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**PLANES, PARDONS, AND PORTRAYING WATERGATE:
THE REFORM NEEDED FOR PRESIDENTIAL LIBRARIES**

❖ Note ❖

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I. INTRODUCTION

At the opening of the first Presidential Library, President Franklin D. Roosevelt emphasized the importance of public access to presidential records, saying “[A nation] 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.”¹ The Presidential Library system was founded by President Roosevelt on the belief that the papers he accumulated during his time in office were an important part of the nation’s heritage and therefore should be accessible to the public.² Since the opening of President Roosevelt’s Presidential Library, the Presidential Library system’s ability to achieve its core purpose, educating the public through the accessibility of presidential records, has deteriorated due to issues with administrability of public access, public perception, security risks, and conflicts of interest within libraries’ private funding.

A. Current State of the Core Purposes of Presidential Libraries

To govern the collection and release of presidential records, Congress passed the Presidential Records Act in 1978.³ After a presidential administration ends, all

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¹ U.S. Nat’l Archives & Rec. Admin., Presidential Library History, NAT’L ARCHIVES: PRESIDENTIAL LIBR. (Dec. 4, 2025), <https://www.archives.gov/presidential-libraries/about/history>, [hereinafter U.S. Nat’l Archives & Rec. Admin., Presidential Library History].

² *Id.*

³ *Id.*

of the accumulated records are officially donated, and archivists have at least five years to sort through them and prepare them before they are supposed to be made publicly available for the Presidential Library.⁴ However, in 2007, the National Archives and Records Administration (NARA) estimated that it would take one hundred years to release all of the holdings at the Reagan Presidential Library.⁵

Currently, there are sixteen Presidential Libraries.⁶ Although President Biden has not yet announced any plans for his presidential library, President Trump has announced construction plans for the Donald J. Trump Presidential Library in Miami, Florida.⁷ This would lead to seventeen Presidential Libraries in the Presidential Library system, which are scattered across the nation.⁸ As the number of Presidential Libraries has grown, security has become an area of concern according to former Archivist of the United States David Ferriero.⁹

Since the opening of the first Presidential Library, the concept of these libraries has significantly evolved.¹⁰ In addition to their archival purpose, Presidential Libraries often serve as venues for political events and popular history museums for people of all ages to visit.¹¹ However, the “history” contained within the museum exhibits can be questionable.¹² For example, Richard Nixon’s library initially presented Watergate as a coup.¹³ In 2006, the federal government took control of the facility, and Tim Naftali became the library’s first federal director.¹⁴ When Naftali planned to portray Watergate in a more honest fashion, the Nixon

⁴ Presidential Records Act of 1978, 44 U.S.C. § 2204(b)(2).

⁵ NAT’L COAL. FOR HIST., WORKING GRP. ON THE NAT’L ARCHIVES, A PROGRAM TO SUPPORT AND STRENGTHEN THE NATIONAL ARCHIVES 1, 11 (2024), <https://nsarchive.gwu.edu/sites/default/files/2024-07/NARA%20Working%20Group%20Final%20Report%2C%20To%20ExCom%20on%2005202024%20%281%29.pdf>.

⁶ U.S. Nat’l Archives & Rec. Admin., *Frequently Asked Questions*, NAT’L ARCHIVES: PRESIDENTIAL LIBR. (Apr. 15, 2026), <https://www.archives.gov/presidential-libraries/about/frequently-asked-questions>, [hereinafter U.S. Nat’l Archives & Rec. Admin., *Frequently Asked Questions*].

⁷ See PRESIDENTIAL LIBRARY FOUNDATION INC., *Donald J. Trump Presidential Library* (Mar. 31, 2026), <https://www.trumphlibrary.org>.

⁸ See U.S. Nat’l Archives & Rec. Admin., *Frequently Asked Questions*, *supra* note 6.

