

# Problems With Donors of Contemporary Collections

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**B**EFORE turning to some of the specific problems related to donors, I should like to suggest that 20th-century materials have changed or broadened the types of donors we have. Our donors now run the gamut—from an individual to a corporate entity; from the naive to the sophisticated, that is, in terms of their previous exposure to primary sources and historical documentation; from those with a primary interest in preserving materials because of historical value to those whose interest stems almost completely from ego satisfaction or tax deduction possibilities. These are not mutually exclusive categories nor necessarily all-inclusive categories, but the recognition of the varying interests and motivations of a particular donor will frequently indicate what kinds of problems the collecting agency can anticipate, both in obtaining materials and in handling them to the donor's satisfaction.

One of the prevalent features of 20th-century collecting is the continuing relationship that usually evolves between the donor and the collecting agency. The type of relationship that the institution establishes with the donor initially and the commitments made during the early contacts determine to a considerable extent the number and nature of ensuing problems. This is the time when the institution outlines clearly its policies regarding retention and disposal of materials; this is the time to emphasize the importance of keeping the collection together rather than placing segments and individual items elsewhere; this is the time when the donor should be advised to deposit materials on a continuing basis or to restrict segments rather than to weed and destroy. This is also the time when the collecting agency must determine what commitments it can or is willing to make to satisfy the donor—what facilities it will provide, what services it will offer to donors, what type of restrictions it will impose, what priority a collection will have with regard to processing, and so on. Arrangements with individual donors may differ but, whatever the agreement, the collecting agency should avoid any commitment that it cannot honor. Special conditions for one donor may be feasible; special conditions for 20 donors may impose severe burdens unless staff and servicing facilities can increase in proportion to the commitments. The chances are that the agency must maintain its relationship with the donor for an indefinite time and must be prepared to comply with a variety of requests made by the donor.

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Another feature closely associated with contemporary collections is the donation of materials in segments at regular or irregular intervals. The gift may extend over a period of years. It is the unusual rather than the normal occurrence when a collecting agency can approach a prospective donor, obtain materials immediately, and consider the donation or the collection complete. A great many donors of contemporary collections are still actively engaged in their careers and will continue to accumulate papers after an initial donation. Neither will a commitment for future deposit—upon retirement or by bequest—allow the collecting agency to await serenely the arrival of a complete collection at the prearranged time. The volume of modern materials, the mobility of the donor from one job to another and from one geographic location to another, increases considerably the risk of a periodic housecleaning and destruction of records. The alternative is to encourage donors to give their papers in installments as they become noncurrent and to make additions as more materials accumulate. And while this method of receiving collections can present problems, it is a realistic accommodation for any institution interested in preserving contemporary materials.

Still another situation, perhaps not entirely unique but certainly more prevalent with 20th-century collections, is the closeness of the donor to the materials. In the majority of cases, the prospective donor is either the owner of the papers, someone very close to the owner, such as a widow who has some personal attachment to the materials, or someone who is familiar with the files, such as a high-ranking official of an organization. For the collecting agency, the subjective element that this introduces has advantages and disadvantages.

On the one hand, the donor can usually provide a pretty good idea of the contents of a collection or will allow an examination of the materials if it seems necessary. This can be particularly useful if papers are donated over a period of time. He can help to identify and explain materials not clearly understood by a processor. He can frequently suggest other sources of related materials that will supplement his collection.

On the other hand, the contemporary nature of the materials and/or the prospective donor's personal attachment to them may make him reluctant to give up the papers or make him insist upon withholding important segments of them for one or more reasons. He may be planning to use them in the future for his own writing. He may insist that the sensitivity of materials will require his personal screening, which poses the risk of his weeding and destroying materials of historical value. He may agree to donate materials in installments but do so in a piecemeal fashion that is less than satisfactory from the standpoint of organizing the collection and from the researcher's standpoint. Materials may arrive without chronological or subject sequence. The processor may find it difficult to know whether any donated segment constitutes all the materials relating to one subject. And we also may find that a donor emphasizes materials related to specific events that have brought him

personal satisfaction or acclaim but that are not always the papers of most historical interest.

The closeness of the donor to the papers also plays a role in the restrictions applied to the materials. The necessity for research institutions to impose restrictions upon manuscript collections, in part or in their entirety, is an inevitable part of 20th-century collecting. Though it does present problems for the institution, the willingness of the collecting agency to restrict papers is frequently the only way to gain the consent of the donor to preserve materials at all, and in many cases it avoids a severe weeding of the collection by the donor.

From the donor's standpoint, the need to restrict certain papers may very well be valid. Many contemporary collections *do* contain sensitive materials. The recentness of an event may make it inadvisable to make unpublished details immediately available for research. The nature of the materials may prohibit their use right away. Confidential exchanges or candid comments about persons still living are a potential embarrassment to the donor and can disrupt relationships with friends and colleagues if released prematurely. But the passage of time will eliminate the sensitivity of much contemporary material, and often a temporary restriction will remove the donor's objection to its preservation.

