

# The Roosevelt Library Case: A Review Article

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*Final Report of the Joint AHA-OAH Ad Hoc Committee To Investigate the Charges Against the Franklin D. Roosevelt Library and Related Matters.* August 24, 1970. *A Statement in Rebuttal*, by Francis L. Loewenheim. December 12, 1970. *Reply of James B. Rhoads.* November 19, 1970. *Reply of Herman Kahn.* December 8, 1970. ([Washington, 1970]. 448, 93, 10, 9 p. Available from the American Historical Association, 400 A St. N.W., Washington, D.C., and the Organization of American Historians, 112 North Bryan St., Bloomington, Ind. The *Report* is \$3, and the *Statement* is \$3.50. The Rhoads and Kahn replies are free.)

IN 1933 and 1934 William E. Dodd, the American Ambassador to Germany, wrote a number of letters to Franklin D. Roosevelt. Six of them were eventually placed in Official File 523 at the Franklin D. Roosevelt Library, where they have almost certainly taken on more significance in the 1960's than they had in the 1930's. In 1968 Professor Francis L. Loewenheim of Rice University charged that he had been improperly denied access to the file containing Dodd's letters. Before he was done Loewenheim had not only questioned the integrity of employees at the Roosevelt Library, but of officials at the National Archives, directors of Harvard University Press, and officers of the American Historical Association as well. When several other historians allied themselves with Loewenheim, the *New York Times* and other newspapers publicized the controversy, and a congressional investigation into archival procedures became a real possibility. The dispute, spanning several years and perhaps not yet fully resolved, has severely jolted the historical and archival professions.

Publication of the *Final Report* of the joint committee of the

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American Historical Association and the Organization of American Historians should allow us to stand back and get some perspective on the case. The product of a nearly year-long investigation, the *Report* was written by Profs. Richard W. Leopold and Dewey W. Grantham, Jr.; a third member, Alfred D. Chandler, Jr., helped in the drafting stages but resigned from the committee in July 1970, some 6 weeks before the *Report* was submitted. Accompanying the *Report* are short statements by James B. Rhoads, Archivist of the United States, and Herman Kahn, former Director of the Roosevelt Library, and a lengthy rebuttal by Loewenheim. Though neither side is wholly satisfied with the findings, the archivists believe they have gotten the better of the argument. Indeed they have, but to understand why we must look more closely at the nature of Loewenheim's allegations.

What stands out most sharply about these allegations is that they often concern not only how Loewenheim was treated but why he was treated that way. Loewenheim charged certain highly placed archivists and historians with knowingly discriminating against him and with placing their own selfish interests ahead of their responsibility to scholarship. Yet motivation is one of the most difficult of all things to establish with certainty. In the absence of iron-clad evidence the Leopold committee properly gives the benefit of the doubt to the accused. Even when it finds that Loewenheim has legitimate grievances it ordinarily ascribes his treatment to human error or oversight, not to connivance or duplicity. Throughout, the committee finds Loewenheim more nearly correct in his version of events than in his explanation of those events.

Loewenheim's original charge was that in late 1966 and early 1967 the Roosevelt Library staff had "withheld" six Dodd letters in OF 523; later he assailed "the devious and dishonest performance of the Hyde Park people" who, he said, had "acted with no honesty, with no straightforward integrity." Yet of all the charges Loewenheim was to make, this was perhaps the most flimsy. Three other scholars had used OF 523 during the same period; Robert Dallek had cited the file in his 1964 Columbia dissertation; Loewenheim had charged out a file with cross-references to OF 523; of the six letters only one could not have also been found at the Library of Congress in the Dodd papers, which Loewenheim had examined in 1967. Apparently Loewenheim had never asked for the file, and the archivists had never called it to his attention. For Loewenheim "it is simply impossible to believe" he did not request it, but as the *Report* notes, "nowhere in the written record has the committee found Loewenheim asserting that he actually did ask for that folder."

