A Becoming Regard to Posterity

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WITH MY EYES STILL DAZZLED by the fireworks of our Bicentennial Fourth, my spirits lifted by the beauty and majesty of the tall ships, my mind reassured by the spontaneity, enthusiasm, and renewed sense of optimism of the celebrations all over the country, and my patriotism rekindled, I would like to reflect this evening—in a rather personal way—on the American experiment. I especially want to recall that formative period, from Revolution to Constitution, to review the record of it, and to pay tribute to its curators and to the scholar-editors who are dedicating their lives to giving the world complete documentation of it. I want also to touch on recent influences on the records of our country and to contemplate briefly the future.

I

In this Bicentennial year of our Declaration of Independence as a nation, it seems passing strange to our generation that two glittering stars in the galaxy of those who lighted the way to and through the American Revolution should have entertained doubts about how that epoch was being treated by historians. Yet John Adams and Thomas Jefferson were deeply concerned about it then, and for the future.

In an exchange of correspondence in 1815 between the former antagonists, long since reconciled, Jefferson replied to Adams:

> On the subject of the history of the American Revolution, you ask who shall write it? Who can write it? And who will ever be able to write it? Nobody; except merely its external facts; all its councils, designs, and discussions having been conducted by Congress with closed doors, and with no members, as far as I know, having even made notes of them. These, which are the life and soul of history, must forever be unknown."[1]

Passing strange indeed were these words coming from Jefferson. He made notes, for example, on the debates in the Continental Congress about independence.[2] Later he sent Madison a copy of them, including a copy of the Declaration showing the changes made.[3] Madison commented on their value because of their "perfect authenticity" and "the certainty that this is the first disclosure to the world of those Debates; and from the probability or rather certainty that a like knowledge of them is not to be expected from any other source."[4]

It was Madison's belief that "It has been the misfortune of history, that a personal knowledge and an impartial judgment of things rarely meet in the historian. The

This article is the presidential address delivered on September 29, 1976, in Washington, D.C., in the Presidential Ballroom of the Statler Hilton Hotel, to the Society of American Archivists at their thirty-ninth annual meeting.

[1] Jefferson to Adams, Monticello, Aug. 10(-11), 1815. Lester J. Cappon, ed., *The Adams-Jefferson Letters* (1959), vol. 2, p. 452.

[2] Julian P. Boyd, *The Papers of Thomas Jefferson*, vol. 1, pp. 309-27. For TJ's "Notes of Proceedings in the Continental Congress" (June 7-Aug. 1, 1776) and editorial notes see pp. 327-39 and p. 433.

[3] Jefferson to Madison, Monticello, June 1, 1783. Ibid., vol. 6, p. 273. See also *The Papers of James Madison*, vol. 7, pp. 104 and 5 n.

[4] Madison's "Preface or prospectus for the Memoir," Aug. (?), 1826, Madison Papers in LC, vol. 76, March 3-December 1826.

best history of our Country therefore must be the fruit of contributions bequeathed by contemporary actors & witnesses, to successors who will make an unbiased use of them."[5]

And Madison certainly did his part. His "Notes of Debates on the Constitution" give us an unparalleled inside view we otherwise would not have had. The Constitutional Convention, like the Continental Congress and the Congress of the Confederation, was closed to the public. Jefferson referred to this as "tying up the tongues" of the members.[6] Philosophically, I agree, but in this case it seems to me that it freed them to settle their sharp differences in privacy, presenting to the new nation the reassurance of unity, and to bring forth a Constitution, an achievement characterized by Madison as nothing short of a miracle.

To Daniel J. Boorstin, "No fact about the United States is more astonishing than that a nation which has grown so spectacularly, which has transformed daily life so dramatically—the food people eat, the buildings that shelter them, the clothing they wear—still continues to govern itself by a system devised two centuries ago."[7]

II

It is our good fortune that many of the Founding Fathers—Adams, Franklin, Hamilton, Jay, Jefferson, Laurens, Madison, and Washington, for example—subjected themselves, willingly or unwillingly, to epistolary tyranny. Nor did they deal only with "external facts." In their correspondence, in debate, in published letters and pamphlets, they carried on what has often been termed the most informed, extensive, and elevated discussion ever held on the nature of free institutions. On that discussion our Republic was founded.

