

The Origins of Restrictions on Access To Personal Papers at the Library of Congress and the National Archives

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Abstract: Two very different access policies for donated papers have developed within the two major traditions of American archival administration, the historical manuscripts tradition and the public archives tradition. Within the former, the policy was founded on an agreement between the repository and the donor that exchanged possession of the papers for restrictions on their use. The donor maintained control of access to some or all of his papers, and the archivist administered the restrictions. A quite different access policy developed within the public archives tradition, based on the assumption that papers with a high public policy content should be open. Restrictions were regarded as necessary, but undesirable.

This article focuses on the Manuscript Division of the Library of Congress and the presidential libraries system of the National Archives and Records Administration. The author examines the strengths and limitations of the access policies employed by both these institutions and encourages archivists to work toward agreement on what constitutes a good access policy.

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ON 26 JULY 1947 THE PAPERS OF ABRAHAM LINCOLN were opened for research by the Manuscript Division of the Library of Congress. On 17 March 1950 the papers of Franklin D. Roosevelt—or rather about eighty-five percent of them—were opened for research at the Roosevelt Library in Hyde Park, New York, a division of the National Archives. On Inauguration Day 1985, eight years following the end of Gerald R. Ford's presidency, about sixty percent of his papers were open for research at the Ford Library in Ann Arbor, Michigan. At the Manuscript Division, on this same date, the papers of Henry A. Kissinger, Ford's secretary of state, were completely closed and would remain so for another twenty years. The Library of Congress and the National Archives, as these contrasts rather dramatically suggest, have very different policies regarding access to personal papers.

This contrast in policy is superficially visible if one watches archivists at the two institutions doing their daily work. At the Manuscript Division, archivists spend nearly all their time preserving, arranging, and describing their materials—putting them in alphabetical or chronological order, pulling off paper clips and rubber bands, refolding and reboxing, and preparing finding aids. They read the documents only so far as their work of arrangement and description requires. At the presidential libraries, archivists working on donated papers perform all the archival tasks that are performed at the Manuscript Division. Once these are done, an additional step is taken: the archivists conduct a review; they read, or at least scan, every page in the collection, identifying and segregating documents that must be kept closed. Once they have finished this immensely time-consuming task, the collection is opened. Why does this difference, this last step, exist?

The answer lies in the past, in the 200-year evolution of archival ad-

ministration in the United States. Richard C. Berner's *Archival Theory and Practice in the United States* describes the "bifurcation" that developed during the early history of American archival administration and resulted in two archival traditions. The historical manuscripts tradition, truly a tradition, is rooted in more or less unexamined practice and reflects the vagaries of human nature and institutions. Librarians and those with strong affinities to librarianship were responsible for the early philosophic development of this tradition. The historical societies, the first archival repositories in the country, are part of this tradition, as are the university libraries with manuscript departments, the privately endowed manuscript libraries, and the Manuscript Division of the Library of Congress. The public archives tradition, perhaps a hundred years younger than its brother tradition, is rooted in the theory and practice of European governments and proceeds by the light of theory—it is rational where the other is, as it were, romantic. The National Archives and the several state archives, many of them considerably older than the National Archives, are part of the public archives tradition.

The answer to the question posed above, then, is this: the page-by-page review is conducted by the National Archives because the public archives tradition encourages it. The historical manuscripts tradition, on the other hand, does not encourage it. In fact, the institutions that work within this tradition have developed a very complete outfit of practice that has no need for page-by-page review. Consequently, the Library of Congress has never employed it.

This clearly is not a sufficient answer. A much closer look at the development of the two traditions—and of the Manuscript Division of the Library of Congress and the presidential library system of the National Archives—is required before an

understanding of the significance of the page-by-page review, and of the difference in the access policies of the Library of Congress and the National Archives, can be achieved.

The historical manuscripts tradition had its origins in the late eighteenth and early nineteenth centuries, in the collector's love for the old documents that carried the early history of the United States. The revolutionary era was particularly revered. In 1791 Jeremy Belknap founded the Massachusetts Historical Society, which he intended to be an active force in the collecting of documents and the communicating of them, through publication, to scholars and students of history. Similar institutions with similar missions were founded, in fairly quick order, in several other states. New York, Pennsylvania, Maine, New Hampshire, Tennessee, Ohio, Illinois, Indiana, Michigan, Virginia, North Carolina, Louisiana, Arkansas, and Georgia had all founded historical societies by 1840. The American Antiquarian Society, founded in Worcester, Massachusetts, in 1812, sought to improve on the ambitions of the state societies by being national in its collecting and publishing projects.¹ These institutions gave definition to the historical manuscripts tradition throughout the nineteenth century.

One feature of this tradition during the nineteenth century was that it gave rise to very few access problems. The historical societies were notoriously conservative in their document collecting, venturing little, if at all, beyond the Revolutionary War. Interest in historical documents, on

the other hand, remained very limited until the importation of German historical methods in the 1870s and 1880s and before the rise of a historical profession trained in those methods in the 1880s and 1890s created a strong demand for documents. The American Antiquarian Society's *Catalogue* of 1837 refers to its documentary holdings as "those time-defaced pages, which are now merely glanced at as objects of curiosity." Fifty years later, in 1886, one of the first annual meetings of the American Historical Association focused on the destruction and neglect of historical documents. The study of recent history, which, if founded on original source materials, might have given rise to access problems, was completely neglected, even by the first generation of "scientific historians." As one modern historian has described the nineteenth-century situation, "The darkest age, historically speaking, was likely to be the age just gone by."²

The Manuscript Division of the Library of Congress was founded just at the end of this period, in 1897. Its holdings at its founding totaled about 25,000 items, practically all of them relating to the colonial and revolutionary periods. By 1902 the number of items had grown to 40,000, but the historical coverage remained severely limited. By 1904, when an important guide to archival materials held by the United States government referred to the Manuscript Division as "the most important depository of historical manuscripts in this country," the period covered by the division's holdings was creeping forward

¹See David D. Van Tassel, *Recording America's Past* (Chicago: University of Chicago Press, 1960), particularly chaps. 6, 10.

²*Catalogue of Books in the Library of the American Antiquarian Society in Worcester, Massachusetts, 1837* (Worcester: printed for the Society by H.J. Howland, 1836-37), 7; John D. Hicks, "What's Right with the History Profession?" quoted in David C. Mearns, "Historical Manuscripts, Including Personal Papers," *Library Trends* 5 (January 1957): 317-18. See also J. Franklin Jameson, "The Functions of State and Local Historical Societies with Respect to Research and Publication," *Annual Report of the American Historical Association for the Year 1897* (Washington, D.C.: Government Printing Office, 1898), 51-59; and Ernst Posner, *American State Archives* (Chicago: University of Chicago Press, 1964), 16-17.

to include the first half of the nineteenth century. Fittingly, the first collection processed by the Manuscript Division was that of Peter Force, an early nineteenth-century manuscript collector. Based on the experience of working with this large collection, J. C. Fitzpatrick, the division's assistant chief, prepared the first archival manual published in the United States, the influential *Notes on the Care, Cataloguing, Calendaring and Arranging of Manuscripts*. The archival principles put forward in this 1913 manual placed the Manuscript Division squarely and unreservedly within the historical manuscripts tradition.³

It is not clear when restrictions on access first became an issue to the institutions of the historical manuscripts tradition. The Massachusetts Historical Society accessioned its first collection with donor-specified restrictions in the 1920s; the Historical Society of Pennsylvania received its first restricted collection in the 1960s. Access policy apparently developed within the historical manuscripts tradition in a gradual and casual way. When the director of the Beinecke Rare Book and Manuscript Library tried recently to ascertain from his staff the origins of his institution's access policy, he learned only that they were obscure. "My inquiries about the beginning of restrictions on Yale collections have drawn blank, if not puzzled, expressions." He could only deduce that

for reasons personal or economic, perceived by either the donor or the institution, the moment had arrived when it became necessary to impose a restriction on access. He could not determine when this had occurred, nor could he identify the stages in the evolution of his institution's access policy.⁴

