of over one thousand boxes of papers (dating from 1948-1962, prior to becoming President) to the Office of Presidential Papers of the National Archives and Records Service. They had an appraised value of \$576,000 (the number of boxes and the dollar amount of the appraisal refer to the 1969 gift). Appraisal, Richard M. Nixon Papers II, Abraham Book Shop, Inc., 1969, folder “Nixon v. Sampson (1),” Box 2, Benton L. Becker Papers, Gerald R. Ford Library. According to this document, the delivery to NARS was made 3/24/1974-3/27/1974; however, the document was signed by a notary public and by Ralph G. Newman, Abraham Book Shop, 6 April 1970. Nixon and his agents were caught backdating the gift and Newman was convicted in Federal Court and fined. However, what became a matter of controversy was that the President claimed a tax deduction for this gift, prompting questions over the legality of the appraisal and the propriety of making such a donation while President. Article II, sect. 1.7 of the U.S. Constitution specifies that the President receive, other than his specified compensation, no “other emolument for the United States.”

<sup>42</sup> Becker Deposition: 70.

let the “boxes go out.”<sup>43</sup> Some items had apparently been loaded already onto a truck for transport to San Clemente. Those items were returned to White House custody (specifically the Old Executive Office Building) at Buchen’s request by August 20.<sup>44</sup>

That same day, Jones sent a tightly worded memo to Buchen:

I have now locked in room 429 of the Old EOB those Presidential materials that were in transit to San Clemente which you requested to be returned to the White House. Included among those papers were certain other materials... I have had several requests from various staff members that the above [listed] materials be released and sent to San Clemente. This of course, must be your decision. What do you feel should be done? ...In addition, former President Nixon has asked for his Daily Diaries and telephone logs from 1/20/69 through 8/9/74. While these would most certainly be considered Presidential Papers on which you have a hold, copies could be made of this material and transmitted to the former President with your permission. What is your guidance on this question?<sup>45</sup>

The Jones memo to Buchen reveals how much pressure was on Buchen to relax his hold on the materials. What is more, it demonstrates that for Nixon’s holdovers on the staff, the responsibility for the materials belonged solely to Ford’s former law partner. Therefor, although ownership seemed to be a matter of contentious internal debate, Ford’s closest legal advisors continued to recommend that the materials be held,

---

<sup>43</sup> Notes, ca. 16 August 1974, *op cit*.

<sup>44</sup> Memo, Jerry H. Jones to Philip W. Buchen, 8/20/1974, folder “Nixon—Papers: General (1),” Box 30, Philip W. Buchen Files (WH Counsel’s Office), Gerald R. Ford Library. Becker Deposition: 108-112, records that it was Becker and Casselman who ordered that the “truck be held,” acting on behalf of Buchen.

<sup>45</sup> *Ibid*.



temporarily skirting the issue, until all obligations—not to mention criminal and court proceedings—had been assessed and resolved.

However, it was not quite that simple. Buchen faced some difficult legal questions. He felt that since it was a third party—the White House—which had temporary custody over the materials, it was exceedingly tricky to define who had clear responsibility for processing and securing items that were held by neither law enforcement nor by their assumed owner. Further, once defined, how could such a responsibility faithfully be executed in conjunction with obligations such as, for example, the duty to protect both public interests and personal privacy (especially with regard to individuals unknowingly recorded by the now-infamous White House taping system)—all issues made volatile and immediate to the public after Watergate? Indeed, the Privacy Act (P.L. 93-579), passed a few months later by Congress in December (on which Vice President Ford and Buchen worked extensively prior to August 9), was enacted precisely “to safeguard individual privacy from the misuse of Federal records, [and] to provide that individuals be granted access to records concerning them which are maintained by Federal agencies”<sup>46</sup>

President Ford’s statement in support of this privacy legislation on October 9, 1974, insisted that “the right of privacy, of course, must be balanced against equally valid public interests in freedom of information, national defense, foreign policy, law

---

<sup>46</sup> Summary, 74 CIS PL 93579; 93 CIS Legis. Hist. P.L. 579, Copyright © 1974, Congressional Information Service, Inc.

enforcement, and in a high quality and trustworthy Federal work force.”<sup>47</sup> However, was the White House properly a Federal Agency, and given the uncertain status of the Nixon materials what use of them could be characterized as “misuse”? Despite both the Jones memo which insisted on a course of action in line with historical practice and the murkiness of existing laws and potential litigation, the Ford White House, perhaps to their credit, became a site for a conflict between precedent and responsibility that called for a more formal legal inquiry into the relationship between, on the one hand, privacy and property, and, on the other hand, the obligations of public officials and an informed citizenry.<sup>48</sup>

### **White House Practice III: “An accurate reflection of history”**

Buchen, Becker, Casselman, and others, “recognized that much of what was said in the Jones Memorandum was an accurate reflection of history. However, history never provided a situation that was facing President Ford at that time...”<sup>49</sup> Therefore, on 22 August, President Ford submitted a request to the Attorney General’s Office for a “legal opinion concerning papers and other historical materials retained by the White House during the administration of former President Richard M. Nixon and now in the

---

<sup>47</sup> Gerald R. Ford,, “Statement on Privacy Legislation,” 10/9/1974, <http://www.ford.utexas.edu/library/speeches>. Buchen, as mentioned in note \_\_, was the executive director, “on a consulting basis” of the Cabinet-level Domestic Council Committee on the Right of Privacy—chaired by then-Vice President Ford. It was in this capacity that Buchen learned of how prior presidents handled their documents. Vice-President Ford had asked him, as a “private attorney” to consult with Casselman, Ford’s counsel at the time, “as to the steps [Ford] should be taking to rationalize the disposition of his own papers.” Buchen Deposition: 16.

<sup>48</sup> As Becker put it, the “group” came to recognize “the uniqueness of the facts facing the Ford White House at that time, and prudence that would dictate obtaining an opinion on that particular question from the Attorney General of the United States.” Becker Deposition: 13.

<sup>49</sup> Becker Deposition: 14.

possession of the United States or its officials. ... I would like your advice concerning ownership of these materials and the obligations of the government with respect to subpoenas or court orders..."<sup>50</sup> Buchen summarized the problem as a two-pronged question of records ownership on the one hand and of responsibility to the court on the other.<sup>51</sup>

The White House was not wrestling with the problem alone, however. Two days earlier, a memo in Buchen's files registered a phone call from the Senate Judiciary Committee on the subject of a pending bill, introduced in February of 1974 while Nixon

---

<sup>50</sup> Letter, Gerald R. Ford to William B. Saxbe, 22 August 1974, folder "Nixon—Papers: Saxbe Opinion re Ownership," Box 32, Philip W. Buchen Files (WH Counsel's Office), Gerald R. Ford Library. The copy of this letter in this file is formal and on letterhead. The date, although it corresponds with Buchen's recollection of his own request to Saxbe, has some discrepancies, given that there is also present in the same file a slightly longer version labeled "Draft of Proposed Letter for President to Send Attorney General" that bears the date 29 August 1974. Although the request was made by Buchen on the 22<sup>nd</sup>, perhaps the President did not formalize the request until after the 29<sup>th</sup>, and the date on the final letter was changed to 'authorize' Buchen's request after the fact. This is also the date that Buchen receives the preliminary opinion from Saxbe's Justice Department. Further, Becker Pardon History (2000), 34, recalled that in addition to the question of ownership, the President's search included the pursuit of "any color of authority, any color of law, to retain the records." When asked by William A. Dobrovir on November 11 at his deposition re: Nixon v. Sampson, if he had formed an opinion on the ownership of the Nixon materials by August 22, Buchen replied that he had not, "or I wouldn't have asked the Attorney General for an opinion." Dobrovir was an attorney for plaintiff-intervenors in Nixon v. Sampson (the parties involved in the case other than Nixon, Sampson and the GSA included: Reporters Committee for Freedom of the Press, Lillian Hellman, American Historical Association and American Political Science Association). Yet Buchen was aware of not only historical precedent, but also the Jones memo and the relevant statutes governing presidential libraries and archives. Following Buchen's answer regarding ownership, Debrovir then asked if Buchen had still "not made up your mind?" To which Buchen replied, "That's right." Buchen Deposition: 8-10. However, two days later, in a memo to the President, Buchen provides answers to four questions regarding the Nixon tapes, one of which asks: "Do you think Congress ought to pass a law to give reporters and the public access to the Nixon materials?" The answer: "Legislation for that purpose is now before Congress, but I think the Congress should not overturn the precedents of almost two centuries, and especially should not do so retroactively..." Memo, Philip W. Buchen to The President, 13 November 1974, re: "Q's and A's on Nixon tapes and documents," folder "Nixon - Papers: General (2)," Box 30, Philip W. Buchen Files (WH Counsels Office), Gerald R. Ford Library.

<sup>51</sup> Buchen Deposition: 10.

was still President by Senator Birch Bayh (D-IN).<sup>52</sup> The bill, cited as the “Public Documents Act,” provided for the public ownership of all the documents of elected public officials—including the President, the Vice-President, and members of Congress. Evidently Bayh wanted “a reading on whether the administration would be able to move forward on this in the fall.”<sup>53</sup> While this bill would be recast as the Presidential Recordings and Materials Preservation Act in December 1974 to deal with Nixon specifically (see Chapter 3), the memo indicated that the White House was made aware of a move in Congress to codify a change in the tradition of private ownership of all documents generated while executing duties authorized under the U.S. Constitution prior to Nixon’s resignation.

Whether or not Bayh’s Public Documents Act had any catalyzing effect on White House efforts to resolve the fate of Nixon’s records in advance of Congress is uncertain. Indeed, despite the pending legislation, Buchen received a preliminary legal opinion from Deputy Attorney General Laurence Silberman on 29 August informing him that while the materials “were to be regarded as belonging to the former president, the government had a right to use the material.”<sup>54</sup> Therefore, given that the Public

---

<sup>52</sup> Memo, 20 August 1974, folder “Nixon – Papers,” Box 31, Philip W. Buchen Files (White House Counsels Office), Gerald R. Ford Library. Senator Bayh was the author of the Twenty-Fifth Amendment to the U.S. Constitution, which, among other things, governs the succession of the Vice-President to the Presidency (the amendment was proposed 6 July 1965 and certified 23 February 1967). Becker Pardon History (2000): 47-48, said that Bayh was often introduced as “the only living author of the U.S. Constitution.” Becker further noted that on the evening when Nixon announced his appointment of Ford to the Vice-Presidency, Ford asked him if he knew anything about the 25<sup>th</sup> Amendment, anticipating perhaps what would happen eight months later. Becker replied that he did not, but he would “by the end of the evening.”

<sup>53</sup> Memo, 8/20/1974, *op cit*.

<sup>54</sup> *Nixon v. Sampson, et al*, 389 F. Supp 107; 1975 U.S. Dist. (C.A 74-1518, 74-1533, 74-1551).

Documents Act was not yet the law (nor would it be), for the moment it appeared that the question of ownership, at least, would be answered in Nixon's favor. Ultimately, and perhaps unfortunately, the proposed Public Documents Act was swallowed by Nixon and never resurfaced with its sweeping and revolutionary definition of public records covering *all* Constitutional branches of government (see chapter 3). As of this writing, only the Executive Branch—the presidency and federal agencies—is under any legally enforced obligation with respect to the preservation of and public access to its records.

### **The Documents I: The Saxbe Opinion**

Attorney General William Saxbe delivered his brief to President Ford on September 6. The Saxbe Opinion addressed the ownership question and described the White House's legal responsibilities pertaining to Nixon's materials. Saxbe also requested that he be allowed to have the opinion published "in accordance with 28 U.S.C. 521."<sup>55</sup> Saxbe's official legal brief was released to the press the same day Nixon was pardoned. It unequivocally stated that to claim the Nixon presidential materials "are not the property of former President Richard Nixon would be to reverse what has apparently been the almost unvaried understanding of all three branches of the Government since the beginning of the Republic, and to call into question the practices

---

<sup>55</sup> Saxbe Opinion: 1. Becker confirmed that Buchen had received a preliminary opinion from the Justice Department by the time the two of them met with Nixon's attorney, Herbert J. Miller, 3 September 1974, at the Jefferson Hotel, Washington, D.C., to discuss the status of Nixon's records and tapes (what would become, in a few days, the Nixon-Sampson Agreement), Becker Deposition: 26-27.

of our Presidents since the earliest times.”<sup>56</sup> Saxbe’s conclusion reinforced the sentiment of the Jones Memo. But, it also raised the stakes with a warning: not transferring the materials to Nixon would be tantamount to questioning the authority of the Constitution, the mythological sanctity of every man who was ever President, and, implicitly, the very foundations of the United States.

Despite opening with this stark admonition against dissent, Saxbe proceeded to lay out his opinion with a rather precise and well-organized—if predictable—legal and historical rationale. He opened with Justice Story’s opinion from *Folsom v. Marsh* (1841) regarding Washington’s ownership of papers “including official correspondence” as well as testimony before Congress in 1955 by Dr. Wayne Grover (Archivist of the United States, 1948-1965) in support of the Presidential Libraries Act (1955).<sup>57</sup> More interesting perhaps, is that he followed these with a more lengthy quotation from the same text by President Taft that Jones had used in his 9 August memo.

Unlike Jones, Saxbe was the Attorney General, therefore his written opinion carried legal weight. Again, the question of authorship comes to the fore. Where Jones was merely an assistant in the White House, the Attorney General is a powerful

---

<sup>56</sup> Saxbe Opinion: 1-2. Becker Pardon History (2000), 35, claimed that Saxbe released his opinion to the Washington press corps before it was presented to the President “thereby locking President Ford into acting in accordance with the Justice Department position or becoming himself a violator of the law.” However, the Saxbe opinion was not a surprise to either Becker or Buchen as they had not only received early confirmation about its contents but began using its legal assumptions in negotiations with Herbert J. Miller, Nixon’s attorney at the latest 3 September. Perhaps Becker, decades later, wanted to deflect some of the historical responsibility away from Ford and his staff for the way the Nixon – Sampson Agreement would turn out.

<sup>57</sup> Story’s opinion is covered in more detail in chapter 3.

component of the Justice system. By citing Taft in an official legal opinion, Saxbe endowed Taft's book—written by Taft the private citizen—with an authority on par with Supreme Court decisions, testimony before Congress, and statutory law. What is more, he sandwiched Taft's post-presidential for-profit publication between the Court opinion of a Supreme Court Justice and the Congressional testimony of a U.S. Archivist and within an exegesis of further legislative and judicial practice in American history. Thus Taft's personal views were seamlessly inserted into an explication of history legal precedent. Taft wrote:

The office of the President is not a recording office. The vast amount of correspondence that goes through it, signed either by the President or his secretaries, does not become the property or a record of the government unless it goes on to the official files of the department to which it may be addressed. The President takes with him all the correspondence, original and copies, carried on during his administration.<sup>58</sup>

Clement E. Vose, the American Political Science Association's representative on the National Archives Advisory Council during the 1970s, found the Taft quote by Saxbe amusing "when juxtaposed against Nixon making the Oval Office, quite literally, a recording office."<sup>59</sup> Besides which, as Vose noted, Taft donated his materials to the

---

<sup>58</sup> Howard Taft, *The Presidency* (1916), 30-31, as quoted in the Saxbe Opinion: 3.

<sup>59</sup> Clement E. Vose, "Presidential Papers as a Political Science Concern," *Political Science* vol. 8, no. 1 (Winter, 1975): 12. Vose doesn't seem too concerned that it was Nixon's predecessors who installed most of the tape-recording devices (a claim trumpeted often by Nixon, notably in the old Watergate exhibit at the Nixon Library, until it was removed by Naftali, see chapter 7). The APSA's Administrative Committee, after reports in mid-August about the dubious fate of Nixon's materials met on 27 August 1974, to discuss what might be done to "help assure adequate safeguarding of the public and scholarly interest in and access to tapes and documents." They asked Vose, as their member on the Advisory Council of the U.S. National Archives and Records Service, to "review the matter." Letter, Evron

Library of Congress, thus preserving them for posterity in a federal depository and making of them a “record of the government.”

Nonetheless, for Saxbe, even if there was “no recent sanction of Presidential ownership,” there has been implicit “recognition of Presidential title” to documents by Congress. Such title exists by virtue of statutes which allow the Government to purchase both the official and private papers of past Presidents such as “Washington, Jefferson, Madison, Monroe, and Jackson,” not to mention more recent efforts.<sup>60</sup> Saxbe specifically referred here to the Presidential Libraries Act (1955); he also included such laws as the National Archives Act and the Federal Records Act in his general assessment. Saxbe cited Congressman John Moss from California who told his colleagues during House debate over the PLA “it should be remembered that Presidential papers belong to the President.”<sup>61</sup>

Saxbe insisted that such “a consistent history [of personal ownership] might well be determinative.”<sup>62</sup> He turned to the Supreme Court opinion in *United States v. Midwest Oil Co.* (236 U.S. 459, 1915) in order to add weight to the startling proposition

---

Kirkpatrick, Executive Director, APSA, to Clement E. Vose, 7 January 1975, as quoted in Vose (1975): 12-13.

<sup>60</sup> Saxbe Opinion: 4.

<sup>61</sup> 101 Cong. Rec. 9935 (1955), as quoted in Saxbe Opinion: 6. Saxbe describes Moss as being “in charge of the bill.” However, this is inaccurate. The Presidential Libraries Act (1955) was originally the product of three House Joint resolutions: H.J Res. 330 (by John W. McCormack, MA), 331 (by minority leader Joseph W. Martin, MA) and 332 (by Edward H. Rees, KA). Moss was one of three members of the Special Subcommittee on Donable Property of the Committee on Government Operations, of which McCormack was the Chairman. Saxbe notes that the report on the hearings which led to the Act’s ultimate passage repeats the claim throughout; citing pages 12, 20, 28, 32, 52, 54, and 58.

<sup>62</sup> Saxbe’s claim to determinative tradition is analogous to the consolidation of Early Church dogma as law, particularly under Justinian; not to mention Jones!



of dogma that Executive *tradition* was analogous to *law*.<sup>63</sup> The 1915 Supreme Court described government as

... a practical affair intended for practical men. ... citizens naturally adjust themselves to any long-continued action of the Executive Department—on the presumption that unauthorized acts would not have been allowed to be so often repeated as to crystallize into regular practice.<sup>64</sup>

The Supreme Court went on to insist in its 1915 ruling that the presumption of natural and regular practice “is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of a statute or the existence of a power...weight should be given to the usage itself—even when the validity of the practice is the subject of investigation.”<sup>65</sup>

The 1915 Court here sanctioned what the 9 August 1974 Jones memo claimed as the basis for authorization nearly fifty years later—namely, that if something is invariably repeated without significant resistance, it is not only good practice, but “naturally” authorized. What constitutes significant and good practice is never clear; not to mention flimsy at best given that particular Court’s record on immigration, labor, the First Amendment and suffrage.<sup>66</sup> Despite this dubious legacy, Saxbe’s rationale, where prior practice is given power and authority by virtue of it being

---

<sup>63</sup> Saxbe Opinion: 4.

<sup>64</sup> As quoted in Saxbe Opinion: 4.

<sup>65</sup> As quoted in Saxbe Opinion: 4.

<sup>66</sup> See Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (New York: Oxford University Press, 2008); Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CN: Yale University Press, 1997).

*uncontested over time*, parallels an important component of early twentieth century jurisprudence.

The reliance on precedent and continuity is called constitutional doctrine in Court deliberation.<sup>67</sup> It is doctrine, more so even than direct recourse to the text of the Constitution, that endows the Court with the “power [to] both be and seem to be lawlike [sic] and acceptable.”<sup>68</sup> The insistence on the appearance of lawfulness as analogous to both public approval and law itself is what some have argued enables the Court to bridge the paradox of judging simultaneously on “first principles” (i.e. the Constitution), evolving statutory law, and case-specific merits while maintaining the “continuity of decisions” that give weight to the Court’s authority.<sup>69</sup> Each case then exists on its own merits, but, only insofar as it can be linked through time to other cases.<sup>70</sup> Thus practice is judged as good if it conforms to those “first principles,” while at the same time those very principles must be endlessly enumerated to form a tradition of good practice.

In short, Saxbe began his opinion by citing the precedent of records ownership practice; an historical argument. He then likened history to the power of law by virtue of the recorded practice of the Supreme Court, over time, augmented by implicit, or *a*

---

<sup>67</sup> Charles Fried, *Saying What the Law Is: The Constitution in the Supreme Court* (Cambridge, MA: Harvard University Press, 2004), 1.

<sup>68</sup> Fried (2004), 5.

<sup>69</sup> Fried (2004), 5-7, insists that “no merely human judge would have the time or the intellect to think every case out afresh.” Fried concludes that “unless doctrine persists, unless doctrine itself is prolonged, it cannot sufficiently order social action.”

<sup>70</sup> The ultimate expression of the sanctity of precedence is the legal principle known as *stare decisis* which is defined by the notion that the Court should respect past decisions even if it is believed to be wrongly decided in order to preserve a semblance of continuity and a legacy of Court authority.

*priori*, authority. However, regardless of whether or not repeated and repeatable practice should be considered analogous to law, in either history or the court, Saxbe concluded that Congress resolved the issue, *making these early arguments moot*; although, it is important to note, they were still arguments he felt obliged to make public. According to Saxbe, when Congress passed the Presidential Libraries Act in 1955, it allowed for the deposit of presidential materials already assumed to be, and thus sanctioned as being, the property of the President.

This idea was briefly challenged when Nixon donated his vice-presidential papers to the National Archives during his first term as President for a tax write-off of over half a million dollars. This Deed of Gift, and its attendant tax break, was discovered during his second term and Nixon was accused of receiving a gift or an “emolument” in excess of his salary—a prohibition from Article I of the U.S. Constitution.<sup>71</sup> When it was first reported the donation brought the assumption of ownership and the attendant valuation of records, or at least the ability to profit from such property, before the public and Congress. However, although some of the individuals who handled the Deed of Gift for Nixon, along with the appraiser who assessed its value, were fined for falsifying dates on copies of the Deed (the original was never found), the Joint Committee on Internal Taxation, as reported by the Saxbe Opinion, concluded that the provisions of the Presidential Libraries Act (1955)

---

<sup>71</sup> U.S. Constitution, Article I, section 1, clause 7.

“suggest that the papers of President Nixon are considered his personal property rather than public property.”<sup>72</sup>

While the behavior of the actors involved in the Deed of Gift was eventually censured, the validity of the transaction and of the President’s personal property rights with respect to the value of records in the possession of an elected public official was once again affirmed. Saxbe supported this interpretation with the proposition that, although papers generated while in office accumulate value largely because of that office, they have no value prior to their creation as records by, in this case, the President. Therefore, they cannot be seen to have value outside of the President’s personal power of authorship, and thus cannot be considered a gift or emolument. Despite this brief theoretical venture into the origins of value, not to mention authorship, Saxbe remained steadfast in his conviction that such details were ultimately not relevant as feasible points of law. “The Constitution,” wrote Saxbe, “can simply not be interpreted in such a fashion as to preclude the conferral of anything of value, beyond his salary, upon the President.”<sup>73</sup>

---

<sup>72</sup> H. Rept. 93-966, 93d Cong., 2d Sess. (1974) at 28-29, as quoted in Saxbe Opinion: 7.

