# The Empty Shrine: The Transfer of the Declaration of Independence and the Constitution to the National Archives

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IN 1952 THE LIBRARY OF CONGRESS transferred the original engrossed copies of the Declaration of Independence and the Constitution to the National Archives. Together with the Bill of Rights, they are the Charters of Freedom, the most precious documents in the National Archives of the United States. The story of why the shrine in the Exhibition Hall of the Archives Building, especially designed for the exhibit of these documents, was empty for almost twenty years, and how the Library of Congress finally transferred custody of the two great documents to the National Archives, has never before been told.[1]

The ceremony when they left the library on Saturday, December 13, 1952, was a spectacular event. Brigadier General Stoyte O. Ross, commanding general of the Air Force Headquarters Command, formally received the documents at the Library of Congress at 11 A.M. Twelve members of the Armed Forces Special Police carried the six parchment documents, encased in helium-filled glass cases and enclosed in wooden crates, through a cordon of eighty-eight servicewomen down the library steps. The boxes were placed on mattresses in an armored Marine Corps personnel carrier. A color guard, ceremonial troops, the Army Band, the Air Force Drum and Bugle Corps, two light tanks, four servicemen carrying submachine guns, and a motorcycle escort paraded down Pennsylvania and Constitution Avenues to the Archives Building. Both sides of the street along the parade route were lined by Army, Navy, Coast Guard, Marine, and Air Force personnel. General Ross and the twelve Special Policemen arrived at the National Archives Building at 11:35 A.M., carried the crates up the steps, and formally delivered them into the custody of Wayne Grover, the archivist of the United States.

Two days later, at 10:15 A.M. on Monday, December 15, 1952, the formal enshrining ceremony was equally impressive. Officials of more than 100 national civic, patriotic, religious, veterans, educational, business, and labor groups crowded into the Exhibition Hall. Fred M. Vinson, chief justice of the United States, presided. After the invocation by the Reverend Frederick Brown Harris, chaplain of the Senate, Governor Elbert N. Carvel of Delaware, the first state to ratify the Constitution, called the roll of states in the order in which they ratified the Constitution or were admitted to the Union. As each state was called, a servicewoman carrying the state flag entered the Exhibition Hall and remained at attention in front of the display

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[1] National Archives and Records Service, *Declaration of Independence: The Adventure of a Document* (Washington: National Archives and Records Service, 1976) and David C. Mearns, *The Declaration of Independence: The Story of a Parchment* (Washington: The Library of Congress, 1950), contain useful and interesting information, but nothing on why the Charters of Freedom were not transferred for almost twenty years or how the transfer was finally accomplished.

cases circling the hall. President Harry S. Truman, the featured speaker, said

> The Declaration of Independence, the Constitution, and the Bill of Rights are now assembled in one place for display and safekeeping . . . . We are engaged here today in a symbolic act. We are enshrining these documents for future ages . . . . This magnificent hall has been constructed to exhibit them, and the vault beneath, that we have built to protect them, is as safe from destruction as anything that the wit of modern man can devise. All this is an honorable effort, based upon reverence for the great past, and our generation can take just pride in it.

Senator Theodore H. Green, chairman of the Joint Committee on the Library, briefly traced the history of the three documents, and then the librarian of Congress and the archivist of the United States jointly unveiled the shrine. Finally, the chief justice spoke briefly; the Reverend Bernard Braskamp, chaplain of the House of Representatives, gave the benediction; the United States Marine Corps Band played the "Star Spangled Banner"; the President was escorted from the Hall; the bearers of the flags of the forty-eight states marched out; and the ceremony was over.

By way of contrast, the dedication ceremony twenty-eight years earlier at the Library of Congress was simple and austere. There were no speeches, no oratory or rhetoric, but the dignitaries were present: President and Mrs. Calvin Coolidge, Secretary of State Charles Evans Hughes, Speaker of the House Frederick Huntington Gillett, and Simeon D. Fess, the chairman of the Joint Committee on the Library. The assemblage faced two flags flanked by two library policemen who parted the flags to reveal a "sort of shrine." That was the phrase used earlier by the short, red-headed gentleman in a blue serge suit, who then climbed up on a wooden platform—Herbert Putnam, the librarian of Congress. Putnam arranged the Declaration of Independence and the Constitution in their exhibit cases, climbed down, and then a choir of library employees began to sing "America." The audience joined them, and after two verses the ceremony was over. The simple ceremony impressed the observers. Putnam felt that "the impression upon the audience proved the emotional potency of documents animate with a great tradition." After almost 150 years of traveling, the two great documents had found, according to newspaper reports, a permanent home.

During the American Revolution, and after, the engrossed copy of the Declaration traveled frequently as the Continental and Confederation Congresses moved from city to city. By 1796 both the Declaration and the Constitution were in the custody of the secretary of state and traveled with the federal government from New York to Philadelphia to Washington. In 1814 they were moved to Leesburg, Virginia, when the British attacked Washington. The Constitution remained in the State Department after that, but the Declaration was exhibited in the Patent Office Building from 1841 to 1876, and at Independence Hall in Philadelphia during the Centennial celebration. It was returned to the old State-War-Navy Building in 1877, placed in a cabinet on the eastern side of the departmental library, and exhibited there until 1894, when the fading of the text required that it no longer be exhibited.