Clearly the access issue must have existed, at least theoretically, from an earlier period than the fuzziness of its origins would suggest. Fitzpatrick, in his 1913 manual, urged archivists to be on guard against "sensational exploitation for newspaper or magazine." He also warned researchers that "where the archivist has in charge manuscripts which, under the deed of deposit, can not be shown except with restrictions as to their use, he must see the notes or copies made therefrom." Several important questions of access policy were raised by the American Historical Association's Conference of Historical Societies in 1914: Was the researcher's worth to be evaluated prior to granting access? Were his notes to be reviewed? Was his work to be subject to prepublication censorship? Another important question was also raised and would be mentioned again and again with increasing urgency later in the century: Did the historical documents properly belong to the writers or owners of the individual documents or to the society whose history they recorded?⁵

Despite this early theoretical existence

³Herbert Friedenwald, "Historical Manuscripts in the Library of Congress," *Annual Report of the American Historical Association for the Year 1898* (Washington, D.C.: Government Printing Office, 1899); C.H. Lincoln, "Manuscripts in the Library of Congress," *Annals* 19 (March 1902): 266-68; Claude Halstead Van Tyne and Waldo Gifford Leland, *Guide to the Archives of the Government of the United States in Washington* (Washington, D.C.: The Carnegie Institution of Washington, 1904), 187-88; and Richard C. Berner, *Archival Theory and Practice in the United States* (Seattle: University of Washington Press, 1983), 19.

⁴Telephone conversation with John D. Cushing of the Massachusetts Historical Society, September 1985; Linda Stanley of the Historical Society of Pennsylvania to author, 30 October 1985; Ralph W. Franklin of the Beinecke Rare Book and Manuscript Library to author, 24 November 1985.

⁵J. C. Fitzpatrick, *Notes on the Care, Cataloguing, Calendaring and Arranging of Manuscripts*, 3d ed. (Washington, D.C.: Government Printing Office, 1934; first published in 1913 or 1914), 1-2; and Laurence J. Burpee, "Restrictions on the Use of Historical Materials," *Annual Report of the American Historical Association for the Year 1914*, vol. 1 (Washington, D.C.: Government Printing Office, 1916), 314-37.

of the access issue, it did not seem to have had an important practical existence until considerably later. There is almost no mention of it in the Manuscript Division's annual reports to the Librarian of Congress between 1914 (the date of what appears to be the division's first report) and the end of World War II. A rare reference in the 1935 report said simply that a scholar may assume that almost all the division's collections were open. History during these years apparently still meant something deep in the past. Restrictions were simply not enough of a problem to mention. The entire matter could be dealt with casually.

Despite this apparent lack of interest in contemporary history and recent manuscript collections prior to the Second World War, an access policy was gradually developing within the historical manuscripts tradition. One can see its origin in the debate over restrictions at the 1914 Conference of Historical Societies. While the historians emphasized free access and the public's right of ownership of historical documents, many of the archivists emphasized the duty of the repository to protect the confidences expressed in the documents. There was, many of the archivists felt, some right of property in the documents that did not belong to the public. A strong statement of this view was published some years later by Edgar R. Harlan, curator of the Historical, Memorial and Art Department of Iowa. "Our institution," he wrote, "stands in law and in ethics in each case in the shoes of the individual who originally received as well as him who deposited with us the missives." The archival curator, he concluded, was "a mere trustee of private property." As a consequence of this view, Harlan tested

the worth and seriousness of potential researchers before allowing access to his institution's holdings. He reviewed their notes, judging the accuracy and propriety of quotations, and he made researchers sign a statement pledging that they had a serious motive, free of malicious intent, and that no trouble would ever arise for the institution as a result of their work in its holdings.⁶

The donor, according to the access policy that evolved within the historical manuscripts tradition, possessed important rights of proprietorship that had to be recognized even after his manuscript collection was given to an archival repository. The papers being donated were, after all, personal, and such personal papers, according to a recent chief of the Manuscript Division, "can, and often do, speak without guile, and often with candor: statesmen, with hair, let it down; the bald and balding come clean with their intimates; ladies exchange gossip; warriors, forgetful of the old esprit, criticize one another; lovers protest their passions; and out of frankness unsuppressed come truth and understanding."⁷ To preserve the donor's right of proprietorship, archival institutions within the historical manuscripts tradition entered into a covenant with the donor: in return for the donor's transfer of ownership of his papers, the archival repository would agree to certain restrictions on access to the papers. Once such a covenant was made and the conditions of access fixed, no further discussion of these conditions—whether between donor and repository, repository and researcher, or researcher and donor—was anticipated.

Donor-imposed restrictions have taken many forms in the history of archival ad-

⁶Burpee, "Restrictions on the Use of Historical Materials," 314-37; Edgar R. Harlan, "Ethics Involved in the Handling of Personal Papers," *Annals of Iowa*, 3d ser., 16 (April 1929): 615.

⁷David C. Mearns, "The Answers: A Fog-Laden Panorama of LC's Collections," *Library Journal* 90 (15 April 1965): 1836.

ministration, but two have emerged as clearly the most popular: first, the reservation to the donor or his representative of the right to approve each application for access, and second, the imposition of absolute restrictions on access for fixed periods of time—twenty-five, fifty, or even one hundred years. Often these two restrictions are combined, allowing the donor the right of approval of all applications for access for a fixed period of time. That donors and archivists settled on the first of these restrictions is clearly understandable, even though the privileged access that often results has been increasingly criticized by archivists in recent years. The second restriction is more puzzling. Why did donors and archivists decide to employ such a rigid and imprecise method of protecting confidential items? At best a fixed-period restriction is employed on a series level; at worst, whole collections are sealed up tight for decades. Why was this species of restriction, today so ubiquitous, created?

Indeed, the founders of the American archival profession were not entirely unfamiliar with an argument against the absolute, timed restriction, although it was made in the context of public archives rather than historical manuscripts. Waldo Gifford Leland, speaking to the first Conference of Archivists held in conjunction with the 1909 meeting of the American Historical Association, made such an argument. "While a chronological dead line is convenient, especially for the archivist," he said, "it may be questioned if it is not better to decide each case upon its own merits. It is clear that certain kinds of materials can safely be communicated to within very recent times. Why, then, should they be with-

held because other material can not be so communicated?"⁸

One possible answer to this question was given a year later at the second Conference of Archivists by Galliard Hunt, chief of the Manuscript Division. Hunt enumerated the terminal years of access for the major governmental archives of Europe—1837 in Britain, 1848 and 1860 in France (the earlier date applying to the Ministry of Foreign Affairs), 1832 in Germany, 1830 in the Netherlands, and 1847 in Austria. He then criticized the United States government for having no general regulations, "no clearly defined policy," for the use of its archives. "Remarkable as the statement may appear to be," he concluded, "it is nevertheless a fact that the archives of our Government are opened with less freedom than are those of any other great country."⁹

Hunt's conclusion, however, does not follow from his premises. The European governments had access policies, all of them more or less ungenerous, based upon the principle of absolute restriction on access for fixed periods of time. The United States government, on the other hand, had no fixed access policy, other than to let the head of each department determine access. Such a lack of policy was, arguably, more liberal than the European policy. Van Tyne and Leland's *Guide to the Archives of the Government of the United States in Washington* (1904) suggested that most government departments reviewed their holdings at the series level, with the assumption that the records were open unless the review indicated that they must remain closed. A researcher could always hope that the records he wished to see were held by a

⁸Waldo Gifford Leland, "American Archival Problems," *Annual Report of the American Historical Association for the Year 1909* (Washington, D.C.: Government Printing Office, 1911), 347.

