

## **Former President Giuliani and His Library?**

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I have followed the case of former mayor Rudolph Giuliani's archives with considerable interest, not because the efforts by him and his allies to move the records of his two terms in office to a private think-tank are so extraordinary (they are not) but because the rationale for doing this are reminiscent of the explanation leading to one of the grandest and most expensive archival projects in history, the Presidential Library system. In the sixty-year-old system we see the potential outcomes of Mayor Giuliani's actions, and they should give us pause to reflect on what is going on and what might be the long-term results.

What we know about the arrangement to care for Mayor Giuliani's papers are reasonably straightforward. The records from his two terms have been moved to a storage facility in Queens, and they will

become part of the Rudolph W. Giuliani Center for Urban Affairs. Saul Cohen, president of the new center, has been quoted as saying that the "whole purpose is to create a repository for scholars and journalists." It was also obvious that this agreement occurred largely as part of Mayor Giuliani's newfound fame after the events of September 11<sup>th</sup>. Again Saul Cohen was quoted as saying that the "center should be wonderful," and will "reflect what we think is the very important legacy of the mayor and the admiration that people have for him throughout the country."

One of the more interesting issues at play in the controversy is that New York City has an established municipal archives, the repository for the public papers of the mayors prior to Mr. Giuliani's service. Again, Mr. Cohen, in his January 29<sup>th</sup> letter to the *New York Times* argues that they have obtained the services of a private archival consulting firm, the Winthrop Group (which is a fine operation), because of the delays in timely processing of the mayoral records and other issues of professional standards. Mr. Cohen reports that these private archivists reported to him that the municipal archives had an "inability to meet accepted archival processing standards" and that his contract specifies that "professional archivists" would be used "who must follow standard archival principles." The obvious point not mentioned, of course, is that Mayor Giuliani had eight years to rectify these problems in the municipal archives, but for whatever reason chose not to do anything.

All of this is eerily reminiscent of the origins of the Presidential Library system operating under the National Archives and Records Administration. It was FDR who sought and received Congressional approval for the establishment of the first Presidential Library.

Roosevelt's motivations stemmed from his concerns about the pace by which the National Archives staff were preparing records for use, the growing volume of records and the new technologies (especially sound recordings) creating these documents, and the unique importance of his particular era. Sound familiar?

FDR's legacy has been the system of Presidential Libraries which function as both archival repositories and museums, and some of which have public policy think tanks associated with them. These libraries are expensive, and their success has been mixed, bringing with them both a kind of pyramidal self-aggrandizement of the Presidents and some excellent benefits in improving access to the Presidential records. But the notion of creating a mammoth edifice for *each* President seems excessive. And, of more concern, we have had to endure sixty years of political tussles about the ownership of and access to these records.

Through the years there have been countless debates and legislative adjustments in the governance of the Presidential records. The Presidential Recordings and Materials Preservation Act of 1974, following on the heels of Nixon's resignation and his efforts to control his papers, affirmed government ownership over Presidential records for the first time. The Presidential Records Act of 1978 defined these records - separating presidential records into categories of documentary material, presidential records, and personal records - and made Presidential papers public records under the control of the Archivist of the United States. The Presidential Libraries Act of 1986 was the result of a protracted debate to limit government support for the libraries, setting reporting requirements, architectural and design

conditions, and fiscal limitations including the requirement for an operating endowment for the establishment of each new library. And then there is Executive Order 13233, signed on November 1, 2001, with new procedures for opening Presidential records involving the Archivist, the former President and the incumbent President, leading to editorials with phrases such as a "dark oval office," evidence of a "secrecy fetish," "keeping secrets," an "attack ... on history itself," and a "nasty blow" to the "ideal of open government."

Whether or not Mayor Giuliani's records become better cared for or more accessible are not the point. He has established a legacy that pits citizens against government officials in regards to the ownership of mayoral records. Whatever the problems with New York's municipal archives or how more quickly his papers may be made accessible, the point is that these records are public records and owned by the people. Given Mayor Giuliani's actions, no matter how well intentioned they may be, what will the *next* mayor decide to do with his records? Mayor Giuliani would be better advised to return his records to the existing municipal archives, and use his allies and resources to improve that *public* archives. Access to government information is a hallmark of a democratic society, one of the very principles Mayor Giuliani has been outspoken about since September 11<sup>th</sup>.