

Alienation and Thievery: Archival Problems

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TWO hundred and fifty years ago an Italian priest and librarian, Gaetano Volpi, addressed some sage advice to the librarians of his day. Father Volpi was concerned, as are we, with the protection of manuscripts and books, and he wrote:

Don't let dogs in [to your library] for they are apt to lift a leg in odd corners. Or cats, who love to sharpen their claws on parchment bindings, rejoicing in the grating noise, even though they do fight off mice. Nor children for they oft do scribble on books or tear out illustrations . . . Indeed our century is rich in insolent young . . . Nor must you follow the example of Magliabechi, the famous librarian of Florence, who read during meals and was known to drop a kipper amid the pages to mark his place.

Careful when reading by candlelight, for wax is hard to remove from the printed page, and doubly careful be when handling a rare book that your nose be dry, for drippings will surely leave tobacco stains.

If your library is in a country house, do not use the room to dry corn or grapes for these will entice mice and wasps. Nor use your library to hold meetings for it is known that bookstalls have been found convenient, *o tempora o mores!* for gentlemen to relieve themselves . . .

If you are a collector, visit above all cheese and ham shops for those merchants are apt to use old books and manuscripts to wrap their merchandise.¹

If thieves were not a major problem of the archives and libraries of that day, Father Volpi and his colleagues apparently had problems aplenty, and from his closing admonition we can see that he was not unacquainted with the matter of documentary estrays.

I hasten to confess that the rest of my presentation will probably contain little that is either startlingly new or utterly profound. I am sure that many of us have had occasion to give serious and extended, even painful, thought to the archival problems occasioned by alienation and theft of documents. Perhaps we can ponder together why these problems exist and what practical measures may be taken to deal effectively with them. For we are going to be faced with them as long as the acquisitive instinct remains a part of the

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¹ As quoted in *Antiquarian Bookman*, July 1-8, 1963, p. 32.

inherent nature of man—and that, I suspect, will be a long, long time.

Why do people steal documents? There are, it seems to me, two major reasons. Most of the major thefts in recent years—major in terms of the number of documents involved or in terms of the value of documents—have been for monetary gain. The well-prepared and clever thefts at the National Archives a couple of years ago by a husband-and-wife team were of this sort.

There may also be the person who steals on impulse; he may be a kleptomaniac, or he may be otherwise mentally deranged, or he may simply be someone who is doing legitimate research with manuscript materials, is intensely interested in his subject, and suddenly comes across a document that has great associational or sentimental value to him, a document that particularly appeals to him for any of a number of reasons. He surreptitiously conceals the document on his person or among his effects and walks out. In thefts of this type the ratio of occurrences to numbers of documents stolen is relatively low.

The fact that the most serious thefts are committed by those who steal so that they may sell poses a vexing problem for the archivist and the manuscript librarian. But let us remember that it also creates problems for those other targets of the thief, the manuscript dealer and the document collector. For the dealer and the collector not only must take precautions against the theft of their own holdings but must also maintain a high degree of vigilance against inadvertent purchase of stolen goods. And the manuscript librarian who sometimes acquires documents through purchase partakes of the woes of both the dealer and the collector.

It is difficult for the dealer or the collector to guard absolutely against purchase of stolen manuscripts, for there is a vast body of manuscript material, including the private papers of public officials, that may be legitimately in the market or the potential market. While the ideal world of the archivist would be one in which organic bodies of documentary material are never broken up, in which all materials of research value are open to everyone for legitimate research, we must recognize that our real world is far different and that collectors have a right to acquire manuscripts if their legal owners are willing to part with them. It does seem to me, however, that there is a moral obligation on the part of dealers and collectors to inquire into the legitimacy of title whenever there is evidence either in the document itself or external to it that arouses their suspicion. Perhaps we archivists have been delinquent in not

setting forth clearly and specifically the kinds of evidence that we feel should call for caution.

Archival estrays present another though related problem for archivists, manuscript librarians, dealers, and collectors. These are public records that for the most part were alienated from the Government a long time ago. They may have been removed from Government custody in ways other than outright theft, usually before the establishment of modern means to control Government records, or it may be that pilfering or theft is suspected but has not been absolutely proved.

The discovery of estrayed records can create a situation where there is legitimate doubt about legal title. To date our only means of resolving that doubt has been recourse to the courts. Because of their understandable disinclination to see valuable research materials dispersed and put beyond the reach of scholars, archivists sometimes feel obligated to take the initiative in assuring that the question of title is settled by legal means. On occasion this brings archivists into conflict with dealers and collectors, who not infrequently have a financial interest at stake and who, quite understandably, wish to keep sizable amounts of manuscript material available for private commerce.