In 1920 Secretary of State Bainbridge Colby appointed a three-man committee to investigate and make recommendations for the permanent preservation and possible exhibit of the Declaration and the Constitution. The committee decided that under proper safeguards the two documents could be exhibited, and it also recommended that the papers of the Continental Congress, and the other historical archives and papers in the custody of the State Department, be transferred to the Library of Congress.

A year later, acting upon the recommendation of Secretary of State Charles Evans

Hughes, President Warren G. Harding issued an Executive Order transferring the Declaration and Constitution to the Library of Congress. The next day, September 30, 1921, Secretary Hughes notified Librarian Putnam of his readiness "to turn the documents over to you when you are ready to receive them." Putnam was ready. He went immediately to the State Department, signed a receipt for the Declaration and the Constitution, placed them on a pile of leather U.S. mail sacks and a cushion in a Model-T Ford truck, the library's mail wagon, returned with them to the Library of Congress, and placed them in the safe in his office. Then Putnam asked Congress for a special appropriation for a dignified exhibit so that visitors to Washington could view the documents in a "sort of shrine." Congress voted an appropriation of $12,000, approved on March 20, 1922, and the dedication ceremony was held on February 28, 1924.[2]

It was only a few years later that the movement for the establishment of a National Archives finally reached its culmination, largely through the efforts of J. Franklin Jameson, director of the Department of Historical Research of the Carnegie Institution, Washington, from 1905 to 1928, and afterwards the chief of the Manuscripts Division of the Library of Congress. In 1926 Congress made its first appropriation for a National Archives Building, and subsequently the Public Buildings Commission chose the site and selected John Russell Pope as architect. As plans developed, it was decided to have exhibition space to "furnish opportunity for large elements of plan and monumental interior treatment." The groundbreaking ceremony was September 9, 1931, and a few months later a planning memo described the Exhibition Hall as monumental in proportion in order to display "documents of particular public interest."[3] Then, on February 20, 1933, at the laying of the cornerstone, President Herbert Hoover dedicated the National Archives Building in the name of the people of the United States, and announced: "There will be aggregated here the most sacred documents of our history—the originals of the Declaration of Independence and of the Constitution of the United States." Later that year architect Pope selected Barry Faulkner to do the two mural paintings for the Exhibition Hall, and the subjects were to pertain to the Declaration of Independence and the Constitution.[4]

In October 1934 President Franklin D. Roosevelt selected the man who would be first archivist of the United States—Robert Digges Wimberly Connor of North Carolina. At his first meeting with Connor, the President said he thought that "valuable historic documents," such as the Declaration of Independence, the Constitution, treaties, and proclamations would be housed in the National Archives.[5]

The Library of Congress, however, objected. Just before Christmas in 1934, J. Franklin Jameson wrote to Connor, and asked him not to commit himself to the

[2] Ibid. Newspaper accounts of the various ceremonies provide much detailed information; the receipt is in Putnam to Hughes, September 30, 1921, Decimal File 811.412/94 and 94½, General Records of the Department of State, RG 59, National Archives.

[3] Planning Memorandums, July 18, 1930, and March 2, 1932. Records of the Advisory Committee on the National Archives Building, 1910–39, Records of the Public Buildings Service (GSA), RG 121, NA.

[4] "National Archives Building," General Correspondence, 1910–39, RG 121, NA; "National Archives Mural," Records of the Commission of Fine Arts, RG 66, NA.

[5] October 3, 1934, Connor Journal. During his tenure as archivist, Connor kept a journal in which he reported conversations with the President and other information about his activities that might not be recorded in correspondence or memorandums. After his death his widow gave the journal to Collas G. Harris, Connor's executive officer, and it was understood that it would be closed to research until all of the people mentioned in it were dead. Harris, who gave a copy of the journal to the Southern Historical Collection at the University of North Carolina and imposed a restriction on it until 1976, courteously allowed me to examine the original in February 1976.

transfer of the Declaration and the Constitution without consulting Herbert Putnam. Jameson argued that the documents were in the Library of Congress not merely by Executive Order, but also by the statutory authority of Congress. Besides, he continued, tourists, school children, and other visitors, a million people every year, viewed the documents at the library, and he contended that only a small percentage of that total would ever visit the interior of the National Archives Building to view them.

Jameson had been not only a leader in the movement to establish a National Archives, but had been most influential in making Connor the American Historical Association's nominee for archivist of the United States and in persuading Roosevelt to appoint him. Connor promised Jameson that he would not take the initiative in transferring the Declaration and the Constitution. He added, however, that the architect of the Archives Building had designed the Exhibition Hall for the two documents, and that design had confirmed in the public mind the assumption that they would be placed there. He said it would be an embarrassing situation if a congressman introduced a bill requiring the transfer, and if that happened he would consult with Putnam.[6]

An article in the Washington *Star* further flamed the controversy by asking whether the two documents would remain in the Library of Congress or be transferred to the National Archives when it opened in the fall of 1935. Connor declined comment, saying the question was "too ticklish," but he did give the reporter a copy of President Hoover's address at the cornerstone-laying ceremony. The article quoted Putnam as saying "President Hoover made a mistake" in that speech. Connor wrote to Putnam disclaiming responsibility for what reporters, with their "prolific imaginations," might write. Connor said his standard reply on the question was that the two documents were in the Library of Congress in accordance with an Executive Order and an Act of Congress, and he knew of no movement to have them transferred. Putnam thanked Connor for his letter and denied that he had commented on Hoover's address; but if he had, he would have said that Hoover did not know the facts. He enclosed a memorandum on "The Declaration of Independence and the Constitution: How these documents came to be in the possession of the Library of Congress," which concluded: "Such documents already here should remain where they will be most conveniently useful to the historian requiring them in connection with the surpassing material in our general collections which will never be duplicated in the archives.[7]"

From the beginning then, Connor had made a commitment to Jameson that he would not take the initiative in transferring the Declaration and Constitution, and Putnam had made it clear that he wanted to keep the documents. Connor had an ally, however, in President Roosevelt.