⁹ *Nomination of David S. Ferriero: Hearing Before the S. Comm. on Homeland Sec. & Gov’t Aff.*, 111th Cong. (2009) (Statement of David S. Ferriero, nominee to be Archivist of the U.S.), <https://www.congress.gov/111/chrgr/shrg53846/CHRG-111shrg53846.htm>.

¹⁰ Anthony Clark, *Presidential Libraries Are a Scam. Could Obama Change That?*, POLITICO (May 7, 2017), <https://www.politico.com/magazine/story/2017/05/07/presidential-libraries-are-a-scam-could-obama-change-that-215109/>.

¹¹ *Id.*

¹² *Id.*

¹³ Jon Allsop, *Stacks of Cash*, NEW YORKER: FAULT LINES (Aug. 1, 2025), <https://www.newyorker.com/news/fault-lines/stacks-of-cash>.

¹⁴ Anthony Clark, *supra* note 10.

Library Foundation was nearly able to pressure NARA into firing him.¹⁵ This power dynamic is not unusual among the Presidential Libraries.¹⁶ While the portrayal of Watergate as a coup occurred before the library was a part of the Presidential Library system, even Naftali admitted that “even the most diligently curated library is, by its very nature, doomed to center the figure of the President in the history it tells. This lens is flawed. . .”¹⁷ With the considerable ties these libraries have with NARA, there are legitimate concerns regarding the public perception of these buildings and the history they present.¹⁸

B. Conflicts of Interest within the Private Funding of Presidential Libraries

Presidential Libraries are usually constructed through private funding and donation, but to fund their operation, the donor currently must provide an endowment equal to 60% of the cost of construction.¹⁹ The rest of the funding for the operation of the archives comes from NARA’s congressionally appropriated budget.²⁰ Right now, there is little to no legislation governing the private funding of these libraries. Further, instances of potential conflicts of interest have raised questions regarding how these funding efforts conflict with the core purposes of Presidential Libraries.

President Donald Trump accepted a Boeing 747-8 luxury jetliner as a gift from the Qatari government, making headlines in the first spring of his second term.²¹ Many questioned the legality of accepting this gift worth hundreds of millions of dollars.²² Under the Foreign Emoluments Clause of the Constitution, the President may not accept gifts from a foreign state without the consent of Congress.²³ While there has not been substantial litigation involving this clause, the administration argues this gift was legal because it should be considered a donation to the Donald J. Trump Presidential Library Foundation, Inc.²⁴

¹⁵ Anthony Clark, *supra* note 10.

¹⁶ *See id.*

¹⁷ Allsop, *supra* note 13

¹⁸ *See* Anthony Clark, *supra* note 10.

¹⁹ U.S. Nat’l Archives & Rec. Admin., *Frequently Asked Questions*, *supra* note 6; Presidential Libraries Act, 44 U.S.C. § 2112(g)(5)(B).

²⁰ *Id.*

²¹ Tom Vanden Brook & Joey Garrison, *Pentagon Accepts \$400 Million Jet from Qatar for President Donald Trump*, USA TODAY: POLITICS (May 22, 2025 at 5:29 p.m. ET), <https://www.usatoday.com/story/news/politics/2025/05/21/trump-pentagon-qatar-air-force-one-jet-gift/83769911007/>.

²² *Id.*

²³ U.S. CONST. art. I, § 9, cl. 8.

²⁴ Mike Scarcella and Tom Hals, *Is Qatar’s Gift of a Plane to President Trump Allowed Under US Law*, REUTERS (May 15, 2025 at 04:51 CT), <https://www.reuters.com/world/us/is-qatars-gift-plane-president-trump-allowed-under-us-law-2025-05-15/>.

This is not a partisan issue. Toward the end of President Bill Clinton's term, he used a presidential pardon on Marc Rich, a fugitive billionaire who had been wanted for eighteen years on fifty-one counts of tax fraud, mail fraud, racketeering, and illegally trading with Iran during a U.S. trade embargo.²⁵ The House Committee on Government Reform examined the circumstances of this pardon, finding that the pardon came shortly after Denise Rich, Marc's ex-wife, had donated \$450,000 to the Clinton Presidential Library.²⁶

As this Introduction demonstrates, Presidential Libraries, as they are currently constructed and operated, face a multitude of problems including conflicts of interest within their funding, public perception, security of the facilities, and administrability of public access to presidential records.