On some occasions the reasons for contention are less directly involved with such matters as the needs of scholarship on the one hand and the acquisitive instinct on the other. In such situations the archivist, because of his experience and his knowledge of the records in question and because of the provenance of related records, sincerely believes that the records are rightly the property of a government or other public institution; and the dealer or collector honestly believes that the evidence and knowledge available to him clearly demonstrate their private character.

It is not at all remarkable that honorable men should honestly differ on such matters, just as they differ on politics, religion, fishing lures, or the merits of modern art. And I submit that we should not be surprised or disturbed that such differences arise. I question, however, whether recourse to the courts is the only choice we have. First of all, I believe we need, on both sides, a more complete understanding of all of the factors involved. Reaching an understanding would involve a good bit of discussion and I should hope that out of the discussion would come the kind of proposals that men of good will could subscribe to. There is certainly no irreconcilable conflict between archivists and collectors, and there need be none, so long as both conduct their affairs hon-

estly and recognize each other's legitimate interests, rights, and responsibilities.

Moreover the archivist, as a public servant, has a responsibility to respect the rights of individuals and of other depositories. He cannot as a practical matter, and will not as a matter of fair play, seek to raid the holdings of other institutions or of individuals whose collections have been legitimately acquired; and he will go out of his way to cooperate with those who recognize an obligation to serve the interests of scholarship.

Let us realize that there are broad areas in which archivists and collectors have common interests and in which they can cooperate in the solution of common problems. Surely many of the same impulses stir members of both fraternities. A good archivist, I am sure, shares with the collector the same feelings of pride in, and appreciation for, unique, intriguing, valuable, ancient, or beautiful manuscripts. Both archivist and collector are interested in preserving documents, albeit under different conditions and sometimes for different reasons. Some enlightened collectors make their manuscripts available for scholarly research; and archivists would, I am sure, be happy to learn from collectors whether or not there are measures that the archival profession can take to encourage more collectors to open their holdings, under necessary safeguards, to serious and qualified scholars. Common to both groups are cultural objectives that can be achieved more effectively through joint action. And the typical journeyman archivist can learn much about the characteristics of documents from a knowledgeable collector.

We archivists realize also that, despite occasional differences, we have no more valuable group of friends in the business world than manuscript dealers. The great majority of them are honest, forthright, knowledgeable, and alert, and they are almost intuitive in spotting stolen goods. They are real "pros," and our hats are off to them.

On occasion the National Archives has been approached by dealers who suspected that manuscripts offered to them had been stolen. More often than not it has turned out that the documents had not been stolen from the National Archives but, instead, had been alienated from Federal custody, legally or otherwise, before the establishment of a unified Federal archival system or a sound program of records management. Although I am discussing ways in which archivists and dealers can cooperate, I must confess that this particular kind of cooperation has some of the characteristics of a one-way street. For most public archives do not have authority

or funds to purchase materials from dealers. The dealers who cooperate with archivists, who return stolen documents to us, who use their good offices to see that alienated records are returned to legitimate institutional custody, often do so at considerable inconvenience and financial loss. We are glad and we are grateful that most manuscript dealers have tremendous pride in their reputations for honesty, good faith, and discretion; and we commend them for it.

Archival thievery also presents disturbing problems to the manuscript collector. For the typical collector cannot be expected to take a calm, dispassionate attitude when he finds that an item he has purchased in good faith is, in fact, a stolen document. He can, it is true, protect himself to a degree by buying only from reputable dealers, but many collectors naturally do not wish to limit their acquisitions to this extent. A clever and successful manuscript thief will not only be adept at finding and removing the documents he wants from a manuscript repository—he will also be well informed about likely outlets for his ill-gotten wares, and his outlets will not be limited to dealers and other repositories. He will know something of the interests of many individual collectors. And the thief who can successfully establish his identity in an archives or a manuscript library as a legitimate scholar is likely to be a good enough actor to allay the suspicions of collectors who are not unusually knowledgeable and observant and cautious. The collector needs and wants to be protected, but at the same time he is often by nature a venturer who loves the excitement of a rare find or a tantalizing bargain. Of the three principals caught up together in the problem of manuscript thievery—the institutional custodian, the dealer, and the collector—I suspect that, in terms of his resources and his ability to protect himself, the typical collector is the most vulnerable. Collectors are also the most numerous and individualistic, and any program designed to safeguard them is, therefore, less likely to be effective across the board.

