

Redacted - Not Responsive

Redacted - Not Responsive

Redacted - Not Responsive

Redacted - Not Responsive

----- Original Message -----

Subject: Re: Papers - Alternatives

Date: Fri, 09 Jan 2009 16:48:21 -0900

From: Mike Hostina <michael.hostina@alaska.edu>

To: Timothy A. McKeever <Tmckeever@hwb-law.com>

References: <4964FCF8.40005@sso.org> <73804C7C1FD7AB47993A32E2C37AC5EEBDF0EE@sea-srv1.corp.hwb-law.com>

Tim - thanks to you and the Stevens for your thoughtful response. We have conferred with President Hamilton and Chancellor Rogers in an effort to explore all reasonable alternatives to accomplish our mutual goal - bring the senator's papers home while addressing legitimate interests and concerns.

The university understands that a gift of the Collection is not possible at this time, and that there can be no commitment to a gift for practical reasons.

The university likewise respects the senator's interest in avoiding disclosure of all non-public materials during his lifetime, and for five years thereafter, as well as nondisclosure of materials reasonably defined as confidential.

At the same time, the university exists to serve a public purpose and to enhance scholarship and knowledge, and must ensure that any agreement regarding deposit of papers preserves a strong probability that there would be public access to non-confidential materials during the term of the agreement.

Another way of achieving these mutual goals might be to increase the term of any loan to 20 years, terminable only for breach or upon a gift to the university. This presumes that the potential for public access that would be achieved through an extended term is not eliminated by an expansive definition of confidential materials, or a definition that could not be readily implemented.

You mentioned in your December 31 email that there were other unspecified issues in the university's last draft proposal that remained unresolved to the senator's satisfaction. If the senator believes that terms along the lines suggested above are worth pursuing, it would speed resolution to see another draft addressing those issues from the senator's perspective, and incorporating the revised terms suggested above.

I hope this is a productive direction.

Sincerely,

Mike Hostina

Associate General Counsel
University of Alaska

Email: michael.hostina@alaska.edu 203 Butrovich
Phone: (907) 450-8080 PO Box 755160
Fax: (907) 450-8081 Fairbanks, AK 99775-5160
= =

If this transmission has reached you in error, any review, examination, use, disclosure, reproduction or distribution of this transmission or the information contained herein is prohibited. Please immediately notify the sender by telephone to arrange for the return of this transmission to the University of Alaska Office of General Counsel, which will bear the costs of return. Thank you.

Timothy A. McKeever wrote:

Martha, Mike and Paul,

In response to Martha's message below I have conferred with Senator and Mrs.. Stevens. There are very significant tax advantages to Senator Stevens' estate or his heirs if the papers and much of the memorabilia are not disposed of until after his death. Therefore it is not possible to dispose of the papers until after his death. That is the reason why a loan was considered. Having said that, both the Senator and his wife prefer that because of the valuable historical nature of this collection that the papers and memorabilia come to and remain in Alaska. We are not aware of another facility in the state other than the University of Alaska (University) which has the capacity and the expertise to properly care for, process, index, preserve etc these records. Also given the volume of the records the cost of shipping them will be substantial and so it is

important, if at all possible, that we take advantage of the opportunity to have the Senate pay for the initial shipment. That shipping cost is also a very strong disincentive to relocate the records once they are at an institution. Therefore assuming the records are at an institution which properly cares for the collection and which accommodates the need to control access to the records as the Stevens desire, then it is unlikely they will be relocated. And it would be highly unlikely that if the collection is at the University it will be relocated. But to preserve the tax benefits a firm commitment to transfer the records to the University is not possible. I also believe Senator Stevens would certainly cooperate, to the extent possible, with efforts to raise funds to properly store and process these records to minimize taxpayer funds that would be spent on maintaining a collection that might not ultimately remain at the University although as noted above relocation, once they are there is unlikely. We have done father checking and are told that, for example, Senator Lott's records were deposited with the University of Mississippi with the understanding that access would be restricted for some time. We are trying to determine how other Senators who have left the senate but are still alive have dealt with this problem. I note that Senator Fong from Hawaii, stored his records at a business he owned for many years before depositing them with the University of Hawaii. It appears that Senator Jackson's files went to the University of Washington only after his death but of course he died while in office. I hope this adequately addresses Martha's proposal. If the University has other suggestions about how we can move this process ahead we would be happy to consider those suggestions.

From: Martha Stewart [<mailto:mstewart@ssso.org>]

Sent: Wednesday, January 07, 2009 11:05 AM

To: Timothy A. McKeever

Cc: Paul McCarthy

Subject: Another possibility...

Tim,

Do you think there's the possibility of the Senator and Catherine considering an ultimate gift of the Senator's papers to the University,

under a longer term loan, than our last draft entailed? With that, we

could agree to non-disclosure of anything other than what is already

public
(final speeches, etc) until five years after the Senator's death.
The rationale here is that if we had some assurance of ultimately
having the collection permanently at UA, that we could live with
these
restrictions. Also, having them in some status, other than a loan,
might
open more doors for our requests for financial assistance from
outside
entities.
UA President Hamilton and Interim UAF Chancellor endorsed this
alternative.
It seems first we need to have a sense of whether this would even be
considered as possible. If so, then we can bring Mike Hostina back
into
the equation of helping craft an agreement.
And/or if you would like to discuss this, Paul and I would be glad
to.

Paul and I have not given up on trying to find a way to make this
happen.

I'm at 202-262-4112.

And thanks.

*

DISCLAIMER:

* HOLMES WEDDLE & BARCOTT is a member of Meritas Law Firms
Worldwide.

Visit Meritas at www.meritas.org <<http://www.meritas.org/>>

NOTICE: CONFIDENTIAL AND PRIVILEGED COMMUNICATION: The information
in

this electronic mail, including any attachments, is sent by or on
behalf of

an attorney and is intended to be confidential and for the use of
the

intended recipient only. The information contained in this
transmission and

any attached documents or previous emails may be protected by the
attorney-client privilege, work product doctrine, or otherwise
legally

privileged. If the reader of this message is not the intended
recipient,

you are notified that retention, use, dissemination, distribution,
or

copying of this message or any attachments hereto is strictly
prohibited.

Interception of electronic mail is a crime pursuant to the
Electronic

Communications Privacy Act, 18 U.S.C. Sections 2510-2521 and
2107-2709. If

you received this electronic mail in error, please notify us
immediately by

reply and destroy the original transmission and its attachments
without

reading them or saving them to disk. Thank you.

--

--
= =

=====
This electronic transmission contains confidential information
belonging
to the University of Alaska Office of the General Counsel. If you
are not
the intended recipient or an authorized agent or employee of the
intended
recipient, please read no further and follow the instructions at the
end of
this message.
= =

=====
Confidential Attorney-Client Privileged
Please do not forward or maintain with routine correspondence.
- - -

Michael Hostina
Associate General Counsel
University of Alaska

Email: michael.hostina@alaska.edu 203 Butrovich
Phone: (907) 450-8080 PO Box 755160
Fax: (907) 450-8081 Fairbanks, AK 99775-5160
= =

=====
If this transmission has reached you in error, any review,
examination,
use, disclosure, reproduction or distribution of this transmission or
the
information contained herein is prohibited. Please immediately
notify the
sender by telephone to arrange for the return of this transmission to
the
University of Alaska Office of General Counsel, which will bear the
costs
of return. Thank you.
<other senators records.xls><Agreement Term table.doc>

Paul H. McCarthy
Professor Emeritus
Director of Libraries Emeritus