<sup>73</sup> Saxbe Opinion: 8. Saxbe goes on to cite “an eminent authority on the subject,” Corwin, *The President*, p. 348 n. 53, who, with recourse to the traditional practice and reality of past Presidents, insists that emoluments, at least “what most people would reckon to be emoluments” are unavoidable. This is a pragmatic reading to be sure; however, subsequent libraries, at least in practice, made an effort to save and record everything that was conferred onto the President in excess of his salary. An archivist at the Bush Library told me that one of the most difficult tasks for the presidential libraries was the storage and cataloguing of gifts made to a President during his term, since all of those gifts were now considered public property and must be saved. An extreme example for the Bush Library is the problem of preserving and storing the mountain of “macaroni art” which elementary children send to the White House every year.

Saxbe dedicated the end of his report to dealing with a potential rebuttal: the possibility that documents generated by the President might be public in their “character”—what he casually introduces as “[a]nother obstacle to Presidential ownership.”<sup>74</sup> He even conceded that the Public Documents Act, currently pending in Congress, might alter the “desirability of the established property rule.”<sup>75</sup> Saxbe was perhaps anticipating arguments that might be used in favor of the bill when he insisted that the accommodation of the varied interests of government operation such as secrecy and security could be accomplished “whether or not ownership of the materials in question rests with the former President.”<sup>76</sup> Yet the same principle of historical practice that endorsed personal property rights earlier in the opinion cut both ways. In the end, Saxbe admitted that there has been “consistent acknowledgment that Presidential materials are peculiarly affected by public interest which may justify subjecting the absolute ownership rights of ex-Presidents to certain limitations directly related to the character of the documents as records of government activity.”<sup>77</sup>

The Attorney General was concerned here with preventing ex-Presidents from publishing materials that might jeopardize current government practice, thus he

---

<sup>74</sup> Saxbe Opinion: 8-14. Although the opinion is carefully authored and reinforced with historical and legal precedent, such terminology perhaps betrays the bias of the author (whether Saxbe, Saclia, or both) for the primacy of personal property over public domain; a position that was possibly assumed prior to conducting the research.

<sup>75</sup> Saxbe Opinion: 8. Interestingly, contrary to the arguments laying out the “established property rule” which is *already* in place, the use of “obstacle” implies that this rule is neither firm nor certain. And, despite its “desirability,” there are barriers to making such practices unassailable.

<sup>76</sup> Saxbe Opinion: 9. Once again, using a surfeit of redundancy to make his point, Saxbe makes an argument only to render it moot in the face of his ultimate conclusion.

<sup>77</sup> Saxbe Opinion: 9.

turned once again to Justice Story in *Folsom v. Marsh* (1841). Story not only insisted that it is “doubtful whether any public officer is at liberty to publish [official documents], at least, in the same age, when secrecy is required,” he also maintained that “it may be the right, and even the duty, of the government, to give them publicity, even against the will of the writers.”<sup>78</sup>

Given his clearly stated position on ownership and Nixon, Saxbe focused on the first aspect of the judgment and largely neglected the second. Yet he included (and thus made public) both aspects of Story’s opinions in the text. Citing the Criminal Code which covers national security information (18 U.S.C. § 793), Saxbe judged that “regardless of whether or not [existing legal code] is the best way to deal with the problem,” there are already limits on access to the documents of ex-Presidents that take into account possible security risks—again, “whether or not” the President owns the materials.<sup>79</sup> In short, “government interests ... can be protected in full conformity with the [existing] theory of ownership on the part of the ex-President.”<sup>80</sup> The “right, and even duty” of government that Story also proposed, to make records public against

---

<sup>78</sup> *Folsom v. Marsh* (1841), as quoted in Saxbe Opinion: 9.

<sup>79</sup> Saxbe Opinion: 10. He also cites *Eighth Annual Report of the Archivist of the United States as to the Franklin D. Roosevelt Library* (1947), regarding the “Matter of Roosevelt,” in December 1946, where President Truman retained “protective custody” of some papers involving the “prosecution of the War.”

<sup>80</sup> Saxbe Opinion: 10-12. Saxbe claims that there is one category of documents that might be the exception to the rule of private ownership. And that is the so-called “permanent files” retained from administration to administration in the Office of the Chief Executive Clerk. These records include, according to Saxbe, “budget and personnel material, and records or copies of some Presidential actions useful to the Clerk’s office for such purposes as keeping track of terms of Presidential appointments and providing *models* or *precedents* for future Presidential action.” [my emphasis]. However, Saxbe could find no hard rule that governed this practice, only what he called a “voluntary act of courtesy” on the part of the outgoing administration. In other words, unenforceable tradition.

their owner's will in certain cases, was never addressed by Saxbe outside of the limited responsibilities towards current in-progress litigation.

Saxbe concluded as he began: prior practice by outgoing presidents gave rise to a principle governing presidential ownership that has been affirmed or acknowledged by all three Constitutional branches of government "from the earliest times." Further, personal ownership of presidential materials "does not violate any provision of the Constitution or contravene any statute," nor does it directly impede the "adequate protection of the interests of the United States." In short, all the materials in question which were "the property of Richard M. Nixon when his term in office ended" remained his property.<sup>81</sup>

Saxbe did concede that the Government also had an obligation "with respect to subpoenas and court orders" to not only facilitate access to any materials required by such actions but to prevent movement or disposal.<sup>82</sup> Therefore, regardless of how the ownership of the Nixon materials was resolved, the Attorney General briefly suggested in the final pages of his opinion that the Government had a specific duty to proper jurisprudence as the custodian of all the papers and objects currently in its possession. Thus, despite Saxbe's interest in preserving Nixon's property rights in the face of investigation, he provided Ford and his advisors with a narrow, but legal, mechanism of obligation with which to continue holding Nixons materials under certain conditions for use in Watergate-related matters.

---

<sup>81</sup> Saxbe Opinion: 11. He even cites the Jones Memo which, according to Saxbe, eliminates the argument that Nixon "abandoned" ownership implicitly when he left office.

<sup>82</sup> Saxbe: 13-14.

## The Documents II: The Nixon-Sampson Agreement

Saxbe was not Ford's only bet. As the Attorney General's Office prepared the Saxbe Opinion in response to Ford's August 22 request, Buchen and Becker (without Saxbe's knowledge) began to consider exactly how the White House might discharge its custodial duties (eventually confirmed, however begrudgingly, by Saxbe) over the Nixon materials.

At first, Buchen tried to come up with a "unilateral way that we could rid ourselves of the responsibility" prior to considering whether or not to engage in negotiations with Nixon. In addition to the property question (which was more or less resolved when Buchen received an advance copy of the Saxbe opinion on 29 August), Becker described the problem of the tapes and records as a series of vital questions:

[H]ow to satisfy Nixon's immediate need for a search of the records [in the pending U.S. v. Mitchell, et al, the premier Watergate case, coming to trial September 30, 1974], how to satisfy the outstanding production of subpoenas for the records [in such cases as Wounded Knee and the Network Anti-Trust suit] without employing White House staff for the task. Or, alternatively, how to insure Richard Nixon's ability to produce the requested items in the subpoena while at the same time prevent destruction and/or deletion of the records in light of the 18 minute gap.<sup>83</sup>

Here the contingency of the Nixon archive—its very existence—comes to the forefront as motivation for preservation. Not only was there a very public 18-plus minute "gap" in one of the crucial tapes, but the very existence of the tapes—legal or otherwise—in

---

<sup>83</sup> Becker Pardon Background (1974).



their creation and the somewhat baffling, even to opponents, decision of Nixon to keep them, was in large part an unforeseeable and (arguably) accidental bi-product of human hubris.

Buchen was convinced that the Ford Administration, as a third party, should not have to bear the “unusual burden” of providing contents to the Court about which it “knew nothing.”<sup>84</sup> He was searching for a legal middle-ground that would enable the White House to guarantee court access to what was now increasingly believed to be Nixon’s private property. Yet, given the tenets of the forthcoming Saxbe Memo, such alternatives as giving all the records to the Court were considered “unworkable and perhaps illegal.”<sup>85</sup>

Creatively, if shockingly banal, Buchen even tried reducing the White House’s legal responsibilities to merely those of a third party “storage” facility. “Is it actually the law,” Buchen wondered, “that the storage company, without any knowledge of the contents, would be called upon to respond to subpoenas to find particular documents?”<sup>86</sup> After he received “no encouragement that any court would take that kind of case,” Buchen came to the conclusion that there was “no theory ... that would allow us to escape” the responsibility of responding to court orders while respecting

---

<sup>84</sup> Buchen Deposition: 12.

<sup>85</sup>Becker Pardon Background (1974). They contemplated using “an interpleader” to transfer custody to the Court, but could not find a way to justify it.

<sup>86</sup> Buchen Deposition: 12.

Nixon's private property rights outside of negotiation with the ex-President—a prospect that was not feasible as Nixon did not yet have a lawyer.<sup>87</sup>

Becker claims it wasn't until Nixon retained Herbert J. Miller as his legal counsel at the end of August that there was "some light in the tunnel."<sup>88</sup> By acquiring an attorney, Nixon opened a possible avenue of communication for the lawyers representing the White House, one protected by attorney-client privilege and all the rules governing such interactions. Therefore, on 30 August, Buchen began discussing Nixon's materials with Miller, and, to reassure Nixon that his materials were secure, sent him a copy of the "internal document involving the protection of the documents in storage."<sup>89</sup> By this time Buchen was also working on the Pardon of Nixon and had been "advised by the President to approach Mr. Miller" on that issue, thus irrevocably entangling any future reflection on the subject by scholars, journalists, and others, with that of the tapes and documents. Miller flew to Washington, D.C. on 3 September to meet with Buchen and Becker at the Jefferson Hotel in order to discuss both a possible Presidential Pardon and the problem of the Nixon materials.<sup>90</sup>

Miller gave Becker the indication that Nixon was "most anxious to receive his records."<sup>91</sup> Buchen told Miller that because the White House currently had possession

---

<sup>87</sup> Buchen Deposition: 13.

<sup>88</sup> Becker Pardon Background (1974). Buchen recalls that he did not receive the information that Miller would be representing Nixon until August 30. Buchen Deposition: 14. Woodward (1999), 18-20, reaches a similar conclusion.

<sup>89</sup> Buchen Deposition: 14. This document, according to Buchen, was different from the August 9 memo because the Jones Memo "had nothing to do with the protection of storage documents."

<sup>90</sup> Becker Deposition: 26.

<sup>91</sup> Becker Deposition: 27.

of, and controlled access to, the tapes and documents, it was the Ford Administration's responsibility to respond to the court. He hoped that they could work out an arrangement that would relieve the White House of this obligation while preserving the "condition" and the "physical integrity" of the materials.<sup>92</sup>

At one point during negotiations, Becker and Buchen discussed the possibility of Nixon making an irrevocable gift of the records and tapes to the United States. However, because Miller insisted that Nixon would need to review the materials first and Becker felt that Nixon had a legitimate need to "characterize all of the records and tapes before any deposit graduated to the status of an irrevocable gift," this returned them to an impasse—if Nixon gained possession of the materials for editing and characterization prior to a secure arrangement, the needs of the Special Prosecutor might be circumvented, and thus the obligations of the White House as custodian, conceded by Saxbe, would be both neglected and unfulfilled.<sup>93</sup> What's more, Nixon was anxious to write (and profit from) his memoirs. And, as former Presidents before him had done, keeping exclusive access to the records ensured a monopoly on their selective preservation, interpretation, and publication possibilities.

As White House Counsel, Buchen was solely concerned with the White House's legal custodial duties and not with the importance of the materials to posterity.<sup>94</sup> He

---

<sup>92</sup> Buchen Deposition: 15.

<sup>93</sup> Becker Deposition: 34. As Becker reminded everyone during his deposition, this sort of review in advance of the gift was "consistent with other depository agreements between the General Services Administration ... and former Presidents."

<sup>94</sup> Buchen Deposition: 17-19; Becker Deposition: 21-27. Indeed, in their view the question of historical value might imply knowledge of what might be revealed by the materials. Both Becker and Buchen were asked about the contents of the materials still possessed by the White House, and both insisted that,

was of the opinion that given precedence and law, “the matter of preserving [documents] for history was largely a determination that had to emanate from the former President.”<sup>95</sup> In this sense, Buchen in his official capacity could not exceed the limits placed upon him by the law, or at least the law as relayed to him from the Attorney General’s Office.

The complication was largely one of physical possession for Buchen. He felt that the law did not allow him to negotiate with respect to any materials not currently in the White House or its ancillary facilities.<sup>96</sup> As a result Ford’s legal team could not rule on the status or value of presidential materials as a whole—historical or otherwise—without stepping outside their jurisdiction.<sup>97</sup> Indeed, Buchen felt that they could only negotiate with respect to all of the tapes and records in their custody because of the request for the very few required by the Special Prosecutor. This limited legal leverage apparently could not be used to effect the radical proposal of absolute government-controlled access and public title. Of course, the proposed, and soon-to-be-doomed Public Documents Act was written precisely to engage this challenge.

---

other than the rudimentary information based upon the characterizations used by the National Archives to categorize the files, they had no knowledge of what might make up the materials in question.

<sup>95</sup> Buchen Deposition: 16. Despite his reservations about the potential “bonfire” of documents that he claimed much later, at this time Becker concurred with Saxbe and Buchen as to who owned the Nixon materials. Kenneth S. Geller (Watergate Special Prosecution Force), re: “Nixon v. Sampson; interview of Benton Becker,” 1 November 1974, appended to Becker Deposition *op cit*.

<sup>96</sup> In addition to his legal research, a large portion of Becker’s time during late August was spent determining the physical whereabouts and security of all the Nixon materials on the premises so that they could be defined and dealt with. Becker Deposition: 17.

<sup>97</sup> The question about whether or not it was their responsibility would come up in trial and would be used by later Presidents to exert exactly this ‘larger’ obligation over all the presidential materials—usually for the purposes of limiting or preventing access.

Buchen tried to keep everything as specific as possible and was not officially interested in either the broader category of who should own presidential materials—Saxbe’s Opinion aside—or in challenging Nixon’s claim of title. Buchen insisted that it was simple: if Nixon owned the tapes and papers that were in White House custody, then “he owned them; if he didn’t, he didn’t own them.”<sup>98</sup> To reduce their liabilities, the White House limited their objectives to three things: respecting Nixon’s property rights, complying with the requests of the Special Prosecutors, and facilitating both of these legal responsibilities in their current, if awkward, role as custodian of the Nixon materials.<sup>99</sup> Since the Attorney General, relying on legal and historical precedent, had answered the ownership question in Nixon’s favor, and not complying with the Special Prosecutor was never an option, the White House was left with how to deal with a custodial responsibility for materials that did not belong to them.<sup>100</sup> Becker referred to this simply as the “obligations of the bailee.”<sup>101</sup>

To remove the obligation, the White House needed an agreement with Nixon that would legally transfer it to another party who was still accountable to the public

---

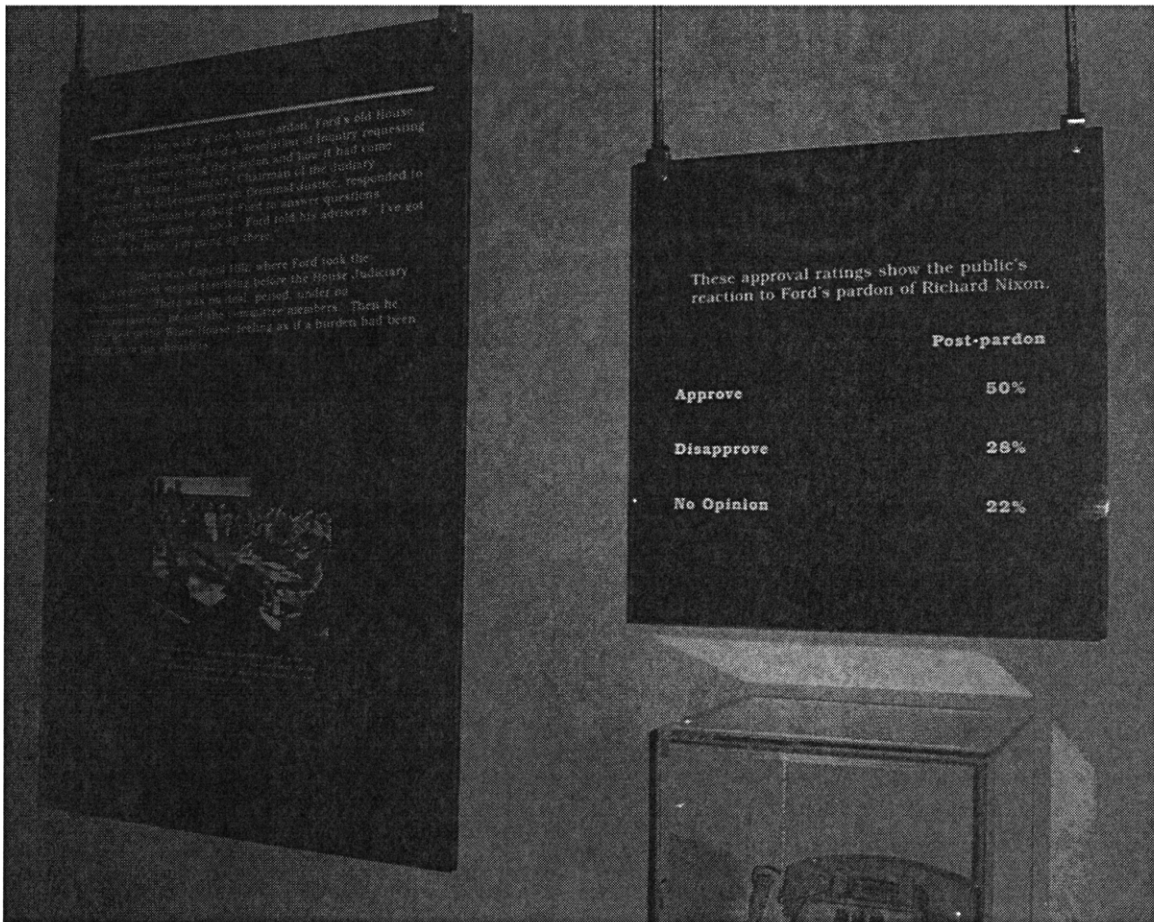
<sup>98</sup> Buchen Deposition: 17. In his deposition when asked if he was “operating under the assumption at this time that the papers and tapes were the property of former President Nixon,” Becker replied that he was. Becker Deposition: 33.

<sup>99</sup> Although Becker was unsure whether or not there was any direct discussion about the possibility of Nixon filing a lawsuit to gain possession of the materials, he did recall a “conversation with Mr. Buchen” discussing the feasibility of Miller filing a writ of replevin to the same effect. Becker felt that by September 5<sup>th</sup>, both Buchen and Miller were “committed” to working out a way by which Nixon could both obtain access to and retain ownership of his papers while accomplishing the objectives sought by Buchen. Becker Deposition: 28-35.

<sup>100</sup> Becker Deposition: 63. This left Buchen, in Becker’s estimation, with a difficult conflict that meant determining what his liabilities were “with respect to the production of records” belonging to someone else.

<sup>101</sup> Becker Deposition: 14.

and the court. When directly questioned about this motive in his 13 November 1974, deposition, however, Becker was reluctant to “put it that way. Mr. Buchen realized that any agreement he got with Mr. Miller and Mr. Nixon was better than what he had at the moment.”<sup>102</sup> While this may only be a carefully worded attempt to avoid admitting to expediting a desire to shift responsibility and get the Ford Administration out of one of the multitude of dilemmas left from Nixon’s abrupt departure—especially considering the negative backlash from the Nixon Pardon—there is some validity here (Fig. 10.5).



10.5 Ford’s high approval rating dropped precipitously after the Pardon of Richard Nixon. Gerald Ford Presidential Museum, Grand Rapids, Michigan (Photo by Author © 2006).

<sup>102</sup> Becker Deposition: 61. Becker noted that if Nixon was successful obtaining a writ of replevin with regards to his material, any deposit he chose to make with the GSA could be recalled by him at any time.

Given what Ford's legal team now believed to be the right of Nixon to gain possession of his materials, and given the constant pressure from the Nixon holdovers still on Ford's staff, such as Haig, to immediately send the records to California, there was a very real fear that a lawsuit would materialize, further compromising the effectiveness of the Administration in all other arenas.<sup>103</sup> Thus, any swift and viable alternative that ensured the preservation of the materials—even if only temporarily—might well have been preferable to escalating internal divisiveness, not to mention the risk of a possibly unwinnable court fight with Nixon over property rights and the growing need from the courts for the Ford Administration to respond to all the legal actions waiting records from the Nixon Administration. Indeed, Buchen confirmed the latter part of this pragmatic, if politically cynical, assessment in his own deposition.<sup>104</sup> As Kenneth S. Geller of the Special Prosecutor's Office put it: "Buchen's desire was to avoid the need to hire a group of White House lawyers who would continually have to go into court in answer to subpoenas for Nixon files..."<sup>105</sup>

Nevertheless, Buchen held his ground, informing Miller that the White House had concerns about the materials' protection, and Miller left the meeting to draft a preliminary memo that could "be used to implement the transmittal of [the Nixon] records from the bailee, President Ford, to President Nixon which is consistent ... with

---

<sup>103</sup> Memo, Kenneth S. Geller, Special Prosecutor, to Files, re: Nixon v. Sampson; interview with Benton Becker, 1 November 1974, folder "C.A 74-1518, 1533, 1551 Becker Deposition," Box 6, National Study Commission on Records and Documents of Public Officials, Gerald R. Ford Library (hereafter: Geller Memo). Geller's report stated: "One person, Alexander Haig, argued that [the materials] were Nixon's and should immediately be shipped to him without restrictions."

<sup>104</sup> Buchen Deposition: 33.

<sup>105</sup> Geller Memo, *op cit.*

the objectives sought by ... Mr. Buchen.”<sup>106</sup> Oddly, Geller reported that nobody present at the 3 September meeting suggested drafting an agreement, yet Miller arrived at a second meeting two days later with just such a draft in hand.<sup>107</sup> When Buchen, Becker and Miller met again at the Jefferson Hotel, they discussed, “among other things,” Miller’s draft of a letter from Nixon to Arthur F. Sampson, Administrator of General Services.<sup>108</sup> The letter would give Sampson protective custody of the materials and confirmed what were still assumed to be Nixon’s property rights. Because it covered the tapes and records using statutory language “without necessarily defining them,” Buchen only proposed “some technical changes, not much in substance” because he felt that the draft “had no effect of giving [Nixon] more rights than the law would allow.”<sup>109</sup> Evidently, Buchen was “less concerned about the exact terms of the agreement” because the White House was only acting as a “temporary bailee.”<sup>110</sup> In short, the agreement transferred the ‘bailee’ responsible for the security of the materials in the draft from the White House, a potentially subjective and liable political entity, into the ostensibly neutral and more archive-capable General Services Administration.

With an abundance of statutes and rules governing its practices, the GSA was probably better suited than the White House to handle Nixon’s records (archivists from

---

<sup>106</sup> Becker Deposition 27-28.

<sup>107</sup> Geller Memo, *op cit.*

<sup>108</sup> Buchen, in his deposition, noted that the September 3<sup>rd</sup> meeting was concerned with both the pardon *and* the disposition of materials. Therefore, when Becker, in his deposition (p.28), notes that they discussed the draft “among other things,” that is most likely what he is alluding to. According to Geller’s report, “most of this second meeting was ... spent with the pardon.” Geller Memo, *op cit.*

<sup>109</sup> Buchen Deposition: 20-23.

