

TESTIMONY OF SHARON FAWCETT
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BEFORE THE SUBCOMMITTEE ON
INFORMATION POLICY, CENSUS AND NATIONAL ARCHIVES
OF THE
HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
ON
“REQUIREMENTS AND COMPLIANCE WITH THE
FEDERAL ADVISORY COMMITTEE ACT”
OCTOBER 20, 2009

Chairman Clay; Ranking Member McHenry, Members of the Subcommittee, I am Sharon Fawcett, Assistant Archivist for Presidential Libraries. I appreciate the opportunity to testify before you today on the National Archives and Records Administration’s (NARA) use of the Federal Advisory Committee Act (FACA), specifically addressing in my testimony the Archivist’s Advisory Committee on Presidential Libraries.

The Advisory Committee on Presidential Libraries was established by the former Archivist of the United States Don Wilson in 1988. This committee has not met in the past three years. The last meeting was held on January 26, 2006 (a copy of the minutes for that meeting has been provided to the Committee). The costs for that meeting were \$12,500. Since its creation this committee has scheduled 18 meetings and met 17 times

(at one meeting there was not a quorum). In addition, a Subcommittee on Promoting Presidential Libraries met one time.

No money is specifically allocated for any of NARA's advisory committees. Rather, funds from our general Operating Expenses (OE) account (or the ERA account for the Advisory Committee on the Electronic Record Archives, otherwise known as ACERA) can be used for this purpose, in the event an advisory committee meeting is held. If no advisory committee is held, then no funds are spent for that purpose. OE funds remain available for any other purpose authorized under the OE account.

The Committee was established by former Archivist Don Wilson to provide advice to the Archivist "on matters relating to the archival, museum and public programs of the Presidential libraries operated by the National Archives and Records Administration."¹

The original membership was composed of representatives of each of the foundations or families that had developed an existing Presidential Library. It was intended that membership expand when new Presidential Libraries were created, and so it did. Until the last three years, the Archivist convened the Committee approximately once per year. I have attended these meetings since 1997. The meetings served as a forum for the discussion of issues relevant to NARA and the Presidential foundations. Members of the Committee updated the Archivist and other members on major projects and activities in their Libraries, particularly those funded by each of the foundations. The Archivist also used the meetings as a means of communicating to the Library foundations information about NARA's strategic plans, the NARA budget and the limits of NARA's resources,

¹ Charter of the Advisory Committee on Presidential Libraries filed April 1, 1988.

the need to follow a NARA-driven plan for building renovations, and the need for Library foundations to provide substantial support for the library's exhibits and public programs.

Over the 21-year history of the Committee, it provided to the Archivist advice and recommendations in a number of areas, including:

- The need for additional resources for processing and declassification and encouraged the Archivist to provide the resources and to simplify declassification rules.
- The need for NARA to direct more resources toward digitizing the holdings of Presidential Libraries.
- A report in 1995 prepared by two Presidential Library Directors on the relationship between Presidential Libraries and their support Foundations.
- Funding sources for Presidential Libraries, including building new libraries, renovation of existing libraries, support for exhibits, digitization, and public programs, and support for "core" programs. (In 1998, NARA issued guidance still in effect on funding sources for Presidential Libraries.)
- Ideas for the Presidential Library of the future; the Committee recommended against a centralized depository.
- Ideas to develop system-wide initiatives and marketing strategies for Presidential Libraries.

- Whether the National Archives Trust Fund Board should re-examine its Trust Fund investment strategy in order to increase returns on investments. The Trust Fund Board subsequently created three investment categories to provide for better returns, especially on mid-term and long-term investments.
- Whether NARA should consider the possibility of providing dual compensation for Library Directors who also serve as Executive Directors of Library Foundations. (After review, NARA decided not to propose legislative changes that would enable additional compensation of government employees. No director is currently serving in a dual capacity.)

After the 2006 meeting, Archivist Allen Weinstein did not convene subsequent committee meetings. The Archivist, of course, met and communicated with individual foundation representatives in the course of regular business to get their individual views on particular issues. Representatives of the foundations – not the Advisory Committee -- have chosen recently to meet among themselves to discuss issues of common interest and concern. The CEOs of the Kennedy and Hoover Foundations convened a meeting of foundation and family representatives at a Washington, DC hotel in April 2008.

Archivist Allen Weinstein and I were invited to provide an update on NARA and Library activities following an evening reception and we did so. Each of the foundation attendees also provided an update on their Library's activities. The next day consisted of internal discussions between the Foundations and family members. The Archivist and I were not invited to attend these discussions; though, it is my understanding from the agenda provided to me and a briefing on the meeting by the CEO of the Kennedy Foundation that

these discussions focused on budgetary issues, including funding for core archival processes, digitization and information technology.