⁹Proceedings of the Second Annual Conference of Archivists, *Annual Report of the American Historical Association for the Year 1910* (Washington, D.C.: Government Printing Office, 1912), 301.

generous department, such as the Navy Department, which had, according to the *Guide*, "a very liberal policy toward investigation. . . . The necessary permission is freely accorded to accredited persons for purposes of purely historical research."¹⁰ This is not to claim for the United States government's non-policy on access more than it deserves, but rather to say that it held possibilities not found within the rigid European policy. Hunt's evaluation of the two policies suggests that the United States government practice, perhaps because it was not yet institutionalized into a national archives establishment, was simply not available for study. The first generation of American archivists selected for the historical manuscripts tradition the access policy of the European monarchies, the dean of the world's access policies—and the only one available for emulation. The choice was an obvious and in many ways felicitous one for both donor and archivist. What could be safer, from the donor's point of view, than simply denying any access to his papers until all his generation had passed from active life? And the archivist benefited from a regimen that was very simple to administer. Nonetheless such a policy held potential difficulties of conscience for a profession given endemically, despite its deference to donor's rights, to a belief in free access and free enquiry.

The archival repository's responsibility to protect the donor's proprietary interests did not always end with the administration of the restrictions that the donor specified. Some institutions went further. A Huntington Library archivist, writing in the 1960s, remarked, "There are . . . occasions . . . when libraries are

wise to make their own restrictions to protect the persons concerned from distress or embarrassment."¹¹ The Library of Congress Manuscript Division's "Library Restrictions" were an example of this type of restriction. Fitzpatrick's 1913 manual, which advocates screening researchers prior to granting access and reviewing researchers' notes, suggests that these restrictions were in use at the Manuscript Division from an early date. According to an informational handout apparently used in the late 1940s, library restrictions meant three things: "(a) that papers may be used only by permission of the Chief of the Division of Manuscripts or his representative; (b) that notes taken on papers must be submitted for review before leaving the Division; and (c) that extensive photocopying is not permitted." The first provision meant that the chief of the Manuscript Division inspected potential researchers to decide, according to no clearly stated principles, who was qualified to see specific manuscript collections. If a researcher did gain access, he still had to have his notes reviewed by the Manuscript Division. "It is the policy of the Library," continued the library restrictions statement, "to withhold direct quotations of: (a) libelous or scurrilous matter; and (b) matter of a wholly personal and private nature, unless such matter is properly relevant to the subject under study."¹²

The access policy that developed within the historical manuscripts tradition, then, was a combination of donor- and repository-imposed restrictions. They were built around the dual concepts of donor approval of research applications and closure for fixed time periods, and generally tending to a deferential and

¹⁰Van Tyne and Leland, *Guide to the Archives*, 119.

¹¹Jean Preston, "Problems in the Use of Manuscripts," *American Archivist* 28 (July 1965): 371.

¹²"Restrictions on the Use of Manuscripts in the Division of Manuscripts, Library of Congress," Papers of Solon J. Buck (hereafter cited as Buck Papers), folder: AHA Special (or Ad Hoc) Com. on Mss., 1949-50, Manuscript Division, Library of Congress.

thorough recognition of the donor's continuing proprietary rights in his papers. This was clearly a very successful policy, one which presided over the accumulation of great manuscript collections in many institutions. Whether any major collections were preserved for posterity that would have been bowdlerized or destroyed if a more open access policy had dominated the historical manuscripts tradition is unknown.

This is not quite the policy of the present day. At the Manuscript Division of the Library of Congress, just after the Second World War, this policy was subjected to a regimen of reformation that, in its force and swiftness, seemed just short of revolutionary. It was not revolutionary, however; when the furor was over and the reforms were in place, the Manuscript Division's access policy was still clearly within the historical manuscripts tradition.

This is quite remarkable, given the identity of the person who carried out the reforms. Solon J. Buck arrived as chief of the Manuscript Division in 1948. He had just completed seven years service as Archivist of the United States, during which time he had presided over the formulation of the National Archives' access policy for donated papers—specifically, for the papers of Franklin D. Roosevelt. The result of this work had been an access policy very different from that of the historical manuscripts tradition. One would have expected Buck to force some of these new ideas on the old and neglected ways of the Manuscript Division. He did not. He did force a great deal of change, but it was all within the bounds of the division's own tradition.

The Manuscript Division was in a condition of drift, even chaos,¹³ when Buck arrived. A sort of genteel paternalism, administered by a sequence of chiefs who

had no archival background prior to coming to the Manuscript Division, had presided for too long. The times had changed. The division itself had changed drastically since its early days—most of its holdings were now twentieth-century collections, fraught with access problems and much in demand by the practitioners of the newly popular contemporary history. But the division's access policy had not changed. In addition, the policy such as it was had been allowed to decay.

During his tenure as Archivist of the United States, Buck had shown himself to be a man of stern principle, unafraid of the row one might raise by changing the ways things were done. He addressed the Manuscript Division's access policy difficulties swiftly, abruptly, and forthrightly. He was particularly critical of the library restrictions policy, believing it unclear and inconsistently carried out. The "Restrictions Book," which recorded donor-imposed restrictions and was frequently used by both archivists and researchers, was similarly flawed. It was, as Buck reported in his first annual report to the Librarian of Congress, "not wholly reliable." Its data was "often confusing or even contradictory." Notes regarding restrictions were scribbled here and there, without ascription or citation of authority. Entries were often arranged in such a chaotic fashion that they could not be located on demand.

In carrying out his reforms, Buck looked first to the origin of almost all restrictions on access—the donor. It was important, he felt, to persuade donors against imposing what he called "hampering restrictions," and he looked forward to the reduction of the number of donor restrictions in force. In the meantime, he recommended that the restrictions book at least be made reliable and easier to understand, and that the

¹³The word "chaos" is Richard C. Berner's in *Archival Theory and Practice in the United States*, 39.

Manuscript Division eliminate the unnecessary restrictions that it had imposed, in the donor's interest, under the library restrictions rubric. In particular, Buck felt that the division should eventually give up the reading of researcher notes, but only after it had found an adequate way to enforce the first of the library restrictions, the screening of applicants to determine who was qualified to use twentieth-century collections.¹⁴

The first of the library restrictions—the screening of researchers—remained somewhat longer than the others, due largely to Buck's stubborn belief that "all comers" could not be permitted to use the Manuscript Division's holdings, particularly those collections with recent materials. The division, he felt, had "a certain fiduciary relationship" with its donors and their families that required Buck "to prevent improper exploitation of the papers." Besides, he believed that if the division were to cease screening researchers, donors would probably insist on even more rigid restrictions.¹⁵

The times were against Buck on this issue. When the American Historical Association's Ad Hoc Committee on Manuscripts considered the issue in 1949, it could come no nearer a decisive conclusion than to say yes, researchers should be screened. "Irresponsible persons . . . are not ordinarily qualified to use recent manuscript material." But who in all the

world can make such a judgment? "A difficult and thankless business it is."¹⁶ Committee member Julian Boyd took a position more strongly opposed to Buck's. "I submit," he wrote to committee chairman Thomas C. Cochran, "that the logic by which this position [the screening of researchers] is justified is less logical than traditional . . . [and] cannot any longer be defended either on the high level of the aims of scholarship or on the lower level of common horse-trading."¹⁷ As soon as Buck left the Manuscript Division in 1950, his successor, David C. Mearns, contradicted his position in very strong terms. "Any attempt to differentiate the responsible and the irresponsible," he believed, "is bound to come to grief. . . . For a public institution itself to screen applicants . . . is not only unnecessary; it is reprehensible."¹⁸ The day of library restrictions in the Manuscript Division had passed. They lingered on vestigially for another decade or so. When finally in 1963 Mearns announced the almost complete abolition of these restrictions, he termed them "vague, arbitrary and indefensible."¹⁹

Solon Buck's reforms resulted in an access policy firmly within the historical manuscripts tradition—and including that tradition's deference to the donor's proprietary rights in his papers—but nonetheless sufficiently rational and fair to bear the intense scrutiny that has been

¹⁴"Division of Manuscripts, Annual Report for the Fiscal Year 1948-49," 23-24, and "Annual Report for the Fiscal Year 1949-50," 14, Library of Congress Archives (hereafter cited as LC Archives).

