

# Michigan—The G. Mennen Williams Papers

By RUTH B. BORDIN\*

*University of Michigan*

WHEN G. Mennen Williams retired as Governor of Michigan on December 31, 1960, after 6 terms (12 years) in office, he arranged for the deposit of his papers in the Michigan Historical Collections of the University of Michigan. As early as 1954 the first steps had been taken to assure this transfer, when the director had written to the young Governor recommending that he give thought to the eventual disposition of his papers and suggesting the university's manuscript collection of materials pertinent to Michigan history as a suitable repository.

Correspondence continued intermittently between the Governor and the Michigan Historical Collections for another six years. By 1960 Williams' retirement at the end of his current term seemed more than likely. The papers would have to find either a temporary or a permanent home. On a trip to the Ann Arbor campus in April 1960 the Governor, Mrs. Williams, and two aides visited the Collections and discussed at length with the staff its potential as a repository. Later that year a formal agreement was made in which the Governor gave his papers to the university, from which he had obtained his law degree in 1937.

These papers are probably as extensive a gubernatorial collection as exists anywhere in the United States. Over 1,000 boxes, each containing a linear foot of papers in legal-size folders, arrived in Ann Arbor by truck from the Governor's office during the Christmas recess of 1960. The initial shipment was followed at brief intervals by four much smaller lots, largely from the Governor's political headquarters and from his residence.

The papers consist of correspondence and other materials chiefly pertaining to Governor Williams' administrative functions, his political activities, his relations with the legislature, and his personal affairs. The earliest papers go back to his undergraduate days at Princeton, and others cover various aspects of his career before he became Governor. Reports, speeches, press releases,

\* The author is Curator of Manuscripts of the Michigan Historical Collections at the University of Michigan.

photographs, financial records, and printed materials were included. Nearly every public figure in midtwentieth-century America is numbered among his correspondents. Although some files were to be kept closed for periods of 10 or 25 years, the Governor stipulated that approximately 80 percent of these papers should be open for immediate use. Within 48 hours of their arrival the first research request came from a governmental activity whose need was legitimate and immediate. Within days several scholars arrived to consult the papers.

Even if accessibility had not been a problem, staff and funds were not immediately available to process a collection of this size. No doubt the day will come when the entire collection will be culled, sorted, and arranged. But to undertake this task when the papers arrived not only was impossible but also, probably, would have been ill advised. Williams' career was still in midstream. No proper assessment of his importance could yet be made. Also, these were his current files up to the day he left office, and it seemed highly likely that he himself would have occasion to use them. The decision was made to leave them in their current order except for some consolidation to save space. About five percent of the boxes had no apparent order, and the papers in these were given an arrangement according to the Governor's filing scheme. Pictures were removed and classified by subject.

Every box that was not sealed was cursorily scanned, and samples of the papers were examined closely so that the staff would be familiar with their wide variety and alert to the possible uses the papers might have for scholars.

The Governor's Office provided an excellent finding aid. Sent with the papers was a name index, on 3" x 5" cards (99 catalog drawers in all), of letters received during his 12-year tenure of office. On these cards had been typed the dates and subjects of all letters received from each correspondent, regardless of the importance of subject or correspondent. This index makes it possible to know immediately whether or not there are letters of a particular person in the collection. True, 80 percent of the names are those of unimportant persons, in whom presumably no researcher would ever be interested as individuals. The time and expense, however, to say nothing of potential errors in judgment, that would be involved in deciding which of 75,000 persons are, or are likely to become, significant far outweigh the expense of providing space for the correspondence with all of them.

An invoice also accompanied the papers, with numbering cor-

responding to the box numbers. The Governor filed his papers in several classifications: personal, political, State departments and commissions, legislative, general, and so on. His invoice and filing system were used as the basis for an inventory made by a staff member of the Collections, which indicates the filing class, subheads within that class, and the year or years covered by the papers in each box.

This inventory, used in conjunction with the name index cards, makes it possible to find with relative ease letters from an individual or papers pertaining to a particular subject. The double-shelving of nearly 1,000 boxes necessitates a sizable amount of shuffling and lifting to assemble all the materials on a given subject—for example, on Michigan fisheries, or all the letters of Senator Blair Moody—but the researcher has to spend remarkably little of his time going through unrelated materials looking for items pertinent to his problem.

Making the inventory proceeded along with the process of examining and shelving the boxes. The whole process took about 300 hours of staff time. Several copies of the inventory were bound, together with copies of the Governor's filing scheme, and were made available for the use of researchers as well as staff. Because some of the papers are closed and this is not indicated on the cards, the name index is reserved for staff use and is not treated as a public catalog.