To understand and to appreciate those foundations we and our posterity need the full record. The First Continental Congress, meeting in Philadelphia, gave almost its first thought to its records. On Monday, September 5, 1774, says the official Journal of Congress:

> The Congress proceeded to the choice of a President, when the Hon. Peyton Randolph was unanimously elected.
>
> Mr. Charles Thomson was unanimously chosen Secretary.[8]

When Congress reassembled in May 1775 he was again chosen secretary and for nearly fifteen years, as delegates came and delegates went, Charles Thomson, the "perpetual secretary" remained, "minuting the birth-records of a nation."[9]

As I have worked with Revolutionary documents, I have come to think of "the perpetual secretary" as that ubiquitous fellow at the bottom of the last page: "Attested Chas. Thomson." But we owe him a great debt. Ubiquitous he may have been. Dedicated he surely was. Most of the Journals of Congress are in his handwriting. He also preserved the other records of Congress—motions, committee

[5] Madison to Edward Everett, March 19, 1823. *The Writings of James Madison,* ed. Gaillard Hunt (1910), vol. 9, p. 128.

[6] Jefferson to Adams, Paris, Aug. 30, 1787. Cappon, *The Adams-Jefferson Letters,* vol. 1, p. 196.

[7] Daniel J. Boorstin, Foreword, p. 7, to exhibit catalog, *We the People* (Washington: Smithsonian Institution Press, 1975).

[8] *Journals of the Continental Congress* (Washington: Library of Congress, 1904), vol. 1, p. 14.

[9] "Charles Thomson" (Nov. 29, 1729–Aug. 16, 1824), by Edmund C. Burnett, *DAB* (1936 ed.), vol. 18, p. 481.

reports, and odds and ends, which have been called "the small bones of history."[10]

Thomson was, in effect, the first Archivist of the United States. He took his duties seriously, having, at times, even a proprietary interest in the records. He and the hot-tempered, sharp-tongued Henry Laurens almost came to blows in 1779 when Laurens was president of the Congress. Laurens claimed that Thomson refused to send him copies of some requested resolution, refused to rewrite in a legible hand the commission of John Adams to the Court of Versailles, and refused to give him two copies of the Journal for South Carolina. Quite a scene took place. Laurens was "provoked" to say that Thomson was "a most impudent fellow" and that he "had a good mind to kick him" (no doubt in a strategic part of his anatomy), while Thomson "doubled his fist and said You dare not." Then decorum set in. "I recollected the time and place," Laurens said, "and let him pass on." Charges and counter-charges were nevertheless lodged.[11] But, observed Laurens's biographer, D. D. Wallace, "The whole affair died in committee, as was . . . very proper."[12]

The Journals and Papers of the Continental Congress remained in Thomson's hands until he was chosen to notify Washington of his election to the Presidency. "On July 23, 1789, he transmitted to the President his resignation of the office of Secretary of the Continental Congress and of the custodianship of its records."[13]

But even in the midst of the Revolution—after the British occupation of Philadelphia, the headlong flight of the Congress to Lancaster and then to York, and the barest survival of the Army at Valley Forge—at least one man had faith in the future of the country as a nation. In a letter of July 11, 1778, addressed to President of the Congress Henry Laurens, Ebenezer Hazard wrote:

> Viewing Congress as the Friends of Science, as well as the Guardians of our Liberties, I flatter myself there can be no Impropriety in solliciting their Patronage and Assistance for a Collection of American State Papers, which, from its evident Utility I am confident they will deem not unworthy of either.
>
> The Design of it is to furnish Materials for a good History of the United States, which may now be very well done; for so rapid has been our political Progress that we can easily recur to the first Step taken upon the Continent, and clearly point out our different Advances from Persecution to comparative Liberty, and from thence to independent Empire. In this Particular we have the Advantage of every Nation upon Earth, and Gratitude to Heaven and to our virtuous Fathers, Justice to ourselves, and a becoming Regard to Posterity strongly urge us to an Improvement of it, before Time and Accident deprive us of the Means.[14]

The Board of Treasury, the committee to which the letter was referred, judged Mr. Hazard's undertaking "laudable," recommended that assistance and access to public records be given him, and that he be advanced $1,000 for expenses.[15]

[10] Theodore F. Dwight, Chief of the Bureau of Rolls and Library, Department of State, to the Hon. Mellen Chamberlain, Dec. 23, 1884. Quoted in Lewis R. Harley, *The Life of Charles Thomson* (1900), p. 92.