<sup>110</sup> Buchen Deposition: 20.



the GSA were already assisting the White House staff with the packing and labeling), and, presumably, any legal challenges—from Nixon or any other party. As a result, Buchen did not feel the need to “have it spelled out in any negotiations the exact way in which the overriding government interests would be asserted.”<sup>111</sup> Besides, both Buchen and Miller were “committed ... to working out a mechanical device that would accomplish the objectives” and render “moot the necessity for litigation.”<sup>112</sup>

Becker remembers the reaction to Miller’s draft a little differently. After the morning meeting with Miller, he met for two hours with Buchen and Casselman later that afternoon in the White House, to go over the draft and discuss some changes.<sup>113</sup> In Becker’s words: “the draft failed to accomplish the objectives ... sought by Mr. Buchen.”<sup>114</sup> Becker described these objectives as the need to “satisfy the continuing and prospective need” for the tapes and records in civil and criminal proceedings while providing a “method and a mechanic” to secure “all of the records” for use in such proceedings—present and future.<sup>115</sup> For Becker, “secured” emphatically meant “not subject to destruction or erasure.” Further, he wanted to ensure that any arrangement complied with the 15 August request by the Special Prosecutor’s Office while also

---

<sup>111</sup> Buchen Deposition: 20.

<sup>112</sup> Becker Deposition: 34.

<sup>113</sup> Geller Memo, *op cit*.

<sup>114</sup> Becker Deposition 30-31. It might be fair at this point to characterize the differences emerging in Buchen’s and Becker’s approach to the problem. Although both men were acting on Ford’s behalf, Buchen, as White House Chief Counsel, had to concern himself solely with the legal integrity of the Ford Administration. At the very least, this seems to encapsulate his remarks in deposition. Becker, on the other hand, as Ford’s private counsel, appears to have been as interested, perhaps at the request of Ford, in the details of the presidential materials question, in excess of immediate White House liabilities—especially with regards to the destruction of documents.

<sup>115</sup> Becker Deposition: 31-32.

providing for “the privacy of individuals whose conversations may have been taped ... without their knowledge.”<sup>116</sup> Casselman was also concerned. He felt that the draft had no provisions for the security of materials once Nixon took possession.<sup>117</sup> Further, Miller’s draft made no distinction between records and tapes, did not provide an appropriate mechanism for how to maintain the materials during the Watergate trial, and did not “provide for acquiescence by the Special Prosecutor.”<sup>118</sup>

After going over changes to the drafted agreement, Buchen, Casselman, and Becker met with President Ford at 4 p.m.<sup>119</sup> Becker left for California one hour later with Miller. Becker did not have the preliminary copy of Saxbe’s Opinion with him. However, he was instructed by Buchen to “protect the Special Prosecutor’s interests.”<sup>120</sup> The following day Becker met with Miller and Ron Ziegler, Nixon’s former Press Secretary, to discuss the changes and finish the agreement. According to Geller, Miller and Ziegler came to the understanding that there would be no agreement unless they agreed to the White House conditions and restrictions.<sup>121</sup>

Becker later claimed that he went to California with three purposes in mind: obtain a Deed of Trust transferring Nixon’s “ownership interest” in all of his records, discuss the granting and acceptance of a Presidential Pardon with Nixon, and obtain a

---

<sup>116</sup> Becker Deposition: 31-32.

<sup>117</sup> Geller Memo, *op cit.*

<sup>118</sup> Geller Memo, *op cit.*

<sup>119</sup> According to Geller, Becker refused to discuss this meeting, citing attorney-client privilege. Geller Memo, *op cit.*

<sup>120</sup> Geller Memo, *op cit.*

<sup>121</sup> Geller Memo, *op cit.* Without an agreement, Miller and Ziegler would have to “bring a replevin action to recover the materials.”

Statement of Acceptance that “acknowledged [Nixon’s] personal, improper role in the Watergate Scandal.”<sup>122</sup> Becker reported each night to President Ford on the difficulties of getting Nixon to include any “first person ... acknowledgement of wrongdoing.” Eventually a Deed of Trust was agreed upon by all parties. Becker later claimed that the Deed of Trust “gave the government what it wanted: ownership and possession of the documents and tapes” along with access to Nixon for such things as memoirs and legal uses.<sup>123</sup> Nixon signed the final version on Saturday, and Becker returned immediately to Washington on an overnight flight. On Sunday evening, at 7:10 pm, September 7, after going over the document for fifteen to twenty minutes—and, crucially it turned out, without consulting the GSA’s Counsels Office—Arthur Sampson, the Administrator of General Services, signed what became known as the Nixon-Sampson Agreement.<sup>124</sup>

At first glance, the Nixon-Sampson Agreement appears to be a relatively straightforward document. Nixon agreed to “donate to the United States, at a future date, a substantial portion of my Presidential materials which are of historical value to our Country. ... it will be my desire that they be made available, with appropriate restrictions, for research and study.”<sup>125</sup> Nixon goes on to offer to transfer all of his

---

<sup>122</sup> Becker (1999-2000): 40.

<sup>123</sup> Becker (1999-2000): 41.

<sup>124</sup> Sampson was never consulted prior to signing the agreement, nor had he seen it prior to that evening. “To Becker’s knowledge, the only persons in the government who were aware of this agreement beforehand were President Ford, Robert Hartmann, Alexander Haig, William Casselman, Philip Buchen, and (at the last minute) Jerry terHorst.” Geller Memo, *op cit*.

<sup>125</sup> Letter, Richard M. Nixon to Arthur F. Sampson (Administrator, General Services Administration), 9/6/1974, folder “Nixon – Papers: Agreement 9/6/74,” Box 28, Philip W. Buchen Files (WH Counsels Office), Gerald R. Ford Library [hereafter: Nixon—Sampson Agreement].

“materials as defined in 44 U.S.C. Section 2101,” to the GSA, “in the interim, so that my materials may be preserved.” However, he specifies that only the materials “located within the metropolitan area of the District of Columbia” are subject to the agreement, reinforcing the belief held earlier by Buchen that it was only physical possession of the records and tapes that gave the White House any leverage.

There are eleven conditions governing the agreement, six of which are relatively standard legal language establishing liabilities, defining party responsibilities and providing for the maintenance of a government depository. For example, sections 4 and 5 provide for the temporary deposit of the materials “in an existing facility belonging to the United States” until such time as a “permanent Presidential archival depository” could be built in accordance with the Presidential Libraries Act (1955). Although the provision that the temporary depository be located near Nixon’s residence would later come under fire, it was the other five provisions that elicited outrage when the agreement was made public alongside the Nixon Pardon on September 8.<sup>126</sup>

Five sections of the agreement would be challenged in court by various parties, including, incredibly, Nixon. These dealt with ownership, access, and the lack of any

---

<sup>126</sup> One of Casselman’s concerns made it into the agreement in the form of paragraph 10, which was not in Miller’s original draft. In addition to giving the Administrator responsibility for protecting the materials, it gave the Counsel to the President the power to authorize the Administrator to temporarily “re-deposit ... certain Materials to a location other than the existing facility described in paragraph 4” so long as they remained protected. This provision presumably gave the government some leeway in assuring that materials could be moved (if not accessed) without Nixon’s permission to a more convenient location, should such be required. Geller Memo, *op cit*.

forceful guarantee regarding the ultimate preservation of the materials.<sup>127</sup> The first of the five challenged provisions was number 3, a single sentence affirming that Nixon retained “all legal and equitable title to the Materials, including all literary property rights.”<sup>128</sup> Although the Saxbe Opinion, published that same day, concurred with this assessment (at least the first part), public sentiment seemed to find such a notion uncomfortable and Congress immediately began the process of altering the ongoing efforts to pass the Public Documents legislation so that it might specifically counter this claim.<sup>129</sup>

The remaining four sections detailed the conditions and mechanisms for access to both the records and the tapes—separately considered. Section 6 specified that two keys would be required to enter the depository, one of which would be “entrusted ... to

---

<sup>127</sup> See Vose (1975): 8-18, for a detailed analysis of why the Nixon–Sampson agreement was objectionable to, among others, historians and political scientists.

<sup>128</sup> Nixon–Sampson Agreement, section 3. By distinguishing between title and literary rights, the agreement seemed to imply that the objects in question—tapes and records—had a value that exceeded mere associational property value. This is Saxbe’s argument—the President endowed essentially cheap or nearly-free paper with value by virtue of his authorial hand. In other words, by creating or signing the documents (although only a small percentage ever actually pass through the Oval Office), Nixon conferred upon them their value, analogous in a profane way to a signed baseball. The literary argument, by contrast, is not so much the argument that an author gives value by virtue of his pen, but rather insists that there is another form of untapped value present in the materials—and that is a *future* value whereby *use* of them after their creation, to create new materials (biographies, political histories, etc.) in Nixon’s post-Presidency, has value. This is exerting a power that can only be present after he leaves office. In short, this means the power to confer value is inherently a function of the person while President but the power to extract and control value is solely limited to and only comes into being with the post-presidency. Therefore, by claiming total literary rights, Nixon not only retained control (and thus profit) over any potential meaning and history derived from the records, but simultaneously, grafts presidential privilege onto proprietary rights in such a manner as to make the two inscrutably connected.

<sup>129</sup> Becker Pardon History (2000): 41, recalled that the agreement gave the government possession and ownership. But in later in the same article, and in his deposition, he felt that the materials were, in fact, Nixon’s.

the Archivist of the United States or to members of his staff.”<sup>130</sup> The other key, “essential for access shall be given to [Nixon] alone as custodian of the Materials.”<sup>131</sup> In addition, access to all of the records or tapes “shall be limited to [Nixon] and to such persons as [he] may authorize from time to time in writing, the scope of such access to be set forth by [him] in each said written authorization.”<sup>132</sup> Thus not only could access be controlled or restricted in case-by-case written agreements as Nixon saw fit, but he could prohibit any individual from physically entering the depository just by withholding the key.<sup>133</sup>

Geller reported that a large amount of Becker’s negotiations with Miller and Ziegler concerned access by historians—despite Buchen’s lack of concern or, more precisely, his inability to claim a legal responsibility for posterity.<sup>134</sup> However, Becker was unsuccessful, and Nixon did not give any ground on this issue, refusing to allow access without either his permission or a subpoena. With respect to subpoenas, Nixon reserved the right to respond “as the owner and custodian of the Materials, with sole

---

<sup>130</sup> Nixon–Sampson Agreement, section 6.

<sup>131</sup> Nixon–Sampson Agreement, section 6.

<sup>132</sup> Nixon–Sampson Agreement, section 7A. Use of [him] or [Nixon] and [he] in the quote refer, respectively, to “myself” and “I” in the letter. Although drafted by others the form is that of a personal letter from Nixon to Sampson—the signatures at the end “Sincerely, Richard M. Nixon” and “Accepted by: Arthur F. Sampson ...” arguably serve as the mechanism that transforms the letter into a binding legal agreement.

<sup>133</sup> This seemingly simple act speaks directly to the notion that power is literally linked to control over the archive, as noted in Chapter 5.

<sup>134</sup> Geller Memo, *op cit.*

right and power of access thereto and, if appropriate, assert any privilege or defense [he] may have.”<sup>135</sup>

Arguably, this violated the White House’s desire to ensure that the custodian of the records be able to provide necessary documents to the court. However, given the provisions of law—such as those that protect individuals from unlawful searches and seizurees—which govern prosecutorial access to defendant materials, perhaps the White House felt that this was not so much a concession as another affirmation, within the law, of property and privacy rights as well as of the abilities and responsibilities of existing legal systems.

The most prominent objection to the Agreement was that in addition to limiting access as Nixon saw fit, it only guaranteed that the records would be secured for a few years, after which Nixon could do with them as he pleased. The agreement specified that the White House tapes would “remain on deposit until 1 September 1979,” after which Nixon would make them into a gift to the United States on the condition that “such tapes shall be destroyed at the time of my death or on 1 September 1984, whichever event shall first occur.”<sup>136</sup> Further, following 1 September 1979, Nixon could direct the Administrator of the GSA to destroy, at his own discretion, any of the tapes. Nixon insisted in the agreement that he included this “restriction as other Presidents have before me to guard against the possibility of the tapes being used to

---

<sup>135</sup> Nixon–Sampson Agreement, section 9B. This section also provides language that allows the government to determine whether or not any such request might violate “national security or any other privilege.”

<sup>136</sup> Nixon–Sampson Agreement, section 7-8.

injure, embarrass, or harass any person and properly to safeguard the interests of the United States.”<sup>137</sup>

Adding to these restrictions, the Agreement included a line that not only prohibited anyone from listening to the tapes without Nixon’s written consent, but also reserved “to [Nixon] such literary use of the information on the tapes.” Although ostensibly concerned with the privacy of the many individuals who had been taped, with or without their knowledge, this line also reveals Nixon’s desire for proprietary control. In other words, in addition to insisting that his ownership of the materials gave him the right to control access, he ensured that he had the sole right to reproduce anything in the materials by using them to generate more materials for profit during his post-presidency. One could argue that it wasn’t the idea that a former president might own his materials as such which sparked the controversy over the Nixon – Sampson Agreement, but rather that it defined ownership in such a way as to preclude any and all of the obligations of the archive—from legal to historical—outside of Nixon’s personal profits, benefits, and desires.

To be fair, in addition to getting any concession—even if a provisional or temporary one—regarding the ownership and security of the materials out of Nixon, the question of personal privacy raised by the tapes was extremely important to Buchen and his legal team. With regards to the first issue, Buchen sent a letter in mid-

---

<sup>137</sup> Nixon–Sampson Agreement, section 8.



October to Sampson trying to clarify these provisions in the wake of what he understatedly called “much public discussion.”<sup>138</sup>

Buchen insisted, despite popular opinions to the contrary, that without “legal process,” neither Nixon nor anyone else had the ability to remove any of the tapes prior to 1 September 1979. He reminded Sampson that ownership of any of the tapes after that date was conditional on accepting Nixon’s conditions for their eventual destruction. Therefore, in order to eventually transfer ownership from Nixon to the United States, Buchen and Becker agreed to Nixon’s restrictions. However, with respect to destruction and the radical erasure of the record (which only applied to the tapes), where Nixon may have been acting out of personal interest—which, given the property precedent, certainly appeared on the surface to be his right—Buchen and his team had another concern.

Two weeks after the Nixon—Sampson Agreement was signed, Buchen and Casselman explained to James B. Rhoads, Archivist of the United States, why the government had agreed to the provision allowing for the destruction of the tapes by 1 September 1984. “It is my belief,” Buchen told Rhoads, “that such recordings made of conversations engaged in by persons of whom one or more were unaware of the recordings are so offensive and contrary to their interests in personal privacy and freedom of expression as to justify or even require treatment different from that

---

<sup>138</sup> Letter, Philip W. Buchen to Arthur F. Sampson, 15 October 1974, folder “Nixon – Papers: Agreement 9/6/74,” Box 28, Philip W. Buchen Files (WH Counsels Office), Gerald R. Ford Library.

accorded other materials..."<sup>139</sup> In pursuit of these ends, the agreement provided for two 5-year periods: a window within which court-ordered disclosure could take place (6 September 1974 to 1 September 1979), and a period for the eventual destruction of the offending materials (2 September 1979 to 1 September 1984). This two-phased approach allowed for the legitimate need to subject any criminal offenses already in play to public and judicial scrutiny, while simultaneously preventing any accidental violation of privacy; although, the first concern was rendered moot in the eyes of many by the Pardon.

Becker later claimed that Ford wanted a five-year window of government possession in order for Congress "to enact prospective and retroactive records, papers, and tapes legislation, which would supersede and replace the Nixon Deed of Trust."<sup>140</sup> Indeed, Becker hinted that Ford might have "quietly urged" such legislation on. That President Ford signed PRMPA into law in December 1974 without protest goes some way to substantiate Becker's claim.

In any event, like Buchen, Rhoads was also an agent of the United States, acting in an official capacity. However, where Buchen's obligations were to the Ford White House, Rhoads' duties were those demanded by the archive—specifically the U.S. archive, and thus to a certain sense of national posterity. Rhoads believed that by

---

<sup>139</sup> Letter, Philip W. Buchen to James B. Rhoads, 9/20/1974, folder "Nixon – Papers: General Services Administration (1), Box 30, Phiulip W Buchen Files (WH Counsels Office), Gerald R. Ford Library. Remember, Buchen was a member of the Commission for Privacy Legislation under then Vice-President Ford, a body that was involved in the passage of the Privacy Act, passed into law less than a month later.

<sup>140</sup> Becker Pardon History (2000): 41. He insisted that Ford and his staff were aware that Congress was considering the retroactive legislation (although whether or not this was true before the Agreement was made public is difficult to assess).

destroying the tapes all “possibility for future historians to learn the conversational contents of the tapes at some future time”—even so far into the future that personal liability or injury was no longer an issue—would be gone forever. Rhoads felt that this erasure of historical potential was, in Buchen’s words, “objectionable to ... archivists and historians.”

Buchen, exercising no authority beyond his position as White House Counsel, assured Rhoads that as long as he really felt that way, the Archivist was “under no obligation” to refrain from making that view known. However, Buchen made an interesting point encompassing technology, the “historical and archival community,” and the materials they use to “make a ‘record of history’.” Buchen felt that the community as a profession should “consider fully, under appropriate organizational auspices,” the problem of using modern recording devices in order to obtain a permanent record of private conversations when not all parties are aware that such a record is being made. This was a concern that Buchen felt went beyond the immediate materials in question, perhaps touching upon the very ethical limits of the archive itself.<sup>141</sup>

Buchen appears to have hit upon a conflict between posterity, or a public desire for a perfect(able) record of history—especially if such a desire becomes an enforceable guarantee—and the individual right guaranteed by the U.S. Constitution to

---

<sup>141</sup> That the State is endowed, within limits (or so it used to be), with such powers seems to conflict with this assessment. Although, if (especially if) this is considered ‘wrong’ for States, does then history have the right or the power (or even the obligation) to take on this apparatus of the State?

both speak freely and “be secure in their persons.”<sup>142</sup> Although they may have come to the end result for different reasons than Miller and Nixon, Buchen and Becker, relying on the legal precedent spelled out by Saxbe, came to the conclusion that it was better to submit to private property rights and thus authorize the destruction of the tapes than to possibly violate somebody’s privacy and freedom of speech for the sake of posterity and public access. Indeed, it is entirely possible that this seemingly irresolvable confrontation embedded in the Nixon – Sampson Agreement between public obligation and posterity on the one hand, and individual privacy and property rights on the other, might never have found its way into legislation or have been brought before the court had not Nixon been so controversial a figure and had he not been pardoned by Ford the same day as the agreement was made public.

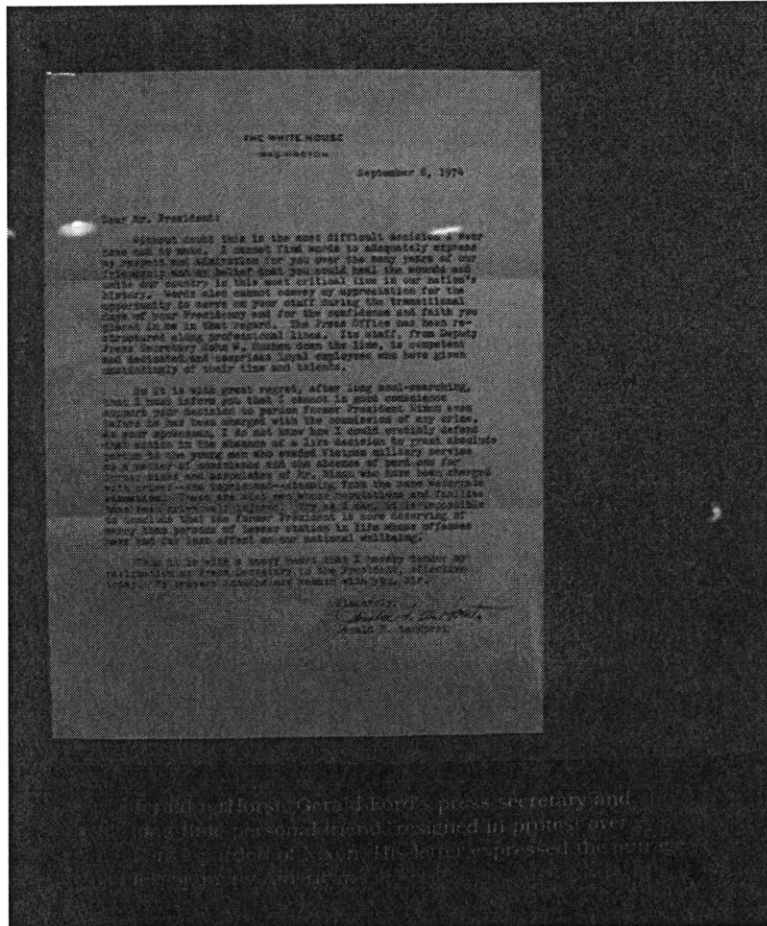
### **The Documents III: The Pardon of Richard Nixon**

The Pardon of Richard Nixon by President Ford was arguably one of the most damaging and controversial decisions ever made by a modern president. Indeed, there is an exhibit dedicated to the pardon at the Gerald R. Ford Presidential Museum, in Grand Rapids, Michigan. The exhibit, among other things, illustrates the 24-hour drop in Ford’s approval rating on September 9, 1974—from 71% to 50%—as well as the jump in his disapproval rating from an astounding 3% to 28% (Fig. 10.5). In addition

---

<sup>142</sup> U.S. Constitution, First and Fourth Amendments. In short, this essential provision of the “due process” clause in the Constitution, in conjunction with the First Amendment, makes manifest the difficulty over how to determine the property rights over objects such as tape-recordings (or even video) when they might violate not so much literary or proprietary rights, but the security of the body itself. Put another way, it raises the question of what happens to the viability of such rights when the access and accountability of ones own self and expression, beyond another’s memory or representation (accounted for in law by the presence of a jury), can be made ultimately subject to a mechanical authority, operated and controlled by another without prejudice.

to public disapproval, several Ford staff members, some reluctantly and some bitterly, resigned over the issue. The letter by Jerald terHorst, Ford's Press Secretary and a personal friend, offering his resignation and detailing his disappointment, is on display in the Ford Museum (Fig. 10.6).<sup>143</sup>



10.6 Letter of Resignation by Jerry terHorst, on display at the Gerald Ford Presidential Museum, Grand Rapids (Photo by Author © 2006).

<sup>143</sup> Many on Ford's staff felt that the terHorst resignation was the wrong thing to do, even if justified, because it made a "public show" of his disagreement. See Mark J. Rozell, "The Limits of White House Image Control," *Political Science Quarterly* vol. 108, no. 3 (Autumn, 1993): 465-476. Larry Speakes accused terHorst of "torpedoe[ing] the President," and insisted that terHorst already wanted to leave his position and just used the Pardon as "a convenient excuse." Larry Speakes, *Speaking Out* (New York: Avon Books, 1989), as quoted in Rozell (1993): 471.

Beyond general anger, one of the chief criticisms of the Nixon Pardon, and the one that is most pertinent to the disposition of presidential materials, was that it coincided with the Nixon-Sampson Agreement and thus was seen as part of a cover-up designed to protect Nixon by preventing access to his tapes and papers.<sup>144</sup> That Ford's team met with Miller to discuss a Pardon while simultaneously working out an arrangement for the tapes and documents lent considerable weight to this accusation. Indeed, the archival record from the Ford Library makes it difficult to separate the two events.