This happy circumstance of the arrival of papers in an orderly and sensible arrangement, with one excellent finding aid already in existence and another easily prepared by the staff, has been rare good fortune. A very large collection has been made available for use almost immediately at relatively little expenditure of staff time. The transfer from office filing room to manuscript library could be handled expeditiously because the Governor and his staff had taken time in advance to think about the problem. A decision on the place where the papers would be deposited was reached early enough to allow ample consultation on the best way to implement that decision. Careful advance planning in both Ann Arbor and Lansing made for a smooth and orderly transfer. A gubernatorial aide had already decided which papers should be closed and thus had freed the rest for immediate use. The Governor's secretarial staff and the State's records administrators had taken care, in boxing the papers, to preserve their original meaningful order. The Collections' staff had advised and assisted in working out these procedures. They had also arranged for the clearing of a

room and installation of shelving that met exactly the requirements of the Williams papers. The result of this careful planning was immediate availability to the scholar of an outstanding resource for recent American history.

EXTRACTS FROM THE OPINION OF THE ATTORNEY GENERAL OF THE STATE  
OF MICHIGAN CONCERNING THE TRANSFER OF THE WILLIAMS PAPERS  
TO THE MICHIGAN HISTORICAL COLLECTIONS<sup>1</sup>

Opinion No. 3590

November 14, 1962

Dr. Willis F. Dunbar, President  
Michigan Historical Commission  
Lansing 13, Michigan

At a meeting of the Michigan Historical Commission it was decided to request the opinion of the Attorney General as to the authority of the Commission under Act 271, PA 1913, as amended, being CL 1948 §399.1 et seq with respect to the papers of the governors of the State. You also wish to know in conjunction with the above, what agency or state officer determines which papers are official and which are personal.

In determining whether the Michigan Historical Commission has jurisdiction over certain documents and papers transferred to the Michigan Historical Collections in Ann Arbor by former Governor G. Mennen Williams, it is essential to peruse Act 271, PA 1913, as amended, being CL 1948 §399.1 et seq, MSA 1959 Rev Vol §15.1801 et seq.

The powers of the Michigan Historical Commission are elaborated in section 5 of the Act. . . .

\* \* \* \* \*

It must be noted that the Michigan Historical Commission is limited in its power to obtain public records to those which are not in current use and which the directing authority has certified as administratively useless.

The Act enumerated above is not the only one which must be perused to determine the authority of the Michigan Historical Commission with respect to the papers of governors. Also of significance are sections 13a, 13b, 13c and 13d added by Act 178, PA 1952, to Act 51, PA 1948, Ex Sess, known as the Department of Administration Act. These sections are important here because they specify how and when the Michigan Historical Commission shall obtain state records. Under section 13a, the office services division of the Department of Administration has the responsibility to establish safeguards

<sup>1</sup> This opinion bears importantly on the matter of jurisdiction over the papers discussed in Mrs. Bordin's article. It was brought to our attention by Bruce C. Harding, Chief, Archives Division, Michigan Historical Commission. As made clear in the opinion, the responsibility for making any attempt to obtain custody of any portion of Governor Williams' papers on the basis of their being official records rather than private papers rests with the Department of Administration and not with the Historical Commission. It is not known what, if any, action will be taken. Copies of the full opinion are available from the Attorney General, State of Michigan, Capitol Bldg., Lansing, Mich.—Ed.

against unauthorized and unlawful removal or loss of state records and to initiate action to recover state records removed without authorization or unlawfully. . . .

\* \* \* \* \*

The powers of the Michigan Historical Commission as to state records may be gathered by considering the two statutes, elaborated above, together. The act creating the Michigan Historical Commission in 1913 authorizes the Commission to collect public documents which are not in current use from state, county, city, village, school and township offices. Section 5 of the Michigan Historical Commission Act was amended in 1952 and in 1955 in order to bring it into conformity with the provisions of the Department of Administration Act. This was done by requiring a schedule governing disposal as specified in the Department of Administration Act, and further requiring that the documents and records be certified as useless as provided in the Department of Administration Act.

Thus, we have an earlier general act dealing with the records of all state and political subdivisions and a later special act dealing solely with state records. The general act has been amended to conform with the special act concerning state records, but should any question remain as to the effect of the two acts, it is clear under Michigan law that the later special act is controlling as to any conflicts. . . .

\* \* \* \* \*

Therefore, in answer to your first question as to the authority of the Michigan Historical Commission under Act 271, PA 1913, as amended, with respect to the papers of the governors of the State, the Commission is entitled to public records of the governors in the same manner as they are entitled to any other state records. Under section 13b of the Department of Administration Act, the outgoing official is imposed with the duty of delivering to his successor all public records. Prior to leaving office, a governor may dispose of public records in the manner provided in section 13c of the Department of Administration Act.