[11] HL to Committee of Congress, Sept. 1, 1779. Laurens Papers, No. 22, South Carolina Historical Society. Charles Thomson To Committee of Congress, Sept. 6, 1779. Charles Thomson Manuscripts, Historical Society of Pennsylvania.

[12] D. D. Wallace, *The Life of Henry Laurens* (1915), p. 317.

[13] "Charles Thomson," *DAB*, vol. 18, p. 482. The records of the Continental Congress resided in the Department of State and then in the Library of Congress. Finally, in 1952, they were transferred, with other general records of the United States government, to the National Archives and Records Service. There, as a Bicentennial project, a combined index to the *Journals*, which LC had printed between 1904 and 1937, has been published, and a computer-assisted index to the other records of the Continental Congress—some 160,000 pages of them—is nearing completion.

[14] Peter Force Papers, Series 9, Box 25, Library of Congress.

[15] *Journals of Congress*, July 20, 1778, vol. 11, pp. 705–6.

The enterprise was long, and, perhaps, even hazardous. It was February 24, 1791, before a broadside was issued in Philadelphia. Entitled "Proposals for Printing by Subscription, a Collection of State Papers, intended as Materials for an History of the United States of America," it mentioned the official endorsement of Congress and quoted a letter of February 18, 1791, to Hazard from Thomas Jefferson, then secretary of state, a letter familiar to many of us.

> I return you the two volumes of records, with thanks for the opportunity of looking into them. They are curious monuments of the infancy of our country. I learn with great satisfaction that you are about committing to the press the valuable historical and state papers you have been so long collecting. Time and accident are committing daily havoc on the originals deposited in our public offices. The late war has done the work of centuries in this business. The lost cannot be recovered; but let us save what remains: not by vaults and locks which fence them from the public eye and use, in consigning them to the waste of time, but by such a multiplication of copies, as shall place them beyond the reach of accident. This being the tendency of your undertaking be assured there is no one who wishes it a more complete success than Sir
>
> Your most obedient & most
> humble servt.,
> Th: Jefferson[16]

As Julian P. Boyd points out, Jefferson had previously encouraged Hazard. "It is therefore understandable that his testimonial in support of Hazard's undertaking, written in the knowledge that it would be published, should have emphasized the importance to the public of collecting, preserving, and publishing historical documents. As he so often did," Boyd observes, "Jefferson caused what in other hands might have been a routine acknowledgment to assume timeless verity because of its assertion of fundamental truths."[17]

Other well-known projects followed Hazard's and received government support. Peter Force's *American Archives* was an ambitious documentary history of the Revolution, but only nine volumes, covering 1774–76, were published during 1837–53. The *American State Papers,* published from 1832–61 in thirty-eight volumes, covered a later period, 1789–1832. The Civil War resulted in the publication of voluminous documentation of both sides. And a number of other multivolume editions were produced by the government. To mention only one, close to home, the *Journals* of the Continental Congress were published by the Library of Congress between 1904 and 1937 in thirty-four volumes. But they contained only the bare bones of official actions, for, it must be remembered, this was a body in rebellion and its actions were treasonable. Counter-proposals, debates—all were omitted from the Journals, despite objections, especially from members whose views did not prevail.[18]

There were also many nineteenth and early twentieth-century editions of the "works" of the Founding Fathers. Some were pietistic. They were often incomplete, mutilated, or even rewritten to suit the editors. Furthermore, only documents written by the patriots were included. (Jefferson thought of those letters as forming "the genuine journal of a man's life."[19] In one sense they do. But Washington's biographer, Douglas Southall Freeman, observed that "nearly as much of a man's

[16] *TJ Papers,* vol. 19, p. 287.
[17] Ibid., p. xxxvi.
[18] JA quoted in Harley, *The Life of Charles Thomson,* pp. 94–95.
[19] TJ to Robert Walsh, 5 April 1823, Jefferson Papers, LC.

life is set down in letters addressed to him as in those written by him.")[20] These editions had so many other faults as to mislead the scholar. Some, of course, still serve a limited purpose—if we know their limitations.

III

When I was a young graduate student, which seems a century ago, historical documentary editing was not flourishing. In fact, such editors were held in low repute. It was then said, condescendingly, that those who could write history, did; those who could not, edited documents.