Part II of this note will examine the current state of the archival process within Presidential Libraries and fundraising for Presidential Libraries. Part III will evaluate previously proposed solutions and analyze whether those solutions would adequately address the current problems with Presidential Libraries. Part IV will recommend that the national archive portion of Presidential Libraries should be digitized and severed from the privately funded portions of Presidential Libraries, with new legislation requiring that these donations be fully public, and that funding for these projects cannot be acquired during a President's term.

II. BACKGROUND

The original purpose of Presidential Libraries was to create an archive for the public to examine and learn from presidential records. This purpose is currently strained, partially due to a lack of funding that is needed in order to address document overload created by the digital era, and partially because the mechanisms for funding these buildings have drawn them away from their original purpose.²⁷

The U.S. Presidential Library system is operated and maintained by the National Archives and Records Administration (NARA).²⁸ Under the Presidential Records Act of 1978, presidential records are legally owned by the public.²⁹

²⁵ *Denise Rich Gave \$450,000 to Clinton Library*, ABC NEWS: POLITICS (Feb. 9, 2001 at 1:19 p.m. ET), <https://abcnews.go.com/Politics/story?id=121846&page=1>.

²⁶ *Id.*

²⁷ See 60 MINUTES: *The National Archives: a Small Agency with a Big Responsibility Safeguarding American and World History* (CBS News broadcast Sept. 22, 2024); Press Release, U.S. Senator Sheldon Whitehouse for Rhode Island, Reed & Whitehouse: Presidential Libraries Shouldn't be Used to Funnel Illicit Gifts (July 28, 2025), <https://www.whitehouse.senate.gov/news/release/reed-whitehouse-presidential-libraries-shouldnt-be-used-to-funnel-illicit-gifts/>.

²⁸ MEGHAN M. STUESSY, CONG. RSCH. SERV., PRESIDENTIAL RECORDS ACT: AN OVERVIEW 1, 1-2 (2023), https://www.congress.gov/crs_external_products/R/PDF/R46129/R46129.7.pdf.

²⁹ Presidential Records Act of 1978, 44 U.S.C. § 2203(g)(1).

“Presidential records” are defined very broadly in the Act, as it effectively refers to any “documentary materials.”³⁰ After being amended in 2014 to better include electronic material, “documentary materials” are defined as “all books, correspondence, memoranda, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, and motion pictures, including, but not limited to, audio and visual records, or other electronic or mechanical recordings, whether in analog, digital, or any other form.”³¹

To put in perspective the magnitude of documents this broad definition encompasses, the Clinton Administration provided 20 million presidential record emails after two terms.³² The George W. Bush Administration provided 150 million.³³ The Barack Obama Administration estimated it will provide 300 million presidential record emails.³⁴ This 300 million figure is just emails and does not include any paper correspondence, gifts, pictures, etc.³⁵

Processing all these records is a massive undertaking for NARA. Yet, according to the Presidential Records Act, these records are supposed to be subject to publicly availability at least five years after the conclusion of the presidency, within some restrictions set by the President.³⁶ After twelve years, presidential records are supposed to be publicly accessible subject to FOIA and other limitations to access.³⁷ In 2007, one of the last times NARA made a public assessment of their backlog, NARA estimated that it would take one hundred years to release all of the holdings at the Reagan Presidential Library.³⁸ Based on this volume, it is no surprise that a Freedom of Information Act request at the Bush Presidential Library, which is supposed to be processed in ten days or less, “might come back with a 12-year wait.”³⁹ To accelerate the response times, NARA is attempting to digitize their entire collection; however, with only two percent of their 13.5 billion paper records currently available online, senior leaders are concerned that the project is at “serious risk” of “mission failure.”⁴⁰

³⁰ Presidential Records Act of 1978, 44 U.S.C. § 2201(2).