However, if such public records have not been disposed of in accordance with section 13c, the governor is not entitled to remove them from office. Should public records be removed, the Department of Administration, under section 13a, is authorized to initiate action to recover state records. There is no comparable provision in the Michigan Historical Commission Act providing for the Commission to initiate action to recover state records. The Commission under its act is authorized to collect records after they have been certified by the directing authority to be of no administrative value. Any state records which are recovered under section 13a of the Department of Administration Act would be returned to the office from which they were removed. The directing authority of said office, in this case the governor, would then determine whether such records were of current use and which should be disposed of. In disposing of those records which cease to be of administrative value, the governor would follow the provisions of section 13c, in which case

the Michigan Historical Commission could disapprove the destruction or disposal of said records and receive possession thereof.

At this time the Michigan Historical Commission could not require the Michigan Historical Collections in Ann Arbor to permit the Commission to inspect Governor Williams' papers and remove therefrom those which the Commission considered to be public. Action to recover public records which have been removed must take the course provided in the statutes with the final determination as to which are public and which are private to be made by the courts.

Your second question is what authority determines which of the governor's papers are official and which are personal. As stated in letters of members of the Michigan Historical Commission, the chief executives of the state and federal governments have always regarded the disposal for purposes of preservation of their papers as their sole responsibility and prerogative. It must be determined what effect this practice of long-standing has upon the initial and final disposition of a governor's papers.

Ex-President William Howard Taft enunciated the doctrine that Presidents have the sole authority to determine which of their papers are their private property in *The Presidency*, William Howard Taft, at page 30, where he set forth the following:

The office of the President is not a recording office. The vast amount of correspondence that goes through it, signed either by the President or his secretaries, does not become the property or a record of the government unless it goes on to the official files of the department to which it may be addressed. The President takes with him all the correspondence, original and copies, carried on during his administration.

This doctrine has been consistently followed as evidenced by an article written by Acting Assistant Attorney General Frederick W. Ford, "Some Legal Problems in Preserving Records for Public Use," *The American Archivist*, Vol 20, page 41. . . .

\* \* \* \* \*

This custom also holds true in the case of state governors. Dr. Morris L. Radoff, former president of the Society of American Archivists, in his learned article "How to Transfer the Governor's Papers," *The American Archivist*, Vol 23, No. 2 page 185, discusses the problems of obtaining the governor of Maryland's papers. The following appears at page 187:

It was then that the delicate question of distinguishing between official and personal files was put. I explained to Brock, and later to the Governor, that no hard and fast line had ever been set to separate these two categories, that traditionally the executive has decided himself, and that there were no laws in Maryland to cover the subject.

Dr. Radoff further reflected:

We thought, too, that if we sat with him while he sorted his papers it might be possible to persuade Mr. O'Connor not to take away with him the files that he considered personal. Some "carrying off" of records by a chief executive is always to be expected, but if possible the limits of what is personal should be set at something less

than the scandalous depletion of files, which we have all encountered and which caused so much agitation in Washington at the end of the New Deal period.

Governor Williams would not act without professional advice. On March 2, 1954, he received a letter from Lewis Beeson, Executive Secretary of the Michigan Historical Commission. In pertinent part, the letter stated:

I have felt it incumbent upon me to give you some basis upon which to form a judgment about your papers. My letter, therefore, is rather lengthy. . . .

1. Public records are the property of the state.
2. The decision as to which of your papers are public or private is yours.
3. You should not destroy any of your private papers.
4. Private records can be deposited with the consideration that they be kept confidential until such a time as you may determine.
5. You have the choice of three Michigan depositories:
  - a. The Michigan Historical Collections.
  - b. The Burton Historical Collections.
  - c. The Michigan Historical Commission.
6. Two Michigan depositories would like to have museum material:
  - a. The Detroit Historical Museum.
  - b. The State Historical Museum.

\* \* \* \* \*

. . . Only the executive can resolve the difficulty which arises from the fact that a record, such as a letter, often merges from public into private affairs. To allow some outside party to decide which is which is impractical. Thus it is my own belief that the executive has the right to decide which records are public and thus come to the state archival agency, and which are private and thus can be taken away. Were he not given this privilege, the papers he considered to be private would be burned when he left office. The difficulty of determining between the two classes of records has resulted, in such cases as those of Roosevelt, Truman, and Ickes, in a great outcry and hullabaloo. I have noted, however, that the National Archives, which is backed by a strong law, made no protest over "the carrying away of public records" all three were accused of. . . .