¹⁵Solon J. Buck to the Librarian of Congress, 11 April 1951; and Solon J. Buck to the American Historical Association Committee to Consider the Use of Manuscripts, 11 October 1949, Buck Papers, folder: AHA Special (or Ad Hoc) Com. on Mss., 1949-50.

¹⁶"Report of Ad Hoc Committee on Manuscripts Set Up by the American Historical Association in December 1948," *American Archivist* 14 (July 1951): 236; Buck Papers, folder: AHA Special (or Ad Hoc) Com. on Mss., 1949-50.

¹⁷Julian P. Boyd to Thomas C. Cochran, 18 May 1949, Buck Papers, folder: AHA Special (or Ad Hoc) Com. on Mss., 1949-50.

¹⁸"The Annual Report of the Manuscript Division for the Fiscal Year Ending June 30, 1951," 26-33, LC Archives.

¹⁹"The Annual Report of the Manuscript Division for the Fiscal Year Ending June 30, 1963," 4-5, LC Archives.

given to all restrictions in the years since the Second World War. Chief John C. Broderick spoke without shame when he described the Manuscript Division's access policy to an audience of historians and archivists in 1977.

The Library itself does not initiate restrictions on access to any manuscript collections which have been organized and described and for which conditions of administration have been established. The Library will, however, accede to restrictions proposed by donors of manuscript materials if such restrictions are reasonable and definite and if negotiations indicate that preservation of the materials requires their acceptance. In such negotiations, representatives of the Library exert whatever influence they have toward open access and/or the shortest possible interval of restriction.²⁰

The Manuscript Division reforms created a policy that simply made sense, and most of the evidence suggests that the other institutions within the historical manuscripts tradition have adopted more or less the same policy. Robert Rosenthal of the Joseph Regenstein Library of the University of Chicago, for example, has listed four fundamental principles of a good access policy: "(1) restrictions

should be determined before the official deposit or acceptance of the records; (2) they should be specific and expressed in writing; (3) they should be uniformly applied to all applicants; and (4) a terminal date should be established for the opening of the record." He continues, "The archivist should be freed from interpreting the limits of the restrictions."²¹ Similar statements—stressing clear, reasonable, and minimal restrictions, and equal access to all researchers—have been made by representatives of the Archives of the University of Virginia, the Archives of Labor History and Urban Affairs, the Hoover Institution on War, Revolution and Peace, and the State Historical Society of Wisconsin.²² It is doubtful whether any archivist would disagree with these principles, the only possibility for argument perhaps being how far the archivist should go to ensure that donor-imposed restrictions are minimal. There is concurrence even at the level of professional organizations, as is demonstrated by the statements on access adopted by the Association of College and Research Libraries and the Society of American Archivists in the 1970s.²³

There is not, however, complete unanimity. This is most probably a con-

²⁰John C. Broderick, "Access to Manuscript Collections in the Library of Congress," *Access to the Papers of Recent Public Figures: The New Harmony Conference*, ed. Alonzo L. Hamby and Edward Weldon (Bloomington, Ind.: Organization of American Historians, 1977), 60. See also a similar statement by the chief who followed Buck, David C. Mearns, "Historical Manuscripts, Including Personal Papers," 320.

²¹Robert Rosenthal, "Who Will Be Responsible for Private Papers of Private People?" in *The Scholar's Right to Know vs the Individual's Right to Privacy: Proceedings of the First Rockefeller Archive Center Conference, December 5, 1975* (North Tarrytown, N.Y.: Rockefeller Center Archive, n.d.), 5.

²²Edmund Berkeley, Jr., "The Archivist and Access Restrictions," and Philip P. Mason, "The Archivist's Responsibility to Researchers and Donors: A Delicate Balance," in *Papers of Recent Public Figures*, 57–59 and 25–33 respectively; telephone conversation with Charles Palm of the Hoover Institute on War, Revolution, and Peace, October 1985; telephone conversation with Harry Miller of the State Historical Society of Wisconsin, November 1985; Susan E. Davis of the New York Public Library to author, 8 November 1985.

²³"Statement on Access to Original Research Materials in Libraries, Archives, and Manuscript Repositories," *College and Research Libraries News* 37 (November 1976): 272–73; and "Standards for Access to Research Materials in Archival and Manuscript Repositories," *American Archivist* 37 (January 1974): 153–54.

sequence of oversight and of the informality that has always marked historical manuscripts tradition access policy and that makes it impossible to simply promulgate sweeping reforms. It is not likely due to any conscious preservation of a redoubt of the old ways. Kenneth Duckett's *Modern Manuscripts*, for example, prepared under the sponsorship of the American Association for State and Local History and intended as a text for students and a reference work for manuscript curators, suggests that the donor might be allowed the right to check the notes of researchers who use his collection. Surprisingly, the Society of American Archivists 1977 manual on reference and access also suggests that researcher notes might be reviewed, presumably by the archivist in this case, and that prepublication review of researcher manuscripts in some cases might be allowable.²⁴ One would have thought that these practices had been too thoroughly discredited to appear in such basic publications. Similar practices also have been advocated recently in administering personal case files, which are admittedly a very difficult species.²⁵

As these exceptions to the general access policy rule suggest, the felt need to protect the donor's continuing proprietary rights in his manuscripts has always been, and remains, a central prin-

ciple in the access policy of the historical manuscripts tradition. The covenants that archivists make with donors exchange restrictions, where the donor requires them, for possession, control, and preservation of the documents. Preservation is regarded as more important than quick access. That the alternative for an archivist in dealing with a donor is always between preservation with the donor-requested restrictions, or the destruction of some or all of the manuscripts is a canard that ignores the archival avarice that regards a collection that goes "there" rather than "here" as effectively destroyed. The principle, though often put forward,²⁶ is untested, and it is possibly the most objectionable element—one that is usually unspoken and invisible—remaining in the access policy of the historical manuscripts tradition. The rest is all triumph—growing collections, more researchers, better facilities, more liberal donor restrictions. But once in a while some covenant is made and restriction accepted that does not do good for the archival profession or for its researcher community. Such a difficulty most commonly arises when the donor has been a public official and his papers are only very questionably private, belonging to that problematical domain where personal manuscripts often become public archives.

²⁴Kenneth W. Duckett, *Modern Manuscripts: A Practical Manual for Their Management, Care and Use* (Nashville: American Association for State and Local History, 1975), 224; Sue E. Holbert, *Archives and Manuscripts: Reference and Access* (Chicago: Society of American Archivists, 1977), 8.

²⁵Virginia R. Stewart, "Problems of Confidentiality in the Administration of Personal Case Records," *American Archivist* 37 (July 1974): 387-98.