It was exactly mid-twentieth-century before the impetus came that has led to what, in my opinion, is the most significant development of the century in American historiography—the renaissance of documentary historical publication, with new, high standards of scholarly excellence. Julian Parks Boyd, editor of *The Papers of Thomas Jefferson,* established the model, led the way. President Harry S. Truman made it a national imperative.

We all know, and some of us were there that May 17 in 1950 when, on the stage of the Coolidge Auditorium of the Library of Congress, the President accepted with praise the first volume of the Jefferson *Papers.* He called upon the National Historical Publications Commission, which existed largely on paper, to plan and promote, in cooperation with others, a national program for the publication of papers of other American leaders.

Harry Truman loved American history with the passion of an informed amateur and with a deep feeling for his country's institutions, but this directive was not his spontaneous suggestion. The night before the presentation ceremony, the President asked one of his young aides, one who was responsible for many of those famous whistle-stop speeches, to draft some appropriate remarks. George Elsey, now president of the American Red Cross, was inspired to suggest breathing life into the commission. When he took his draft to the President the next morning, Charlie Ross, press secretary, was there and approved. The President made a few editorial changes, and the party was off for the festivities at the library. There was not even time to inform the Archivist of the United States, the late Wayne C. Grover, of what was coming. Wayne, of course, was delighted and immediately did everything he could to push the program.[21]

It is history now that the directive was effective. The NHPC was given a full-time executive director and a small but dedicated staff. Historians and others all over the country were consulted about both persons *and* subjects to which the commission should give attention. A preliminary report was issued in 1951. A fuller report was published in 1954. It proposed the publication of the papers not only of those now sometimes derisively referred to as "great white men," but it also listed women, Blacks, and several persons with what would now be termed "ethnic" backgrounds.[22] It further called attention to the need to deal with such important periods as the ratification of the Constitution and the first Ten Amendments, and with the First Federal Congress, two projects, in excellent hands, that are now well advanced. And the *Report* stressed the importance of documentary publication on subjects

[20] *George Washington: A Biography* (1948), vol. 1, p. xiii.

[21] As told to the author by George Elsey, who has also described the circumstances for the recorded history program of the HST Library.

[22] 361 persons were listed, 112 for priority attention. The preliminary nature of the list was stressed, p. 15. NHPC *Report,* 1954.

that have had great force in American life—public land and land policy, railroads and other transportation, immigration, public health, science, etc., etc.[23]

Today it is seldom recalled that the NHPC had no money for grants until 1964. The operative words had to be "promote" and "cooperate." The chief interest among the hundreds consulted by the commission was in papers of leaders of the formative period of our history. Those willing and able to undertake large-scale projects, those hero-editors and their backers—their universities, university presses, the foundations, and private enterprise—were chiefly concerned with the Founding Fathers. This is scarcely surprising. As President John F. Kennedy said, in this very room, at the luncheon marking the publication of the first four volumes of *The Adams Papers*—those great family archives, edited with so much imagination, historical insight, and literary talent by Lyman H. Butterfield and his associates:

> All of us as Americans are constantly bemused and astounded by this extraordinary golden age in our history which produced so many men of exceptional talent. I have not heard, nor I suppose is there a rational explanation for the fact that this small country, possessed of a very limited population, living under harsh circumstances, produced so many, many, many brilliant and extraordinary figures who set the tone for our national life and who really represent the most extraordinary outpouring of human ability devoted to government . . . since the days of Greece.[24]

The "Big Five"—Adams, Franklin, Jefferson, Hamilton, and Madison—have by no means commanded the commission's entire attention. Its program has been broadened, especially since it has had modest sums for grants. More early patriots have been added. I do not feel the need to be an apologist for this emphasis. We owe this and future generations complete scholarly editions of the papers of our philosopher-statesmen that will not have to be redone every few decades.

Nor do I understand those who insist glibly that "microfilm will do." Yes, it will, for some things: for preservation, for a well-arranged small body of materials, for the simple copying of a part of a larger collection for exchange for its counterpart, for a combination letterpress and microfilm edition with the less important materials being microfilmed. But, for a microfilm to be really useful, materials must be carefully arranged before filming, they must be targeted, descriptive notes must be inserted, and there should be a guide or index. For an extensive collection, this takes almost as much time and money as editing for publication; and I have yet to hear of anyone who prefers a reel to a volume.