\* \* \* \* \*

The depository you select for your private papers should be convenient for scholars. The Michigan Historical Collections meets these conditions. On the other hand, the Historical Commission will receive your public papers. It is a sound principle of records management to have all records of a similar nature in one place. This preserves the integrity so necessary for sound research. It would be much easier to study all your papers in one place.

From the above it may be concluded that the general practice is and has been to permit a governor ample discretion as to which documents he may remove upon leaving office. . . .

\* \* \* \* \*

. . . The right to freely inspect public documents in the governor's office must not be confused with the problem at hand, which is whether the governor has property rights as to material in his office, which entitles him to remove same upon leaving office. As evidenced by the foregoing excerpts in the writings of President Taft and noted archivists, custom has permitted chief executives a greater latitude in the selection and removal of documents and papers from their offices.



In an article entitled "Historical Writings: The Independent Value of Possession," *Yale Law Review*, Vol 67, page 151, the author in commenting on the problem at hand pointed out in footnote 22 at page 156 the following observation:

The duty to retain is to be distinguished from duty to permit inspection by the public. The failure of courts to emphasize this distinction has led to confusion in determining which papers belong to the office and which to the officer [citations omitted]. Property rights in papers are rarely at issue except when an office holder seeks to take papers into private life. . . .

The same reasons which permit the singular treatment of the president's papers are also present to a great degree in the case of chief executives of the states. Ex-President Taft's statement in his book *The Presidency*, supra, can be applied to the office of the governor for it also is not a recording office. The governor has a vast amount of correspondence signed either by himself or his assistants, which does not become the property or a record of the state unless it goes on to the official files of the department to which it may be addressed. Furthermore, investigation by this office has disclosed that the governors of the State of Michigan file with the Secretary of State all executive orders, appointments, commissions, proclamations, warrants, extraditions, notary public appointments, commutations of sentence, pardons and land patents. The above material is permanently kept in the Secretary of State's Archives. Thus, a great measure of the governor's official papers are filed with the Secretary of

State. Many other documents concern purely political matters pertaining to his own party of which he is the titular head. These political materials are not an integral part of his official duties as governor and cannot be considered public documents.

Under section 13b of the Department of Administration Act, all officials are to deliver such public records as they possess to their successors or dispose of said public records in the manner provided in section 13c prior to leaving office. No exception was made in section 13b for the public documents in the executive office. It must be presumed that an outgoing governor has fulfilled his duty to deliver to his successor all public records. Initially, it is his decision as to which of his papers are private and which must be surrendered to his successor because of their public status. This initial determination cannot be interfered with by the Michigan Historical Commission, or any other body, because they are not empowered to enter the executive office to determine which records of the office are public and which are private. Only the department of administration, under its act, is authorized to initiate legal action in order to recover public records removed from the governor's office. This power arises after the removal has taken place. It must be exercised by bringing an action for specific public records.

It must be presumed that a governor who is about to leave office but who remains the chief executive of the state, will adhere to the law and remove only private papers. His initial determination that papers and documents are of a private nature and may be removed is subject to review by the courts as to whether they are public documents. Any public records recovered by court action must be

Downloaded from https://academic.oup.com/ajah/advance-article-abstract/doi/10.1093/ajah/ajaa001/5555555 by University of Michigan user on 01 January 2020



returned to the executive office where their administrative value will be determined. The incumbent governor may retain those which he deems would be of current use, store those with the Department of Administration which he feels will be of future use, and offer to the Michigan Historical Commission those which are of no use and which otherwise would be destroyed, with the approval of the State Administrative Board.

FRANK J. KELLEY  
Attorney General

---

APPLICATION FOR MEMBERSHIP

*The Society of American Archivists*

(To be mailed to the Secretary, Dolores C. Renze, 332 State Services Bldg.,  
1525 Sherman St., Denver 3, Colo.)

Date ....., 19.....

I enclose check (\$10) for initial payment of dues, which include a year's subscription to the AMERICAN ARCHIVIST, and understand that dues hereafter are payable a year in advance upon the anniversary date of this application.

Name .....

Preferred Mailing Address .....

Official Position (if an individual) .....

Business Address .....

Official Representative (if an institution) .....

Introduced by .....

*The Council desires for the records of the Society the following information. Use an attached sheet if necessary.*

1. Formal training in archives, historical manuscripts, records management .....

2. Experience, professional or non-professional, before present position .....

3. Special interests in respect to archives and manuscripts .....

4. Brief biographical sketch, incl. date and place of birth, education, research and publications etc. ....

*For institutional members:* Give date of founding, character (State, private company, etc.) size, and significant collections .....