²⁶Edmund Berkeley, Jr., stated this principle succinctly: "The archivist must agree to the restrictions to ensure that the papers will be preserved." Berkeley, "The Archivist and Access Restrictions," 59. John C. Broderick and Philip Mason made similar statements in the same forum; see *Papers of Recent Public Figures*, 63 and 31 respectively. Broderick quotes with approval an earlier formulation, by W. Kaye Lamb, of the restrict-or-lose principle: "Preservation is . . . [the archivist's] primary objective; access may have to be a secondary consideration." See W. Kaye Lamb, "The Archivist and the Historian," *American Historical Review* 48 (January 1963): 387. See also Mearns, "The Answers," 1840. At least two observers have described restrictions as a device necessary to bring manuscripts into a particular institution, rather than as one to prevent destruction. See M. M. Quaife's comments in Burpee, "Restrictions on the Use of Historical Materials," 331; and Howard H. Peckham, "Policies Regarding the Use of Manuscripts," *Library Trends* 5 (January 1957): 362.

The public archives tradition began in the United States with the founding of the Public Archives Commission by the American Historical Association in 1899. Its focus was defined as “documentary material of a public or governmental nature, such as is usually classed under the head of archives, public records, or state papers.”²⁷ At this time there were no federal or state archives.²⁸ One of the purposes of the commission was to seek archival legislation on both the national and state levels. By the time the commission called the first annual meeting of the Conference of Archivists in 1909, state archives had been established in Alabama (1901) and Mississippi (1902), and the long and difficult fight for national archival legislation had begun. The fledgling public archives tradition now had both a forum and a measure of institutional identity.

From the beginning the public archives tradition stressed that the documents with which it was concerned—the official records of governments, as opposed to the nonofficial papers of individuals and other nongovernmental entities—should be as unreservedly open for use as was possible. “The administration of archives,” Dunbar Rowland, the first archivist of Mississippi, told the Second Annual Conference of Archivists in 1910, “should be based entirely upon the theory that their classification for public use is the main end and aim of their pres-

ervation.”²⁹ This was the beginning of a long history of idealism among archivists working within the public archives tradition. Restrictions were perhaps necessary, but they were undesirable. There were no donors to trouble archivists who worked with public archives, no benefactors requiring from archivists careful supplication, no people with needs of privacy for whom the archivist could feel compassion. Public archives came from government agencies. Some agencies cooperated with archivists, forwarded their records to the archives as soon as they were no longer needed for current business, and allowed liberal access to them. Others were uncooperative and retained their records in agency files for long periods of time, effectively cutting off access to them. In any case, archivists felt no need to protect agencies. Once the public record came to the archives, it was made available for research as soon as possible. There was no argument on this issue. The records belonged to the people who gave sovereignty to the government. They should be opened to whomever wished to see them, unless there was some competing, overriding public interest that would not permit it.

The National Archives, since its founding in 1934, has always taken the position that records in its custody were open unless public interest forbade it. “Our rule is simple,” Archivist of the United States Wayne Grover said in 1950, “we

²⁷*Annual Report of the American Historical Association for the Year 1900*, vol. 2 (Washington, D.C.: Government Printing Office, 1901), 5–6.

²⁸Although the historical societies of Wisconsin, Minnesota, Iowa, Kansas, and Ohio had received state funding before this time, none of them had been designated as the repository for the state’s archives. See Walter Muir Whitehill, *Independent Historical Societies* (Boston: Boston Athenaeum, 1962), chaps. 11, 12.

²⁹Dunbar Rowland, “The Concentration of State and National Archives,” *Annual Report of the American Historical Association for the Year 1910*, 298. According to Madel Morgan, the present director of the Archives and Library Division of the Mississippi Department of Archives and History, “Dr. Rowland was evidently more interested in providing access than he was in restricting any materials.” In a letter to the author, she provided selections from several of Rowland’s early annual reports that articulate his position: “We have no secret archives in the Department; everything is open to the serious student;” “It is the policy of the Department to encourage the use of its collections by serious students of history everywhere, and to throw around their use as few restrictions as possible;” and “We shall continue to allow the utmost freedom in the use of our collections.” Madel Morgan to author, 26 November 1985.

work to make the research materials we administer as useful and as widely available as possible." Ours is a government, Grover concluded, "that is accountable to a free and democratic people and is reluctant to cherish secrets beyond the bounds of necessity and propriety." Restrictions on access were a necessary part of archival administration, but no document, no part of a document, should be closed unnecessarily. A good access policy, according to a senior National Archives staff member writing in the late 1960s, should "press down tightly . . . against the perimeter of administratively necessary restrictions." When another staff member tried, in 1981, to identify a "theory" of access restriction, all he could find was "the American traditional view that public records or records in a public repository should be available for use to the maximum extent consistent with the public interest."³⁰

The archivists and scholars who fought for and founded the National Archives would probably have agreed that the proper domain of the new institution was exactly that of the Public Archives Commission—documentary material of a public or governmental nature. Nonofficial, personal materials belonged prop-

erly to the repositories of the historical manuscripts tradition. The National Archives was founded on this assumption. Its business was government records, and its main concern was acquiring them from possessive agencies and making them available for research.³¹

On 10 December 1938, however, President Franklin D. Roosevelt announced that he was giving his papers to the government and that a presidential library, administered by the National Archives, would be built on his estate in Hyde Park, New York. At a stroke, the National Archives had become, among its other identities, a personal papers repository. Papers of the presidents had been considered, since the beginning of the republic, personal papers. They belonged, by right and custom, to the historical manuscripts tradition. The Library of Congress Manuscript Division held the major collections of papers of most of the presidents, with the remainder being held by several historical societies, one quasi-private presidential library, and a family trust. Now a collection of presidential papers was thrust onto the major repository of the public archives tradition. By the time the National Archives received the entire body of Roosevelt papers, almost ten years

³⁰Wayne C. Grover, "The National Archives and the Scholar," paper read at the 65th annual meeting of the American Historical Association, Chicago, Illinois, 28 December 1950, and printed in *Military Affairs* 15 (Spring 1951): 5-6; comments of Morris Rieger appended to the "Liberalization Report" presented by Charles Kecskemeti to the Sixth International Congress of Archives, Madrid, 3-7 September 1968, *Archivum* 18 (1968): 75-77; and Harold T. Pinkett, "American Archival Theory: The State of the Art," *American Archivist* 44 (Summer 1981): 217-22. The National Archives undoubtedly has fallen somewhat short of its ideal of openness in the administration of some of its materials. One historian, for example, found the records of a National Park Service director, whose career ran from 1931 to 1964, were still closed in their entirety in the early 1970s. Also closed were the records of the Honeybee Control Committee in the Department of Agriculture, which operated from 1933 to 1939! See Anna Kasten Nelson, ed., *The Records of Federal Officials, A Selection of Materials from the National Study Commission on Records and Documents of Federal Officials* (New York: Garland Publishing, 1978), 341-42.

³¹The National Archives Act did provide for the acceptance of donated motion picture film. Though the authority to accept donated materials was greatly broadened by the Federal Records Act of 1950, donations of other than presidential and related papers have never been significant enough to constitute a real program, with the exception of those concerning polar exploration, around which the Center for Polar Archives was formed in 1967. Herman Friis, the center's first director, adopted, with some alteration, the access policy of the presidential libraries system, which was by this time almost thirty years old. The National Archives access policy for personal papers developed entirely within the presidential libraries system.

following the president's 1938 announcement, the collection was of unprecedented size and sensitivity. The access problems were potentially legion.