Officially, on either August 28 or 29, Buchen asked Becker to do research on presidential pardons.<sup>145</sup> At least this is what Special Prosecutor Geller reported after interviewing Becker in early November 1974. Becker, in his deposition, recalled that Buchen informed him on August 29 about a meeting with the President which included Haig, Hartmann, and Kissinger, concerning the feasibility of a Pardon. Evidently, Ford instructed Buchen to bring Becker into the small group—sworn to secrecy—in order to do the legal research.<sup>146</sup> However, Becker later claimed that he had a “serious and memorable conversation” with President Ford maybe a week or two earlier:

---

<sup>144</sup> Joseph Kraft, “Gerald Ford: ‘An Ordinary Pol’ ...,” *Washington Post*, 19 September 1974, wrote that “it is hard not to suspect that there was some kind of deal between the former President and the man now in the White House.” Kraft’s colleague at the *Washington Post*, George F. Will, put it succinctly in his article published on September 10, within 48 hours of the pardon announcement: “The effect of his precipitate action appears rather like the effect of what used to be called, in less polite terms, a coverup...”, as quoted in Rozell (1993): 466. In the depositions of both Buchen and Becker in conjunction with *Nixon v. Sampson*, both men were asked to provide a timeline of their involvement with the disposition of the Nixon materials, in part, it appears, to determine whether or not a “deal” had been struck wherein Nixon would sign the Agreement in exchange for a Pardon. See also, Woodwrad (1999), 1-33.

<sup>145</sup> Geller Memo, *op cit.*

<sup>146</sup> Becker Pardon Background (1974), *op cit.*

One evening in mid-August 1974 at about 9:30 at night, in the upstairs residence of the White House, I had a quiet conversation with President Ford. President Ford, a Yale Law School graduate, had questions about his constitutional authority respecting pardons. He asked me to quietly review the law books and to advise him of the scope of his authority.<sup>147</sup>

Regardless of when he began his research, and who asked him to do it, Becker reported his findings on the precedence and constitutionality of presidential pardons to Buchen on 3 September, the same day the two of them met with Nixon's attorney, Miller, at the Jefferson Hotel in D.C.<sup>148</sup>

The legal findings and recommendations with respect to the Pardon were outlined in a "Personal Memorandum of Counsel to President."<sup>149</sup> The memo was divided into four parts: 1) Scope of Presidential Power of Pardon, 2) Steps Which Could Be Taken Before Pardon is Issued, 3) The Timing of the Pardon, 4) The Terms of

---

<sup>147</sup> Becker Pardon History (2000), 36-37. Becker claimed privilege with regards to all of his conversations with President Ford, therefore this was not recorded in his 1974 deposition. According to an email from David Haughey, Attorney, Grand Rapids, Michigan, to Author, 31 August 2006, "Congressman Ford always tried to keep in touch with the legal fraternity in Grand Rapids. He was a fairly frequent speaker at Bar Association meetings, and he nursed his acquaintance with GR lawyers, particularly some of the fellows who were in practice when he started here as young lawyer. ...in the days before issuing the Nixon Pardon, he and Phil Buchen got in touch with some of the senior lawyers in Grand Rapids that both of them knew quite well and asked them to research the law applicable to Presidential Pardons; especially whether such pardon could cover crimes that had not been charged. Several law firms here were asked to dig into this problem on an urgent basis, and to report their findings by phone as soon as possible. Several young lawyers from several firms found themselves chasing the same books at the Bar Association Library, and the story spread around legal circles here, but I don't recall any general publicity about this local effort. I was not directly involved in it, but I heard about it. The story we got here was that Mr. Ford had no one in Washington, other than Phil Buchen, that he trusted to even talk with about the matter; and he definitely wanted some good advice before he made any move." Author's Note: David Haughey is my Grandfather's older brother, and has lived and practiced law in Grand Rapids, Michigan for over 40 years.

<sup>148</sup> Becker Deposition: 20.

<sup>149</sup> Memo, "Personal Memorandum of Counsel to President," 9/3/1974 [date is handwritten in upper right corner as: '[ca 9/3/74]'], folder "Nixon - Pardon: General (2)," Box 32, Philip W. Buchen Files (WH Counsels Office), Gerald R. Ford Library [hereafter: Pardon Memo].

Pardon.<sup>150</sup> Of the four, the most important in terms of its impact on the history of presidential materials, was part 2 (also the longest section).<sup>151</sup> Part 2 made four recommendations: that the White House “obtain the particulars of acts” which could be used to charge Nixon, “obtain opinions as to how soon, if ever, it may be possible for RN to receive a fair trial,” “obtain evaluations” for how a prolonged investigation and prosecution would affect “the general welfare of the country,” and finally, that the White House obtain from Nixon “a binding agreement on documentary, recorded, or tangible materials related to his Presidency which are in the possession of the United States...”<sup>152</sup> It insisted that such an agreement provide for a storage facility to remain under Federal jurisdiction up to five years “or until all orders and subpoenas which involve any of the materials and which arise out of then pending Court actions have been satisfied or otherwise disposed of;” Nixon would be responsible for complying with such orders.<sup>153</sup>

The memo specified that Nixon “or his designees” be allowed “unlimited access and rights of inspection and copying ... for any purpose” provided that the “completeness and integrity” of the materials was preserved “while they remain in the custody of the United States.” It also recommended that a program of archival “sorting,

---

<sup>150</sup> Pardon Memo.

<sup>151</sup> Part 2 of the Pardon Memo was over two pages in length (out of four total), and parts 1 and 4 were less than twenty lines.

<sup>152</sup> Pardon Memo, Part 2a-d. In addition to considering the ‘welfare of the country,’ the memo recommended obtaining evaluations of how such trials would affect Nixon’s “personal health and chances for physical and mental survival.” The memo suggested that these two concerns (national welfare, Nixon’s health) might offer the opportunity to distinguish Nixon from the “other offenders.”

<sup>153</sup> Pardon Memo.



arranging, and cataloguing” be permitted. Further, the United States remained under “no obligation” to defend the former President with regards to any “acts or occurrences during his incumbency or arising out of the present or future status of documentary, recorded, or tangible materials related to his Presidency.” The Federal government would protect its interests only. Most importantly, however, was the insistence that “the agreement is subject to modification or rescission by any final Court order of a Court having jurisdiction over the subject matter.”<sup>154</sup>

This final provision was remarkably prescient. And, in the weeks following the Pardon, Nixon demanded that the government relinquish possession of his materials and sued to force the government into immediate compliance with the Nixon-Sampson Agreement. Counter-suits, from both the government and other third-parties followed, and the court swiftly became a jurisdictional battleground for the future of not only Nixon’s but all presidential materials.

### **Nixon v. Sampson: “That’s what courts are for”**

Nixon’s political downfall was intimately tied to records. On 24 July 1974, the Supreme Court, in *United States v. President Richard M. Nixon*, affirmed the ruling of the District Court for the District of Columbia, which held that President Nixon’s need for confidentiality “could not prevail against special prosecutor’s demonstrated specific need” for recordings and documents.<sup>155</sup> Two weeks later, the Nixon presidency came to an end. However, that was not the end of Nixon and his documents in court. Nixon’s

---

<sup>154</sup> Pardon Memo.

<sup>155</sup> *United States v. Richard M. Nixon, President of the United States, et al*, 418 U.S. 683, 94 S.Ct. 3090 (1974) [hereafter: *U.S. v. Nixon* (1974)].

penchant for secrecy combined with intense media scrutiny and outright hostility created a storm over his records. And it is arguable that without Watergate, Nixon's materials and the more general fate of the entire presidential archive would not have become contentious enough to attract public scrutiny.

Anger over President Ford's Pardon of former President Nixon was widespread, but a Presidential Pardon is final and unchallengeable. Nixon was now immune from prosecution—or legal judgment—for any actions he had taken while in office. However, there was still the possibility of public judgment and historical resolution. Therefore, Congress and others took aim at the materials covered in the Nixon-Sampson Agreement.

Congress immediately switched its attention from working out the more sweeping Documents Act to dealing specifically with the problem of the Nixon records, moving swiftly to iron out what would become the Presidential Recordings and Materials Preservation Act (1974)—signed into law by President Ford in December. However, not everyone was willing to wait for legislation. A coalition of journalists, public interest groups, and academic associations began challenging the strength and validity of the Nixon-Sampson Agreement, and charged Nixon and the government with violating the letter and the spirit of the Freedom of Information Act (FOIA).

According to Becker, the Nixon-Sampson Agreement “insured that your grandchildren, my grandchildren and their grandchildren could someday visit the

National Archives and listen to the Nixon tapes of the Oval Office.”<sup>156</sup> What is more, Becker insisted that President Ford felt the agreement—even with its restrictions—was exceedingly preferable to the “likelihood of unmonitored selective destruction of a national historical treasure.”<sup>157</sup> Of course, if the Agreement was executed as it was written then nobody’s grandchildren would be able to listen to any tapes—“treasure” or otherwise—as they were all to be destroyed within ten years. Evidently, not everyone agreed with either Ford’s sentiment that total monitored destruction over the course of a decade—even (or especially) by the government—was better than either unmonitored destruction or the agreement’s stipulations for extremely limited access.

Two days after President Ford pardoned Nixon and both the Saxbe Opinion and the Nixon–Sampson Agreement were made public, journalist Jack Anderson filed a FOIA application with the General Services Administration in order to gain access to Nixon’s materials. On 2 October, Lillian Hellman, Chair of the Committee for Public Justice, also filed a FOIA application with the GSA (although, unlike Anderson, she restricted her request to specific tape recordings).<sup>158</sup> The GSA denied both applications, stating that not only were the materials in question “not presently ... in its

---

<sup>156</sup> Becker Pardon History (2000): 41.

<sup>157</sup> Becker Pardon History (2000): 41. That the government would oversee the monitoring, and would still allow for the eventual destruction seems to contradict this statement unless you believe Becker’s claim that Ford just wanted enough to quietly support and sign the legislation that would eventually render the Agreement moot.

<sup>158</sup> Richard M. Nixon v. Arthur F. Sampson, et al, 389 F. Supp. 107 (1975), C.A. No. 74-1581, C.A. Nos. 47-1533, 74-1551; [hereafter: Nixon v. Sampson]. The Committee for Public Justice was affiliated with the American Civil Liberties Union. Hellman, et al, sought access to the 147 conversations subpoenaed by the House Judiciary Committee during the impeachment hearings.

possession,” but that the materials were not “records” as such, and therefore fell outside the purview of the Freedom of Information Act.<sup>159</sup> Further, the GSA claimed that even if Nixon’s materials were subject to FOIA, they were exempted from “mandatory public disclosure” by statute; namely, the Presidential Libraries Act (1955).<sup>160</sup> Although Anderson filed an appeal on October 8, government counsel later “stipulated that Anderson’s request, as well as those of Lillian Hellman, et al., and The Reporters Committee for the Freedom of the Press would be denied ... [and] their administrative remedies should be deemed exhausted.”<sup>161</sup> The emphasis on ‘administrative remedies’ illustrated the government’s position that a challenge to access could now only be settled in court. As Becker said in his deposition when asked about any conflicts that might arise out of the Nixon–Sampson Agreement: “that’s what courts are for.”<sup>162</sup>

Meanwhile, Jack Landau, of the Reporters Committee for Freedom of the Press Legal Defense and Research Fund, had been in contact with both the American Political Science Association and the American Historical Association in order to arrange for a joint action preventing “the movement of the Nixon Presidential papers from

---

<sup>159</sup> Because the internal GSA regulations for the transfer of materials from the White House to an archival facility—as called for in the Nixon – Sampson Agreement—were not yet drafted or in force, the GSA could honestly use their lack of possession as a tool for denial. However, given that the Nixon - Sampson Agreement was drafted in order to shift the burden of possession from the White House to the GSA, such an excuse is a little disingenuous. Especially since the White House had already abrogated its responsibility to the GSA. In short, the GSA denial based upon a lack of possession rendered Buchen’s ‘shift’ of obligation moot; and so long as there were no internal rules approved and in place for physical transfer and access, the materials remained effectively in limbo and out of reach.

<sup>160</sup> Nixon v. Sampson.

<sup>161</sup> Nixon v. Sampson.

<sup>162</sup> Becker Deposition.

Washington and to protect them against destruction and to insure freedom of access and guarantee public ownership.”<sup>163</sup> The AHA agreed and on October 15, after consulting with its members, the APSA also officially consented to join in legal action. Two days later, Nixon beat them to the punch, filing suit in the District Court of the District of Columbia against Arthur Sampson, Philip Buchen, and H. Stuart Knight (Director of the Secret Service).<sup>164</sup> Nixon sought a temporary restraining order and a preliminary injunction to prevent access to his materials without his permission—this included the Special Prosecutor—and to compel immediate compliance with the terms of the Nixon–Sampson Agreement. This suit, and the intervening cases associated with it, became known as *Nixon v. Sampson*.

On 18 October, Anderson filed a motion under FOIA to intervene in the case seeking access to the materials and injunctive relief against the implementation of the Nixon – Sampson Agreement.<sup>165</sup> On October 21, the Reporters Committee for Freedom of the Press—joined by AHA and APSA—also filed suit against the United States government. Like Anderson, they sought to prevent the implementation of the agreement and to consolidate with the Nixon suit. Finally, the Special Prosecutor filed

---

<sup>163</sup> Letter, Evron Kirkpatrick, Executive Director, APSA, to Clement E. Vose, 1/7/1975, as quoted in Vose (1975): 12-13. Landua was the chief press officer for the Justice Department for several years; other members of the Committee included: Walter Cronkite and Fred Graham (CBS), Howard K. Smith (ABC), Elsie Carper (*Washington Post*), Eileen Shanahan and J. Anthony Lukas (*New York Times*), Nat Henhoff (*Village Voice*); see Vose (1975): 13.

<sup>164</sup> PRMPA, once it was passed, gave the District Court of the District of Columbia exclusive jurisdiction to hear all cases dealing with the Nixon materials.

<sup>165</sup> “Chronology of Nixon Litigation,” [no date], folder “Chronology of Nixon Litigation,” Box 6, National Study Commission on Records and Documents of Public Officials, Gerald R. Ford Library.

a motion “in order to protect the interests of his office.”<sup>166</sup> Despite the Justice Department’s opposition to the Anderson intervention (albeit in support of the Special Prosecutor’s action), Justice Charles Richey immediately issued a temporary restraining order prohibiting the execution of the Nixon–Sampson Agreement until such time as hearings could be held “in order to preserve the status quo.”<sup>167</sup> Three days later, on 24 October, Hellman, et al, seeking access to the recordings from her FOIA application, brought suit against both Nixon and the government, and also moved to consolidate.

The following day Nixon amended his suit. He demanded the prompt transfer of his materials to California in compliance with the Nixon–Sampson Agreement, citing his immediate need to access the materials in preparation for his testimony in the Watergate trial. On 31 October, the Court granted all motions to intervene and all requests for consolidation by the Special Prosecutor and what the Court record referred to as the “FOIA plaintiffs.”<sup>168</sup> On 11 November, the government and the Special Prosecutor, Henry Ruth, filed a motion to implement an agreement Ruth and

---

<sup>166</sup> Nixon v. Sampson. On September 12, the Special Prosecutor and Buchen came to an agreement that no material would be transferred without his permission. “Chronology of Nixon Litigation,” *op cit.*, Gerald R. Ford Library.

<sup>167</sup> The Justice Department, representing the defendant Sampson, did not oppose the intervention by the Special Prosecutor and was prepared to search for materials requested by the Special Prosecutor as well as to give notice to Nixon so that he may respond before such material was produced. “Chronology of Nixon Litigation,” *op cit.*, Gerald R. Ford Library. Nixon v. Sampson.

<sup>168</sup> Several Congressmen, who were party to the pending legislation involving the Nixon materials (PRMPA), were granted permission on 11 November to appear as *amici curiae* (friends of the court), in support of the FOIA plaintiffs. The Congressmen included: Elizabeth Holtzman, Sam J Ervin, Jr., John Brademas, Jacob Javits, Gaylord Nelson, and Wayne Hays, see Nixon v. Sampson.

President Ford had made “in the interest of justice” two days prior.<sup>169</sup> The Ford–Ruth Agreement allowed Ruth’s office immediate access to the Nixon materials for use in the Watergate trial. Within 48 hours Nixon filed a motion to prevent the implementation of the Ford–Ruth Agreement.<sup>170</sup> Depositions were taken and hearings held through 18 November, with initial briefs filed by 6 December.<sup>171</sup> Three days later, Congress finally passed the Presidential Recordings and Materials Preservation Act “to protect and preserve tape recordings of conversations involving former President Richard M. Nixon and made during his tenure as President and for other purposes.”<sup>172</sup> In response, the parties modified their briefs, and re-submitted them to the Court on 16 December.<sup>173</sup>

Nixon insisted that the Nixon–Sampson Agreement was binding. In addition, not only did the Ford–Ruth Agreement violate his Constitutional right of presidential privilege, but “ownership and control of the materials and tapes is an essential incident of this right and duty.”<sup>174</sup> The Special Prosecutor countered, claiming an “overriding

---

<sup>169</sup> Nixon v. Sampson.

<sup>170</sup> This motion was eventually withdrawn, see Nixon v. Sampson. Ironically, to file such a motion one has to assume that Nixon’s agreement with Sampson was binding and that President Ford’s agreement with Ruth was not.

<sup>171</sup> “Chronology of Nixon Litigation,” *op cit.*, Gerald R. Ford Library. The depositions include those by Becker and Buchen which have been cited throughout this chapter. Nixon v. Sampson.

<sup>172</sup> Pub. Law 93-526, as cited in Nixon v. Sampson.

<sup>173</sup> “Chronology of Nixon Litigation,” *op cit.*, Gerald R. Ford Library.

<sup>174</sup> Nixon v. Sampson. Nixon’s claim of privilege rested on his assertion that confidentiality is vital to the Presidency, therefore, he had a “constitutional right and duty” to protect his papers. Further, specifically with respect to the Ford-Ruth Agreement, he claimed that a search of the materials, without his authorization, was a “derogation of rights and privileges afforded the former President by the Constitution” and thus a violation of the fourth amendment protection against unreasonable searches and seizures.

interest” in the materials that “supervenes any personal or contractual rights that the former President may or may not have.” Further, the Special Prosecutor reminded the court that the government was aware of this interest prior to the Nixon – Sampson Agreement, and insisted that the former President’s claim of privilege could not override a current President’s own executive prerogative to define the “interests of justice.”<sup>175</sup>

While the government concurred with the Special Prosecutor, they would contest neither the “validity of the [Nixon-Sampson Agreement], nor the right of ownership asserted by [Nixon].”<sup>176</sup> However, they did insist that the Agreement set no timetable for when and how the materials would be moved. Therefore, contrary to Nixon’s demand for immediacy, the terms of the agreement could be executed at the government’s discretion and under guidelines to be set by the GSA. The FOIA plaintiffs, by contrast, made a far more radical claim. Beyond joining the Special Prosecutor’s challenge to Nixon’s claim of privilege, their fundamental argument maintained that *Presidential materials belonged to the United States*.<sup>177</sup> Sampson had no right, they

---

<sup>175</sup> Nixon v. Sampson. The Special Prosecutor’s claim with regards to government awareness is supported by a review of the August 15 meeting, the Saxbe Opinion, the Pardon Memo, and the Depositions of Becker and Buchen (only the Saxbe Opinion and the Depositions appear to be part of the court record). All of these documents illustrate a continuing concern on the part of President Ford and his legal team with how Ford’s executive obligations might come into conflict with Nixon’s desire for privacy and privilege.

<sup>176</sup> Nixon v. Sampson.

<sup>177</sup> The FOIA plaintiffs supplemented their argument by claiming that the only Congress can dispose of public property according to Article IV, Section 3 of the Constitution, therefore, the Nixon-Sampson Agreement amounted to an emolument. They also agreed with the Special Prosecutor’s assertion that a former president cannot claim his privilege supersedes that of the current president; in other words, privilege belongs to the government, or the office, not to the man. Further, they argued that not only did the Presidential Libraries Act (1955) terminate the personal ownership practices of prior Presidents, but that Sampson did not perform his statutory duty by personally negotiating the depository



argued, to sign an arrangement with the former President that confirmed title and authority over materials that were already the property of the nation.

Three days later, on 19 December, President Ford signed PRMPA into law. Nixon immediately moved to dismiss all actions in *Nixon v. Sampson* and filed another suit against the United States (*Richard M. Nixon v. Administrator of General Services, et al* (hitherto: *Nixon v. GSA*)) to challenge the Act's constitutionality. The government also moved to dismiss all the actions in *Nixon v. Sampson*, stating that with the exception of the claim of the Special Prosecutor for immediate access, PRMPA and Nixon's new suit made the case irrelevant. The Special Prosecutor, on the other hand, along with the FOIA plaintiffs, filed for summary judgment.<sup>178</sup>

Despite Nixon's new lawsuit challenging the constitutionality of PRMPA and despite the government's standing that the case was now irrelevant given the new law, United States District Court Judge, Charles Richey, found sufficient claims of standing and justiciability to rule in *Nixon v. Sampson*. By ruling on this issue, Richey would make *Nixon v. Sampson* the most vital case to date in the history of presidential libraries. His ruling shifted the claim over the presidential archive from one of

---

agreement. Becker countered this latter claim in his deposition by noting that the Administrator of General Services only had to accept an agreement, and that all previous agreements had proceeded in a similar fashion, Becker Deposition.

<sup>178</sup> A couple months later, Nixon later brought suit against Richey. The record in *Richard M. Nixon v. Hon. Charles R. Richey*, 168 U.S. App. D.C. 172 (hereafter: *Nixon v. Richey* (II)), indicates that on 31 October, Richey initially would only rule on the various motions for injunction filed by all parties and did not intend to rule on the merits. However, at the 15 November hearings, "he indicated that he might prefer to rule on the merits rather than on the issue of preliminary injunctive relief." It was only after the passage of the Presidential Materials and Recordings Preservation Act in mid-December that Richey "decided upon complete resolution of the consolidated cases..." Further, the record in *Nixon v. Richey* (II) states that the "several parties" who filed for partial summary judgment, did so "at his invitation."

precedent to provenance, thus altering the paradoxical relationship—exemplified by the concept of doctrine spelled out earlier—between records and judgment. And although this was only the first of several cases over the next few years to address the disposition of the Nixon materials (Nixon v. Richey (I), Nixon v. Richey (II), and Nixon v. GSA), it laid out the terms by which all later battles would be fought—private property versus government obligation, the right of public access to the records of government, the proper exercise of executive privilege, and the paradoxical relationship of history to the formation and execution of law.

After brushing aside several attempts by Nixon’s legal team to have the case postponed until the constitutional challenge was resolved, Richey handed down his ruling on the morning of 31 January 1975. Richey agreed with the government that PRMPA “moots the question of the validity of the Nixon – Sampson Agreement.”<sup>179</sup> Further, he agreed with the Nixon claim that even “without reliance upon the Nixon – Sampson Agreement” the Presidential materials and tape recordings were his property. Unfortunately for Nixon, this gave Richey room to rule on the merits of the FOIA plaintiffs’ challenge of ownership as if the Agreement never existed. In addition, he felt PRMPA itself provided sufficient room for a ruling because, while it required the Administrator of General Services to “take custody and control,” it made “no statement as to who has title to the Presidential materials.”

