

SAMPLE STATEMENTS

1. I, Hector P. Garcia, acknowledging that I have title to the Papers known as the Garcia Papers/American GI Forum Archives, give the collection of Papers known as the Garcia Papers/American GI Forum Archives to Corpus Christi State University for use by researchers and scholars within the Archives and Special Collections Department of the University Library. This includes everything that has been donated to date as well as all of the files and documents still in my possession and which are known as the Garcia Papers/American GI Forum Archives. My intention is to make Corpus Christi State University the owner and conservator of these Papers.

Hector P. Garcia, M.D.

2. I, Dr. Hector P. Garcia, acknowledging that I have title to the Papers known as the Garcia Papers/American GI Forum Archives, give the collection known as the Garcia Papers/American GI Forum Archives to Corpus Christi State University for use by researchers and scholars within the Archives and Special Collections Department of the University Library. I do this with one stipulation, namely, that these Papers remain sealed, not available for use, until one year [five years?] after my death and after being fully processed for use.

This gift includes everything that has been donated to date as well as all of the files and documents still in my possession and which are known as the Garcia Papers/American GI Forum Archives. My intention is to make Corpus Christi State University the owner and conservator of these Papers.

Hector P. Garcia, M.D.

M E M O R A N D U M

DATE January 25, 1988

FROM Richard L. O'Keeffe¹²⁶⁰, University Librarian

SUBJECT The Garcia Papers

TO Dr. Pat Carroll, Associate Professor of History
College of Arts and Humanities

The Library continues to be grateful to you for keeping in touch with Dr. Garcia; your personal and professional relationship with him may well produce the title to his Papers that we think CCSU needs before we can make them available to researchers and scholars; that may cause him to consider whether or not restrictions should be placed on his Papers during his lifetime (or even longer) because of the "sensitive" nature of some of the material in his Papers.

I think all of us concerned with the Garcia Papers being at C.C.S.U. agree that Dr. Garcia needs to give his Papers to the University in some formal (but not necessarily complicated) way and to think through the issue of restrictions. I am attaching a sample statement which, when approved by both parties, could transfer ownership of the Papers to the University. Working from this simple statement, the University could and would proceed to make all of the Garcia Papers available to researchers and scholars after they have been given to us and after all of the Papers have been processed both physically and bibliographically as well as prepared for use. The time involved would be only the time required to do this work of preparation.

Before the amending of the State Open Records Act in the last Legislature, we could not have accepted such Papers with restrictions on use. With the amending of the Open Records Act, we (the University) may entertain and even accept reasonable restrictions of the use of personal Papers. I am attaching a copy of the wording of the amendment for your information.

I am asking only that Dr. Garcia (and the American G.I. Forum, if appropriate) consider carefully whether or not the Garcia Papers, for whatever reason, need to come to the University with any restriction on availability - only after Dr. Garcia's death, for instance, or some other reasonable restriction that makes sense to both parties and relates to "sensitive" issues or materials in the Papers.

Page 2
Dr. Pat Carroll
January 25, 1988

I wish to stress that the Library is not seeking or recommending restriction on the use of the Garcia Papers; the Library wants the University to have clear title to the Papers and to make the Papers available to researchers and scholars as soon as possible. Dr. Garcia and or the American GI Forum, with the assistance of Mr. Amador Garcia perhaps, are in the best position to know how and under what conditions they wish to transfer title to the Garcia Papers. I know that C.C.S.U. is well prepared to know what instrument is acceptable to consummate the gift with or without restrictions.

Since the attached sample statements were not drafted by an experienced attorney, they may easily be imperfect in significant ways; we submit them as stimulants for discussion. I will be pleased, and so will Paul Medley, to see this issue resolved in a timely fashion.

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