I was asked to address “whether NARA has received all of the information from this advisory committee needed to properly evaluate the proposal for the planned George W. Bush Presidential Library from the George W. Bush Foundation.” Neither Archivist Carlin nor Archivist Weinstein used the Committee to evaluate new Library proposals. NARA developed Architectural and Design Standards in 1999, which, along with later revisions to the standards, govern the design, building and acceptance of a presidential archival depository. The Archivist did, however, invite representatives from the George W. Bush Library Committee to meet with the Advisory Committee in January 2006. At an informal lunch following the meeting, both Library directors and members of the Advisory Committee provided suggestions on best practices and mistakes to avoid. Following that meeting my office worked with the Library directors to compile a summary of the advice given for the Bush Library Committee. I have provided a copy of this summary to you along with my testimony. The Archivist encouraged the Bush Library Committee to visit some of the Presidential Libraries and meet with Library and Foundation staff, which I believe they did. A similar process of informal visits to established libraries and meetings with foundation representatives helped the Clinton Foundation representative in that Library’s design and building process.

I will add, though, that the National Archives itself has provided significant input into the concept and design phase for the building plans for the George W. Bush Library and is

responsible for approving the design and construction of the Library to ensure the building turned over to us meets our established standards. Those responsible for funding and building the George W. Bush Presidential Library and Museum have interacted regularly with NARA and have committed to making all changes or mitigations required by NARA.

As NARA laid out in our report on “Alternative Models for Presidential Libraries”, our relationship with the library foundations is complex. Each relationship is different, continually evolving, and not easily defined. The Government’s role is to run the Library, which involves preserving the collections, processing the records for public access, and working to ensure that the historical content of exhibits and education programs reflects an objective perspective of the Presidency – even as the private Foundations have carried a large part of the financial responsibility for financing our exhibits and programs. Exhibits today which incorporate cutting edge technology and dramatic design elements are costly. Library foundations must now raise \$10 million to design and install a new permanent exhibit. Many are doing just that. The George H.W. Bush Library and the Carter Library recently completed new installations of their permanent exhibits, which were paid for mostly by the foundation for each Library. The Roosevelt, Reagan, and Ford Foundations are now committing or raising funds for new permanent exhibits.

While there are many positive benefits to the unique relationship NARA has with the foundations, the foundations and NARA’s view of our stewardship responsibilities are

not always aligned, particularly with respect to issues that can revolve around ensuring the legacy of the former President. Presidential libraries serve a broad constituency of users who hold divergent views on the priorities and mission of Presidential libraries. I have long believed that an Advisory Committee representing these multiple stakeholder groups would provide the Archivist with advice on a broader range of issues and reflect interests that extend beyond the legacy of the former presidents. However, it is also important for the Archivist to have a forum in which to discuss important issues of concern to the National Archives with the foundations who provide substantial support for our exhibits and outreach program. When I became the Acting Assistant Archivist for Presidential Libraries in late 2004, I talked with Archivist John Carlin about the role of the Advisory Committee and whether it should continue in its present format or expand to include representatives from communities, public interest groups, professional organizations, and presidential scholars. Carlin's replacement as Archivist had been named and Carlin left the decision to make any change in the Committee to his successor, Allen Weinstein.

Archivist Weinstein held two meetings of the Committee (March 30, 2005 and January 26, 2006). He and I discussed changing the membership of the Committee. In December 2008, the Archivist resigned before making any decision about the future of the Committee. Earlier this year, acting Archivist Adrienne Thomas considered not renewing the charter. However, she decided to leave the decision to the next Archivist of the United States, and therefore elected to renew its charter for another two years.

In the March 4, 1988, letter to GSA signed by Deputy Archivist Claudine Weiher on behalf of Archivist Wilson accompanying the original transmission of the charter for the Advisory Committee on Presidential Libraries, Wilson stated that membership would include an individual associated with each Presidential Library and be drawn “from the communities where Presidential libraries are located, from among the scholars familiar with the libraries, and from among a former President’s associates or members of his administration.” It became the practice for each foundation to suggest a representative. At the time I became involved with the Committee in 1997, as the Deputy Assistant Archivist for Presidential Libraries, the membership was long established as a representational membership with representatives suggested by each of the Library foundations. Family members such as David Eisenhower, Caroline Kennedy, and Margaret Hoover have served or substituted for members of the Committee. Former associates of the Presidents such as George Elsey, Tom Johnson, Fred Ryan, Jim Cicconi, and Robert Lipshutz have been members of the Committee. Foundation members from the communities where we have Presidential libraries such as Stewart Etherington and Marty Allen have served several terms. It is my understanding that FACA does not bar an agency from establishing a limited purpose advisory committee with a more focused membership, such as this one. The Library Foundations are an important partner and the Archivist needs to be able to meet with them individually and as a group. The FACA established Committee provided an open and transparent way in which to conduct these meetings. The next Archivist will need to consider whether to keep this advisory committee as it is currently constituted, and/or establish a new committee with a broader

membership to provide more divergent feedback and advice to NARA on its Presidential Libraries.

Thank you. This concludes my statement. I will be pleased to answer any questions the Committee may have about the Advisory Committee.