In the view of the court, Congress deliberately abdicated the responsibility for determining ownership when it stated: “The legislation takes no position on the

---

<sup>179</sup> Nixon v. Sampson.

ownership of these materials ... The committee believes that at this time the resolution of the question of prior ownership is a matter most appropriately left for the judiciary to decide.”<sup>180</sup> As a result, Title I, section 105(a) of PRMPA gave the District Court of D.C. “exclusive jurisdiction to hear challenges ... involving the question of title, ownership, custody, possession, or control” of Nixon’s materials.<sup>181</sup> Therefore, Richey felt that it was appropriate for his court to resolve the “basic questions of ownership and privilege” that existed “even if there never had been an agreement,” and without intruding on Nixon’s new Constitutional challenge to PRMPA.<sup>182</sup>

The District Court’s judgment in *Nixon v. Sampson* began by countering virtually all of Saxbe’s arguments with one bold move. Both the Saxbe Opinion and Nixon’s claim gave considerable weight to the records practices of former presidents: by taking records with them, prior holders of the office of the Presidency established a de facto law of personal ownership. Richey dismissed the validity of historical precedent in the case at hand by stating unequivocally that “the practices of former Presidents are not adjudicative facts. Neither are they material to a resolution of the legal issues involved in this case.”<sup>183</sup> However, Richey’s startling proposition that historical practice is irrelevant to legal judgment is not as radical as it may sound. Instead, what he suggests is that outside of the law—as doctrinal history—the court

---

<sup>180</sup> House Committee Report on private ownership, as quoted in *Nixon v. Sampson*.

<sup>181</sup> As cited in *Nixon v. Sampson*.

<sup>182</sup> *Nixon v. Sampson*. Because the Nixon-Sampson Agreement was nullified by statute, ownership and privilege formed the cornerstones of both Nixon’s and the government’s reasons for why the FOIA plaintiffs should be denied access to the tapes and documents.

<sup>183</sup> *Nixon v. Sampson*.

has no authority to rule: “the Court ... will make its determination of the issues on motions for ... judgment based solely upon facts which are not in dispute.”<sup>184</sup>

Put another way, Richey’s ruling implied that history outside of the law is defined by an infinite disputability over judgment—not over whether or not an action happened necessarily, but only over whether or not an action was “good” or “right”—an endlessly arguable set of propositions. By contrast, legal doctrine, or history within the law, although it arises out of dispute, must be fundamentally resolvable (and enforceable). Historical fact, in other words, neither has the force of law nor does it carry within itself a legally binding principle: that an action happened (history) was not the same as saying it should have happened or that it should continue to happen (judgment). In any event, the court would only settle this legal dispute using evidence that it found to be indisputable. It was up to the court, apparently, to separate the ‘historical’ facts from those upon which it could pass judgment.<sup>185</sup>

Determining whether or not the materials of the Nixon Presidency were public or private property in the spirit of FOIA required a ruling on their status as records—a qualification initially denied by the government and Nixon. Recall, for example, how the GSA’s denial of Anderson’s FOIA application hinged upon the insistence that the materials were not actually “records.”<sup>186</sup> Richey found that presidential documents

---

<sup>184</sup> Disputes over facts are to be settled elsewhere, presumably in public discourse?

<sup>185</sup> This sorting of evidence is analogous to the task of the historian; yet without any self-conscious critique of method and yet with the leverage and enforceability of the State and Law.

<sup>186</sup> Citing *Nichols v. United States*, 460 F.2d 671 (10<sup>th</sup> Cir. 1972), Nixon insisted that the FOIA plaintiffs had to prove why they needed particular materials. However, the Court, in *Nixon v. Sampson*, pointed out that FOIA modified the Constitutional requirement that there be a “case or controversy” such that in the case of government records, the burden of demonstrable need is shifted from the plaintiff to the

could be divided into three categories—none of which were disputed by any party: 1) materials generated by the Office of the President, 2) materials generated by Executive agencies, 3) personal materials relating to “private lives and activities.”<sup>187</sup> Nixon and the government held that FOIA should not apply because the White House should not be considered an agency (and FOIA only applied to records of Federal agencies); therefore, the materials in question were not covered “within the meaning” of the Act. By the defendant’s assessment, the White House did not generate any records that fell under the second definition, and those that fell under the other two were by precedent and by law the personal property of the President.

The court disagreed. FOIA was known as the Sunshine Act, an allegorical designation that perhaps illustrated the Act’s spirit, if not always its statutory language. Richey believed that the purpose of FOIA was to increase public visibility and access to all government records including those produced in the White House.<sup>188</sup> However, he did not rest his judgment upon this opinion alone. After disregarding prior presidential practice as an irrelevant tool of law, Richey insisted that private ownership of Presidential materials violated “a general principle of law”—found in

---

government. In other words, should a person meet the requirements established by FOIA, it is the government that bears the responsibility of proving that that individual be denied access.

<sup>187</sup> Nixon v. Sampson gives detailed examples distinguishing between these three types. All the parties agreed that many of the materials contained “purely private matters.” Therefore, the FOIA plaintiffs stated that they were officially not interested in these recordings.

<sup>188</sup> Soucie v. David, 145 U.S. App. D.C. 144, 448 F.2d 1067, 1076 (Cir. 1971), as cited in Nixon v. Sampson. The opening line of FOIA stated: “It is hereby declared to be the policy of the United States that the public is entitled to the fullest possible information regarding the decision-making processes of the Federal Government.” As quoted in *Final Report of the National Study Commission on Records and Documents of Federal Officials*, 03/31/1977, folder “Final Report,” Box 1, National Study Commission on Records and Documents of Public Officials, Gerald R. Ford Library.

prior judicial practice. Again, precedent can only have value as enforceable legal doctrine.

In *United States v. First Trust Co of St. Paul* (8<sup>th</sup> Cir. 1958), the Court of Appeals held that “records of a government officer executed in the discharge of his official duties ... are public documents and ownership is in the United States.”<sup>189</sup> Richey quoted the United States Government’s own brief from the 1958 case which insisted that the “right of the government” to written records of its officers was “so self-evident that there has been relatively little litigation...” Recall Saxbe’s argument based upon the Supreme Court opinion from 1915 which also insisted that unchallenged practice was de facto law. Less than two decades separated *Nixon v. Sampson* from *United States v. First Trust Co. of St. Paul*, but the government in both instances marshaled the same assumption of this ‘self-evident’ principle to support the legal determination of title to records—only the current argument claimed records were personal property, while the former insisted that the opposite was true. Rather than enforce one use of the same idea over the other, Richey boiled the discrepancy down to whether or not the President had to follow the same rules as those governing everyone else in the federal government.

The defendants in *Nixon v. Sampson* believed that “the nature of the Office of the President” granted the office-holder the right to own all materials generated while in office by virtue of the President being constitutionally elected. Presumably this logic

---

<sup>189</sup> *United States v. First Trust Co of St. Paul*, 251 F.2d 686, 688 (8<sup>th</sup> Cir. 1958), as cited in *Nixon v. Sampson*. *United States v. Chadwick*, 76 F. Supp. 919 (N.D. Ala. 1948), unequivocally stated that “the notes, memoranda, statements and other material made and taken by [a public official] in the course of said employment, were and are, the property of the Government.” As cited in *Nixon v. Sampson*.

rests on the assumption that, unlike other public officials, the President is already accountable to the electorate therefore there is no need for public access to his records to increase or guarantee this accountability.<sup>190</sup> Further, they insisted that the President is not really a public official, but a publicly elected sovereign. Richey emphatically denied this claim that the President was “distinguishable from other public servants.” Indeed, he flatly considered such a notion “untenable as it is refuted by the Constitution and the very concept of the Office of the President.” What separates the court’s “concept” of the Office from the defendants’ “nature” of the Office is whether or not the President is an individual, or a legal construct.<sup>191</sup>

The Supreme Court established the latter as doctrine when, for example, it insisted in *United States v. Lee*, 106 U.S. 196, 220 (1882) that the President is a “creature of law.”<sup>192</sup> Indeed the Court returned to haunt Nixon when it’s opinion from *Nixon v. Siricia*, 159 U.S. App. D.C. 58 (1973)—a seminal case in executive privilege law—was restated by Richey: the President “is not above the law’s commands ... Sovereignty remains at all times with the people.”<sup>193</sup> In short, Richey countered

---

<sup>190</sup> The accountability argument put forward by Nixon is thin at best, especially since access to presidential records is only granted (usually) to the public after the president has left office. The post-presidency is not accountable to the electorate. Thus, aside from a vague and general sense of ‘historical judgment’ this whole ‘accountability’ enterprise, if it has any bearing on presidential practice, might be better seen as a deterrent to ‘wrong’ action on the part of current office-holders who will know that the public might have unfettered access to records of action.

<sup>191</sup> Once again Richey would only judge law and refused to rule on specific bodies. In a sense, this parallels the ongoing public relations battle faced by the Presidential Libraries: should they celebrate the President or the Presidency? Unable to resist a foray into history, Richey supported the latter idea with Madison’s distinction between a president and a prince from *The Federalist*, no. 69, see *Nixon v. Sampson*.

<sup>192</sup> As cited in *Nixon v. Sampson*.

<sup>193</sup> As cited in *Nixon v. Sampson*.

Nixon's claim of ownership as inherent in the "nature" of the Office, by stating unequivocally that such a claim was "repugnant to the very nature of the Office of the President."<sup>194</sup>

Like the Saxbe Opinion, the Richey judgment was not content to rest upon a single over-determined course of argument. In addition to countering Saxbe's emoluments argument, Nixon's insistence on Presidential "nature," and the idea that materials are not records, Richey ruled that the "inherent continuity of the Office of the President" negated all claims to ownership which resided in Nixon's claim of executive privilege and the independence of the office. He held that to grant such a privilege—not to mention title to materials—to a former office holder would undermine the execution and privilege of the Office by its current and all future occupants (like President Ford who presided over and signed PRMPA). Indeed, for Richey, "the notion of continuity is a primary premise of our legal system and it is this notion which differentiates the constitutional system from the monarchical system of government."

The difference between systems of government and their place in Richey's ruling is not vital to this study. However, what is important is charting the complex and often paradoxical use of ideas about the enforceability of historical continuity. Richey tread a thin line that divided the validity of precedent from the unimportance of prior practice to the rule of law. On the one hand there is the necessity of doctrine and the "notion of continuity," and on the other hand there is the claim that sufficient and

---

<sup>194</sup> Nixon v. Sampson.



unchallenged prior practice is analogous to law.<sup>195</sup> Richey repeatedly dismissed the latter and adopted a statement of the court from a 1952 case to drive home his point: “...according to this theory, several repetitive, unchallenged, illegal acts sanctify those committed thereafter. I disagree.”<sup>196</sup> Besides which, Julian P. Boyd, supporting the FOIA plaintiffs’ brief on behalf of the AHA, claimed that not all prior presidents felt that White House materials were their personal property. He cited Jefferson as one example, thus challenging the argument of uninterrupted custom and practice put forth by the defendants and others before them.<sup>197</sup>

Richey continued to counter arguments from the Saxbe Opinion, often utilizing the same source material. From the Story Opinion in *Folsom v. Marsh* (1851), Richey highlighted the part neglected (albeit still quoted) by Saxbe where Story insisted that it “may be the right, and even the duty of the government, to give [papers] publicity even against the will of the writers.”<sup>198</sup> Further, Richey held that regardless of the records practices of former Presidents such as Taft cited by Saxbe, the Presidential Libraries Act of 1955 shifted the burden of preservation and altered the problem by giving rise to the codification of the purposes of preserving the papers in the first place. If papers are merely saved for posterity, and especially if they are subsequently donated or sold

---

<sup>195</sup> Relying on historical precedent alone would be “blind formalism” according to the court, *Nixon v. Sampson*.

<sup>196</sup> *Youngstown Sheet & Tube Co. v. Sawyer*, 103 F. Supp. 569, 575 (D.D.C 1952), as cited in *Nixon v. Sampson*.

<sup>197</sup> Statement of Julian P. Boyd, Brief of The Reporters Committee for Freedom of the Press, et al., in Support of Motion for Preliminary Injunction, Exhibit A, *Nixon v. Sampson*.

<sup>198</sup> As cited in *Nixon v. Sampson*. Indeed, Story’s assessment concurred with provisions in PRMPA which felt that there was a “need to provide the public with the full truth, at the earliest reasonable date, of the abuses of governmental power...” PRMPA, Title I, Section 104(a), as cited in *Nixon v. Sampson*.

to the Library of Congress or the National Archives, then “[t]he practices of past Presidents must be viewed in light of these reasons for post-term retention of Presidential papers and materials. When so viewed, the practice may be considered not one of asserting a right of ownership, but of retention in trust for the public.”<sup>199</sup> And even if there was a rule that allowed past presidents to remove materials and hold them in trust (which there was not), the PLA (1955) made any reason for such a rule moot. Quoting Oliver W. Holmes, Richey stated that a rule which “simply persists from blind imitation of the past ...[was] revolting.”<sup>200</sup>

Richey concluded that the materials were, in fact, the property of the United States, and that any assertion of executive privilege over the material must be executed by the incumbent President: “the right of withholding information pertains to the office and not to the man.”<sup>201</sup> Further, the government as the possessor of the material has “an unfettered right of access,” a right that extended to the Special Prosecutor.<sup>202</sup> Taken together, the tradition of personal ownership practice was not illustrative of history as de facto law but more properly interpreted as a history of neglected obligations. In other words, control of presidential materials was a prerogative of the

---

<sup>199</sup> Nixon v. Sampson.

<sup>200</sup> Oliver W. Holmes, “The Path of Law,” *Harvard Law Review* vol. 10 (1897), as quoted in Nixon v. Sampson.

<sup>201</sup> President John Quincy Adams, as quoted in Jones, *Records of a Nation*, 162, as cited in Nixon v. Sampson.

<sup>202</sup> Nixon’s claim of Fifth Amendment protection against the compulsory production of evidence that could be used against him was rendered moot by the granting and acceptance of the Pardon, Nixon v. Sampson; the Pardon Brief came to this same conclusion.

government as the steward and arbiter of the people that it could or should always have exercised.<sup>203</sup>

Nixon v. Sampson brought the relationship of the archive to the public into sharp focus by virtue of a dispute over ownership and access. Further, it highlighted the paradoxical relationship of history to judgment in the court of law that went beyond the court's (or even the defendants') opinion regarding whether or not precedent in its various forms is determinative, justiciable, or even irrelevant, and regardless of whether or not the court must have recourse to doctrine in countering or upholding the defendant's claims. It is perhaps not difficult to concur with the ruling that the Office of the Presidency and the people to whom it owes any sovereignty is more important under the law than the use of that Office's materials (for profit or other purpose) by any individual who formerly held its responsibilities. However, both sides of the challenge, and ultimately the judgment of the court in which the challenge took place, have been forced to make a claim on the value of the archive (as property and as public trust). Further, they had to stake a claim on the jurisdiction for the enforcement of that value—a claim which must marshal the record of precedence (in the form of

---

<sup>203</sup> Although Richey held that Nixon's right to privacy did not "entitle him to an injunction," he nevertheless felt that the court had the power to protect both the former President's privacy and the government's right to access by "fashioning a remedy."<sup>203</sup> To such ends, Richey permitted Nixon or his counsel to determine which of the disputed materials (a small minority of the total, approx. 138 boxes of documents and 900 tape-recorded conversations) would violate his or anyone else's privacy "without destroying or impairing the integrity of that portion or any other portion of the document." All disputes over whether or not materials should be designated as private would be settled by the Court *in camera*, with the burden of proof placed upon Nixon. While the designation fell short of the FOIA plaintiff's demands for more uninhibited access without Nixon's permission, the District Court's ruling preserved the former President's more immediate right to privacy in the face of intense public and legal scrutiny. It also maintained the integrity of the materials should they ever be needed for legal proceedings, or, presumably, historical research at a later date pending the result of Nixon v. GSA.

both doctrine and historical practice) while simultaneously insisting that present and future value cannot be held hostage to any such precedent.

For instance, if the continuity of prior practice—such as that of taking materials from the White House—is not justifiable because it violates the notion of continuity of White House power—without which, Richey argued, the very system of government for which the documents are produced would collapse—then where does continuity itself obtain its seemingly indisputable value? With respect to presidential records, it appears that Congress with the PRMPA has designated the Court as the arbiter of such value in the event of a challenge—“what the courts are for” in Becker’s words. Yet all the parties—Nixon, the government, the FOIA plaintiffs, even Richey—ultimately based their claims to title and access to records of office on the definition and execution of the duties and responsibilities of public officials—specifically the President. Every means available—from the Constitution and *stare decisis* to the implication that title and access to records has implications that could undermine the very foundations of the Republic (a contention of both Saxbe and Richey)—was utilized by the parties in pursuit of either the enshrinement of records by law and by nature as personal property or the holding that the records in question are by law and by nature public. Ownership, in other words, was inextricably a function of a national and enforceable obligation.

Once the dispute was raised in court (as permitted by Congress and perhaps anticipated by Ford’s legal team), *Nixon v. Sampson* rendered a judgment on presidential records (specifically Nixon’s but with broader implications) that codified a “general principle of law that that which is generated, created, produced or kept by a

public official in the administration and performance of the powers and duties of a public office belongs to the government and may not be considered the private property of the official.”<sup>204</sup> However, while Richey ultimately relied upon the duties of an official representing the public trust in order to bring his argument home, I would argue that the above quote and, more specifically, a supplemental example from *Nixon v. Sampson* implicated an *a priori* obligation that remained unexamined by all parties in the suit—a duty which might already be embedded in the execution of any public office.

In his judgment, Richey quoted the 1874 Virginia Supreme Court of Appeals to supplement his federal ruling with an example from state precedent. However, within the state court’s ruling there is a rather stunning proposition about how a document becomes public:

...whenever a written record of the transactions of a public officer in his office, is a convenient and appropriate mode of discharging the duties of his office, it is not only his right but his duty to keep that memorial, whether expressly required so to do [sic] or not; and when kept it becomes a public document—a public record belonging to the office and not the officer; it is the property of the state and not of the citizen; and is no sense a private memorandum.<sup>205</sup>

---

<sup>204</sup> *Nixon v. Sampson*.

<sup>205</sup> *Coleman v. Commonwealth*, 25 Gratten (66 Va.) 865 (1874), as cited in *Nixon v. Sampson*. The ruling also differentiates between the citizen and the state, as if the rights of one cannot be reconciled with the other when brought into conflict. However, what the ruling implies is that the citizen who is executing an office of the state is in fact no longer an individual, and therefore, has no claim to property generated while in office. While this appears to be a harsh assessment, it might be worth noting that entering into public office is a voluntary practice.

Richey felt that the general principle of public ownership covered anything “generated, created, produced, or kept” by a public official. Put simply, all objects are public property if the individual with whom they are associated is a public official. On the surface, the state court’s holding appeared to reinforce this principle. However, the ruling of the Virginia Court in fact proposed that the origin of the public obligation is not to be found in the production of writing while performing official duties, but rather in the *keeping* of the material. By such reasoning, in order for duty to truly be public, it must be able to enter the record as a memorial to actions performed in the execution of obligation. In other words, the public archive does not come into being through either the act of creation or through the assemblage of artifacts in a place of consignment at a later date. Rather, at the very moment that an object is kept as a record, it becomes a *memorial of duty*. The public act is the keeping; and the archive is always already public. Of course, without enforcement, theory lacks the power of law, and Richey made a mistake of procedural hubris.

### **Consequences: Nixon v. Richey and Nixon v. Administrator of General Services**

On 28 January 1975, Nixon filed suit against Richey (Richard Nixon v. Hon. Charles R. Richey (I)) in the D.C. Court of Appeals demanding that this Court settle his application for the establishment of the three-judge constitutional challenge tribunal be acted upon immediately and in preference to the “consolidated cases” of Nixon v. Sampson.<sup>206</sup> PRMPA called out two possible avenues for judicial review. On the one

---

<sup>206</sup> Richard Nixon v. Hon. Charles R. Richey, 168 U.S. App. D.C. 169 (1975) [hereafter: Nixon v. Richey (I)]. Nixon also filed another suit by the same name, Richard Nixon v. Hon. Charles R. Richey, 168 U.S. App. D.C. 172 (1975) [hereafter: Nixon v. Richey (II)], which demanded a reconsideration of the first decision.

hand, it directed that it was up to the District Court of the District of Columbia to determine whether or not the ownership and title to presidential materials was vested in the former president—the provision which Richey cited as justification for judgment. On the other hand, Congress also directed the court to make any challenge to PRMPA’s constitutionality an “immediate priority”—without specifying a course of action should this interfere with a dispute over title.<sup>207</sup> *Nixon v. Sampson* was underway during congressional deliberation over the Act and Congress hoped that it would resolve all possible conflicts.

The Court of Appeals speculated that in their naiveté, Congress believed that Nixon would modify his original suit to include a constitutional challenge to the Act once it was passed. The problem came about when, on December 20, Nixon filed the challenge (*Nixon v. Administrator of General Services*) separately, and subsequently applied to Richey, who still held jurisdiction, to convene a three-judge tribunal for new hearings. Although PRMPA allowed a single judge to determine questions of ownership, it was vague, according to the Court of Appeals, as to how a constitutional challenge should be resolved.<sup>208</sup> However, in the absence of specificity on the part of PRMPA, the Court turned to prior statute which provided for constitutional challenges to be heard by a three-judge tribunal.<sup>209</sup>

---

<sup>207</sup> PRMPA, Title I, Sect. 105: District Court for the District of Columbia has “exclusive jurisdiction to hear challenges to the legal or constitutional validity of this title ...[and] any such challenge shall be treated by the court as a matter requiring immediate consideration and resolution...” As quoted in *Nixon v. Richey* (I).

<sup>208</sup> *Nixon v. Richey* (II).

<sup>209</sup> 22 U.S.C. § 2282 (1970), see *Nixon v. Richey* (I).

At 9:45 a.m., 31 January 1975, the same day Richey submitted his ruling in *Nixon v. Sampson*, the U.S. Court of Appeals denied Nixon's writ. Yet, this was not a loss for Nixon. They also stayed Richey's District Court ruling on a technical point of judicial procedure that rested on both timing and priority. By filing suit against Richey and claiming that his constitutional challenge had priority, Nixon hoped to effectively override Richey's refusal to dismiss *Nixon v. Sampson*. Thus, while Justices Robinson and Wilkey "applaud[ed] the prodigious effort the District Judge made to dispose of the consolidated cases," they reprimanded Richey for delaying his decision with regards to the challenge. Further they felt that the decision on whether or not a ruling in the consolidated cases should be delayed, pending the resolution of the constitutional challenge, was one that "should properly be settled by the three-judge court"—a process which Richey should have already begun.<sup>210</sup> They held that a writ, as Nixon requested, was unnecessary since the judge in question was now made aware of the law and would "act accordingly." In essence, the Court of Appeals instructed Richey to address the challenge application and wait for the decision of the tribunal before ruling on *Nixon v. Sampson*. He was to either convene a three-judge panel that could assign priority or decide that such a panel was not necessary (a decision which could then be appealed by Nixon): "We hold only that he must decide, and decide now."<sup>211</sup>

---

<sup>210</sup> *Nixon v. Richey* (I). Evidently, on five separate occasions Nixon requested that Richey begin the process by which a tribunal could be formed. In *Nixon v. Richey* (II), the Court found that Richey, by devoting all of his time to *Nixon v. Sampson* and "virtually no attention" to Nixon's separate petition, failed to properly assign any preeminence for the challenge.