The joint resolution of Congress that accepted the Roosevelt papers and library, passed 24 April 1939, provided that "the Archivist shall prescribe regulations governing the arrangement, custody, protection, and use" of the papers. This provision itself suggested that the experience with the Roosevelt papers was going to be a new one; the Librarian of Congress, after all, had never had to issue "regulations governing use." Access policy in the public archives tradition was to be more formal than that in the historical manuscripts tradition. The issue, though, disappeared during the war years. Use was simply not much of an issue for quite a long time. The sum of National Archives thinking on the subject was contained in two brief statements, one by the Archivist and one by the director of the Roosevelt Library. "The raw materials of history are the records of past human affairs," Archivist R.D.W. Connor said at the dedication of the Roosevelt Library on 30 June 1941, "and only when such records have been preserved and made available to him can the historian truly reconstruct and interpret the past."³² One can sense in the Archivist's statement the feeling that a public interest can inhere in a manuscript collection, especially in one such as this, riddled through with public policy documentation. The other statement, made about a year earlier, is in a memorandum from library director Fred W. Shipman to the Archivist. "The decision as to what

and when papers can be opened to the public," he wrote, "has a great deal to do with public policy." Papers dealing with recent diplomacy and defense preparations, for example, clearly could not be opened immediately for research. Neither could certain types of private correspondence affecting living persons' interests, which "social and moral obligation" required to be kept closed. "So the whole question of opening the papers in this library for public inspection," Shipman concluded, "requires considerable thought."³³

The donor himself, almost five years after announcing his gift, addressed some comments to Shipman, which, as events proved, fixed the direction that National Archives access policy was to take. "Before any of my personal or confidential files are transferred to the Library at Hyde Park," Roosevelt wrote to Shipman 16 July 1943, "I wish to go through them and select those which are never to be made public; those which should be sealed for a prescribed period of time before they are made public; and those which are strictly family matters, to be retained by my family." Roosevelt went on to designate a "Committee of Three," composed of his close associates Samuel I. Rosenman, Harry L. Hopkins, and Grace G. Tully, which would perform this review should he die or become incapacitated. Roosevelt gave a few examples of the kind of documents that the committee should regard as "in effect personal," and indicated that they should be closed an average of ten to fifteen years, with some items closed as long as fifty years.³⁴

³²Remarks of R. D. W. Connor at the dedication of the Roosevelt Library, 30 June 1941, Record Group 64, Records of the National Archives (hereafter cited as RG 64), Solon J. Buck FDR Library Consolidated Files, folder: RL Consol. File No. 6, 4/1/41 to 9/4/41.

³³Director of the Franklin D. Roosevelt Library to Archivist of the United States, "Budget justification for the Franklin D. Roosevelt Library for the fiscal year 1942," August 1940, RG 64, Buck's FDR Library Consolidated Files, folder: RL Consol. File No. 5, 7/5/40 to 3/31/41.

³⁴Memorandum for the director of the Franklin D. Roosevelt Library, by Franklin D. Roosevelt, 16 July 1943, RG 64, National Archives Planning and Control Case 048-91.

Roosevelt's memorandum established the two principles on which National Archives' access policy for personal papers has been based ever since: first, that either the donor or his delegate has the responsibility to review every page prior to opening the collection; second, that the donor will provide general categories of restriction to guide his delegates in conducting their review. Eventually, after two or three decades of development, the categories of review would become standard and the donor would typically delegate the responsibility for review to the National Archives. During the 1940s, however, the procedures remained in their incipient form. Roosevelt's death prevented the drawing up of a fully developed list of restriction categories, but there was sufficient information in his memorandum to cause the Committee of Three and the National Archives to understand that he had imposed such categories on the work of review. Eventually these categories would have to be more fully understood and greater detail agreed upon by the Committee of Three and the National Archives.

With Roosevelt's death on 12 April 1945, responsibility for determining the conditions of access to his papers came to the Committee of Three and the National Archives in exactly the vague form presented in the memorandum of 16 July 1943. Roosevelt had given no further instruction. The Committee of Three and the National Archives would have to find their own way forward.

The way forward was found amidst difficult conditions. Perhaps complication and confusion were inevitable during this formative period. At his death, Roosevelt left two bodies of papers: those

already in the Roosevelt Library and presumed to be under the control of the National Archives, and those still in the White House files and presumed to be under the control of the Roosevelt Estate, which meant, as regards access questions, the Committee of Three.³⁵ In theory, two sets of restriction categories would have to be drawn up and two reviews would have to take place before the papers could be opened.

Archivist Solon Buck was aware of this problem when he put forward a comprehensive access proposal at a meeting of the Roosevelt Library's Board of Trustees, held only three weeks after the president's death. His proposal included provisions that defined six categories of materials to be restricted from public use and that delegated to the director of the Roosevelt Library the task of identifying and restricting materials falling into these six categories before any papers were opened to the public. Samuel Rosenman, a library trustee as well as a member of the Committee of Three, demurred at Buck's proposal that the committee accept the same restriction categories as the Archives and delegate the review responsibility to the Roosevelt Library staff. He said he would put the matter before the Committee of Three.³⁶

A year passed. The Archivist hoped there could be a major opening of Roosevelt papers on 1 May 1946, but it did not occur. A certain amount of thinking and planning did take place, however. Director Fred Shipman proposed his own set of access restrictions, which followed the Archivist's earlier proposal in being general categories, applicable to all of Roosevelt's papers from official state papers to personal correspondence, and

³⁵This committee was reduced to only two members by the death of Harry Hopkins in 1946.

³⁶Minutes of the meeting of the Board of Trustees of the Franklin D. Roosevelt Library, 1 May 1945, RG 64, National Archives Planning and Control Case 048-91.

serving as suitable guides for the work of a staff of surrogate reviewers.³⁷ One of the Archivist's more idealistic advisers thought this new set of proposed restrictions sounded too negative, too likely to discourage use of Roosevelt's papers. The important thing, he felt, was to assure that restrictions on the papers be held to a minimum. "The closer the approach to complete freedom of access to these materials," he said, "the better for the world."³⁸

In the spring of 1947 an answer to the access question was forced by an important request for access from the Senate Committee to Investigate the National Defense Program (the Brewster Committee). The Archivist sought advice on how to respond to this request. The problem he faced, according to a tentative statement prepared by the National Archives, was "without precedent since it is the first time in the history of the United States that the papers of a President have been turned over to a public repository immediately after the vacating of the office. . . . The contemporary character of the materials and their relation to national events and policies makes the question of their availability an extremely difficult one."³⁹ The Archivist called Director Shipman. "Do you think," he asked,

"there is anything in [the documents requested by the Brewster Committee] disclosure of which would be detrimental to the national interests or to public interest in general?" "No," Shipman answered. "Is there anything in them that would be discreditable to individuals?" "No," again. The Archivist decided to let the Brewster Committee see the documents.⁴⁰ Before making his decision public, however, he called the White House to ask President Truman's aide, George Elsey, for advice. He "did not want to get caught in a squeeze," he told Elsey. He had to respond to a subpoena from Congress. He requested in very strong terms that if the president wished to issue any directives to him, he do so.⁴¹ There is no record of any such directive reaching the Archivist. In any event, on 25 July Buck wrote a letter to Senator Brewster agreeing to make the requested documents available to his committee.⁴²

The Archivist did not drop the access question once the Brewster Committee was satisfied. Three days after this first serious access request was resolved, a second one began to form—the State Department was interested in seeing the Roosevelt Papers in connection with its work on the *Foreign Relations of the United States* series.⁴³ The access prob-

³⁷Memorandum from director of Franklin D. Roosevelt Library to the Archivist of the United States, 30 January 1946, RG 64, National Archives Planning and Control Case 048-91. See also Solon J. Buck to Fred W. Shipman, 17 April 1946, in the same file, in which the Archivist expresses his desire not to designate personally which materials are to be opened and closed, but rather to issue access regulations that state general principles regarding restrictions; the Roosevelt Library staff would then have the responsibility of applying the principles to specific documents.