Indeed, when informed of Dallek's citation Loewenheim retorted that he was not one "to base my own work on other people's footnotes." The committee concludes that Loewenheim should have requested the file but that the staff should have made it available even if he did not. At most this was a "regrettable, though nonetheless honest, error" and hardly a systematic attempt to conceal material.

What in Loewenheim's view may have caused the Roosevelt Library to deprive him of access to sources? The announcement in 1968 that Edgar B. Nixon of the Library staff was editing the three-volume work, *Franklin D. Roosevelt and Foreign Affairs*, to be published by Harvard University Press seemed to provide the missing clue. Loewenheim had himself intended to publish the correspondence of Roosevelt and Dodd. "Obviously, no scholar—and no archivist—who has an opportunity to publish the kind of Roosevelt foreign aff[ai]rs documents that Nixon had available to him . . . is going to want someone else to publish, in their entirety, some of the most important and interesting of these documents." Besides, their publication would have made it difficult, if not impossible, for Nixon to interest a private university press in his project, particularly if other scholars were to publish Roosevelt's correspondence with William Bullitt, Claude Bowers, and others. In Loewenheim's estimation this also explained why the Library had not informed scholars of the Nixon project, which had been started in 1957, suspended in 1961, and resumed early in 1967. The Library, Loewenheim concluded, "had considerable motive" to keep Nixon's work under wraps and to keep him from seeing all he wanted.

To these allegations the Roosevelt Library responded that former Director Elizabeth B. Drewry had mentioned the Nixon project in a paper delivered in April 1965 and later published. Then, too, Dr. Drewry noted, researchers "are not usually interested in our unfinished or pending projects. Those who come here almost invariably want to examine original documents not copies and want to see complete files on their subjects rather than selected documents pulled from the files." Finally, of the 1,400 documents in the Nixon compilation only 29 were Roosevelt-Dodd letters (23 of which were located in files charged out to Loewenheim); even advance publication would have hardly undercut Nixon's work. The Leopold committee nevertheless concludes that the Library was "guilty of a serious error in judgment" in underestimating the value of Nixon's control sheets as a finding aid and in failing to give the project widespread publicity. "But the committee is not prepared to interpret that serious error in judgment as a deliberate and

systematic attempt to conceal the existence of the project from researchers." Once again in the absence of any "apparent or reasonable motive for the staff to act in an unethical manner," the *Report* rejects Loewenheim's interpretation.

Because publication of the Roosevelt correspondence was to be by Harvard University Press, Loewenheim next took his grievances there. In the summer and fall of 1968 he denounced the project to Max Hall, editor for the social sciences. Loewenheim asserted that Nixon was "not a competent or formally trained scholar or editor," that the work was "seriously defective" because it lacked a calendar of letters, and that it had not been reviewed by diplomatic historians. When he failed to get any satisfaction—when, indeed, he sensed that Hall "maintained a studied air of who in effect was I (connected with no more prestigious a school than Rice) to question the almighty decisions of the Harvard University Press"—Loewenheim turned from the quality of the edition to Harvard's right to publish it. He charged that the press had twice tried to copyright material in the public domain (the Copyright Office later denied both applications) and added that publication of such documents by a private press without the approval of the Joint Committee on Printing was illegal. He said the contract with Harvard represented "a giveaway of public property in the worst sense of the word."

The Leopold committee does its best to cut through this tangle of legal issues. The *Report* finds that editing Roosevelt's foreign policy correspondence was properly a Library function and points out that the reviews of Nixon's work in professional journals have been uniformly favorable; it also notes that in 1969 the publishers went \$51,000 into the red on the volumes. In the absence of a ruling by the Attorney General, the committee takes no position on the legality of the contract, but it does clarify the thorny copyright issue. The original contract prohibited Harvard University Press from applying for a copyright on documents in the public domain. Apparently Harvard persisted in its efforts to secure a copyright to protect the "format and arrangement" of the volumes. Yet by seeking a copyright not once but twice and by listing Roosevelt and Nixon as "co-authors," the press created the unfortunate impression that it was trying to establish rights to material believed to be in the public domain. The *Report* finds an "amazing ineptitude in handling the question of copyright" and notes that this, even more than the charges of withholding Dodd's letters, may have stirred up concern among historians.