³¹ Presidential Records Act of 1978, 44 U.S.C. § 2201(1).

³² NAT’L ARCHIVES & REC. ADMIN., 111TH CONG., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES 1, 25 (2009), [hereinafter NAT’L ARCHIVES & REC. ADMIN. REPORT ON ALTERNATIVE MODELS].

³³ *Id.*

³⁴ STUESSY, *supra* note 28, at 10.

³⁵ *See id.*

³⁶ Presidential Records Act of 1978, 44 U.S.C. § 2204(b)(2).

³⁷ Presidential Records Act of 1978, 44 U.S.C. § 2204(a).

³⁸ NAT’L COAL. FOR HIST., *supra* note 5, at 11.

³⁹ *See* 60 MINUTES, *supra* note 27.

⁴⁰ *Id.*

The Presidential Libraries Act of 1986 authorized the Archivist of the United States to accept, as a gift, the physical space for a Presidential Library.⁴¹ Within this Act, the Archivist is prohibited from accepting the gift if the donor does not also provide a base endowment equal to 20% of the construction costs associated with the building.⁴² In 2008, the Presidential Historical Records Preservation Act of 2008 was enacted, raising this endowment requirement to 60% of the construction costs.⁴³ As mentioned previously, there are significant concerns with how this fundraising is achieved.

President Donald Trump accepted a Boeing 747-8 luxury jetliner as a gift from the Qatari government.⁴⁴ This gift was characterized as legal because it was a donation to the Donald J. Trump Presidential Library Foundation, Inc.⁴⁵ After President Trump accepted the gift in May, the Secretary of War announced in October that Qatar would be building a training facility at an Air Force base in Idaho.⁴⁶ Considering Qatar's interests have not always aligned with those of the United States, this blindsided even an Idaho congressman.⁴⁷ Additionally, President Bill Clinton used a presidential pardon on a fugitive billionaire shortly after the fugitive's ex-wife donated \$450,000 to the Clinton Presidential Library.⁴⁸ This note does not allege that these gifts induced these executive actions, or vice versa, but this does raise the question of whether these fundraising activities should be tied to NARA's bipartisan, historical efforts. Nothing in the Presidential Records Act requires the disclosure of donations, or that the fundraising occurs outside of the President's term.⁴⁹ There are "virtually no restrictions on donations to Presidential Libraries under current U.S. law."⁵⁰

The Obama Foundation's approach to a Presidential Library stands in heavy contrast to prior examples.⁵¹ The Obama Foundation's approach coincided with NARA announcing a new model for preservation and accessibility of presidential

⁴¹ Presidential Libraries Act of 1986, 44 U.S.C. § 2112(a)(1).

⁴² Presidential Libraries Act of 1986, 44 U.S.C. § 2112(g)(3).

⁴³ Presidential Historical Records Preservation Act of 2008, 44 U.S.C. § 2112(g)(5)(B).

⁴⁴ Brook & Garrison, *supra* note 21.

⁴⁵ *Id.*

⁴⁶ Letter from Russ Fulcher, Member of the U.S. H.R., to Idaho State legislators (Oct. 17, 2025), <https://fulcher.house.gov/wp-content/uploads/2026/01/letter-to-idaho-lawmakers-2025-rep-russ-fulcher-2.pdf>.

⁴⁷ *Id.*

⁴⁸ *Denise Rich Gave \$450,000 to Clinton Library*, *supra* note 25.

⁴⁹ U.S. Senator Sheldon Whitehouse for Rhode Island, *supra* note 27.