³⁸Phillip Hamer's comments, ca. February 1946, on the endorsement sheet concerning proposed regulations governing access to material in the FDR Library, RG 64, National Archives Planning and Control Case 048-91.

³⁹"Notes Concerning the Franklin D. Roosevelt Library at Hyde Park, N.Y., August 18, 1946," RG 64, Correspondence to and from the FDR Library, 1943-52, folder: FDR Library, 1947.

⁴⁰Memorandum of telephone conversation, Solon J. Buck and Fred W. Shipman, 23 July 1947, 11:15 a.m., recorded by Ruth Curry, RG 64, National Archives Planning and Control Case 048-91.

⁴¹Memorandum of telephone conversation, Archivist S. J. Buck and George Elsey, 23 July 1947, about 5 p.m., recorded by Ruth Curry, RG 64, National Archives Planning and Control Case 048-91.

⁴²Solon J. Buck to Senator Owen Brewster, 25 July 1947, RG 64, National Archives Planning and Control Case 048-91.

⁴³See memorandum of telephone conversation, call from Bernard Noble to Solon J. Buck, 28 July 1947, RG 64, National Archives Planning and Control Case 048-91.

lem would clearly have to be resolved and put into a general form.

The first step was to issue regulations. By mid-August a draft of proposed regulations was circulating among archives leadership and within the White House as well, with President Truman apparently taking a personal interest in the matter. By late August, the White House had approved the draft.⁴⁴ On 17 September 1947 the "Regulations Governing the Custody, Protection, and Use of Historical Material in the Franklin D. Roosevelt Library" were published in the *Federal Register*. The restrictions section followed the principle of stipulating general categories of materials to be restricted. This principle was established by Roosevelt's 16 July 1943 memorandum and had been adopted in the Archivist's proposed restrictions presented to the Roosevelt Library Board of Trustees in 1945. The six restrictions of the Archivist's earlier proposal were reduced to three in this 1947 statement. Restricted materials included "historical material that contains information the disclosure of which would be prejudicial to the national interest or security of the United States, or contrary to the conditions under which the historical material has been acquired by the Library, or contrary to standards of propriety."⁴⁵ This statement assumed—again following a principle laid down in Roosevelt's 1943 memorandum—that every page would be reviewed to determine which items should be restricted.

Next the Archivist had to deal with the Committee of Three. The double review threat was, over a rather long period,

negotiated away. On 1 November 1948 Archivist Wayne Grover wrote to Samuel Rosenman asking him to surrender the committee's review responsibility to the archives staff. The tremendous task of reading several million pages of documents was simply too much for the committee to accomplish. The Archivist proposed that he, Rosenman, and Grace Tully, the other surviving member of the committee, agree upon criteria that archivists could follow when reviewing the papers. Two months later Grover presented the proposed criteria, specifying seven categories of restricted documents, as follows: investigative reports on individuals; applications for positions; documents containing derogatory remarks concerning the character, loyalty, integrity, or ability of individuals; documents containing information concerning personal or family affairs of individuals; documents containing information of a type that could be used in the harassment of living persons or the relatives of recently deceased persons; documents containing information whose release would be prejudicial to national security; and documents containing information the release of which would be prejudicial to the maintenance of friendly relations with foreign nations. Almost a year later, on 22 November 1949, Rosenman and Tully agreed to the Archivist's plan, adding to the categories of restriction only that of confidential communications addressed to the president. Virtually all of the responsibilities and powers suggested by Roosevelt's 1943 memorandum belonged now to the Archivist.⁴⁶

⁴⁴See draft of procedures of the Franklin D. Roosevelt Library, with attached note, J. King to Mr. Grover, 29 August 1947, RG 64, National Archives Planning and Control Case 048-91.

⁴⁵"Issuance of Regulations Governing the Custody, Protection, and Use of Historical Materials in the Franklin D. Roosevelt Library," *Federal Register* 12 (17 September 1947): 6272-73.

⁴⁶Wayne C. Grover to Samuel I. Rosenman, 1 November 1948; Wayne C. Grover to Grace Tully, 30 December 1948; Samuel I. Rosenman and Grace G. Tully to Wayne C. Grover, 22 November 1949; RG 64, Correspondence to and from the FDR Library, 1943-1952.

One last element of National Archives access policy emerged during the course of several requests for privileged access to the Roosevelt papers, made between 1947, when the papers were declared government property, and their formal opening to the public in 1950. Actually, this last element was more one of attitude or spirit than of law and administration. It was simply determined that there would be no privileged access. One request for special privilege came from historian Arthur M. Schlesinger, Jr., who wished to see Roosevelt's correspondence with Felix Frankfurter. Schlesinger knew Frankfurter and knew that he would give him permission to see the letters he had written to the president. Schlesinger tried to convince the Archivist that if the creator of documents gave a researcher permission to see the documents, regardless of whose papers they were in, that person should be able to see them. The Archivist and the director of the Roosevelt Library agonized over their decision. All the old ways of the archival world would have allowed Schlesinger to see the documents. Frankfurter agreed; Rosenman, speaking with something of FDR's voice, would undoubtedly agree. "Don't let it worry you *too* much," Archivist Wayne Grover wrote to Director Herman Kahn. "God knows I haven't been sleeping very well lately, but I think things will work out." Finally, a compromise was struck. Schlesinger could see documents identified by Frankfurter, but only on condition that the same documents thenceforward would be open to everyone.⁴⁷ Equal access to all was the principle insisted upon, and it became something of both a war cry and a touchstone for National Archives leadership during this dif-

ficult period.

On 17 March 1950, only five years after Roosevelt's death, about eighty-five percent of his papers were opened for research. Nothing like this had ever happened before. It was the culmination of a sometimes sluggish and uncertain evolution compounded of Roosevelt's vague indications of intent and the determination of National Archives leadership that access to the president's papers must be as prompt and free as possible and on equal terms to all. A few months after the opening, Archivist Wayne Grover read a paper at the annual meeting of the American Historical Association, claiming that the National Archives had simply applied to this collection of personal papers the access practices that the agency typically applied to government records. "The types of restrictions that were imposed on the Roosevelt papers," he said, "will be found to exist generally throughout the Federal Government on official records of recent date."⁴⁸ The National Archives, this was to say, had taken away part of the recognized documentary domain of the historical manuscripts tradition and brought it within the public archives tradition. The papers of the presidents, and to a more limited degree those of his associates in public life, would no longer, after the Roosevelt experience, be considered purely personal papers. The president's papers remained personal in law until 1980, but they were in spirit what Roosevelt had admitted them to be, the property of the people of the United States. They belonged to the people; the people had a right to see them. The policy that controlled access to these materials was built on this premise.

The method through which access was

⁴⁷Herman Kahn to Wayne C. Grover, n.d. except for "Saturday Morning," probably 20 August 1949; Wayne C. Grover to Herman Kahn, 23 August 1949; and Herman Kahn to Justice Frankfurter, 6 September 1949; RG 64, Correspondence to and from the FDR Library, 1943-1952.