"But why do we have to wait for years for the published volumes?" is another complaint voiced. The personal archives of an important figure are seldom concentrated in one place, or two, or even three places. They are usually scattered throughout this country and abroad in the hands of descendants of the writer or of the recipient, in institutions large and small, and in the possession of unknown and numerous private collectors. One of the chief values of a large documentary publication project is that it searches for, finds, and brings together copies. Thus an entirely new resource for research is created. Often this does take years. But once the operation has been carried out and the results published, with proper editorial apparatus, the next generation will not have to do it all over again.

All the major documentary projects have brought to light quantities of materials previously unknown to scholars or so widely scattered that individual researchers cannot and should not have to rake through the same ground, time after time.

[23] Ibid., pp. 26-27.
[24] *Public Papers of the Presidents,* John F. Kennedy, Oct. 3, 1961, pp. 634-35.

IV

Even some of the rightfully respected documentary projects of the pre-Boyd period, those accepted by scholars as standard reference works, have been found wanting. An example is Edmund C. Burnett's *Letters of Members of the Continental Congress,* published between 1921 and 1935 by the Carnegie Institution of Washington. In the course of preparing a guide to manuscripts in the Library of Congress relating to the Revolution, our Bicentennial staff discovered so many letters in the library itself that were not in Burnett that we and our Advisory Committee decided that a four-volume supplement was needed. We were fortunate enough to obtain a Ford Foundation grant for that. By the time the grant came through, however, we had found, even in a small sampling of other institutions, many more letters not in Burnett, or letters and documents from which only a sentence had been published because of Burnett's policy to print only the parts relating strictly to the work of Congress, while the rest of the document, even though throwing light on the Revolution and the times, was omitted. Thus the only valid scholarly conclusion was that a complete revision was necessary.

We call our edition the *Letters of Delegates to Congress, 1774–1789.* The *Letters* staff has searched the collections of and corresponded with hundreds of libraries, archives, historical societies, and private manuscript collectors. As a consequence, we have collected photocopies of nearly 21,000 documents, while Burnett's edition published only about 6,100, or parts of them. Our first two volumes are in press, with one expected to be published in 1976. The number of new documents that will be made available is impressive. For the first two volumes, 705 of the 1,220 documents in our *Letters* are not available in Burnett.

Work on the new edition will not only enrich the record of the years 1774 to 1789—put more life and soul into this history—but it will at times correct it. Madison referred to the "perfect authenticity" of Jefferson's account of the adoption of the Declaration of Independence. But scholars have long known that the memory of the Sage of Monticello slipped, or that he relied on the Journals of Congress, when he wrote that the Declaration was *signed* on July 4. Paul Smith, editor of the *Letters of Delegates to Congress,* has discovered by a careful reading of other documentation that the final wording of the Declaration was approved, not in the evening, as Jefferson noted, and not after a long, hot day of wrangling over words, which is sometimes pictured, but in the morning,[25] on which, by Jefferson's own weather observations, the temperature was 68° at 6 A.M. and by 1 P.M. had climbed only to 76°, the high point of the day.[26]

These "bits of new information," as Editor Smith modestly calls them in a forthcoming article in the library's *Quarterly Journal,* do not change the significance of the Declaration or the course of events in a larger sense, but they do change the order of events on that momentous July Fourth.

Jefferson's editor, Julian P. Boyd, generously wrote to Paul Smith and I quote one paragraph:

Your discovery is an important one and adds one more proof to the growing accumulation that documentary editing can make contributions to knowledge that cannot be made by other means. This, of course, does not come about merely because of the assemblage of large masses

[25] See Paul Smith, "Time and Temperature, July 4, 1776," *The Quarterly Journal of the Library of Congress,* October 1976.

[26] TJ's meteorological notes, first page of 62-page booklet. LC.

of records about a man or an institution. It results from the obligation placed upon the editor to do something that a camera or a computer cannot do: to read, to understand, to probe for the context, and to make all the necessary correlations. Of course, some editors can do this better than others, which explains why I read the same document [here he refers to a draft of a letter of July 4, 1776, from Robert Livingston to the Field Officers at Lancaster] that you did but did not make the essential connections between one fact and another. My only excuse is that my biological computer, which had its natural limitations to begin with, is getting a bit worn with age.[27]

Time does not permit me to enlarge on these examples, to mention other pertinent projects, or to comment further on this century's remarkable renaissance of documentary editing which, of course, covers all periods of our history.