Toward the end of 1968 Loewenheim sought redress from offi-

cials at the National Archives who had approved the contract with Harvard. On November 14 he conferred with Archivist James B. Rhoads. Though their accounts of the meeting conflict in important respects, they agree that it ended badly. According to Rhoads, Loewenheim claimed that the Nixon volumes had preempted his own publication plans and insisted that he had been denied access to certain Dodd letters. He "then stated that he had wasted several months of his time at Hyde Park, and that he had also had to borrow several thousand dollars to support his research there and that he thought something should be done about that." Rhoads replied that reimbursement was not possible. According to Loewenheim, Rhoads said that National Archives staff members were not officially required to show all pertinent material to researchers and he "did not approve of private scholars filching the work of official researchers." Rhoads denied having made either statement. From then on relations went steadily downhill. Rhoads refused to attend another meeting; Loewenheim gave his version of events to the press, to an assistant U.S. district attorney, and to his Congressman. He even sent a telegram to Richard Nixon.

A bitter exchange in May 1970 revealed just how far apart the two sides had drifted. The National Archives and Records Service suggested that while Loewenheim was at Hyde Park he had "covered a great amount of material in a very limited period of time" and had shown interest in a number of research topics. Perhaps OF 523 "was overlooked in the relatively short time he had to cover the more than 50,000 pages of manuscripts made available to him." Loewenheim considered this an attack on his scholarship, an attempt "to paint me as a flighty, superficial, once-over-lightly visitor, who just did not spend enough time looking for whatever it was he needed." His "only crime," he added, was he had "discovered what was really going on at Hyde Park" and had blown the whistle. After weighing these claims the Leopold committee once again finds neither side wholly in the right. The *Report* concludes that NARS was not sufficiently responsive to Loewenheim's complaints and that Rhoads was "needlessly stubborn" in refusing another meeting with him; yet it also asserts that Loewenheim demanded "a standard of conduct that he was not prepared to follow himself," for whatever NARS said was in response to Loewenheim's own sweeping accusations.

If Loewenheim felt himself unfairly treated by archivists, he may well have felt betrayed by the American Historical Association. The story of his efforts to involve the AHA on his behalf is long, complex, and marked by incredible blunders. Perhaps the most

unfortunate was Executive Secretary Paul L. Ward's decision to overrule the editor of the AHA *Newsletter* who had promised Loewenheim to reprint an exchange of letters originally appearing in the *New York Times*. The *Report* finds a substantial basis for Loewenheim's dissatisfaction with his fellow historians. Professional organizations "were not equipped . . . to deal expeditiously with the Roosevelt Library case" and "failed to dispose of the case promptly and effectively." Although Ward was partially to blame the committee notes extenuating circumstances: his workload was very great and his "lapses, of course, were not intentional." Moreover, he received little or no guidance from officers of the association. C. Vann Woodward, president in 1969, recalled, "I avoided correspondence with the man [Loewenheim] and did not answer the letters of his lawyer."

What responsibility do professional associations have in cases of this sort? The Leopold committee accepts the view that their proper function is one of mediation, a view put forth most succinctly by the late David M. Potter. Potter reasoned that the obligation to protect a historian's right to examine archival materials did not imply an obligation to take the part of every historian who claimed that his right had been infringed. The task of the AHA "is not to rush into the combat in support of any member who may claim that he has been professionally wronged, but just to try to discover whether there may be a basis for agreement between the parties, and failing that to investigate the validity of the accusations with concern for justice to the accused as well as to the accuser." The other side of the coin, as the *Report* makes clear, is that professional groups must create the machinery to deal with such complaints.