⁵⁰ *Id.*

⁵¹ See NAT'L ARCHIVES: BARACK OBAMA PRESIDENTIAL LIBR., *National Archives Announces a New Model for the Preservation and Accessibility of Presidential Records* (May 3, 2017), <https://www.obamalibrary.gov/news/national-archives-announces-new-model-preservation-and-accessibility-presidential-records>.

records.⁵² In this model, the Foundation will fund the digitization of all unclassified presidential records created during the Obama Administration.⁵³ Existing NARA facilities will house the original materials, while the private Obama Foundation will operate the museum dedicated to his administration.⁵⁴ Additionally, President Obama chose to disclose the donations he received for the museum, something that currently is not required for Presidential Libraries.⁵⁵

III. ANALYSIS

David Ferriero previously served as the Archivist for the United States, and in his confirmation hearing he stated the “security of collections, and sustainability of the model . . . is my biggest problem,” when he evaluated the Presidential Library system.⁵⁶ There have been many attempts over the years to address these concerns, especially considering the sustainability of the Presidential Library model is inexorably linked to the funding mechanisms behind these Presidential Libraries. This note will focus on the Presidential Library Anti-Corruption Act, which was proposed in 2025, as well as the Report on Alternative Models for Presidential Libraries, generated by NARA in 2009.⁵⁷

A. *Presidential Library Anti-Corruption Act*

After President Trump received the plane from Qatar, members of Congress introduced the Presidential Library Anti-Corruption Act.⁵⁸ This proposal aims to provide valuable solutions to the conflicts of interest seen in President Trump’s plane and President Clinton’s pardon.⁵⁹ This proposed act has six main proposals: (1) banning fundraising while the President is in office, with a carveout for nonprofits, (2) establishing a \$10,000 contribution cap for the nonprofit carveout, (3) imposing a cooling-off period for donations from foreign nationals, lobbyists, contractors, and individuals seeking pardons, (4) banning the conversion of

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Anthony Clark, *supra* note 10.

⁵⁵ *Id.*

⁵⁶ *Nomination of David S. Ferriero: Hearing Before the S. Comm. on Homeland Sec. & Gov’t Aff.*, *supra* note 9.

⁵⁷ See NAT’L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 25.

⁵⁸ *See id.*

⁵⁹ *Id.*; see Brook & Garrison, *supra* note 21; Denise Rich Gave \$450,000 to Clinton Library, *supra* note 25.

donations to personal use, (5) mandating quarterly disclosures of donations of \$200 or more, and (6) prohibiting donations made in someone else's name.⁶⁰

The most essential of these proposals is the ban on fundraising by the President while the President is in office.⁶¹ This would prevent future Presidents from focusing on these projects while they remain in office. The Supreme Court has put considerable weight on keeping the President free from distractions while in office, as this is detrimental "not only [to] the President and his office but also the Nation that the Presidency was designed to serve."⁶² In addition, the proposal restricts the acceptance of donations from foreign nationals, lobbyists, federal contractors, or individuals seeking pardons for an additional two years after the President leaves office.⁶³ These two changes provide the necessary distance between the President's actual duties and the fundraising for this personal museum. These two changes would prevent the conflicts of interest discussed prior, as both President Trump and President Clinton were engaging in fundraising during their term, and President Trump's gift was from a foreign national.⁶⁴ The proposal does include a carve-out exclusively for nonprofits, but this is paired with a \$10,000 cap on donations, a significantly smaller amount compared to the gifts given to President Trump and President Clinton.⁶⁵

Additionally, the proposal bans conversion of donations to personal use, and mandates quarterly disclosures of donations above \$200.⁶⁶ This may be influenced by the fundraising of the Obama Foundation, which disclosed all donations above \$200.⁶⁷ Mandating disclosures would help enforce transparency in the construction of libraries by making donations to Presidential Foundations more analogous to political campaign contributions.⁶⁸ These buildings are often used for political events and often include politicized versions of the Presidents' histories.⁶⁹ Accordingly, it makes sense to treat the fundraising for these projects similarly to political donations.

⁶⁰ H.R. 4461, 119th Cong. (2025).

⁶¹ *Id.*

⁶² See *Nixon v. Fitzgerald*, 457 U.S. 731, 753 (1982) (emphasizing the burden litigation may impose on the President's civil immunities).