V

These publication projects serve also to preserve the record and to promote easier and wider access to it. The archival profession's concern about preservation has recently been signalized by its successful grass-roots effort to have reinforced in law the importance of preserving our documentary heritage. This was the emphasis in broadening the scope of the NHPC, now the National Historical Publications and Records Commission; and an additional $1 million in appropriated funds will, thanks again to a broadly based effort, become available to the commission in the fiscal year that begins October 1, 1976.

Archivists, records administrators, historians, and other allies have a kindred concern: to see that there is a record to preserve. Technological advances are not an unmixed blessing to the keepers and users of official archives and personal papers. The *Journals* of the Continental Congress did not contain a great deal that was said. Today, the *Congressional Record* contains a great deal that was never said. Our old friend the typewriter and our newer helpmate, the electrostatic copier, threaten to overwhelm us on the one hand. On the other, ease of communication by telephone means that important decisions are shaped with never a shadow of a document. Participants may jet to private meetings with only plane tickets to suggest that the meetings ever occurred. Officials may attend high-level conferences and all we may have, at least for years, is the statement of "an official spokesman." Microforms are useful for preservation, for saving space, and for "the multiplication of copies," but they do not create records where no copy exists. Oral history *can* help us fill the gaps. Fortunately, or unfortunately, not everyone is addicted to tape-recording every conversation and even inward musings. The soulless computer helps send up satellites that transmit pictures from all over the world, giving us instant history, or lands a space ship on Mars that collects invaluable data with which we must learn to cope; but we are all familiar with the computer's other product—GIGO, garbage in, garbage out.

Archivists cannot dictate, but we can certainly encourage and influence the making and the keeping of an adequate record. Sometimes, however, it seems that even the law conspires against us. The provision of the Internal Revenue Code that denies a creative writer, for example, to make a gift to a library and take a tax deduction for the fair market value of his self-generated, carefully preserved manuscripts, correspondence, and other documents—a body of papers significant to our cultural history—certainly has no "becoming Regard to Posterity." This provision has almost dried up the flow of personal papers as gifts to institutions. Even persons

[27] Julian P. Boyd to Paul H. Smith, July 27, 1976. Quoted with permission of the writer.

of highly developed social consciousness, who are waiting and are working with our Society and with others to get this law changed, are tempted to put their papers up for sale.[28] When the evaluation of President Nixon's papers as Vice President was brought into question as a tax deduction, he claimed, with probable truth, that he could sell them piece by piece on the open market for more than the amount deducted. Of course, that was not the issue and such action would have scattered them to the proverbial four corners of the earth and would have effectively destroyed a research collection.

VI

The status of the Nixon tapes and other Presidential records, growing out of the perfidy of Watergate, raised issues—legal, social (*i.e.*, the public benefit), and moral—of the most profound significance to archivists and to future users of the historical record.

There is neither time nor, for this audience, necessity for reviewing the details of the quick succession of events touched off by President Nixon's resignation; his pardon; preparations to ship the Nixon papers to California; the halting of this by the new administration because of the Watergate special prosecutor's professed need of them; the Justice Department's preliminary opinion that the materials were Mr. Nixon's private property; GSA Administrator Sampson's agreement with Nixon, which gave him sweeping control over the disposition of the materials; the intervention by the special prosecutor to delay implementation of it; and Mr. Nixon's suit in the U.S. District Court for the District of Columbia to enforce the agreement.

Meanwhile, Congress had moved with swiftness and on December 19, 1974, President Ford signed the Presidential Recordings and Materials Preservation Act, which superseded the Nixon-Sampson agreement. Title I of that act directed GSA to take possession of the materials, to promulgate regulations governing public access to them, and to submit the proposed regulations to Congress for review. The day after the act became law, Mr. Nixon filed a second action, challenging the constitutionality of Title I. (Other related freedom of the press and of information cases were consolidated with the Nixon-GSA Administrator Case and those involved became intervenor-defendants.) On January 7, 1976, the three-judge court ruled against Mr. Nixon on every point he raised,[29] but not on the broader issues of the constitutionality of the congressional legislation. An appeal has been made to the Supreme Court and early action is anticipated.