Two months later, Connor had lunch at the White House with Roosevelt. The

[6] Jameson to Connor, December 24, 1934; Connor to Jameson, December 26, 1934; "Declaration of Independence and Constitution: History and Custody," Box 4, Archives of the Library of Congress, Manuscript Division, Library of Congress.

Jameson's role in the selection of Connor is described in Donald R. McCoy, "The Crucial Choice: The Appointment of R. D. W. Connor As Archivist of the United States," *American Archivist* 37 (July 1974):399-413. Ironically, Connor had been a member of the committee that had recommended the transfer of the documents to the Library of Congress.

Adding to the irony, it was Jameson, the "acknowledged dean of American historians," who suggested the people to be included in Faulkner's murals and approved his sketches; Charles Moore to Louis Simon, October 7, 1935, "National Archives Mural," RG 66, NA.

[7] Connor to Putnam, June 15, 1935; Putnam to Connor, June 18, 1935; "History and Custody," LC.

President asked about the transfer of the Declaration and the Constitution from the Library of Congress to the National Archives. Connor explained how they got to the library, and about President Harding's Executive Order and the Act of Congress for the shrine to display them in the library; and he told the President that Putnam did not think they could be transferred without another Act of Congress. Roosevelt disagreed, and said the two documents belonged in the National Archives Building.[8] But nothing was done.

Connor was discreet in the first annual report of the archivist of the United States, published in 1936. He quoted John Russell Pope in describing the Exhibition Hall as "planned for the display of documents of particular public interest," and he quoted Barry Faulkner in describing the two great murals in the Exhibition Hall, "The Declaration of Independence" and "The Constitution." Connor added that he had no part in designing the building or planning the murals.[9]

On June 10, 1937, Connor again had lunch with President Roosevelt at the White House, and the President again said that the Declaration and Constitution belonged in the National Archives Building. Connor agreed, but said there would be "strenuous opposition" in Congress to the transfer. He explained that despite allegations in newspapers that the archivist of the United States and the librarian of Congress "were involved in a red-hot controversy," they had not spoken to each other about it and neither had given out any statement on the subject. Connor told the President that because of Putnam's long and distinguished service to the Library of Congress, it would be better to do nothing as long as he remained in office. Connor suggested that time, patience, and the logic of the matter would ultimately result in the transfer of the two documents.

Regarding Putnam's long tenure as librarian since 1899, Connor facetiously remarked that when a man has held public office as long as that he inevitably comes to feel a sort of proprietorship in it. Roosevelt laughed, and told the story of Thomas Tingey, a retired naval captain appointed the first superintendent of the Washington Navy Yard in 1800. Tingey designed, built, and developed the yard, and after the British burned it in 1815, he rebuilt it with his son as his assistant. Tingey came to look upon the navy yard as his personal property. When he died and his will was read it was found to contain a provision leaving the naval yard to his son. Roosevelt said he felt Connor was right about Putnam and the Declaration and Constitution. When the time came to act, he said, he would recommend their transfer to the Archives Building.[10]

On March 17, 1938, at congressional budget hearings for the Library of Congress, Putnam explained that the idea of transferring the Declaration and Constitution to the National Archives was only newspaper gossip, and that the original documents

were in the State Department, but by order of the President were transferred to the Library years ago, and Congress authorized a setting to be constructed for them as a permanent repository . . . . The setting is a very charming one, is known as a shrine, and is visited by thousands of people every year . . . . Now, what led to the gossip was that when they constructed the Archives Building, inside the main entrance on Constitution Avenue there is something that looks like a setting for documents, and on one side of it is a painting depicting the signing of the Declaration of Independence, and on the other side one called The Signing of the

[8] August 20, 1935, Connor Journal.

[9] National Archives, *First Annual Report of the Archivist of the United States* (Washington: Government Printing Office, 1936).

[10] June 10, 1937, Connor Journal.

Constitution; so that the public gets the idea that the originals of the documents are, or are to be, there. But nothing has been done about it.

Putnam added that only the "lobby" of the Archives Building was open to the public, who did not generally wander through the building.[11]

Connor was angry when he read that. He felt Putnam's statement was inadequate and lacked frankness:

> To describe to a Committee of Congress the so-called "shrine" at the library as "a very charming setting" and in the same breath to damn the Exhibition Hall at the Archives Building as "something that looks like a setting" certainly fails somewhat in adequacy.