⁶³ H.R. 4461, 119th Cong. (2025).

⁶⁴ See Brook & Garrison, *supra* note 21; *Denise Rich Gave \$450,000 to Clinton Library*, *supra* note 25.

⁶⁵ H.R. 4461, 119th Cong. (2025); see Brook & Garrison, *supra* note 21; *Denise Rich Gave \$450,000 to Clinton Library*, *supra* note 25.

⁶⁶ H.R. 4461, 119th Cong. (2025).

⁶⁷ NAT'L ARCHIVES: BARACK OBAMA PRESIDENTIAL LIBR., *supra* note 51.

⁶⁸ See *Contribution Disclosure Requirements*, NAT'L CONF. OF STATE LEGIS. (May 1, 2026), <https://www.ncsl.org/elections-and-campaigns/contribution-disclosure-requirements>.

⁶⁹ Anthony Clark, *supra* note 10.

B. Report on Alternative Models for Presidential Libraries

The Presidential Historical Records Preservation Act of 2008 required that the Archivist of the United States submit to Congress a report on alternative models for presidential archival depositories.⁷⁰ In 2009, the report was submitted to Congress.⁷¹ The report detailed five different potential models to help reform the Presidential Library system.⁷²

Model 1 attempts to build on the current public-private relationship.⁷³ This model continues the practice of libraries funded by the President himself and managed by NARA.⁷⁴ However, the current public-private relationship has significant issues regarding the content of these museums due to the control that Presidential Foundations have over the museum.⁷⁵ Although this proposal includes a new charter to help define the relationship between NARA and the Foundations, this model ultimately fails to address major concerns with the funding needed to address administrability and security.⁷⁶ Model 1 does not propose a centralized facility for record management, stretching NARA's resources and forcing researchers to travel across multiple cities to view records.⁷⁷

Model 1 does include the endowment requirement equal to 60% of the construction costs, which would go to helping fund NARA.⁷⁸ There have been concerns over the endowment's high requirement, in that it discourages Presidents from constructing a library.⁷⁹ President Obama's new model was one that circumvented the requirement for an endowment under the current rules, meaning that no President has constructed a library since the endowment requirement was raised to 60% in 2009.⁸⁰

Models 2 and 3 look to reduce costs through decreasing the costs of the archival spaces.⁸¹ Model 2 proposes leasing an archival space near the physical Presidential Library, and Model 3 depends on universities or other non-federal entities to lease

⁷⁰ See NAT'L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 3.

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ See Anthony Clark, *supra* note 10.

⁷⁶ See NAT'L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 31.

⁷⁷ *Id.* at 36.

⁷⁸ See *id.* at 24.

⁷⁹ NAT'L COAL. FOR HIST., *supra* note 5, at 4.

⁸⁰ See Anthony Clark, *supra* note 10.

⁸¹ NAT'L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 37, 40.

or sponsor archival spaces.⁸² Both of these models attempt to continue the national presence of NARA.⁸³ Both of these models create necessary separation between the functions of NARA and the often-partisan content of the museums within Presidential Libraries.⁸⁴ Model 2 even has a real-world example, as the George W. Bush presidential records are currently stored in Lewisville, Texas, twenty miles from the physical museum's location.⁸⁵ However, these create a multitude of problems with preservation and security.⁸⁶ Model 2's approach of leasing archival spaces could force NARA to relocate records in the future.⁸⁷ Model 2 and Model 3 fail to address the potential security concerns that come with a growing number of records-keeping facilities scattered around the nation.⁸⁸

In a report on NARA, the National Coalition for History concluded that "[i]t is important that NARA and the private foundations physically distinguish the portions of Presidential Library facilities that are not maintained by NARA."⁸⁹ Considering the inherent historical issues that Presidential Libraries have, this is an important conclusion.⁹⁰ Severing NARA's functions from the museum portions of the Presidential Libraries could be a helpful solution. This would simultaneously help NARA's autonomy and help the public perceive museums in Presidential Libraries for what they really are: projects paid for through a President's fundraising, intended to help establish their legacy.⁹¹