With this as background, the National Study Commission on Records and Documents of Federal Officials, established by Title II of the Presidential Recordings and Materials Preservation Act, now operates. Comprised of seventeen members, the commission is charged with considering the problems relating to the preservation and status, not only of the papers of Presidents but also those of cabinet members, other high-level appointees, as well as Members of Congress, and with making recommendations to Congress for appropriate legislation. The Society of American Archivists is represented on the Public Documents Commission, as it is sometimes called, by our executive director. The Archivist of the United States, as the delegate

[28] The 1976 revision of the Internal Revenue Code at one stage allowed a 30 percent deduction for gifts of papers of nonfederal officials, but the provision was dropped by the Conference Committee on the bill because it was deemed to lack clarity.

[29] U.S. District Court for the District of Columbia, Civil Action No. 74-1852.

of the GSA Administrator, and The Librarian of Congress, ex officio, are also members. Former Attorney General Herbert Brownell was named by the President as chairman.

The questions involved are complex. Tradition rather than law has governed whether the papers of top federal officials are private or public. The higher up one was in the government, the more likely it was that one's papers were considered private. Until the disclosures of Watergate, this was not seriously challenged, particularly since the establishment of the presidential libraries system. But today, the searching and basic question must be faced: Should not the records created at public expense, by a public official, whether elected or appointed, in the course of his or her public duties, be public records?

But even public officials lead private lives—at least they hope they are private—and they certainly have some private papers; where is the line to be drawn? Are records relating to politics private even though they may affect the lives and fortunes not only of the politician but also of the public?

If the papers are determined to be entirely private, what inducements can be offered to encourage their preservation in the first place? How can their loss or destruction be prevented? Even if they are deposited in research institutions, what is to keep restrictions that shackle research from being placed on them?

If the records of federal officials are judged to be public, will this, as alleged, have a "chilling effect" on their creation? Where are those that are created to be preserved? How are they to be serviced? Who is to pay for this?

Whether public records or private papers, how can the public interest in them be insured? What regulations will be necessary in regard to their creation, maintenance, and disposition? Who, or what agency, is to monitor whatever laws, regulations, or guidelines may be established? How can the legitimate needs of scholars, lawyers, journalists, and others for information in these materials about official actions, and how our government works, be met? Where does freedom of access and the right to know end, and the right to privacy begin? How in the interest of truth and justice can these be reconciled?

The answers to these questions call for the wisdom of Solomon, who, alas, is not a member of the commission. As the keepers of the nation's records, and sometimes its conscience, we archivists have a serious responsibility to contribute to this debate, as we have at this conference. Far more than the federal government will be affected, of course, tomorrow if not today. We must act with "a becoming Regard to Posterity." At issue is whether we are to have a free and open society.

VII

Now, we have come full circle. The minds of Adams and Jefferson have long ceased to be troubled over such mundane things as who shall, who can, write the history of the Revolution. In this Bicentennial year, they may rest in peace. They and their contemporaries, through the comprehensive record that is now being published, are giving us the "life and soul of history." Much of the rich, full story, based on far more than "external facts," can now be written, and more is to come. Historians, psycho- or otherwise, economists, political scientists, philosophers, and the citizens for whom they write will have almost an embarrassment of riches. But only out of the complete record can truth and understanding emerge.

As has often been recalled in this Bicentennial year, these Argonauts of the Heroic Age,[30] Adams and Jefferson, were asked to take part in the celebration of the fiftieth anniversary of the Declaration of Independence. Neither was able to do so. (Both, as we know, were destined to die on that very day.) "Independence forever!" was the message Adams gave to the local committee. When asked to add to it, he said: "Not one word more." Jefferson, in declining, noted that the Declaration still met with the approval of his fellow citizens and he reflected on the significance of the Fourth of July:

> May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all,) the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. That form which we have substituted, restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.[31]

Let us, too, in this Bicentennial year, at the beginning of our fifth decade as a Society, and with "a becoming Regard to Posterity," let us as archivists and responsible citizens never forget the principles that forged our system of government. Let us never cease to care about the records—the history—of our free institutions. Let us never lose sight of humanism as an essential ingredient in the American experiment, this laboratory of liberty. Let us never cease our efforts to see that our Republic shall forever be based upon the rights of man and the rule of law.

[30] See TJ to JA, Monticello, March 25, 1826. Cappon, *The Adams-Jefferson Letters*, vol. 2, pp. 613–14.

[31] TJ to Roger C. Weightman, Monticello, June 24, 1826. Andrew A. Lipscomb, ed., *The Writings of Thomas Jefferson* (Washington, D.C.: The Thomas Jefferson Memorial Association of the United States, 1903), vol. 16, pp. 181–82.