Putnam's statement also left the mistaken impression that thousands of visitors could wander at will through the Library of Congress, while only a small number of the elect would ever see the documents if they were ever transferred to the Archives Building.[12]

On June 20, 1938, Roosevelt signed into law an Act creating the office of Librarian Emeritus of the Library of Congress, permitting Putnam to retire as of July 1. Connor, at his meeting with Roosevelt on July 4, reminded the President of his promise, that the Declaration and Constitution belonged in the Archives Building, but that nothing would be done as long as Putnam was the librarian of Congress. "Now," Connor said, "the time has come for you to get them for us."

Roosevelt replied jocularly, "Fine; I'll do it. I'll make the appointment of the new librarian conditional on his agreeing to their transfer."[13] On January 5, 1939, at another luncheon meeting, they discussed the transfer again. Roosevelt again said, "When I decide on a new librarian, I am going to discuss that matter with him; I think I can handle it without legislation."[14]

When Putnam finally retired on April 5, 1939, his fortieth anniversary as librarian, and President Roosevelt nominated poet Archibald MacLeish to replace him, newspaper comments about the controversy heated up again. An article in the Washington *Star* on July 7, 1939, asked "Will MacLeish Give 'Em Up?"

For Connor, the apparent answer to that question came on July 24, 1939, when he met with the President at Hyde Park for the ceremony transferring the deed to the land for the Roosevelt Library to the government. Roosevelt greeted Connor with a big "Hel-lo," and then, without further introduction or explanation, said "By the way, Archibald MacLeish's friends all call him Archie; so I told him yesterday that I ought to appoint him Archie-vist and make you Librarian." Connor replied that he didn't care what he was called, as long as he did not have to change jobs. As they drove off together in Roosevelt's car, the President got to the point, "MacLeish is a good fellow. You'll like him and find him a good man to work with. Yesterday out of a clear sky, he told me that he could see no good reason why the Declaration and the Constitution should be at the Library. He thinks they belong in the Archives."

Connor was so surprised the only thing he could think of to say was "I hope you told him that you agree with him." Roosevelt said he did, and added he had told him

[11] U.S. House of Representatives, Subcommittee on Appropriations, *Hearings on Legislative Establishment Appropriation Bill, 1939*, March 17, 1938 (75th Cong., 3rd sess.), 109.

[12] "The Declaration of Independence and the Constitution, 1934–39," Connor Journal.

[13] July 4, 1938, Connor Journal. On June 20, 1938, Roosevelt approved PL 686, 75th Congress, 3d session, enabling Putnam to retire as librarian emeritus; but it was not until March 27, 1939, that Putnam formally informed Roosevelt that he would like to retire on April 5, 1939. Roosevelt was unable to name a successor until June 6, 1939. Putnam to Roosevelt; Roosevelt to Putnam, March 28, 1939; Roosevelt Library. See also Dennis Thomison, "F.D.R., the ALA, and Mr. MacLeish: The Selection of the Librarian of Congress, 1939," *Library Quarterly* 42 (October 1972):390–98.

[14] January 5, 1939, Connor Journal.

he "didn't think that little medieval thing where they have those things in at the Library is a fit repository for them."[15]

MacLeish later explained why he did not think the Library of Congress was the right place for the engrossed copies of the Declaration of Independence and the Constitution. There was no good reason for them to be in the Manuscript Division, "one of the glories of this Republic," he wrote, because "they are not important as manuscripts, they are important as themselves. Not to use; to look at." They belonged in the National Archives.[16]

During his tenure as librarian, however, nothing more was done. World War II and other problems intervened. Connor resigned as archivist in 1941. Shortly after Pearl Harbor the documents were transferred to Fort Knox for safekeeping, and when they returned in 1944 MacLeish had been appointed assistant secretary of state.

During his tenure as librarian, however, nothing more was done. World War II and other problems intervened. Connor resigned as archivist in 1941. Shortly after Pearl Harbor the documents were transferred to Fort Knox for safekeeping, and when they returned in 1944 MacLeish had been appointed assistant secretary of state.

Solon J. Buck, who followed Connor as archivist of the United States from 1941 to 1948, had no intention of pressing for the transfer of the documents. He once told his successor, Wayne Grover, that they were in good hands at the Library of Congress, and "had been copiously cited in numerous scholarly works" as being there; all those citations would be obsolete in case of their transfer. Grover didn't know if Buck was serious, but he did not agree with him.[17]

After MacLeish's appointment as assistant secretary of state, Fred Shipman, in charge of the Roosevelt Library, reminded the President that he had once said that the Declaration and Constitution should be transferred to the National Archives; when he appointed a new librarian, he might want to advise him to do that.[18] Roosevelt's choice, Julian Boyd, editor of the *Jefferson Papers*, declined the position. Roosevelt died in April 1945, and in June President Truman selected Luther Evans, head of the Legislative Reference Service and chief assistant librarian under MacLeish, as librarian.

In December 1950, at the height of the Korean War, Evans considered sending the Declaration and Constitution to Fort Knox again, or to some distant city, for their greater safety and protection. He did not want to do so if it would add to a public feeling of panic or war hysteria, and he asked George M. Elsey of the White House staff to ascertain President Truman's opinion. Elsey talked to the President and later informed Truman that he had proposed that the library "send the Declaration and the Constitution on a lengthy tour of various state capitals, especially in the western states." This kind of a removal would not alarm the public, and it would also allow a large number of Americans to see the documents and draw inspiration from them during a period of national emergency. Nothing came of the plan, but Evans was obviously concerned about their safety in the library.[19]

[15] July 24, 1939, Connor Journal.