Nevertheless, I believe that there are steps that archivists, dealers, and collectors can take together to give a measure of protection to collectors and the other principals involved. For example, I should like to see the establishment of a joint committee of the Society of American Archivists and the Manuscript Society, composed of archivists, manuscript librarians, dealers, and collectors, whose task it would be to draw up a code of ethics that would define the rights and obligations of dealers, collectors, and archival and manuscript repositories in their relationships with each other,

that would provide for some effective means of exchanging information among all interested parties about suspected or proven thefts, and that would pledge all parties involved to cooperate fully in the apprehension and prosecution of thieves. I should hope, although my hope may be utopian, that such a code of ethics would be explicit enough to be effective and so patently fair that no public-spirited archives or manuscript depository, no ethical firm of manuscript dealers, and no honest manuscript collector would have valid grounds for refusing to subscribe to it. I should hope also that when archivists and manuscript librarians receive requests for appraisals or when they are offered manuscripts they cannot or do not choose to accept, they would refer such requests, inquiries, and offers to other subscribers to this code of ethics. I fully recognize that it will not be an easy matter either to develop or to implement such a code, but I believe that with good will, understanding, and perseverance something of significant mutual benefit can be achieved.

While we archivists value and need the cooperation of dealers and collectors, we must realize that it is we, not they, who must provide the first line of defense against thieves. Ours is the major responsibility, and we must not shirk it merely because we have some valuable allies. And it is not an occasional or part-time task, but a continuing responsibility that is with the archivist 24 hours a day, 7 days a week.

What, then, are some of the ways in which the archivist can discharge this responsibility without slighting his other obligations? It has been suggested that the only way to insure absolutely against archival thievery would be to lock up all the archives and melt down all the keys. Perhaps I am unduly suspicious, but I doubt that even this extreme measure would provide absolute guarantees against theft, and the archivist has a solemn duty to serve the public as well as to protect the records. At the same time, the archivist, unlike the retail merchant, cannot assume that no matter what protective measures he takes there will be a certain amount of shoplifting and adjust his prices accordingly. For even in this day of the paperwork explosion we are custodians of a unique cultural treasure, not purveyors of mass-produced consumer goods. While we recognize that we may never be able to devise a sovereign remedy against theft, that there may be no foolproof combination of deterrents, we cannot stop trying to devise one. We must also realize that no system of deterrents is universally suitable. The protective requirements of an archival institution vary with the size of its building, its holdings, and its staff; with its location; with

the nature of its holdings; and with the needs, interests, and characteristics of its users. There are, however, at least four basic requirements that I believe are essential to safeguarding the holdings of any archives.

The first is round-the-clock surveillance, utilizing armed guards or automatic mechanical or electronic alarm systems, or a combination of the two.

The second is the development of procedures that will insure, so far as possible, that persons bent on thievery are not given access to manuscripts in the first place.

The third is the barring of researchers from the stack or storage areas and the provision of separate research or reading rooms that are continually and adequately staffed whenever users or documents are present.

The fourth is a systematic program for stamping or otherwise marking certain classes of valuable documents to indicate institutional ownership.

Some of these safeguards I shall discuss in more detail a bit later, and there are still others that may not be universally applicable but that merit careful consideration.

One is a system of individual document charge-outs and of post-use inspection and checkoff of each document. In the Public Record Office in London a "ticket" must be filled out and signed by the researcher for each document he wishes to use, and he is held personally accountable for each document until he redeems his ticket by return of the document.² This is an expensive, time-consuming, and burdensome procedure unless one's holdings are mostly in the form of bound volumes, and it is not theft-proof for bound materials unless there is detailed before-and-after inspection of each volume's contents. A razor blade is a small, easily concealed object and can be an effective instrument of documentary—as well as other—mayhem. Although few archives could afford to institute the ultimate in pre- and post-use inspection, I doubt that it is beyond the resources of any archives to make a careful record of all documentary units furnished each researcher and to give, rather obviously, a cursory inspection to the content of each unit when it is returned by the researcher. The former step would provide a record of who has used the documents if some documents should later be found to be missing, and I suspect that the latter step might have a salutary deterrent effect.

² V. H. Galbraith, *An Introduction to the Use of the Public Records*, p. 103 (London, Oxford University Press, 1952).

Many manuscript depositories severely limit the number of folders, boxes, or volumes of material that a researcher may have at any one time. This type of limitation tends to simplify the operation of a chargeout-charge-in system, and it gives the user the impression that the institution keeps a careful account of the documents made available to him. This impression will have even greater impact if an armed guard is stationed prominently in the research room and if a guard consistently and thoroughly inspects the luggage and effects of every researcher leaving the premises.