<sup>211</sup> *Nixon v. Richey* (I)



Unfortunately for the near future of the FOIA Plaintiffs' proposal that presidential records were already public property, Richey did not respond to Nixon's challenge application in time. Nor did he delay his decision in *Nixon v. Sampson* as instructed by the Court of Appeals. Instead he published his judgment in *Nixon v. Sampson* the same day as the Court of Appeals decision in *Nixon v. Richey (I)* was handed down. Richey insisted that he had been up extremely late, and that his opinion, although only made public at 11am, was in fact filed early in the morning—somewhere between 2 and 3. He claimed that he had delivered his judgment prior to the ruling by Robinson and Wilkey that clearly instructed him to postpone all decisions dealing with ownership until the challenge application was resolved.<sup>212</sup> The timing was rather important. If Richey's ruling was first, he not only could theoretically ignore the imminent Court of Appeals ruling, his judgment would acquire the power of doctrine and all subsequent disputes—even if they resulted in a reversal of his ruling—would have to reckon with its consequences.

Rather than appeal *Nixon v. Sampson*, Nixon chose to ignore it, filing a motion to reconsider the Court of Appeals' decision in *Nixon v. Richey (I)* with *Nixon v. Richey (II)*. On 14 February 1975, Justices Robinson and Wilkey, joined by Senior Circuit Judge Bastian, after going over clerk records, found that Richey's timeline for submittal was questionable. The Court determined in *Nixon v. Richey (II)* that Richey, by ruling on ownership and title in advance of laying out a viable judicial path by which Nixon could challenge PRMPA, had violated the spirit and the letter of PRMPA despite the fact

---

<sup>212</sup> *Nixon v. Richey (I)*.

that Richey's judgment in the case "may be correct."<sup>213</sup> Further, since Richey was aware of the ramifications, if not the specific contents, of *Nixon v. Richey (I)*, he should have waited for the Court of Appeals' ruling prior to making any decision.

Although Richey's timing irritated the Court, there was a more important legal principle at stake. The Court felt that it had to immediately deal with Richey's opinion—regardless of whether or not Richey filed his judgment in time—because part of Nixon's argument in *Nixon v. Sampson* was relevant to the constitutional challenge. According to the Court of Appeals, if the Richey ruling on privilege and ownership was allowed to stand, then the Court which heard the constitutional challenge would have to reckon with the doctrine of *collateral estoppel* which declares that a prior ruling on an issue is binding for that issue in all subsequent claims by a party.<sup>214</sup> The Court insisted that a single judge should not be able to hold a three-court tribunal hostage by ruling on specific issues when two disputes which relied upon them—*Nixon v. Sampson* and *Nixon v. GSA*—were under way concurrently. Therefore, they issued a stay on Richey's ruling until such time as the Court (of Appeals or Supreme Court at a

---

<sup>213</sup> The Court of Appeals decided that in Congress, its haste to pass PRMPA and thus abrogate the destructive consequences of the Nixon - Sampson Agreement, held the constitutional challenge to be of the utmost importance. Further, the Court of Appeals, in essence, charged Congress with laziness when it assumed in passing the Act that *Nixon v. Sampson* would resolve all questions of dispute—never realizing that Nixon file a separate suit, and thus raise the possibility of simultaneous judicial consideration. By deciding on the issues of ownership prior to setting in motion the three-judge tribunal required for a constitutional challenge, the Court of Appeals felt that Richey had both limited Nixon's ability to utilize ownership as part of such a challenge and restricted said tribunal's jurisdiction by deciding that issue in advance.

<sup>214</sup> This doctrine is distinguished from that of *res judicata* which applies to the whole judgment rather than specific claims within the ruling. If Richey ruled that Nixon had no right of either ownership or privilege in relationship to the records and tapes, than the court which heard the constitutional challenge would by doctrine not allow him to utilize those arguments to prove his case against PRMPA.

later date) determined that the constitutional questions had been resolved.

Ownership, access and control of the Nixon materials returned to limbo.

Theoretically, the stay could be lifted and Richey's ruling would stand once the constitutional challenge was settled. One year later, on 7 January 1976, a three-judge court for the District of Columbia made up of Justices McGowan, Tamm and Robinson, finally ruled that PRMPA did not violate the Constitution. The Court directed

[T]he Administrator of General Services to take custody of Mr. Nixon's presidential papers and tape recordings, and to promulgate regulations that would provide for the orderly processing of such materials for the purpose of returning to Mr. Nixon such of them as are personal and private in nature, and of determining the terms and conditions upon which public access may eventually be had to those remaining in the Government's possession.<sup>215</sup>

Nearly nineteen months later, on 28 June 1977, the Supreme Court affirmed the lower court's ruling (6-2).<sup>216</sup> Much like Richey, the Court here determined that privilege is

---

<sup>215</sup> Richard M. Nixon v. Administrator of General Services et al, 408 F. Supp. 321 (Hereafter: Nixon v. GSA).

<sup>216</sup> Nixon v. GSA. The dissenting opinions, filed by Rehnquist and Burger, held that PRMPA was a violation of the Constitution. Rehnquist's dissent was short, and declared that in addition to violating "the principle of separation of powers" the Act would limit "candid discourse" between a President and an advisor. Rehnquist's opinion had little to do with the Constitution, yet it did express a point of view regarding the "free flow of information" without "intrusion" or accountability that, regardless of whether or not it is correct, was consistent. Burger, on the other hand, went much further. He held that in addition to the Act being a violation of the Constitution, PRMPA violated Nixon's privacy rights. He went so far as to claim that "an incumbent President [by actions such as signing or supporting a measure] could not defeat a former President's claim of privilege"—a patently ludicrous proposition that would hold the execution of obligations by a current President (hypothetically one who could have defeated the 'former President' in an election) hostage to the whims of someone who was now a private citizen. This was obviously not a problem for Burger who went on to state unequivocally that "privacy interests outweighed the government interests." (Burger's stance here would be very interesting in light of the 2006 (or even those from the Nixon administration) battles over whether or not wiretaps without a warrant are more important than privacy interests). His main point, however, conflated the presidency with the post-presidency. It hinged upon the fact that Congress is prohibited from interfering or

inherent in the office far more than the man. Further, the Act did not violate separation of powers because not only did the materials remain in the control of the Executive branch (therefore not a violation of the separation of powers principle), the Act, which granted custody to the GSA (an executive agency), was signed and defended in court by two Presidents (Ford and Carter).

The rulings in both courts deliberately sidestepped all questions of direct title and ownership, focusing instead upon whether or not the government had a right to control the materials, and whether or not Nixon's privacy and privilege were violated by this right. Justices McGowan, Tamm, and Robinson, in the District Court's ruling, decided that Nixon could only claim a "privacy interest" in a "small fraction of materials. Yet due to the historical practice of *de facto* control by Presidents of presidential materials, the court found that regardless of where ownership of the materials lies—a question that need not be reached—the plaintiff had a reasonable expectation of privacy in these materials."<sup>217</sup> Indeed, Justice White, in the a concurring Supreme Court opinion, insisted that PRMPA should be interpreted such that any materials deemed "purely private" should be returned to Nixon "regardless of whether or not such materials were of historic interest."<sup>218</sup>

---

compelling the President "in manners relating to the operation and conduct of his office." Nixon, of course, was no longer the President. Further, two successive Presidents (Ford and Carter) did not feel "compelled" by the legislation, thus weakening his argument. This was also true of his opinion that a former President outranks Congress and (unlike them) may compel a current President through an exercise of privilege.

<sup>217</sup> Nixon v. GSA, 408 F. Supp. 321.

<sup>218</sup> Nixon v. GSA, 433 U.S. 425.

In short, for the Court, ownership and title were irrelevant so long as preservation of particular materials was ensured and control over them vested in an agency of the Executive branch of government. “Historic interest”, within the power of law, was also deemed irrelevant. Read in such a way, presidential materials could have only one purpose outside of private use (publication of and profiting from memoirs), and that was as evidence in the prosecution of crime. With respect to presidential materials, the Court essentially denied a ‘tradition’ that held all records were important as a mechanism of public oversight and judgment, or “historic interest.”

For whom they would be preserved was only resolved so far as control was ensured. While the Supreme Court found that there was an “important public interest in [the] preservation of the materials,” the District Court insisted that there was “no basis for the assumption” that all the materials would “be open to public access.” Indeed both courts felt that there was no need to rule on whether or not Nixon’s rights or privileges would be infringed by public access since it was within the authority of the GSA to place restrictions on the materials for “particular purposes” including the protection of Nixon’s privacy for a period of time. The Court felt that Nixon was sufficiently protected given the provisions of PRMPA ensuring “full judicial review” of all rules governing access and the “unblemished record of archivists for discretion.”

With the exception of the preservation of tapes, the final Supreme Court ruling differed little from the Nixon – Sampson Agreement. However, in the absence of a ruling on public ownership, Nixon still had the power to block access (aside from the Special Prosecutor) using the judicial process. This was a right Nixon, his heirs, and the Nixon Library Foundation utilized to its fullest for more than two decades.

## **Conclusion: Lessons from Nixon**

Despite Congressional involvement and a series of court judgments that ruled against Nixon, the contentious presidential archive unveils conflicting motives behind the dispute over Nixon's papers. Further, the four years which separated Nixon's resignation from the signing of the Presidential Records Act (1978) did little more than hide the burden of judgment and obligation by backing away from a radical redefinition of public access and disguising the politics of control behind a rhetoric of democratic stewardship.

In the end, the three branches of government brought their powers to bear upon the issue without effecting much in the way of actual change to the status of presidential materials, Nixon's in particular. Access to the Nixon materials by the general public was eventually improved over time. The FOIA plaintiffs had a four-fold purpose in filing a motion in court over the Nixon papers. However, *Nixon v. GSA* only accomplished two of the four goals: prevention of movement of the records and the preservation of the tapes. Their desire for a guarantee of "freedom of access and ... public ownership," seemingly realized in the Richey ruling, was ultimately defeated when the Court of Appeals and the Supreme Court determined that so long as the materials were under government control, existing structures of power were sufficient. The Supreme Court concluded that the Act was "justified by the need to preserve information needed to complete prosecutions ... and by the need to protect the public interest in access to materials of general historical interest."

Of course, public "interest" in access and actual access are not the same. Access would be determined by GSA regulations—not yet approved and each challengeable in

court. The ruling essentially preserved access to the archive as hope rather than a reality. In the view of the Courts, the materials were “under control” and required no further action regarding ownership. Yet, the battle over public title and equal access was not completely over. Only the first half of PRMPA concerned itself with the preservation of Nixon’s materials. The Act also provided a path towards the resolution of the overall ownership question. From the Nixon–Sampson Agreement to the PRA, the laws and assumptions governing presidential materials were never stable. Indeed, what appeared on the surface to be an evolving and enforceable legal guarantee—that public ownership would permit increased visibility and access to records of political power—remained persistently vague at its core, as Executive Order 13233 and the ceaseless entanglement of statutory and legal wrangling over records preservation and executive privilege since Nixon reveals. Nevertheless, Nixon’s obsession with recording and his penchant for executive abuse pushed issues of presidential materials into the public realm. And while the stopgap measures of the Ford legal team and the statutes enacted by Congress were not as radically complete as Richey’s ruling, they were a beginning.

As a presidential library, the Richard Nixon Library is somewhat of an aberration, albeit a vitally important one. Beyond the myriad well-known political and cultural consequences of the Watergate controversy, Nixon transformed the very limits of law with respect to the material of the presidential archive and forcefully brought the function of presidential records as a vehicle for truth and judgment into public view. Presidents who donated their papers prior to Nixon were under no obligation to do so. If their records were edited, it was after they left the White House. Indeed,

assuming that restrictions on the various gifts fade and that documents still exist that have not been seen, it entirely possible that some day items a former President never intended to be publicly visible will be revealed.

After Nixon (or rather after laws were enacted to govern records in the wake of Watergate), every President was fully aware that records generated in the execution of his duties did not belong to him. Indeed, mechanisms for preservation, restriction, and access are set from the moment the President takes the Oath of Office. While this is an apparently “good” thing, ensuring that no documentation of deplorable executive behavior goes undocumented or remains unseen in the fullness of historical time, a new specter of editing, obfuscation, and removal through the use of executive privilege has risen. The struggle for control over presidential records goes to the heart of constitutional government; as Vice President Cheney has creatively demonstrated, to keep papers from the public, he has insisted that the White House and even the Office of the Vice President constitute an advisory council and *not* therefore part of the presidency or the government. Therefore, those records are not public.

Nixon’s legacy is thus two-sided. On the one hand, records generated through the execution of constitutional and governmental duties are now public from inception. On the other hand, his successors learned a valuable lesson—don’t leave a record from which executive action can be judged. Indeed, contrary to a consensus opinion recently stated at a recent conference I attended on Nixon’s legacy, the “system” did not work. Yes, Nixon resigned under pressure from Congress and the public. His records were preserved, the public nature of the presidential archive was enshrined by law, and the nation peacefully inaugurated a new president. I would argue, however,



that it was the presence of an archive, not to mention the actions of a very few individuals at particular moments in time, not the system of constitutional checks and balances that enabled all of the above events. Nixon was obsessed with his own legacy and with history. Abuses of executive power prompted impeachment. But abuse does not have to leave a clear trace. Only the presence of a *record* convinced his supporters of that abuse. If we are to learn the “lessons of freedom and democracy” as Nancy Reagan believes we must, then I propose the lesson learned is that the democratic system “worked” because it had an archive on which to base its judgment. Without it, American history would be very different.

## **Conclusion**

### **The Presidential Library:**

#### **A Frail Obligation**

The presidential library is a complex architectural type designed to accommodate a providential American mission that can be traced from John Winthrop's declaration of moral vigilance to Franklin D. Roosevelt and the first presidential library. Everything from the presidential museum to the presidential archive—bound by statute or otherwise—speaks to a fragile public. This has a tendency to take the form of a belief in a shared vision where citizens confront and deploy American history in pursuit of a benevolent national future.

While scholars like Benjamin Hufbauer have admirably critiqued the presidential libraries for who and what they commemorate and for how that memory is heroically constructed in the museums, they have missed the point. Presidential figures are indeed the most visible focus at the presidential libraries. However, heroic commemoration is the least of the libraries' functions, and, as Part II revealed, a rather common attribute of all archives, museums, and libraries. In other words, the presidential library is far more than a symbolic place of singular memory. According to my research, presidential libraries not really about presidents. They are far more important than that. Presidential libraries are about the purposeful imagination and production of citizenship, history and publics in America.

When Nancy Reagan sees children learning the lessons of freedom and democracy in the halls of the presidential library, we should take her vision seriously. The presidential library exists precisely to manifest these lessons as a visual narrative, often constructed outside the public realm. Yet, the presence of the archive and the immutable artifacts also make a critique of that vision possible, a tangible promise of Enlightenment liberation provided public access is actively ensured and contingent on a public engagement with the task of judgment over its self-described democratic obligation. The libraries have a tendency to influence and otherwise shape the nature of that obligation as a martial call of uncritical patriotism under the guise of objective custodianship. This is precisely why scholarship on presidential libraries is vital to understanding not only how publics are determined, but also how American history is written, displayed, and, ultimately, consumed.

Parts I and II of this dissertation insisted that the relationship between the archive and museum is fundamentally determined by an act of historical faith as much as by an institutional mission of education and preservation. The presidential museum stages American history as an inevitable narrative of benevolence. The presidential archive, as a set of records within a chronological and political moment, purposively engages both the faith in a democratic public as an instrument of historical judgment and the ontological understanding of authorship and property as the origin of enforceable obligation.

Part III revealed, following Watergate, that the multi-pronged conflation of publics, property, and obligation inherent in the definition and management of Nixon's materials changed the future of the presidential libraries and forced the twin archival

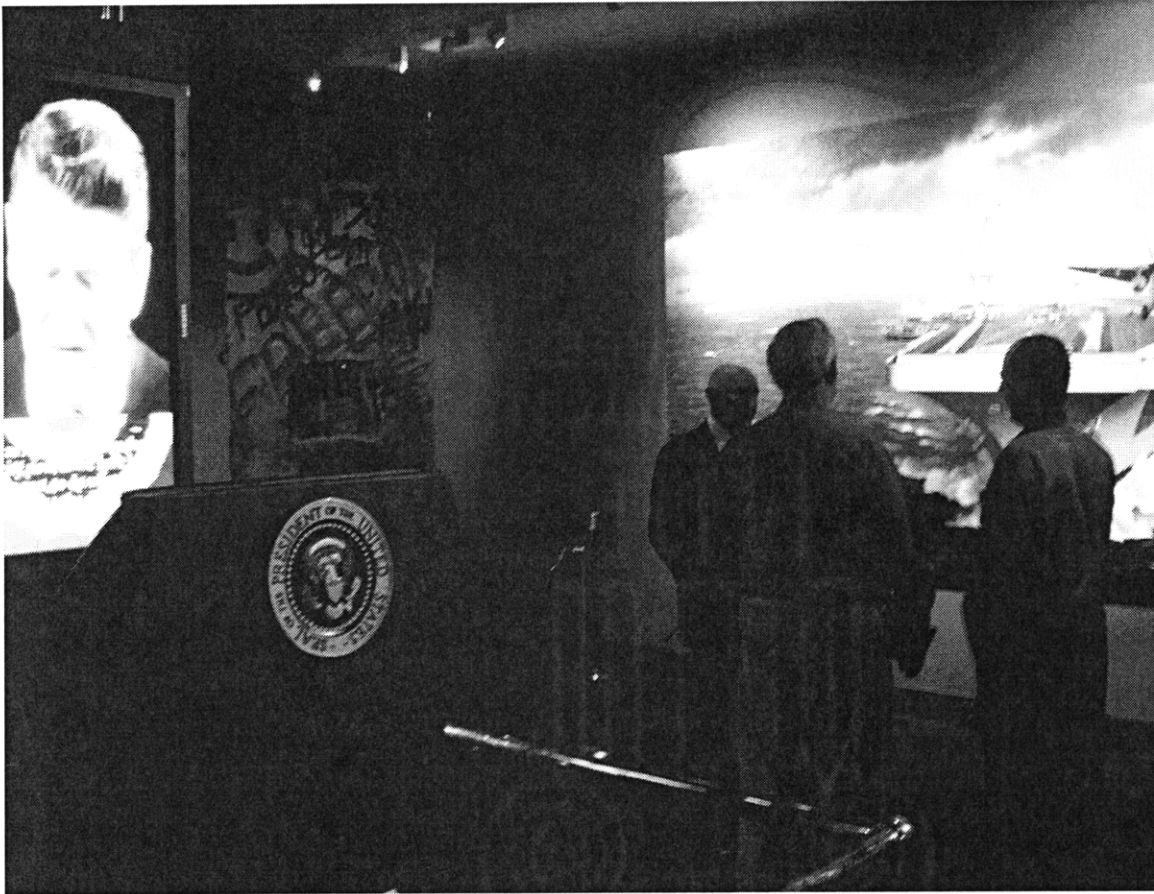
burdens of judgment and narrative into public view. The history of the Richard Nixon Presidential Library describes how a single library provides nearly infinite opportunities for inquiry into how American history can be manipulated and transformed, preserved and potentially altered through the presence or absence of an archive. The Nixon Library provides as complete a set of records and materials on the life and actions of a president as we are ever likely to have. His presidential materials were preserved against his will. His personal materials like his vast book collection, intentionally or otherwise, present a tantalizing opportunity to construct a bottomless biographical portrait of the elusive 37<sup>th</sup> President. In many respects, the history of the Nixon archive of records and artifacts is an aberration at both ends of the accessibility spectrum, revealing how fragile historical records can be when their very existence depends on individual actions and the authority of public discourse—particularly when the latter engages issues of democratic judgment, executive power, and Constitutional guarantees of privacy and public oversight.

Nixon and the Nixon Library present a model, not for the presidency, but for both the dreams of scholarship and the warning implied by the erasure and obfuscation of records. What is more, the history of the Nixon Library points to an urgent need for more scholarship on the other, less obviously contentious presidential libraries precisely because they remain out of the public eye and thus far beneath the interest of all but a few critical scholars. In other words, the need to study and understand presidential libraries as complex and multifaceted representational and political systems is nothing short of a call for renewing efforts to understand the limits of access as a measure of history as form of faith in the exercise of public judgment.

Control over the archive is political power. A vigilant history of that power and its visibility in the United States is inextricable from a history of the presidential library.

The ideologies and laws that govern presidential libraries in general and the historical faith embedded in the accessibility of their materials provide clues to the pitfalls of executive government and reveal the contingent construction of American history. Ultimately, the complex struggles of the Nixon Library bring into sharp focus the inherently political (if not partisan) nature of the presidential library, the relative instability of historical judgment within the space of exhibition, and the contingent fragility of archival objects when they are forced into an obligatory relationship with their attendant publics.

## Postscript: A Patrimony of Law



*The Ronald Reagan Presidential Museum (Photo By Author © 2006).*

A dissertation is as much a form of personal confession as it is a body of research inaugurating a young career in scholarship. Chapter One began by recounting a pilgrimage to national monuments with my father, uncles, grandfather and three brothers. The final chapter ended as I began the first, at a moment of personal connection. I was born in October of 1974 when lawyers for Nixon, President Ford, the American historical Association, and many others went to battle for the future of presidential records. The grinding detail of this event in Chapter 10 and my obsessive archival exhumation of the law and the lawyers who played a vital role in determining the future of the presidential archive are dedicated to that moment in my own history.

More than that, by ending this tangled historical study at a moment of ethical tension within particular acts of jurisprudence, I am paying homage to a particular collection of lawyers.

My father, my grandfather, and one of my uncles from the 2001 trip that irrevocably altered my graduate interests are all attorneys. And despite often-differing views on ethics, politics, and history (among themselves as well as with me), they contributed to an ongoing passion for ideas about law and history. I remember many hours spent as a child and teenager on long road trips and many a night around campfires with my father and grandfather listening to stories, talking and (as people who know me would eagerly attest) arguing. My grandfather's 1933 edition of *Black's Law Dictionary* sat behind me on a shelf as I wrote. Even my great uncle Dave, an attorney in Grand Rapids, supplied some interesting information on Ford, Buchen, and Becker from personal experience that made it into the notes of chapter 10, not to mention gracing me with an extraordinary and learned dialogue on rights, law, and American legal history. So Dad, Grandpa, everyone, if you made it through this paperweight, thank you.

## **Appendix A**

### **The Presidential Libraries: Basic Information**

#### **1. Roosevelt (32<sup>nd</sup> President, 1933-1945)**

1941: Franklin D. Roosevelt Presidential Library and Museum, Hyde Park, New York.

Architect: U.S. Architect Louis A. Simon

([www.fdrlibrary.marist.edu](http://www.fdrlibrary.marist.edu))

#### **2. Truman (33<sup>rd</sup> President, 1945-1953)**

1957: Harry S. Truman Presidential Library and Museum, Independence, Missouri.