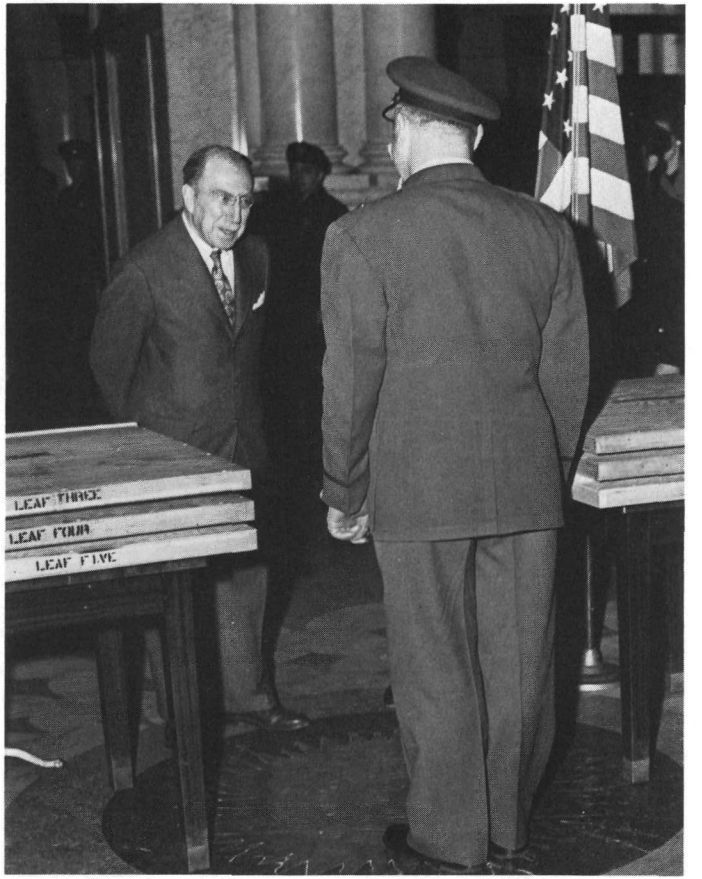
[16] MacLeish to the author, March 8, 1976.

[17] Buck to Connor, February 6, 1945; Grover memo, July 23, 1952; Case File 052-114, Records of the National Archives and Records Service, RG 64, NA.

[18] Shipman to Roosevelt, January 12, 1945, PSF file, Library of Congress Folder 2-45, Franklin D. Roosevelt Library.

[19] Elsey to Truman, January 12, 1951, Papers of George Elsey, Harry S. Truman Library.


*The Declaration of Independence and the Constitution on display in the Library of Congress, shortly bfore their removal to the National Archives. (All photographs are from Record Group 64, Records of the National Archives and Record Service, in the National Archives.)*




*At the Library of Congress, Senator Theodore F. Green, chairman of the Joint Committee on the Library, delivers the documents and charge to Brigadier General Stoyte O. Ross, for safe delivery to the National Archives.*

In September 1951 a ceremony at the Library of Congress, attended by President Truman and other dignitaries, celebrated the permanent encasement of the Declaration of Independence and Constitution in helium-filled cases. It was all too much for Wayne Grover, who had been appointed archivist of the United States in 1948. He felt it was impossible to "go on indefinitely with ceremonies which gave the impression that the documents would remain everlastingly in the Library of Congress." Since as early as 1935 he had believed that no member of the National Archives staff could possibly imagine that the documents did not belong in the National Archives Building. Grover believed it was really a question of timing—if the timing and circumstances were right the Library of Congress would readily agree to the transfer.[20]

Luther Evans made the first move. After the ceremony he escorted President Truman to his car, and as he returned to his office he passed Grover on the stairs. Evans stopped and said, "Wayne, the next ceremony for these documents will be when they're transferred to the National Archives!"[21]

That was all the opening Grover needed. The next day he invited Evans to lunch. He also asked Thad Page, the chief archivist of his Legislative and Fiscal Records Branch, to gather some background information on the legal status of the documents, their transfer to the Library of Congress in 1922, and their possible future transfer to the National Archives.

Page submitted two lengthy memorandums. The first concluded that the Declaration of Independence and Constitution were indeed "federal records" under the statutory definition of that term. The second memo contended that the two documents had been transferred by the State Department to the Library of Congress under a general provision of the statutes, and that they could be subsequently transferred to the National Archives under the general provisions of the Federal Records Act of 1950. No specific legislation was needed. Page argued that the old contention of the Library of Congress, that the documents could not be transferred because a law specifically provided funds for their preservation by the Library of Congress, was spurious. An 1810 law providing money for the State Department to build fireproof rooms to preserve the records of the Continental and Confederation Congresses did not prevent the later transfer of those records, including the Declaration, to the Library of Congress.[22]

Grover also asked Arthur E. Kimberley, the chief chemist in his Preservation Services Branch, to compare the safety of the documents in the exhibit at the Library of Congress with their possible exhibit at the National Archives. In his memo Kimberley noted that at the library the documents were next to a second-story exterior wall of an old masonry building; there was little protection against fire or bombing. In addition, there was no close temperature control in the library, and as the temperature rose and fell the parchments continually expanded and contracted. Kimberley felt that the movement against the glass cover "cannot fail to cause damage with the passage of time." He thought it impractical to spend a very large sum of money to remodel the library, especially since the Exhibition Hall at the Archives Building had been specifically designed to safeguard and exhibit the documents. There would be no abnormal temperature variations in the Archives Building. Kimberley

[20] Grover memo, August 29, 1952, Case File 052-114, NA. Robert H. Bahmer to the author, April 28, 1976.