I have said that I believe that most archival institutions could well consider tightening up procedures for granting access to their holdings. All of us who serve public agencies might give some serious thought to our obligations to the citizen constituencies to which we are ultimately responsible. It is true that we have an obligation to allow the individual citizen access to the records, in order to protect his rights, to engage in legitimate research, and, indeed, to use the records for any "serious purpose." But, I wonder, are we fulfilling what may be a greater and more solemn obligation to *all* American citizens to preserve intact the documentary manifestation of our national heritage, when prospective researchers are not pointedly warned that theft of documents incurs a heavy penalty; when we grant a researcher's permit to a person, unknown to us, who appears to be mentally unbalanced, to an individual who cannot state clearly the purpose of his research, or to a person who seeks access to records merely to satisfy some aimless curiosity to see old and valuable documents? Are we fulfilling that greater obligation when, with no questions asked, we furnish a person records that have no pertinence to his purpose as initially stated? Any pattern of behavior, or any use of documents that is unusual enough to be noticed, should automatically make the archivist suspicious enough to observe and check the individual in question much more closely than would normally be the case.

I wonder if we are as firm as we should be in requiring that potential users of our holdings identify themselves. Persons wishing to use the holdings of the Public Record Office must have their application for a "reader's ticket" signed by someone who knows the applicant.³ Similar rules are in effect in many other archives. An applicant bent on thievery can, it is true, present bogus identification documents—indeed, he is likely to do so. But such documents can be verified, and the applicant can be carefully limited in his use of research materials until the verification is completed. Are

³ *Ibid.*, p. 79.

not we obligated, really, to exercise as much care in the identification of our "customers" as a bank would exercise in cashing a check? I daresay that the market value of the documents the average researcher handles in an archives is greater than the average value of a check cashed in a typical bank. Our holdings are unique; the holdings of banks are not.

In the same vein, I would suggest that there is no valid reason for making public any monetary evaluations of our holdings, either piecemeal or *en masse*. There have been suggestions that we do so as a means of stimulating public interest in documents, and some institutions have been tempted to do so in order to impress the public with the value and importance of their holdings. Surely we can conduct dignified, educational, and effective public relations programs without catering to the interests of existing document thieves or tempting and educating new ones.

I have referred to ownership markings as a deterrent to theft. They are also an aid to identification of stolen documents. Because of the importance of this aspect of my subject I should like to explore it a bit further. There are a number of ways in which documents can be marked—by embossing, ink-stamping, or perforation. Each method has advantages and drawbacks, but I feel that ink-stamping has fewer liabilities and more advantages. A skilled technician can remove almost any kind of marking, but it is doubtful that these markings can be so completely removed that a skilled technician cannot detect that they once existed. Marking of individual documents by whatever means is amazingly time consuming and consummately tedious, but I believe that it is worth while—*on a selective basis*.

Most archives have large masses of material that are not likely to tempt the thief. To take the time to mark such materials, document by document, would be wasteful, unnecessary, and unwise.

Most archives have large bodies of documents that would be marketable but that rank low enough in the scale of monetary value so that sizable quantities would have to be purloined to justify the risk. The archivist's decision on whether or not these are to be marked should involve a careful weighing of their value against the risk of leaving them unmarked, and in any event the marking of such records should have a relatively low priority.

But every archives and manuscript repository has some documents—few in some institutions and many in others—that are valuable in any sense of the word. These are most likely to be the targets of the professional thief. I agree entirely with Charles

Hamilton, the well-known manuscript dealer, that "the archivist or librarian who fails to mark valuable papers with an indelible stamp is inviting, even encouraging thieves to help themselves to his files!"⁴

And of course there are still other documents that some, but not all, archives have. These are the documents that are so well known and have such great intrinsic and historic value that they are unlikely targets for the professional thief who steals to sell. Ordinarily such documents can best be protected by keeping them separate from other items under special security precautions and by requiring that researchers use copies—not the originals. I do not advocate, for example, that the National Archives place its stamp on the Declaration of Independence or the Constitution of the United States.