In 1969, however, no such machinery existed, and so after Ward had approached a number of historians, the *ad hoc* committee consisting of Leopold, Grantham, and Chandler was put together. Its *Report* devotes a chapter to the committee's own troubled relationship with Loewenheim. This chapter, like the others, is divided into Factual Narrative and Commentary and Conclusions, although here the authors as a party to the dispute are in the awkward position of being both the defendant and the jury. Almost from the start Loewenheim and the committee were at loggerheads. They sparred over where, when, and under what conditions to meet; quarreled over Loewenheim's right to see the evidence supporting committee findings and to comment on the *Report* before it was submitted; and disagreed about whether a congressional investigation would serve a useful purpose. Loewenheim thought that Leo-

pold, a friend of Herman Kahn, could not be impartial. He demanded of Leopold: "How long and how well have you known Mr. Kahn? Are you on a first name basis with Mr. Kahn? Have you ever entertained each other socially?" For his part Leopold rebuked Loewenheim for a "conspiratorial interpretation of men and events." Later, after gaining access to committee records, Loewenheim cited letters Leopold had written during the course of the inquiry that at the very least were indiscreet.

Alfred D. Chandler's role also seemed to Loewenheim to confirm his darkest suspicions. In January 1970, even while the committee was investigating the contract with Harvard University Press, Chandler accepted a 1-year position as Ford Distinguished Visiting Professor at Harvard Business School. He informed his colleagues of this in February but continued to serve on the committee. Not until June 30, 1970, was Loewenheim's lawyer told that Chandler had accepted the appointment and that he would resign from the committee in 2 weeks to leave for Europe. To Loewenheim Chandler's conduct constituted an open-and-shut case of conflict of interests; in his estimation it was not surprising that the committee had tried to keep these "backstairs dealings with Harvard" secret. But the committee saw things differently. According to its lawyer if Chandler were already on the Harvard payroll, there would have been a conflict of interests; since he resigned from the committee 6 weeks before taking up residence in Cambridge no impropriety was involved. Besides, the Leopold committee speculates, "conflict of interest in the academic world defies precise definition" since most "experienced historians" are connected over the years with several universities, libraries, and publishers. The *Report*, which does not hesitate to point out errors of judgment on the part of others, leaves the reader to draw his own conclusions about Chandler.

The Loewenheim case has been atypical in more respects than the publicity it has received or the bitterness it has caused. Loewenheim's original charge—that he was denied access to letters so that archivists might reap the rewards of publishing them first—has little to do with the friction that often exists between historians and archivists. Dissatisfaction is more often rooted in an honest difference of opinion over what is important. The historian—who, if he is studying the recent past and must work his way through mountains of material, is nearly as dependent on the archivist as an infant on its mother—wants material opened for research quickly and without restriction. For his purposes a restricted letter may as well never have been written. Yet the archivist has other interests in



mind. He is usually more sensitive to legal problems (Kahn points out that an archivist who shows a letter to a researcher is in a strict legal sense "publishing" it; yet if this doctrine were followed "all historical research in this country would grind to a halt") and more troubled at the prospect of "premature or unwise disclosure" that might frighten off potential donors. Kahn recalls that in the early years of the Roosevelt Library when no one could predict how future presidents would dispose of their papers, "it seemed to me that the interest of the nation in making certain that it would at once become the owner of the papers of all future presidents far outweighed any particular need of any particular historian at the moment who wanted to see a particular document."

For all its unfortunate consequences the Loewenheim case has helped bring about long-overdue reforms in procedure at the Roosevelt Library. Under the direction of James E. O'Neill the Library has now published a catalog of holdings, which all researchers receive; has placed finding aids on open shelves where they are easily accessible; and has announced future publication projects. It is likely that the Library will create an advisory board of scholars for such publications. Now that 25 years have passed since Roosevelt's death, O'Neill has been able to speed up opening restricted papers. An *Openings Book*, with chronological listings, permits one to tell at a glance what has become available. Misunderstandings between historians and archivists will undoubtedly occur in the future, but such measures should do much to minimize them. If historical research is to be a successful venture, it must be a cooperative one as well.