Model 5 leans away from the public-private relationship, proposing a centralized museum and record depository in Washington D.C.⁹² The centralized depository could be very beneficial, but this model fails for one crucial reason: it completely removes the involvement of Presidential Foundations.⁹³ The complete removal of Presidential Foundations would greatly increase the tax burden imposed by NARA's preservation of presidential records.⁹⁴ While Presidential Foundations have their biases and flaws, they are incredibly important mechanisms for fundraising that any proposal must take advantage of, with the proper guardrails.⁹⁵

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *See id.*

⁸⁵ *See id.* at 37, 40.

⁸⁶ *Id.* at 39, 42.

⁸⁷ *See id.*

⁸⁸ *Id.*

⁸⁹ NAT'L COAL. FOR HIST., *supra* note 5, at 5.

⁹⁰ *See id.* at 11.

⁹¹ *See* Allsop, *supra* note 13.

⁹² NAT'L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 45.

⁹³ *See id.* at 48.

⁹⁴ *See id.*

⁹⁵ *See id.*

Having a centralized facility to support NARA's archival pursuits would benefit the overall security of the facilities.⁹⁶ In his confirmation hearing, former Archivist of the United States David Ferriero said "the more facilities you have, the more problems you have around security of collections."⁹⁷ A centralized archival facility would address this problem by drastically reducing the number of facilities that NARA has to secure.⁹⁸

The proposal for Model 4 is the only model outside of Model 5 that includes a centralized depository.⁹⁹ Under this model, Presidents are still able to fund and operate their own museums.¹⁰⁰ However, in order to obtain the artifacts and records for the museum, the Presidential Foundations would still need to work with NARA in displaying these loaned materials in an environment that meets NARA's standards.¹⁰¹ The main concerns of this model are the government burden in funding the centralized depository.¹⁰² The major flaw with Model 4 is that, under its current construction, Presidential Foundations have no obligation to help fund NARA.¹⁰³

David Ferriero mentioned security and sustainability as his biggest concerns.¹⁰⁴ Model 4 has the security advantage of a centralized archival depository for presidential records.¹⁰⁵ The funding changes within the Presidential Library Anti-Corruption Act can positively affect sustainability by preventing conflicts of interest.¹⁰⁶ Both of these solutions are well suited to solve the major problems facing Presidential Libraries.

IV. RECOMMENDATION

The Presidential Library system has multiple problems, from the history it presents, how accessible its history is, and the funding that is allowed to construct the buildings that surround it. NARA needs the funds accrued from these libraries

⁹⁶ See *Nomination of David S. Ferriero: Hearing Before the S. Comm. on Homeland Sec. & Gov't Aff.*, *supra* note 9.

⁹⁷ *Id.*

⁹⁸ See NAT'L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 25.

⁹⁹ See *id.* at 43.

¹⁰⁰ *Id.* at 44.

¹⁰¹ *Id.*

¹⁰² *Id.* at 44.

¹⁰³ *Id.*

¹⁰⁴ See *Nomination of David S. Ferriero: Hearing Before the S. Comm. on Homeland Sec. & Gov't Aff.*, *supra* note 9; NAT'L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 25.

¹⁰⁵ See NAT'L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 45.

¹⁰⁶ *Id.*; H.R. 4461, 119th Cong. (2025).

to support their valuable endeavor of preserving presidential records.¹⁰⁷ From this, two solutions that have been presented earlier in this note can be combined to address these issues. Taking inspiration from Model 4 in the *Report on Alternative Models for Presidential Libraries*, the Obama Foundation, and the Presidential Library Anti-Corruption Act, the two functions of Presidential Libraries need to be separated, and the funding mechanisms for Presidential Libraries need additional legislation.¹⁰⁸

This note recommends that Congress enact new legislation that severs the museum portions of the Presidential Library system from NARA's recordkeeping functions. The President will transfer all records to NARA, and pay for their digitization, similarly to the Obama Foundation.¹⁰⁹ Considering the archival function has been removed, these buildings would simply be referred to as a museum carrying the President's name, instead of referring to them as "Presidential Libraries." This would help establish that these museums are the creations of the President they are named after, not a federally sponsored history lesson.