Allow me to reemphasize the necessity for selectivity in marking archival materials. Attempts to attain full coverage of one's holdings by assigning first priority to the stamping of each document in new accessions and a range of lower priorities to the stamping of previously acquired holdings are not likely to work out well. Many of the newly received collections of relatively contemporary papers are so voluminous that the earlier, more valuable, and less extensive collections will never be stamped. And it is no wonder. Some months ago I was asked to calculate the manpower expenditure necessary for marking all of the holdings of the National Archives, and my best estimate was that there were more than 2½ billion pieces of paper in the National Archives and that it would take 5,000 man-years and would cost 20 million dollars to stamp all pieces. I do not know whether the ratio of documents to staff or of documents to anticipated income at the National Archives is higher or lower than at the average archives or manuscript depository in this country, but I suspect that there are few such institutions that would not find an all-encompassing program of document marking—even if phased over many years—to be prohibitive. These limitations, however, should not deter us from developing long-range, well-conceived, selective programs that are carefully tailored to the needs of our respective institutions.

There is also something to be said, in this connection, in favor of a program of making security copies of the records that are most likely to tempt the thief. Not only does such a program insure that the content of documents will be preserved if they are lost, strayed,

⁴ Charles Hamilton, *Collecting Autographs and Manuscripts*, p. 34 (Norman, University of Oklahoma Press, 1961).

or stolen, but it provides a peerless tool for the identification of alienated manuscripts. Reproduction for this purpose must be done selectively, but if the copying medium is microfilm the selectivity criteria can be relaxed a bit because of the comparatively low cost of the filming process. There is a great advantage, moreover, to filming entire series or collections of documents, for the microfilm will provide a simple means of checking the current content of the series against its content when filming took place. Then, too, when entire series are filmed, it is relatively easy to further decrease the likelihood of theft by requiring researchers to use film copies rather than originals.

Not the least important of the steps that can be taken to protect an archives against theft is the training and indoctrination of its staff. An archivist must be many things—he must be knowledgeable in history and government, he must understand the origin, organization, and content of the records in his care, he must comprehend and be able to apply the proven and time-honored principles of archival practice, he must keep abreast of the literature and the research trends in his field; but a *good* archivist must also be suspicious! I doubt that anyone in this room will take violent issue when I make the rash claim that archivists are—without exception—honorable, upright, loyal citizens. I wonder, though, if we are not sometimes prone to forget that not all those with whom we come in contact have equally high standards of probity and honesty. I seriously advocate that our archival training courses and our inservice training programs devote at least a little time to the fact that documents are sometimes stolen, to the ways in which thieves operate, to a study of deterrents against theft. We must teach our archivists to be suspicious and watchful, without diminishing in any respect their obligation to be courteous and helpful to researchers.

I have suggested some common courses of action that archivists, dealers, and collectors can take to discourage thefts, and I have discussed some specific measures that we as archivists can take to safeguard the documentary treasure that is entrusted to us in our individual institutions. Are there not also steps that we can take collectively as a profession and as a Society? I think there are. I think that by our collective vigilance we can discourage documentary theft and make it increasingly difficult, risky, and unprofitable. I am not too hopeful that we can instill our own sense of ethics in persons who are basically dishonest, but I do think that by collective action we can persuade *clever* professional thieves to turn their

talents to such pursuits as embezzlement, pickpocketry, extortion, and, here in Texas, cattle rustling. The possibilities open to the enterprising and imaginative thief are almost limitless, and it is our task to make plain to him that there is at least *one* line of specialization that does *not* provide attractive career opportunities.

To this end I think that we should be willing to prosecute document thieves vigorously. When it becomes apparent that replevin is the only effective means of recovering stolen records, we should not hesitate to take this course of action. And we should cooperate with each other, whenever possible, in building strong legal cases.

Furthermore, I should like to suggest that the Society of American Archivists and its excellent quarterly can contribute importantly to the amelioration of the problem. I am certain that the editor would be glad to publish in the *American Archivist* small pieces, and an occasional formal article, on the success or impracticability of various deterrents to theft that we have tried or may devise in the future. I should hope that the Officers and Council of the Society might give consideration to still other ways in which the Society could serve as a clearinghouse for information on document thefts and document thieves. For example, the secretary or the editor might transmit, confidentially, detailed information on thefts, descriptions of thieves, and accounts of their *modi operandi* to those in charge of archives and manuscript depositories, to manuscript dealers, and to well-known and active collectors.

A professional colleague of mine—a person not given to wild overstatement—who had occasion to conduct research in some 75 different manuscript depositories from 1959 to 1962, told me not long ago that he believed that he could have stolen documents quite easily in all but one of them. He emphasized that these institutions included a few that stationed guards in their research rooms. His point, and my concluding one, is that no single measure, important and effective though it may be, is sufficient to deter a clever and determined thief. Each institution, I believe, must develop a well-conceived combination of deterrents if it wishes to safeguard its holdings. And through our collective efforts we can make real progress toward convincing the document thief that he has made a tragic error in his choice of a career.