[21] Luther Evans,telephone conversation with author, December 20, 1971.

[22] Page to Grover, September 27, 1951, Case File 052-114, NA.

also suggested sealing the documents in steel frames which could be lowered into steel envelopes at night or in a sudden emergency.[23]

Grover was ready to have lunch with Evans. Evans recalls that they sat at a table for two by the fireplace in the Cosmos Club. Grover asked if Evans was familiar with the Federal Records Act. Evans said he was and that he knew he could not, according to that act, justify keeping the Declaration and Constitution by saying they were needed for current business at the library. Their only business was to be on exhibit, and Evans admitted that the National Archives had better exhibition facilities and better protection for the documents. Grover said that it was obvious that, sooner or later, the documents would have to be transferred, that Evans was "a generous soul heading a great institution," and he could certainly spare the two documents. The only alternative to transferring the documents, Grover said, was for the library to take over the Barry Faulkner murals also. Evans agreed to the transfer, but he was worried about the *modus operandi*. Evans felt it was important to consult with the President and congressional leaders, and he also wanted to rely heavily on his legal obligation to transfer federal records to the National Archives.[24]

On January 24, 1952, Grover wrote a three-page letter to Evans, addressed to his home instead of his office, setting forth in some detail his reasons for the transfer. Although it would be possible, Grover said, to issue a regulation under the Federal Records Act of 1950 requiring the transfer to the National Archives of all federal government records dated before 1800, he preferred to follow the usual procedure of accepting records offered for transfer. Grover then turned to the question of whether the 1923 law providing for "a safe, permanent repository" in the Library of Congress for the documents would legally prevent Evans from transferring the documents. It did not, Grover said, because the Federal Records Act was paramount to and took precedence over the 1923 Act. He agreed with Evans, however, "that it would be highly desirable to clear the matter formally with the President of the United States, the President of the Senate, the Speaker of the House, as well as the Joint Committee on the Library." He also suggested discussing such a clearance informally with David Lloyd at the White House; Leslie Biffle, the secretary of the Senate; and Ralph Roberts, the clerk of the House.

Then Grover summarized again his reasons for suggesting the transfer. In case of war, even atomic war, the two documents would be safer in the National Archives; its Exhibition Hall was specially designed, at great cost, to safeguard and exhibit the documents; and the two documents, even sealed in helium, would be better-preserved in the air-conditioned National Archives. Grover concluded that the National Archives of the United States would never be complete without the two documents, that the Library of Congress was a great institution and could afford to be generous. In the end, like his predecessors, he said he would not make an issue of it and would leave it to Evans's good judgment.[25]

Evans drafted a reply to Grover's letter saying that he had consulted a few of his principal colleagues and they agreed that they would "warmly support what you have proposed," but he emphasized gaining the approval of the President and the Joint Committee on the Library.[26]

[23] Kimberley to Grover, October 26, 1951, ibid.

[24] Evans interview, December 20, 1971; Grover memo, August 29, 1952, Case File 052-114, NA.

[25] Grover to Evans, January 24, 1952, Case File 052-114, NA.

[26] Draft, Evans to Grover, no date, "Declaration of Independence and Constitution: Enshrining Ceremony, Dec. 15, 1952," Box 5, Archives of the Library of Congress, Manuscript Division, LC. This draft was not finished; apparently Evans decided to reply orally.

Meanwhile, Grover decided to gather more evidence about the safety provided by the National Archives Building in case of an atomic attack. On February 4 he met with Elmer E. Kirkpatrick of the Protective Construction Branch, Office of the Chief of Engineers, Department of the Army. Grover explained that during World War II architects and engineers from the Public Buildings Service rated the National Archives Building as the safest in the Washington area. Kirkpatrick said it was still the safest building, and except for a "very near miss or an explosion at ground zero," it would survive even an atomic attack in fairly good shape. He added, however, that "a near miss from a super duper" would probably be equal to an explosion at ground zero of a Hiroshima-type atomic bomb. Even in that case, Kirkpatrick said, the roof might collapse, and cause successive floor failures; but the "materials of great historic importance" would not be damaged even if they had to be dug out of the debris.[27]

Grover also contacted David Lloyd at the White House, gave him a copy of his letter of January 24 to Evans, and asked him to keep it confidential. Lloyd wrote a memo to President Truman on February 12, explaining that the archivist of the United States and the librarian of Congress agreed that the Declaration of Independence and the Constitution should be moved from the library to the archives. He added that the librarian did not anticipate congressional opposition to the transfer but felt it would be better to have the President or a member of his staff discuss the matter with the leadership and the Joint Committee on the Library. Although the librarian did not want to take the initiative himself, he would be willing to consult and advise the leaders to urge the transfer after the White House first raised the question.[28] A few days later, Lloyd wrote another memo to President Truman suggesting he tell congressional leaders that

> it is his opinion that the Declaration of Independence and the Constitution should now be moved from their place in the Library of Congress to the shrine constructed for them in the National Archives Building. The documents would be much safer in the latter building in the event of an enemy attack or other disaster, than they are in their present position. They would be equally accessible to the public.[29]