This note recommends the adoption of Model 4 from the *Report on Alternative Models for Presidential Libraries* with some alterations to its original construction.¹¹⁰ Congress's new legislation would include an endowment requirement of 20% of the construction costs, along with the one-time payment to cover the costs of digitization of all the records created during the President's administration. There are concerns that the 60% endowment requirement discourages the construction of these buildings, and lowering the requirement to 20% would help alleviate these concerns.¹¹¹ The funds from the 20% endowment would go directly to support NARA, in its effort to digitize all its presidential records and fulfill FOIA requests within the intended time frame. While this changes the dynamic of the relationship, this ultimately continues a private-public partnership that David Ferriero voiced support for in his confirmation hearing, with necessary alterations to address areas of need.¹¹²

Presidential Foundations would be required to provide this 20% endowment in order to have access to loans of artifacts and records from NARA. This continues the public-private relationship, reduces the year-to-year costs by reducing the

¹⁰⁷ See 60 MINUTES, *supra* note 27.

¹⁰⁸ NAT'L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 43; see NAT'L ARCHIVES: BARACK OBAMA PRESIDENTIAL LIBR., *supra* note 51.

¹⁰⁹ See *id.*

¹¹⁰ NAT'L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 43.

¹¹¹ See NAT'L COAL. FOR HIST., *supra* note 5, at 4.

¹¹² See *Nomination of David S. Ferriero: Hearing Before the S. Comm. on Homeland Sec. & Gov't Aff.*, *supra* note 9.

number of facilities NARA operates, and still gives NARA some oversight over exhibits within Presidential Libraries.¹¹³

As for the funding of these libraries, Congress should pass the Presidential Library Anti-Corruption Act.¹¹⁴ This act addresses the massive concerns around conflicts of interest existing within Presidential Library fundraising.¹¹⁵ All of the examples mentioned in this note would be prevented under this act, as a President would not be able to fundraise in office, would have to disclose the sources of the donations they accept, and would not be able to accept donations from foreign nationals, pardon-seekers, or lobbyists until two years after their administration.¹¹⁶

If Congress implemented both of these changes to the fundraising of Presidential Libraries, and to how the Presidential Library system is structured, it would massively alleviate the problems discussed in this note. With a centralized archive and fewer museums to operate, NARA can focus their efforts on creating and maintaining a fully digitized archive of all presidential records.¹¹⁷ On the other hand, a President leaving office is still able to create these large commemorations to their administration, while simultaneously aiding NARA in its bipartisan efforts and not creating an improper public perception.

V. CONCLUSION

As demonstrated above, the Presidential Library system has plenty of value to the American people, but to sustain this system, Congress must address the administrability of public access, security risks, public perception, and conflicts of interest within libraries' private funding. Through a revised version of Model 4 from the *Report on Alternative Models for Presidential Libraries*, and the enactment of the Presidential Library Anti-Corruption Act, Congress can address these issues while preserving the Presidential Library system that President Roosevelt saw so much value in.¹¹⁸

¹¹³ NAT'L ARCHIVES & REC. ADMIN., REPORT ON ALTERNATIVE MODELS FOR PRESIDENTIAL LIBRARIES, *supra* note 32, at 45.

¹¹⁴ H.R. 4461, 119th Cong. (2025).

¹¹⁵ See Brook & Garrison, *supra* note 21; Denise Rich Gave \$450,000 to Clinton Library, *supra* note 25.

¹¹⁶ See *id.*

¹¹⁷ See 60 MINUTES, *supra* note 27.

¹¹⁸ U.S. Nat'l Archives & Rec. Admin., *Presidential Library History*, *supra* note 1.