From the institution's standpoint, there is the desire to make as many of its resources available for research as is possible. The problem for the collector is to persuade the donor not to overrestrict but to work out restrictions that will release materials as early as practicable and will not impose unrealistic burdens upon the library staff in servicing collections. For example, restricting a part or a complete collection for a specified length of time is a clear and workable arrangement; restricting all letters in a collection to or about living persons is unrealistic in terms of demands made upon a library staff when a collection is requested for research.

The matter of literary rights probably falls most appropriately under a discussion of restrictions. Retention of literary rights by the donor assumes a particular significance with respect to several contemporary subject areas, such as the communication and performing arts. The opinion of the Wisconsin society is that it is unrealistic to expect donors involved in creative careers to surrender their literary rights and expose themselves to the possibility of commercial exploitation of their papers. Our interest in acquiring these materials is for research purposes, and our experience has been that retention of literary rights by the donor imposes no restriction upon the use of their papers for this purpose. Donors are willing to give materials for research and do not hesitate to sign deeds of gift that specify this use and allow them to retain literary rights as a protection against unauthorized use of their collections. The matter of eligibility for tax deduction is also involved in the retention of literary rights, for the Internal Revenue Service regulation stipulates that a gift must be unrestricted to qualify for the tax ad-

vantage. To the best of our knowledge, however, IRS has taken the position that retention of literary rights limits use but does not restrict access to the materials. One case has come to our attention recently in which an IRS agent challenged a deduction because literary rights had been retained, but we have had no further information that the previous IRS position has been changed.

With many donors the possibility of taking a tax deduction for a gift of manuscripts is the most persuasive argument, both to donate materials to a research institution and to leave as much of a collection unrestricted as is possible. This does not mean that a donor is uninterested or unconcerned about the historical value of his papers. For the institution that must rely primarily upon gifts, the tax deduction benefit has been a great asset in building its 20th-century collections. It has been instrumental in making nonsavers pause before discarding materials; it has prompted donors to deposit papers rather than store them in attics, basements, and warehouses for an indefinite time; and it has helped to preserve the integrity of collections. Prospective donors are less inclined to pull out of a collection individual letters and items with autograph value and sell them to a dealer. They are also less likely to fragment segments of a collection since appraised values of contemporary materials take into consideration the interrelationship between various segments of collections and the completeness of the total collection.

The introduction of the tax deduction benefit has also posed problems of several kinds. A collection containing a large number of individual items with autograph value can be disappointing as a research collection. The reverse is also true; many of the best contemporary research collections in terms of historical substance would not receive high monetary values in the manuscripts marketplace because there are few, if any, previous sales of similar materials to use as examples. Unpublished reports, memoranda, etc., written by knowledgeable but less celebrated personalities, provide important documents for the scholar; they may have little market value as individual items. Their value comes in their relationship and context with other materials in a collection.

A collection about which an institution is very enthusiastic may not bring a similarly rewarding amount of assigned monetary value when an appraisal is made. It is not unusual for a donor to ask for an estimate of the monetary value of his papers, particularly if he must weigh the value of the collection against the cost of an appraisal. It is risky for a collecting agency to provide to a prospective donor an estimate based on quantity or on the value of someone else's collection. It is wiser for the appraiser to make this estimate.

The matter of the appraisal and appraisal fees can create problems with a prospective donor. To an increasing extent, the task of making appraisals has been turned over to independent appraisers or to someone outside the recipient institution who is considered knowledgeable in appraising. Some prospective donors feel strongly that the appraisal cost

should be borne by the recipient institution. Those agencies that do not pay the appraisal cost may possibly have lost one or more collections because of this.

A donor disappointed with his appraisal usually relays his unhappiness to the institution. A donor whose appraisal has been challenged by IRS normally communicates this information to the collecting agency. Although the institution is very much limited in what it can do in these situations, it recognizes the importance of offering whatever assistance it can to the donor.

To qualify for a tax deduction benefit, gifts of manuscripts must be donated by December 31 of the year for which the deduction is claimed. Though the individual donor is usually aware of this deadline, he frequently postpones making his gift until the end of the year, unmindful of the fact that other donors have also delayed their gifts. If the collection is to be appraised at the recipient institution and requires preparatory work (which is the case with most gifts), the collecting agency may be faced with a formidable quantity of work within a very limited period. The collection should be weeded of duplicate and unwanted materials before appraisal or the institution faces the prospect of storing unwanted materials as a protection to its donor. The institution must rely upon the cooperation of its donors to avoid this situation.

Another situation, which stems partly from the fact that these are 20th-century materials, partly from the inclination to encourage continuing donations, and partly from the tax deduction advantage, is an increase in the amount of reference service requested by the donor. The incentive of the tax deduction tends to make donors release as much material as possible, and frequently this includes very recent files. After donating materials, a donor may find that he needs to refer again to some of the deposited records; or, because of the current nature of materials included in the collection, a donor may wish to use background files on a subject in which interest has languished and then revived. The collecting agency must anticipate the possibility that it will have to provide for the donor reference, research, or other kinds of service, which have not been necessary previously in the acquisition of older historical records.

The collector interested in collecting 20th-century materials will probably find that the continuing nature of the relationship with the donors is more demanding upon the institution, but the possibility of the donor's active interest and cooperation offers better prospects for acquiring more meaningful collections in contemporary history.

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