⁴⁸Grover, "The National Archives and the Scholar," 9.

achieved—a combination of general restriction categories and page-by-page review—has developed over the decades into the National Archives' main technique for providing access as promptly and fully as possible to recently created, and often sensitive, collections of personal papers. There have been many missteps in the thirty-five years since the first opening of the Roosevelt papers, many cases in which access to portions of a president's or other donor's papers has not been ideally free and full. Bad practice has sometimes accumulated to such a degree that it has become in effect bad policy.⁴⁹ But there has arguably been an evolution during these thirty-five years toward the best potential within the methods developed to provide access to the Roosevelt papers. The Presidential Records Act of 1978, despite its origins in the mood created by the fall of the Nixon presidency, can be seen as a direct descendant of these earlier methods. The general restriction categories are still present in the provisions of the act, as is the implied page-by-page review. In the 1978 act, however, the president's right to restrict access is severely limited in duration, and the Archivist, not the president, is specifically authorized to determine which documents should be restricted. The Presidential Records Act is a very strong statement of the public's right to consider a president's papers as their own, a stronger statement than could have been made thirty-five years ago. It is also clearly an event in an evolutionary development whose origins lie in the procedures devised to provide access to the Roosevelt papers. The ideal that has

driven this development has remained the same throughout—that is, to deal with the necessity of restricting certain kinds of documents prior to opening a manuscript collection so thoroughly, so finely, and so quickly that access is provided to the greatest number of documents, to the greatest number of people, as promptly as possible.

Solon Buck's central role in the development of the access policies of both the Manuscript Division of the Library of Congress and the presidential library system of the National Archives gives one very important insight into the two institutions and into the two archival traditions that they represent. These institutions are indeed, as regards access policy, paradigms largely immune to and independent of one another's influence. When, as Archivist of the United States, Buck worked toward the creation of an access policy for a president's papers—a donated collection, personal papers by every past measure—he drew his methods from the public archives tradition. When, as chief of the Manuscript Division and presiding over the collections of many presidents and other governmental figures, he completed a major reformation of the division's access policy, he kept it firmly within the bounds of standard historical manuscripts tradition policy. He left the access policies of the two traditions separate, and they have remained separate. According to Richard C. Berner, the arrangement and description policies of the two traditions came together sometime around 1960; this has not yet happened with access policies.⁵⁰

The access policies of both traditions

⁴⁹The Roosevelt Library itself became the focus of a controversy over bad practice in the late 1960s. See the *Final Report of the Joint AHA-OAH Ad Hoc Committee to Investigate the Charges Against the Franklin D. Roosevelt Library and Related Matters* (Baltimore: Port City Press, 1970).

⁵⁰Presidential libraries have used the historical manuscripts tradition's access practices with donated non-presidential papers but have been moving away from the use of these practices. A presidential library director would no longer praise the access conditions of John Foster Dulles' donation of his papers, as one did almost twenty years ago. See John Wickman, "John Foster Dulles' 'Letter of Gift,'" *American Archivist*

have their strengths and weaknesses. The policy employed by the Manuscript Division has the virtues of economy and administrative simplicity when rightly used. It probably shields the division to some degree from researchers not happy with the conditions of access. In addition, it may encourage the preservation of the papers of particularly sensitive and skittish donors, though this is debatable. The policy has one major shortcoming: it is not based on the individual document. It is based on groups of documents and is necessarily prone to countless errors in detail. Documents that by anyone's judgment have no need of restriction may be included in large restricted groups, and all the documents in a group may be held to a restriction suitable to only a few of its most sensitive members.

The policy used by the presidential libraries, on the other hand, is very expensive, sometimes nearly impossible to administer, and exposes the institution directly to the anger of unhappy researchers. The principle of page-by-page review based upon categories of restrictions means that the archivists are responsible for the decisions to close individual documents. The director of the Roosevelt Library who presided over the first review of a president's papers found the responsibility a heavy one. "This job of screening gets difficulter and difficulter," he moaned, following the solecistic manner of Alice as she confronted Wonderland. "Like the man whose job it was to separate the big potatoes from the small

ones, it isn't the work, but making the decisions that's killing me."⁵¹ The task of review is slow and difficult, and the capricious element of human judgement is the work's central tool. Researchers who disagree with some of the access decisions are sometimes very strong in their criticism of such a policy. They often mistakenly feel that the reviewing archivist, rather than determining which restrictions govern the documents, is actually creating the restrictions.⁵² The head of the presidential libraries office is not always believed when he answers such criticism by saying "the standards currently followed by the [presidential] libraries have had the salutary effect of reducing arbitrary limitations and making restricted portions of papers available more promptly."⁵³

The National Archives' access policy for personal papers is arguably inappropriate for collections that do not have a significant public policy interest—for the papers of artists, novelists, scientists, or businessmen, for example. One can hardly insist that the need for prompt access to collections of this nature is as great as for the collections of presidents, cabinet officers, and congressmen. The Manuscript Division's policy, on the other hand, is just as inappropriate for collections with a very great public policy interest. It is probably not in the public interest, for example, to allow important government officials to close entire collections for long periods of time; certainly some documents from these collections

31 (October 1968): 355–63. An unscientific survey conducted by the author found no repository working within the historical manuscripts tradition that has voluntarily undertaken a page-by-page review. The Massachusetts Historical Society was asked by Senator Leverett Saltonstall to perform such a review. The society at first declined, explaining that it lacked the resources to undertake a page-by-page review. Only when Saltonstall, and later his estate, agreed to fund such a review was it undertaken.

⁵¹Hand-written memorandum, Herman Kahn to Wayne Grover, 20 January 1950, RG 64, Correspondence to and from the FDR Library, 1943–52.

⁵²See, for example, Barton J. Bernstein, "A Plea for Opening the Door," and Blanche Wiesen Cook, "The Dwight David Eisenhower Library: The Manuscript Fiefdom at Abilene," in *Papers of Recent Public Figures*, 83–90 and 77–82 respectively.

⁵³Daniel J. Reed, "A Matter of Time," in *Papers of Recent Public Figures*, 64–65.

could be opened quickly. A page-by-page review following agreed-upon guidelines could identify those documents requiring restriction and allow the remainder to be opened.

As Manuscript Division Chief David C. Mearns said of a post-war era infatuated with the study of contemporary history, "The searchers after yesterday are impatient and impassioned. They will not be denied."⁵⁴ No access policy can be taken for granted in such an environment; every policy must be fair and judicious in a measure approaching the ideal. This should present no difficulty to the archival profession. Most archivists, while respecting the proprietary rights of donors and agencies to their papers, have always believed in free and open access; restrictions have never been anything other than a device necessary to that goal. The danger suggested by the developments chronicled in this article, however, is that there is remarkably little understanding among archivists of the access issue, of its history, or the potentialities inherent in different courses of policy. In this very important area of their profession, archivists may not know their own world. To the extent that knowledge is power, they will not have power, and they will lose the opportunity to shape the conditions under which they must live and work.

"It seems to me to be one of the fundamental facts in American archival

development," Ernst Posner once said, "... that it is a response to the stubbornly and insistently presented demands of the scholarly world."⁵⁵ Archivists have been part of that scholarly world from the founding of the Public Archives Commission in 1909. They have done a great deal to shape the conditions of their history. They should turn their attention now to the access issue and work together to achieve more agreement than presently exists—agreement on more than just the principle of free and open access, limited only by fair and clearly framed restrictions. This principle has already been sufficiently agreed upon, many times in many forums. But much more agreement is needed on what constitutes the details of a good access policy. Should the donor decide what is to be closed, or should the archivist? Should entire collections or series be restricted, or should the restriction decision be made on the item level? Should archival review of researcher notes and manuscripts ever be permitted, under any circumstances? Should the answers to these questions be different depending upon the nature of the documents being considered? There are undoubtedly cogent arguments to be made on many sides of these questions. They should be made, and the areas of agreement found, so that the archival profession may formulate a thoroughly considered position on the important issue of access policy.

⁵⁴Mearns, "Historical Manuscripts, Including Personal Papers," 318.

⁵⁵Ernst Posner, "Archival Administration in the United States," *Archives and the Public Interest, Selected Essays by Ernst Posner*, ed. Ken Munden (Washington, D.C.: Public Affairs Press, 1967), 116.