

## MEMORANDUM

February 20, 1996

To: Deeds of Gift File  
Oakes Deed of Gift File

From: Laura Denk

Subject: Restrictions on Deeds of Gift

Today I spoke to Kevin Jessar in the General Counsel's office at NARA about restrictions on deeds of gift. As he said in his message, the Archivist will not sign the Oakes Deed of Gift because of the restrictions on reproduction that Oakes wanted to place on the videotape.

Kevin Jessar told me that there is no specific provision in NARA's regulations that prohibits the Archivist from signing a deed with this type of restriction, but the Archivist would prefer not to accept donations with restrictions on the gift such that the gift is not readily available to the public.

Kevin Jessar stated that donors commonly retain their copyrights on materials they donate to the Archives. He suggested that we talk to Oakes again and see if he would agree to retain only his copyright. If Oakes refuses, Jessar suggested that we could try to get Oakes to agree to a provision that NARA may not reproduce the videotape for five years, but that after five years, NARA could reproduce it. Jessar could not guarantee that the Archivist would sign it, even with the five year restriction, but he thought that such a provision might be sufficient to satisfy the Archivist's concerns.

File 3.13

Denk e:\wp-docs\deedgift\restrict.no