There is no record of what Truman actually told the congressional leaders, but there was no objection. On March 4 David Lloyd met with Luther Evans, Wayne Grover, and Senator Green who said he too favored the idea of the transfer. The next day Grover wrote to Senator Green, summarized their discussion and the arguments for the transfer, and promised to send him, through Evans, the opinion of his general counsel regarding the legality of the transfer. Evans would add the opinion of his counsel, but Grover said he saw no legal obstacle to the transfer. In his reply on March 5, Senator Green said it would be necessary to have his committee act on the matter and he hoped to have a meeting soon to take the necessary action.[30]

Evans then asked the law librarian of the Library of Congress, Lawrence Keitt, who acted as counsel for the library, for a formal opinion on the legality of the proposed transfer. Keitt's opinion, however, concluded that the two documents could not be transferred under the authority of the Federal Records Acts, and that new legislation would be required for the transfer. Keitt argued that the Declaration and

[27] Memo, "The National Archives Building Vs. An Atomic Attack," by Collas G. Harris, February 12, 1952, Case File 052-114, NA.

[28] Lloyd to Truman, February 12, 1952, Files of David D. Lloyd, Papers of Harry S. Truman, Harry S. Truman Library.

[29] Lloyd to Truman, February 23, 1952, ibid.

[30] Grover to Green, March 5, 1952; Green to Grover, March 7, 1952; Case File 052-114, NA.

*At 11:35 A.M. on December 11, 1952, the Declaration of Independence and the Constitution, escorted by armed guards and transported in a Marine Corps armored personnel carrier, arrive at the National Archives. Leading the procession is Brigadier General Ross.*

*Archivist of the United States Wayne Grover (left) and Librarian of Congress Luther Evans (right) pull the curtains to open the display at the National Archives on December 15, 1952. Among others viewing the ceremony are President Truman, facing the documents in the lower left, and Chief Justice Fred M. Vinson with Senator Green, standing on the right.*

Constitution were records of Congress and therefore not covered by the Federal Records Act. Although the Archivist had authority under the law to accept their transfer, the library had no authority to transfer them without the direction of Congress in the form of a joint resolution of both House and Senate. Realizing, perhaps, that his memorandum would not be favorably received, Keitt concluded that he knew there was no controversy between the library and the archives about the transfer, that they were "engaged in a mutual and harmonious effort to discover ways and means by which the transfer may be effectuated pursuant to law," and that his investigation was not "made in any spirit of bureaucratic contention or rivalry." He suggested submitting the question to the Joint Committee on the Library, and let that body decide what steps were necessary for the transfer.[31]

Evans was dismayed. He wrote a note to his assistant, Verner Clapp: "Quite confusing. What do you think we should do with this?" Clapp, who agreed that a new Act of Congress was necessary, suggested giving Keitt's opinion to Grover's lawyers for a counter-opinion, and that the library furnish Senator Green with summaries of both opinions and copies of them. On April 21 Clapp discussed the matter with Robert Bahmer, the assistant archivist, and it was agreed that the National Archives would "start from scratch" and give Evans a "closely reasoned memo" making these points: (1) the two documents were not, in 1952, records of Congress, and the exception in the Federal Records Act for records of Congress did not apply; (2) The Federal Records Act definitely washed out the 1922 Act appropriating money for a shrine in the Library; and (3) The National Archives could issue regulations compelling the transfer, and that the only way Evans could refuse the request would be to state that the two documents were needed for the current business of the library. Evans would not so state.[32]

The final missive in the National Archives attack was a four-page letter from Grover to Evans dated April 28, 1952. The first part of Grover's letter argued that the records of the Continental Congress and the Constitutional Convention had never been in the custody of the Congress established in 1789, that they were federal records and thus subject to the Federal Records Act. Next, Grover quoted extensively from a legal opinion which argued that the Federal Records Act was "paramount to and takes precedence over" the 1922 Act appropriating money. The opinion also contended that the archivist could issue a regulation which would certify the special cases in the Exhibition Hall of the National Archives Building as the only qualified repository for the Declaration of Independence and the Constitution. Grover added he did not, "at present," contemplate issuing such a regulation. Arrangements for the transfer of records to the National Archives had always been a cooperative effort, and he knew that he and Evans agreed that it was time "to provide for the proper and adequate preservation of these basic historical records in the archives of the United States."[33]

The stage was set. Evans sent a letter to Senator Green listing the items he wanted to present to the committee at its meeting on April 30. Item (2) was *"Transfer of certain documents to the National Archives,"* and attached was Grover's letter of April 28 to Evans, and a second letter dated April 29 from Evans to Senator Green. Evans wrote that the Declaration of Independence and the Constitution could be better

[31] Keitt to Evans, April 14, 1952, "Enshrining Ceremony," LC.

[32] Evans to Clapp, April 17, 1952; Clapp to Evans, April 18, 1952; Evans to Frederick H. Wagman, April 21, 1952; memo, April 21, 1952; ibid.