Architect: Edward Neild

([www.trumanlibrary.org](http://www.trumanlibrary.org))

#### **3. Hoover (31<sup>st</sup> President, 1929-1933)**

1962: Herbert Hoover Presidential Library and Museum, West Branch, Iowa

Architect: Eggers & Higgins

([www.hoover.archives.gov](http://www.hoover.archives.gov))

#### **4. Eisenhower (34<sup>th</sup> President, 1953-1961)**

1966: Dwight D. Eisenhower Presidential Library and Museum, Abilene, Kansas

Architect: Kansas State Architect, John Brink

([www.eisenhower.archives.gov](http://www.eisenhower.archives.gov))

#### **5. Johnson (36<sup>th</sup> President, 1963-1968)**

1971: The Lyndon B. Johnson Presidential Library and Museum, University of Texas, Austin.



Architect: Gordon Bunschaft, of Skidmore Owings and Merrill  
([www.lbjlib.utexas.edu](http://www.lbjlib.utexas.edu))

**6. Kennedy (35<sup>th</sup> President, 1961-1963)**

1979: John F. Kennedy Presidential Library and Museum, South Boston, Massachusetts  
Architect: I.M. Pei  
([www.jfklibrary.org](http://www.jfklibrary.org))

**7. Ford (38<sup>th</sup> President, 1974-1977)**

1981: Gerald R. Ford Presidential Library, University of Michigan, Ann Arbor  
Architect (Library): Jickling, Lyman and Powell Associates  
1981: Gerald R. Ford Presidential Museum, Grand Rapids, Michigan  
Architect: Marvin DeWinter Associates  
([www.fordlibrarymuseum.gov](http://www.fordlibrarymuseum.gov))

**8. Carter (39<sup>th</sup> President, 1977-1981)**

1986: Jimmy Carter Presidential Library and Museum, Atlanta, Georgia.  
Architect: Jova, Daniels, Busby Architects  
([www.jimmycarterlibrary.gov](http://www.jimmycarterlibrary.gov))

**9. Reagan (40<sup>th</sup> President, 1981-1989)**

1991: Ronald Reagan Presidential Library and Museum, Simi Valley, California  
Architect: Stubbins Associates  
([www.reagan.utexas.edu](http://www.reagan.utexas.edu))

**10. Bush (41<sup>st</sup> President, 1989 – 1993, library opened 1997)**

1997: George Bush Library and Museum, Texas A & M University, College Station  
Architect: Hellmuth, Obata, Kassabaum (CRSS-HOK)  
([www.bushlibrary.tamu.edu](http://www.bushlibrary.tamu.edu))

**11. Clinton (42<sup>nd</sup> President, 1993 – 2001)**

2004: William J. Clinton Presidential Library and Museum, Little Rock, Arkansas.

Architect: Polshek and Partners

([www.clintonlibrary.gov](http://www.clintonlibrary.gov))

**12. Nixon (37<sup>th</sup> President, 1969-1974)**

1991/2007: Richard Nixon Presidential Library and Museum, Yorba Linda, California

(Formerly the Richard Nixon Library and Birthplace)

Architect: Richard Poulos of Langdon Wilson Architecture Planning

([www.nixonlibrary.gov](http://www.nixonlibrary.gov))

**13. Bush II (43<sup>rd</sup> President, 2001-2008)**

The George W. Bush Presidential Library and Museum is not yet built. It will be located on the campus of Southern Methodist University, Dallas, Texas. Materials are currently housed at a facility in Lewisville, Texas.

([www.georgewbushlibrary.gov](http://www.georgewbushlibrary.gov))

## **Appendix B**

### **Presidential Records: Select Statues and Court Cases**

- 1803 Marbury v. Madison
- 1841 Folsom v. Marsh
- 1939 Legislation passed, chartering the Franklin D. Roosevelt Library
- 1946 Administrative Procedure Act
- 1950 Federal Records Act
- 1955 Presidential Libraries Act
- 1966 Freedom of Information Act
- 1974 Nixon – Sampson Agreement
- 1974 (pursuit of a universal Public Documents Act is abandoned)
- 1974 Presidential Recordings and Materials Preservation Act
- 1974 Privacy Act
- 1974 United States v. Nixon
- 1974 Nixon v. Sampson
- 1975 Nixon v. Richey I and II
- 1977 Nixon v. Administrator of General Services
- 1978 Presidential Records Act
- 1980 Kissinger v. Reporters Committee for Freedom of the Press
- 1982 Nixon v. Freeman
- 1982 Executive Order 12,356 (Reagan)
- 1986 Presidential Libraries Act
- 1988 Public Citizen v. Burke
- 1989 Executive Order 12,667 (Reagan)
- 1991 Armstrong v. Bush
- 1992 Nixon v. United States
- 1993 Bush – Wilson Agreement
- 1993 Armstrong v. Executive Office of the President (Armstrong II)
- 1994 American Historical Association, et. al. v. Peterson

- 1995 Executive Order 12958 (Clinton)
- 2000 Griffin and Taylor v. United States
- 2001 Executive Order 13,233 (Bush II overturns EO 12667)
- 2002 American Historical Association v. National Archives and Records Administration
- 2003 National Archives and Records Administration Efficiency Act
- 2009 Executive Order 13489 (Obama overturns EO 13233)

National Archives Code of Regulations pertaining to Presidential Libraries:  
1228, 1253, 1254, 1256, 1258, 1260, 1270, 1275, 1280, 1290

## **Manuscript Collections**

### **Franklin D. Roosevelt Presidential Library, Hyde Park, New York**

American Library Association Files

Franklin D. Roosevelt Library File

Office Files

Papers of Louis A. Simon

President's Personal Files 3451, 3481, 5720

### **Gerald R. Ford Presidential Library, Ann Arbor, Michigan**

Alexander M. Haig Files

Barry N. Roth Files

Benton L. Becker Papers

Gerald R. Ford Museum Re-Dedication Committee

Gerald R. Ford Presidential Museum Dedication Committee Inc.

National Study Commission on Records and Documents of Public Officials

Office of Council to the President

Papers of Gerald R. Ford Press Secretary

Philip W. Buchen Files

President's Daily Diary, 1974-1977

Staples and Charles, Ltd.

University of Michigan. Gerald Ford Library and Museum Fund

William E. Casselman Files

### **George H. W. Bush Presidential Library, College Station, Texas**

Bush Presidential Files, Office of Chief of Staff, John Sununu Files

Bush Presidential Files, Office of the Press Secretary, Marlin Fitzwater Files

Bush Presidential Files, Personnel Office, Chase Untermeyer Files

Bush Presidential Files, White House Office of Records Management 4944, 4945, 4946

Chronological History of the Founding of the George Bush Presidential Library and Center

John Miles Rowlett Lecture Series

**Richard Nixon Presidential Library, Yorba Linda, California**

Nixon Family Collection

Richard M. Nixon Pre-Presidential Papers

Special Files Unit

## Bibliography

- Adams, Henry. *The Jeffersonian Transformation: Passages from the "History"*. New York: New York Review Books, 2007.
- Adams, William Howard, ed. *The Eye of Thomas Jefferson*. Washington, D.C.: National Gallery of Art, 1976.
- Aitken, Jonathan. *Nixon: A Life*. Washington, D.C.: Regency Publishing, 1993.
- Alan Brinkley and David Dyer, eds. *The American Presidency*. New York: Houghton Mifflin Company, 2004.
- Alexander, Edward. *Museums in Motion: An Introduction to the History and Functions of Museums*. Walnut Creek: AltaMira Press, 1996.
- Ambrose, Stephen. *Nixon: Ruin and Recovery, 1973-1990*. New York: Simon & Schuster, 1991.
- Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. New York: Verso, 1991.
- Appiah, Kwame Anthony. *The Ethics of Identity*. Princeton: Princeton University Press, 2005.
- Ausubel, Herman. *Historians and Their Craft: A study of the presidential addresses of the American Historical Association, 1884-1945*. New York: Columbia University Press, 1950.
- Bahmer, Robert H. "The National Archives After 20 Years." *American Archivist* 18 (1955).
- Baker, Nicholson. *Double Fold: Libraries and the Assault on Paper*. New York: Vintage Books, 2001.
- Banta, Martha. "History With Fig Leaves." *American Literary History* 1, no. 4 (1989): 872-96.
- Bartholomew, Dana. "Thousands Show Their Love, Respect." *Daily news*, June 9, 2004: 1, 19.
- Basbanes, Nicholas. *A Gentle Madness*. New York: Henry Holt & Co., 1995.
- . *A Splendor of Letters: The Permanence of Books in an Impermanent World*. New York: HarperCollins, 2003.
- Bataille, George. "Museum [1930]." *October* 36 (Spring 1986).
- Battles, Matthew. *Library: An Unquiet History*. New York, NY: W.W. Norton & Co., 2003.
- Beard, Charles A. "That Noble Dream." *American Historical Review* 41, no. 1 (1935): 74-87.

- Beard, Charles A. "Written History as an Act of Faith." *American Historical Review* 39, no. 2 (1934): 219-31.
- Becker, Benton. "The History of the Nixon Pardon." *Cumberland Law Review* 30, no. 31 (2000).
- Becker, Carl. "Everyman His Own Historian." *American Historical Review* 37, no. 2 (1932).
- Beers, Henry P. "Historical Development of the Records Disposal Policy of the Federal Government Prior to 1934." *American Archivist* 7 (1944): 184-96.
- Bellah, Robert. "Civil religion in America." *Daedalus* 96 (1967).
- Bender, Thomas. "Intellectual and Cultural History." In *The New American History*, by ed. Eric Foner. Philadelphia: Temple University Press, 1997.
- Bennet, Tony. "The Multiplication of Culture's Utility." *Critical Inquiry* 21, no. 4 (Summer 1995).
- Bennett, Tony. *The Birth of the Museum: history, theory, politics*. New York: Routledge, 1995.
- Bercovitch, Sacvan. *The American Jeremiad*. Madison, WI: University of Wisconsin Press, 1978.
- Bergdoll, Barry. *European Architecture, 1750-1890*. New York: Oxford University Press, 2000.
- Berner, Richard C. *Archival Theory and Practice in the United States: A Historical Analysis*. Seattle: University of Washington Press, 1983.
- Bevan, Robert. *The Destruction of Memory: Architecture at War*. London: Reaktion Books, 2006.
- Blustein, Jeffrey. *The Moral Demands of Memory*. New York: Cambridge University Press, 2008.
- Bodnar, John. *Remaking America: Public Memory, Commemoration, and Patriotism in the Twentieth Century*. Princeton: Princeton University Press, 1992.
- Boswell, David and Jessica Evans, ed. *Representing the Nation: A Reader-Histories, heritage and museums*. New York: Routledge, 1999.
- Bourdieu, Pierre. *Language and Symbolic Power*. 2001. Cambridge, MA: Harvard University Press, 1991.
- Bourdieu, Pierre. "The Field of Cultural Production." In *Book History Reader*, by David Finklestein and Alistair McCleery, 77-99. New York: Routledge, 2002.
- Breisach, Ernst. *American Progressive History: An Experiment in Modernization*. Chicago: University of Chicago Press, 1993.
- Bretschler, Carl. "The President and Judicial Review Under the Records Act." 60, no. 1477 (June 1992).



- Brigham, David R. *Public Culture in the Early Republic: Peale's Museum and Its Audience*. Washington, D.C.: Smithsonian Institution Press, 1995.
- Bronner, Simon, ed. *Consuming Vision: Accumulation and Display of Goods in America, 1880-1920*. New York: W.W. Norton & Co., 1989.
- Bruckberger, R.L. *Image of America: Its Hopeful Meaning for the World*. New York: The Viking Press, 1959.
- Buck, Elizabeth Hawthorne. "General Legislation for Presidential Libraries." *American Archivist* 18 (1955): 337-41.
- Buford, Rowland. "The Papers of the Presidents." *American Archivist* 13 (1950): 195-211.
- Burnham, Patricia and Lucretia Hoover Giese. *Redefining American History Painting*. New York: Cambridge University Press, 1995.
- Burton, Denis, James Rhoads, and Raymond Smock, ed. *A Guide to Manuscripts in the Presidential Libraries*. College Park: Research Materials Corporation, 1985.
- Calhoun, Craig. *Nationalism*. Minneapolis: Open University Press, 1997.
- Capozzola, Christopher. *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen*. New York: Oxford University Press, 2008.
- Carbonell, Bettine Messias, ed. *Museum Studies: An Anthology*. Malden: Blackwell Publishing, 2006.
- Carrier, David. *Museum Skepticism: A History of the Display of Art in Public Galleries*. Durham, NC: Duke University Press, 2006.
- Casson, Lionel. *Libraries in the Ancient World*. New Haven, CN: Yale University Press, 2001.
- Castronovo, Russ and Dana Nelson, ed. *Materializing Democracy: Toward a Revitalized Cultural Politics*. Durham: Duke University Press, 2002.
- Clotworthy, William. *Homes and Libraries of the Presidents*. Blacksburg: McDonald & Woodward Publishing Co., 1995.
- Cochrane, Lynn Scott. "Presidential Libraries: Presidential, Yes; Libraries, Not Really." *American Libraries* 33, no. 5 (2002).
- . "The Presidential Library System: A Quiescent Policy Subsystem." Dissertion: Virginia Polytechnic Institute, 1998.
- Cornog, Evan. *The Power and the Story: How the Crafted Presidential Narrative Has Determined Success from George Washington to George W. Bush*. New York: Penguin Books, 2004.
- Cowlshaw, Patrick R. "The Conditional Presidential Pardon." *Stanford Law Review* 28, no. 1 (1975): 149-77.
- Crow, Thomas. *Emulation: Making Artists for Revolutionary France*. New Haven: Yale University Press, 1955.

- Danielson, Elena. "The Ethics of Access." *American Archivist* 52, no. 1 (1989).
- Davis, Kenneth. *FDR: The Beckoning of Destiny, 1882-1928*. New York: Random House, 1972.
- Derrida, Jacques. *Archive Fever*. Chicago: University of Chicago Press, 1998.
- Dodd, William E. "The Struggle for Democracy in the United States." *International Journal of Ethics* 28, no. 4 (1918): 465-84.
- Donald, James. *Sentimental Education: Schooling, Popular Culture, and the Regulation of Liberty*. New York: Verso, 1992.
- Drew, Elizabeth. *Richard M. Nixon*. New York: Times Books, 2007).
- . *Richard M. Nixon*. New York: Henry Holt & Co., 2007.
- Duncan, Carol. *Civilizing Rituals: inside public art museums*. New York: Routledge, 1995.
- Dupré, Louis. *The Enlightenment and the Intellectual Foundations of Modern Culture*. New Haven, CN: Yale University Press, 2004.
- Durand, Jean-Nicolas-Louis. *Précis of the Lectures on Architecture [1802-5]*. Edited by Antoine Picon. Translated by David Britt. Los Angeles, CA: The Getty Research Institute, 2000.
- Dutta, Arindam. *The Bureaucracy of Beauty: Design in the Age of its Global Reproducibility*. New York: Routledge, 2007.
- Dyer, Alan Brinkley and David, ed. *The American Presidency*. New York: Houghton Mifflin Co., 2004.
- Eales, Anne Bruner. "Fort Archives: The National Archives Goes to War." *Prologue* 35, no. 2 (2003).
- Ellis, Joseph. "Culture and Capitalism in Pre-Revolutionary America." *American Quarterly* 31, no. 2 (1979).
- Ellis, Richard. *Presidential Travel: The Journey from George Washington to George W. Bush*. Lawrence: University of Kansas Press, 2008.
- Ericson, Timothy. "Building Our Own Iron Curtain: The Emergence of Secrecy in American Government." *American Archivist* 68 (2005).
- Fawcett, Sharon. "Presidential Libraries: A View from the Center." *Public Historian* 28, no. 3 (2006): 13-36.
- Finkelstein, David and Alistair McCleery, ed. *Book History Reader*. New York: Routledge, 2002.
- Fitzgerald, Carol Bondhus. "The Presidential Papers, George Washington to Calvin Coolidge: An Introduction to the Presidential Papers Microfilm Series." *The History Teacher* 17, no. 4 (August 1984).

- Foner, Eric, ed. *The New American History*. Philadelphia: Temple University Press, 1997.
- Ford, Guy Stanton. "Some Suggestions to American Historians." *American Historical Review* 40, no. 2 (1935): 253-69.
- Foucault, Michel. *language, memory, practice*. Ithaca: Cornell University Press, 1977).
- Frick, Daniel. *Reinventing Richard Nixon: A Cultural History of an American Obsession*. Lawrence: University of Kansas Press, 2008.
- Friedel, Frank. "Roosevelt to Reagan: the Birth and Growth of Presidential Libraries." *Prologue* 21 (1989): 103-13.
- Genoways, Hugh and Mary Anne Andrei, ed. *Museum Origins: Readings in Early Museum History*. Walnut Creek: Left Coast Press, 2008.
- George, Gerald. *The State of the American Records: A Report On How Well Americans Are Documenting Their History*. National Historical Publications Commission, 1994.
- Gerdt, William H. and Mark Thistlethwaite. *Grand Illusions: History Painting in America*. Fort Worth: Amon Carter Museum, 1988.
- Geselbracht, Raymond and Timothy Walch. "The Presidential Libraries Act after 50 Years." *Prologue* (reprinted at [www.archives.gov/publications/prologue/2005](http://www.archives.gov/publications/prologue/2005)), 2005.
- Geselbracht, Raymond. "Archivist's Perspective: The Four Eras in the History of Presidential Papers." *Prologue* 15 (1983): 37-42.
- Geselbracht, Raymond. "Creating the Harry S. Truman Library: The First Fifty Years." *Public Historian* 28, no. 3 (Summer 2006).
- Geselbracht, Raymond. "The Origins of Restrictions of Access to Personal Papers at the Library of Congress and the National Archives." *American Archivist* 49, no. 2 (1986).
- Gillespie, Michael Allen. *The Theological Origins of Modernity*. Chicago: University of Chicago Press, 2008.
- Gilliland-Swetland, Anne J. *Enduring Paradigm, New Opportunities: The Value of the Archival Perspective in the Digital Environment*. Council on Library and Information Resources, 2000.
- Gilliland-Swetland, Luke. "The Provenance of a Profession: The Permanence of the Public Archives and Historical Manuscripts Traditions in American History." *American Archivists* 54 (1991): 160-75.
- Gillis, John R., ed. *Commemorations: The Politics of National Identity*. Princeton: Princeton University Press, 1994.
- Gilreath, James, ed. *Tomas Jefferson and the Education of a Citizen*. Washington, D.C.: Library of Congress, 1999.
- Gittinger, Ted, ed. *Presidential Libraries and Collections*. Austin: Lyndon B. Johnson Foundation.

- Goldberg, Jeffrey. "Reputations: Sprucing Up Nixon." *New Yorker*, May 8, 2006.
- Gondos Jr., Victor. *J. Franklin Jameson and the Birth of the National Archives, 1906-1926*. Philadelphia: University of Pennsylvania Press, 1981.
- Goodyear, Jr., Frank. *Contemporary American Realism*. Boston: New York Graphic Society, 1981.
- Green, John Robert. *The Limits of Power: The Nixon and Ford Administrations*. Bloomington, IN: Indiana University Press, 1992.
- Greenberg, David. *Nixon's Shadow: The History of an Image*. New York: W.W. Norton & Co., 2003.
- Greene, Bob. *Franternity: A Journey in Search of Five Presidents*. New York: Crown, 2004.
- Greenfield, Liah. *Nationalism: Five Roads to Modernity*. Cambridge: Harvard University Press, 1992.
- Greenstein, Fred. "The Benevolent Leader: Children's Images of Political Authority." *American Political Science Review* 54 (1960).
- Hackman, Larry. "Toward Better Policies and Practices for Presidential Libraries." *Public Historian* 28, no. 3 (Summer 2006): 165-183.
- Halperin, Morton H, and Daniel N. Hoffman. "Secrecy and the Right to Know." *Law and Contemporary Problems* 40, no. 3 (1976): 132-65.
- Hammer, Dean C. "The Puritans as Founders: The Quest for Identity in Early Whig Rhetoric." *Religion and American Culture* 6, no. 2 (1996): 1961-94.
- Hammond, Phillip, Amanda Proterfield, James Moseley, Jonathan Sarna. "Forum: American Civil Religion Reconsidered." *Religion and American Culture* 4, no. 1 (1994): 1-23.
- Hand, Samuel B. "Rosenman, Thucydides, and the New Deal." *Journal of American History* 55, no. 2 (1968).
- Hartmann, Susan M. "In the Grip of Watergate." *Reviews in American History* 21, no. 4 (1993): 710-16.
- Healy, Gene. *The Cult of the Presidency: America's Dangerous Devotion to Executive Power*. Washington, D.C.: Cato Institute, 2008.
- Heffernan, James A.W., ed. *Representing the French Revolution: Literature, Historiography, and Art*. Hanover: University Press of New England, 1992.
- Heffernan, James A.W., ed. *Representing the French Revolution: Literature, Historiography, and Art*. Hannover: University Press of New England, 1992.
- Hess, Robert and David Easton. "The Child's Changing Image of the President." *Public Opinion Quarterly* 24 (1960): 632-44.
- Holland, Catherine A. *The Body Politic: Foundings, Citizenship, and Difference in the American Political Imagination*. New York: Routledge, 2001.

- Hooper-Greenhill, Eilean, ed. *Museum, Media, Message*. New York: Routledge, 1999.
- Hosmer, Jr., Charles. *Presence of the Past: A History of the Preservation Movement in the United States before Williamsburg*. New York: G.P Putnam, 1965.
- Howard, Thomas Albert. *Religion and the Rise of Historicism: W.M.L. de Wette, Jacob Burckhardt, and the Theological Origins of Nineteenth-Century Historical Consciousness*. Cambridge: Cambridge University Press, 2000.
- Howe, Lawrence. "Now Playing at a Presidential Library Near You: The Films at the Presidential Museums." *Public Historian* 17, no. 1 (1995).
- Hufbauer, Benjamin. *Presidential Temples: How Memorials and Libraries Shape Public Memory*. Lawrence, KN: University Press of Kansas, 2005.
- . *Presidential Temples: How Memorials and Libraries Shape Public Memory*. Lawrence: University of Kansas Press, 2005.
- Hufbauer, Benjamin. "Spotlights and Shadows: Presidents and Their Administrations in Presidential Museum Exhibits." *Public Historian* 28, no. 3 (Summer 2006): 117-132.
- . "The Father in the Temple: Memory and Masculinity in Presidential Commemoration." Dissertation: University of California Santa Barbara, 1999.
- Hugh H. Genoways and Mary Anne Andrei, eds. *Museum Origins: Readings in Early Museum History and Philosophy*. Walnut Creek, CA: Left Coast Press, Inc., 2008.
- Hullington, Mark. *Citizens and Citizens: Republicans and Liberals in America and France*. Cambridge: Harvard University Press, 2002.
- Hunt, Lynn. "Forgetting and Remembering: The French Revolution Then and Now." *American Historical Review* 100, no. 4 (1995).
- Igo, Sarah. *The Averaged American: Surveys, Citizens, and the Making of a Mass Public*. Cambridge: Harvard University Press, 2007.
- Jameson, J. Franklin. "Historical Scholars in War-Time." *American Historical Review* 22, no. 4 (1917): 831-35.
- Jameson, J. Franklin. "The Meeting of the American Historical Association." *American Historical Review* 19, no. 3 (1914).
- Jarzombek, Mark. *The Psychologizing of Modernity*. New York: Cambridge University Press, 2000.
- Jay, Martin. *Downcast Eyes: The Denigration of Vision in Twentieth-Century French Thought*. Berkeley: University of California, 1993.
- Jefferson, Thomas. *Writings of Thomas Jefferson*. New York: Library of America, 1984.
- Jeffries, John. "The 'New' New Deal: FDR and American Liberalism, 1937-1945." *Political Science Quarterly* 105, no. 3 (1990): 397-418.
- Jimerson, Randall. "Embracing the Power of the Archives." *American Archivist* 69 (2006).

- John G. Waite Associates, Architect. *The President as Architect: Franklin D. Roosevelt's Top Cottage*. Albany: Mount Ida Press, 2001.
- Johns, Christopher. "Portrait Mythology: Antonio Canova's Portraits of the Bonapartes." *Eighteenth Century Studies* 28, no. 1 (1994).
- Jones, H. G. *The Records of a Nation: Their Management, Preservation, and Use*. New York: Atheneum, 1969.
- Jusserand, Jean J. "The School for Ambassadors." *American Historical Review* 27, no. 3 (1922).
- Kammen, Michael. *American Culture American Tastes: Social Change in the 20th Century*. New York: Basic Books, 1999.
- . *Mystic Chords of Memory: The Transformation of Tradition in American Culture*. New York: Vintage Books, 1991.
- Kammen, Michael, ed. *The Past Before Us: Contemporary Historical Writing in the United States*. Ithaca: Cornell University Press, 1980.
- Kaplan, Elisabeth. "We Are What We Collect: Archives and the Construction of Identity." *American Archivist* 63 (2000): 126-51.
- Karin, Marcy Lynn. "Out of Sight, But Not Out of Mind: How Executive Order 13,233 Expands Presidential Privilege While Simultaneously Preventing Access to Presidential Records." *Stanford Law Review* 55, no. 529 (2002).
- Karl, Barry D. "The Nixon Fault." *Reviews in American History* 7, no. 2 (1979).
- Karp, Ivan, Corinne Kratz, Lynn Szwaja and Tomas Ybarra-Frausto, ed. *Museum Frictions: Public Cultures/Global Transformations*. Durham: Duke University Press, 2006.
- Keener, John F. "Writing the Vacuum: Richard Nixon as Literary Figure." *Critique*, Winter 2000.
- Kelly, Robert. *Politics and Religious Consciousness in America*. 2005. New Brunswick, NJ: Transaction Publishers, 1984.
- Kennon, Donald, ed. *The United States Capitol: Designing and Decorating a National Icon*. Athens: Ohio University Press, 2000.
- Ketelaar, Eric. "Archival Temples: Modes of Power and Production." *Archival Science* 2 (2002).
- Khoobyarian, Erik Paul. "Reinterpreting the Failure of the Presidential Records Act and the Necessity of Executive Order 13,233: Denying Historians Access or Protecting the PRA?" 43, no. 941 (2003).
- Kinkipf, Neil. "Executive Privilege: The Clinton Administration in the Courts." *William and Mary Bill of Rights Journal* 8, no. 631 (April 2000).
- Kirkendall, Richard. "Franklin D. Roosevelt and the Service Intellectual." *The Mississippi Valley Historical Review* 49, no. 3 (1962).

- Kornfield, Eve. *Creating an American Culture*. Boston: St. Martin's, 2001.
- Kuklick, Bruce. *A History of Philosophy in America, 1720-2000*. Oxford: Clarendon Press, 2001.
- Lacan, Jacques. *Ecrits*. 1966. New York: W.W. Norton, 2006.
- LaCapra, Dominick. *Writing History, Writing Trauma*. Baltimore: Johns Hopkins Press, 2001.
- Landsberg, Alison. *Prosthetic Memory: The Transformation of American Remembrance in the Age of Mass Culture*. New York: Columbia University Press, 2004.
- Lavin, Sylvia. *Quatremere de Quincy and the Invention of a Modern Language for Architecture*. Cambridge: The MIT Press, 1992.
- Le Goff, Jacques. *History and Memory*. Translated by Steven Rendall and Elizabeth Claman. New York: University of California Press, 1992.
- Leland, Waldo Gifford. "R. D. W. Connor, First Archivist of the United States." *American Archivist* 14 (1953).
- Leland, Waldo. "The National Archives: A Programme." *American Historical Review* 18, no. 1 (1912).
- Leland, Wldo Gifford. "The Creation of he Franklin D. Roosevelt Library." *American Archivist* 18 (1955): 11-29.
- Leon, Warren, and Roy Rosenzweig. *History Museums in the United States: A Critical Assessment*. Chicago: University of Illinois Press, 1989.
- Leopold, Richard W. "The Historian and the Federal Government." *Journal of American History* 64, no. 1 (1977): 5-23.
- Lerner, Fred. *The Story of Libraries: From the Invention of Writing to the Computer Age*. New York: Continuum, 2006.
- Lewis, James D. "White House Electronic Mail and Federal Recordkeeping Law: Press "D" to Delete History." 93, no. 794 (February 1995).
- Lockhart, Charles. *The Roots of American Exceptionalism: History, Institutions, and Culture*. New York: Palgrave Macmillan, 2003.
- Loewen, James. *Lies Across America: What Our Historical Sites Get Wrong*. New York: Simon & Schuster, 2000.
- Maccannell, Dean. *Empty Meeting Grounds: Th Tourist Papers*. New York: Routledge, 1992.
- MacCannell, Dean. *The Tourist: A New theory of the Leisure Class*. 1999. Bekeley: University of California Press, 1976.
- Macdonald, Sharon, ed. *The Politics of Display*. New York: Routledge, 1998.
- MacKannon, Frank. "Human Drama: Presidential Museums Tell the Story." *Prologue* 21 (1989): 134.

- Maier, Pauline. *American Scripture: Making the Declaration of Independence*. New York: Vintage Books, 1998.
- Maleuve, Didier. *Museum Memories: History, Technology, Art*. Stanford: Stanford University Press, 1999.
- Maney, Patrick. *The Roosevelt Presence: The Life and Legacy of FDR*. Berkeley: University of California Press, 1992.
- Manguel, Alberto. *The Library at Night*. New Haven, CN: Yale University Press, 2006.
- Marcus, Griel. *The Shape of Things to Come: Prophecy and the American Voice*. New York: Farrar, Straus, and Giroux, 2006.
- Margalit, Avishai. *The Ethics of Memory*. Cambridge: Harvard University Press, 2002.
- Marks, Arthur. "Benjamin West and the American Revolution." *American Art Journal* 6, no. 2 (1974).
- Mazlish, Bruce. "A Psychohistorical Inquiry: the 'Real' Richard Nixon." *Journal of Interdisciplinary History* 1, no. 1 (1970).
- . *The Leader, the Led, and the Psyche: Essays in Psychohistory*. Hannover: University Press of New England, 1990.
- McClellan, Andrew. *Inventing the Louvre: Art, Politics, and the Origin of the Modern Museum in Eighteenth-Century Paris*. Berkeley: University of California, 1994.
- . *The Art Museum: From Boullée to Bilbao*. Berkeley, CA: University of California Press, 2008.
- McCoy, Donald. "The Beginnings of the Franklin D. Roosevelt Library." *Prologue*, Fall 1975: 137.
- McDermott, Patrice. "Withhold and Control: Information in the Bush Administration." *Kansas Journal of Law and Public Policy* 12, no. 671 (Spring 2003).
- McDonald, Forrest. *The American Presidency*. Lawrence: University of Kansas Press, 1994.
- Meachem, Frances Laverne Carroll and Mary. *The Library at Mount Vernon*. Pittsburgh: Beta Phi Mu, 1977.
- Melton, James Van Horn. *The Rise of the Public in Enlightenment Europe*. New York: Cambridge University Press, 2001.
- Menand, Louis, ed. *Pragmatism: A Reader*. New York: Vintage Books, 1997.
- . *The Metaphysical Club: A Story of Ideas in America*. New York: Farrar, Straus, and Giroux, 2001.
- Mirzoeff, Nicholas, ed. *The Visual Culture Reader*. Second Edition. New York: Routledge, 1998.
- Mogensen, Lars Aagard, ed. *The Idea of the Museum: Philosophical, Artistic and Political Questions*. Lampeter: Edwin Mellen Press, 1988.



- Montgomery, Bruce. "Presidential Materials: Politics and the Presidential Records Act." *American Archivist* 66 (2003).
- Morgan, Edmund. *Inventing the People: The Rise of Popular Sovereignty in England and America*. New York: W.W. Norton & Co., 1988.
- Morison, Samuel Eliot. "Faith of a Historian." *American Historical Review* 56, no. 2 (1951): 261-75.
- Morton, Louis. "The Historian and the Federal Government: A Proposal for a Government-Wide Historical Office." *Prologue* 3 (1971): 3-11.
- Moulik, A. and D. Lai. "Rebels in Search of Champions--Envisioning the Library of the Future." *Electronic Library* 10, no. 2 (April 1992): 97-102.
- Munden, Ken, ed. *Archives and the Public Interest: Selected Essays by Ernst Posner*. Washington, D.C.: Public Affairs Press, 1967.
- Mydans, Seth. "Yorba Linda Journal; Painting of Heroic Size Shows Nixon to Match." *New York Times*, August 13, 1992.
- Nagel, Paul. *This Sacred Trust: American Nationality, 1798-1898*. New York: Oxford University Press, 1971.
- Nelson, Dana. *National Manhood: Capitalist Citizenship and the Imagined Fraternity of White Men*. Durham: Duke University Press, 1998.
- Nixon, Richard. "Remarks by Vice President Richard Nixon at the Meeting of the American Nationalities Committee for Nixon-Lodge, Washington Hotel, Washington, D.C." *The American Presidency Project*. University of California at Santa Barbara, September 19, 1960.
- . "The Meaning of Communism to Americans: Study Paper by Richard M. Nixon, Vice President, United States of America." *The American Presidency Project*. University of California at Santa Barbara, August 21, 1960.
- Nora, Pierre. *Realms of Memory: Rethinking the French Past*. Translated by Arthur Goldhammer. New York: Columbia University Press, 1996.
- . *Rethinking France*. Edited by David Jordan. Translated by Mary Trouille. Chicago: University of Chicago Press, 2001.
- Norton, Anne. *Leo Strauss and the Politics of American Empire*. New Haven: Yale University Press, 2004.
- Novick, Peter. *That Noble Dream: The "Objectivity Question" and the American Historical Profession*. New York: Cambridge University Press, 1998.
- Oleson, Alexandra and John Voss, ed. *The Organization of Knowledge in modern America, 1860-1920*. Baltimore: Johns Hopkins Press, 1979.
- Olson, Alexandra and Sanborn Brown, ed. *The Pursuit of Knowledge in the Early American Republic: American Scientific and Learned Societies from Colonial Times to the Civil War*. Baltimore: Johns Hopkins Press, 1976.

- O'Neill, James. "Will success spoil the presidential libraries?" *American Archivist* 36 (1973).
- Outram, Dorinda. *The Body and the French Revolution: Ex, Class and Political Culture*. New Haven: Yale University Press, 1989.
- Owens, Craig. "The Allegorical Impulses: Towards a Theory of Postmodernism." *October* 12 (198-): 67-86.
- Ozouf, Mona. *Festivals and the French Revolution*. Translated by Alan Sheridan. Cambridge: Harvard University Press, 1988.
- Palsits, V.H. "An Historical Resume of the Public Archives Commission from 1899 to 1921." In *Annual Report of the American Historical Association for the Year 1922*, 152ff. 1922.
- Pangle, Lorraine Smith and Thomas Pangle. *The Learning of Liberty: The Educational Ideas of the American Founders*. Lawrence: University of Kansas, 1993.
- Papers of the American Historical Association. New York: G.P. Outnams & Sons, 1885-1891.
- Peterson, Merrill D. *The Jefferson Image in the American Mind*. 1960. Charlottesville, VA: University of Virginia Press, 1998.
- Pevsner, Nikolaus. *A History of Building Types*. Princeton: Princeton University Press, 1976.
- Philip Hammond, Amanda Porterfield, James Moseley, Jonathan Sarna. "Forum: American Civil Religion Revisited." *Religion and American Culture* 4, no. 2 (1994): 1-23.
- Posner, Ernst. *American State Archives*. Chicago: University of Chicago Press, 1964.
- Posner, Ernst. "Some Aspects of Archival Development." *American Archivist* 3 (1940).
- Preziosi, Donald. *Brain of the Earth's Body: Art, Museums, and the Phantasms of Modernity*. Minneapolis: University of Minnesota Press, 2003.
- Preziosi, Donald. "Narrativity and the Museological: Myths of Nationality." *Museum History Journal* 2, no. 1 (2001): 37-50.
- Reingold, Nathan. "Clio's Handmaidens Uncovered?" *Reviews in American History* 7, no. 3 (1979): 418-26.
- Richetti, Sandra E. "Congressional Power Vis A Vis The President and Presidential Papers." 32, no. 773 (Summer 1994).
- Richman, Martin F. "Executive Privilege: The "Myth" Lives On." *Stanford Law Review* 27, no. 2 (1975): 489-509.
- Ried, Warren R. "Public Papers of the Presidents." *American Archivist* 25 (1962): 435-39.
- Rosenzweig, Roy and David Thelen. *The Presence of the Past: Popular Uses of History in American Life*. New York: Columbia University Press, 1998.

- Roshwald, Aviel. *The Endurance of Nationalism*. New York: Cambridge University Press, 2006.
- Rozell, Mark J. "The Limits of White House Image Control." *Political Science Quarterly* 108, no. 3 (1993): 453-80.
- Rudolph, Frederick, ed. *Essays on Education in the Early Republic*. Cambridge: Belknap Press of Harvard University Press, 1965.
- Ryan, Mary. *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century*. Berkeley: University of California Press, 1997.
- Salem Gazette*. "Great fire at Washington." December 20, 1836: 2.
- Savage, Kirk. "The Self-Made Monument: George Washington and the Fight to Erect a National Memorial." *Winterthur Portfolio* 22, no. 4 (1987): 225-42.
- Sax, Joseph. *Playing Darts with a Rembrandt: Public and Private Rights in Cultural Treasures*. Ann Arbor: University of Michigan Press, 1999.
- Schmidt, James, ed. *What is Enlightenment: Eighteenth Century Answers and Twentieth Century questions*. Berkeley: University of California Press, 1996.
- Schudson, Michael. *Watergate in American Memory: How We Remember, Forget, and Reconstruct the Past*. New York: Basic Books, 1992.
- Scott, Felicity. *Architecture or Techno-utopia: Politics After Modernism*. Cambridge: The MIT Press, 2007.
- Sekula, Allan. "The Body and the Archive." *October* 39 (1986): 3-64.
- Sennet, Richard. *The Fall of Public Man*. New York: W.W. Norton & Co., 1976.
- Shelley, Fred. "The Interest of J. Franklin Jameson in the National Archives: 1908-1934." *American Archivist* 12 (1949).
- Sherman, Bruce. *The Library of the Future: Alternative Scenarios for the Information Profession*. Englewood: Libraries Unlimited, Inc., 1989.
- Sherman, Daniel, ed. *Museums & Difference*. Bloomington: Indiana University Press, 2008.
- Shields, John. *American Aeneas: Classical Origins of the American Self*. Knoxville: University of Tennessee Press, 2001.
- Sizer, Theodor. "John Trumbull, Amateur Architect." *Journal of the Society of Architectural Historians* 8, no. 3/4 (1949).
- Sloane, William. "History and Democracy." *American Historical Review* 1, no. 1 (1895): 1-23.
- Slotkin, Richard. *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America*. Norman: University of Oklahoma Press, 1992.
- Slotkin, Richard. *Regeneration Through Violence: The Mythology of the American Frontier, 1660-1860*. Middletown: Wesleyan University Press, 1973.

- . *The Fatal Environment: the Myth of the Frontier in the Age of Industrialization, 1800-1890*. Norman: Oklahoma University Press, 1985.
- Smith, Curt. *Windows on the White House: The Story of Presidential Libraries*. South Bend, IN: Diamond Communications, Inc., 1997.
- Smith, Rogers. *Civic Ideals: Conflicting Visions of Citizenship in U.S. History*. New Haven: Yale University Press, 1997.
- Smith, Thomas A. "Before Hyde Park: The Rutherford B. Hayes Library." *American Archivist* 43 (1980): 485-488.
- Sofaer, Abraham. "Executive Power and the Control of Information: Practice un the Framers." *Duke Law Journal*, no. 1 (March 1977).
- Spieker, Sven. *The Big Archive: art from bureaucracy*. Cambridge, MA: The MIT Press, 2008.
- Spotts, Frederic. *Hitler and the Power of Aesthetics*. New York: The Overlook Press, 2002.
- Staiti, Paul. "Ideology and Rhetoric in Erastus Fields' 'The Historical Monument of the American Republic'." *Wintherthur Portfolio* 27, no. 1 (1992).
- Steedman, Carol. *Dust: the Archives and Cultural History*. New Brunswick: Rutgers University Press, 2001.
- Stern, Nancy Kegan Smith and Gary. "A Historical Review of Access to Records in Presidential Libraries." *Public Historian* 28, no. 3 (2006).
- Stille, Alexander. *The Future of the Past*. New York: Picador, 2002.
- Stillman II, Richard J. *Creating the American State: Moral Reformers and the Modern Administrative World They Made*. Tuscaloosa, AL: The University of Alabama Press, 1998.
- Stout, Cushing, ed. *Intellectual History in America: Contemporary Essays on Puritanism, the Enlightenment, and Romanticism*. Vol. 1. 2 vols. New York: Harper & Row, Publishers, 1968.
- Stout, Cushing, ed. *Intellectual History in America: From Darwin to Niebuhr*. Vol. 2. 2 vols. New York: Harper & Row, Publishers, 1968.
- Susman, Warren. "History and the American Intellectual: Uses of a Usable Past." *American Quarterly* 16, no. 2 (1964): 243-63.
- Susman, Warren I. *Culture as History: The Transformation of American Society in the Twentieth Century*. New York: Pantheon Books, 1984.
- Tatalovich, Raymond and Thomas Engeman. *The Presidency in Politcal Science*. Baltimore: Johns Hopkins Press, 2003.
- Taylor, Mark C., ed. *Deconstruction in Context*. Chicago: University of Chicago, 1986.
- The Carolina Gazette*. "Legislative." May 4, 1810.

- The Independent Gazetteer*. "Domesti Intelligence. Maryland. Georgetown, Nov. 11 Destructive Fire." November 25, 1800.
- Thelen, Roy Rosenzweig and David. *The Presence of the Past: Popular uses of History in American Life*. New York: Columbia university Press, 1998.
- Tocqueville, Alexis de. *Democracy in America*. 1835-1840. Edited by Harvey C. Mansfield and Delba Wintrop. Chicago: University of Chicago Press, 2000.
- Trouillot, Michel-Rolph. *Silencing the Past: Power and Prouction in History*. Boston: Beacon Press, 1995.
- Trumbull, John. The Declaration of Independence, July 4th, 1776. 1787-1830.
- Turley, Jonathan. "Presidential Papers and Popular Government: The Convergence of Constitutional and Property Theory in Claims of Ownership and COntrol of Presidential Records." *Cornell Law Review* 88, no. 651 (2003): 652-734.
- Ulich, Robert. *The Education of Nations: A Comparison in Historical Perspective*. Cambridge, MA: Harvard University Press, 1962.
- Van Slyck, Abigail A. *Free for All: Carnegie Libraries and American Culture, 189--1920*. Chicago: University of Chicago Press, 1995.
- Vergo, Peter, ed. *The New Museology*. London: Reaktion Books, 1989.
- Vidler, Anthony. *Claude-Nicolas Ledoux: Architecture and Utopia in the Era of the French Revloution*. Basel: Birkhauser, 2006.
- Vidler, Anthony. "The Production of Types." In *Oppositions Reader*, edited by K. Michael Hayes. New York: Princeton Architectural Press, 1998.
- Viet, Fritz. *Presidential Libraries and Collections*. New York: Greenwood Press, 1987.
- Vose, Clement. "Nixon's Archival Legacy." *Political Science* 10, no. 4 (1977): 432-38.
- Vose, Clement. "Presidential Papers as a Political Sciece Concern." *Political Science* 8, no. 1 (1975): 8-18.
- Vose, Clement. "The Nixon Project." *Political Science* 16, no. 3 (1983).
- Wagoner, Jennings. *Jefferson and Education*. Chapel Hill: University of North Carlonia Press, 2004.
- Walworth, Ellen Hardin. "The Value of National Archives." Report of Proceedings of Ninth Annual Meeting of the American Historical Association, 1893.
- Warren, Samuel D. and Louis D. Brandeis. "The Right to Privacy." *Harvard Law Review* 4, no. 5 (1890): 193-220.
- Weinstein, Allen. "Honoring a Sacred Obligation to History." *Prologue* 39, no. 3 (Fall 2007).
- West, Patricia. *Domesticating History: The Political Origins of America's House Museums*. Washington, D.C.: Smithsonian Institute Press, 1999.

- White, Morton. *Social Thought in America: The Revolt Against Formalism*. New York: The Viking Press, 1949.
- Wilkinson, Rupert. *The Pursuit of American Character*. New York: Harper & Row, Publishers, 1988.
- Williams, Jennifer R. "Beyond Nixon: The Application of the Takings Clause to the Papers of Constitutional Officeholders." 871 (Fall 1993).
- Wills, Gary. *Henry Adams and the Making of America*. Boston: Houghton Mifflin, 2005.
- Wills, Gary. "Washington's Citizen Virtue: Greenough and Houdon." *Critical Inquiry* 10, no. 3 (1984): 420-41.
- Wilson, Don. "Presidential Libraries." *Prologue* 21 (1989): 100-101.
- Wilson, Don. "Presidential Libraries: Developing to Maturity." *Presidential Studies Quarterly* 21, no. 4 (1991).
- Witcomb, Andrea. *Re-Imagining the Museum: Beyond the Mausoleum*. New York: Routledge, 2003.
- Wolff, Cynthia J. "Necessary Monuments: The Making of the Presidential Library System." *Government Publications Review* 16 (1989): 47-62.
- Wolin, Sheldon. *Politics and Vision*. Princeton: Princeton University Press, 2004.
- Womersley, David, ed. *Liberty and American Experience in the Eighteenth Century*. Indianapolis: Liberty Fund, Inc., 2006.
- Wood, Richard G. "Richard Bartlett, Minor Archival Prophet." *American Archivist* 17 (1954).
- Woodward, Bob and Carl Bernstein. *The Final Days*. New York: Simon & Schuster, 1975.
- Worsham, James. "Nixon's Library Now Part of NARA: California Facility Will Hold All Documents and Tapes From a Half-Century Career in Politics." *Prologue* 39, no. 3 (Fall 2007).
- Yuhan, Stephen H. "The Imperial Presidency Strikes Back: Executive Order 13,233, That National Archives, and the Capture of Presidential History." *New York University Law Review* 79, no. 1570 (October 2004).
- Zelizer, Julian E. "Beyond the Presidential Synthesis: Reordering Political Time." In *A Companion to Post-1945 American*, edited by Jean-Christophe and Roy Rosenzweig Agnew. New York: Blackwell Publishing, 2002.