[33] Grover to Evans, April 28, 1952, Case File 052-114, NA.

preserved in the National Archives, they were not needed at the Library of Congress, and they should be transferred. If the committee agreed, he would transfer them.[34]

The Joint Committee on the Library met on Wednesday, April 30, 1952. There is no formal record of what happened at that meeting, except that the committee directed the librarian of Congress to transfer the Declaration of Independence and the Constitution to the National Archives. Evans went to the meeting alone because he knew that some of his colleagues at the library were still hostile to the idea of the transfer. When one Senator moved a resolution to transfer the documents, Evans requested it be amended to make it stronger; he wanted the committee to instruct or order him to make the transfer. Some members regretted the inconvenience for the tourists on Capitol Hill, but after some discussion and explanations from Evans, the decision was unanimous.[35] The committee reported in a brief note in the *Congressional Record* on May 1 that it took eight actions at its meeting, and item (5) simply "ordered the transfer of the Declaration of Independence and the Constitution to the National Archives."

The *Information Bulletin* of the Library of Congress for May 5, 1952, reported that the transfer was required according to "the routine application of the statutes concerning the records of the U.S. Government and of its predecessors." Although it was "an emotional wrench" to lose the principal documents of American liberty, it was required by logic and law. The actual offer of transfer was a formal letter from Evans to Grover on May 7, and Grover replied on May 16. Evans said "an historical necessity has now been satisfied," and he felt "more at peace than before," and Grover thanked Evans "for a bit of administrative statesmanship we in the National Archives will not forget."[36]

Few people at the Library of Congress, however, were as happy about the transfer as Evans.[37] David Mearns, the chief of the Manuscript Division, was especially bitter, and later refused to attend the enshrining ceremony. When Evans asked Mearns to write two or three pages about the transfer for his annual report, Mearns wrote almost seven pages, a moving essay he called "Forever is Twenty-eight Years." He told of the visits to the Library of Congress by "chancellors and ministers and Heads of State" to view the documents. "The green-gloved hand of Her Majesty of England had rested on them," and also "the Cardinal's finger which would one day wear Peter's Ring." And others had seen them, millions of children, "whose eyes have drawn from them the meaning of their land," and the exiles "to whom they have imparted strength and for whom they have revived resolution."

Mearns concluded that "procrustean logic and the inexorable requirement of the law" had resulted in the decision to transfer them from the Library of Congress: "The retired but retained records of the Government must be entrusted to the National Archives. Retired! Retained! They will never retire. They must always be retained. But they will be removed." The documents, he felt, would survive their

[34] LC records do not include a copy of the second letter from Evans to Green on April 29; see "Material presented by the Librarian to the Joint Committee members at the meeting held April 30, 1952," Joint Committee on the Library, 82nd Congress, Records of Joint Committees of Congress, RG 128, NA.

[35] Evans interview, December 20, 1971; Bahmer to the author, April 28, 1976; Grover memo, August 29, 1952, Case File 052-114, NA.

[36] Evans to Grover, May 7, 1952; Grover to Evans, May 15, 1952; Case File 052-114, NA.

[37] "Library Sad at Losing Prized Documents," Washington *Post*, December 12, 1952. Rep. John Rankin introduced a joint resolution on June 23, 1952, "to provide for the continued custody and preservation in the Library of Congress of the original manuscripts of the Declaration of Independence and the Constitution of the United States." It was referred to the Committee on House Administration, but no other action was taken.

new asylum. He thanked the National Archives for waiting almost twenty years, because "to have been host—even to have been host by sufferance—to these imperishable records has been to enjoy a transient prestige which the Library is unlikely ever to enjoy again."[38]

Mearns, of course, was wrong about the status and prestige of the Library of Congress, and Evans rewrote that last paragraph before using it in his annual report. The Library of Congress and the National Archives are both great institutions today, and the men who headed them in 1952 were also great men. Like most great men they both had a sense of humor, exhibited in some poetry and letters of a more personal nature they exchanged in that summer of 1952. Evans drafted a limerick:

There once was an agency rich
Whose head had a terrible itch
To take all records over.
His name it was Grover,
A two-fisted son-of-a-bitch.

In similar humor, Grover responded:

I have read your effusions;
I bleed with remorse
No further contusions
Will come from this source.

But to label us "rich"
Is outright deception.
Better limit the pitch
To unimmaculate conception.[39]

In his personal letter to Grover, Evans wrote:

I don't know what history will say about our friendly collusion. But I can tell you that I feel darned broadminded and just a wee bit righteous, something like a fellow who gave up his gal to an ugly clumsy younger brother who wasn't very good at finding gals of his own.

Grover replied that Evans was right to feel righteous, and he concluded that history would say good things about Evans. As for himself, Grover said he didn't mind being an "ugly clumsy little brother," and he added:

Jefferson wanted on his tombstone that he wrote the Declaration. I want on mine that I saw it safely enshrined in the Archives of the United States. If you'll be satisfied with a footnote on a tombstone, I will certainly see to it that the source is property cited.[40]

The footnote to Evans may not be on Grover's tombstone, but it seems appropriate in this Bicentennial year to write that footnote finally, the full story of the transfer.

[38] Box 100, David Mearns Papers, Manuscript Division, LC.Library of Congress, *Annual Report of the Library of Congress* (Washington: United States Government Printing Office, 1952), pp. xiii–xv.
[39] Grover to the Library of Congress, May 29, 1952, "Enshrining Ceremony," LC.
[40] Evans to Grover, May 5, 1952; Grover to Evans, May 15, 1952; ibid.