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THE PRESERVATION OF CONSULAR AND DIPLOMATIC POST RECORDS OF THE UNITED STATES

I. *Early Trends in the Policy of the Department of State*

THE administration of President Andrew Jackson marked the beginning of a definite program by the Department of State to preserve its records in foreign countries. This development in a measure reflected Jackson's general policy of increasing the efficiency of the department's management of foreign relations. Jackson had delivered a notable address on the Department of State in his annual message of 1829, and his attitude found further expression in reports of two of his Secretaries of State, Martin Van Buren and Edward Livingston.

Before the Jacksonian era it was common if not customary for American representatives in foreign countries to consider papers accumulated during their tenure of office as their own. American presidents to this day have treated their official correspondence in such a manner; it is not surprising that American diplomats and consuls adopted the same procedure. The result has been that no consular or diplomatic correspondence of the period of the Continental Congress or the Congress of the Confederacy has been preserved at the various posts abroad, while records for the period 1789 to 1820 are fragmentary.[1] Such papers as have survived must usually be looked for in historical societies, Library of Congress collections, and family papers held by descendants of incumbents.

One of the early circular instructions admonished diplomatic agents to maintain correspondence received and copies of corre-

[1] Diplomatic post records from Spain as early as of 1801 are extant; from Brazil, as early as 1809; Russia, as early as 1807; and from France for even earlier dates; Bahia, La Rochelle, and Marseille are among the consular posts which have maintained files running back into the early federal period. These records are now in the National Archives. For some diplomatic archives not in government custody see Samuel Flagg Bemis and Grace Gardner Griffin, *Guide to the Diplomatic History of the United States* (Washington, 1935), 868-883.

spondence sent as government property. Not worded in forceful language, it was not generally observed. On February 24, 1832, the Secretary of State issued another directive which served as a standing instruction for many years. It reads in part as follows:

> Neither the instructions given to a Diplomatic Agent by his Government nor the official letters he receives, nor the records of his answers, and of other transactions relating to his office, are his private property—they are to be kept subject to the order of the Department to which his office is attached. The public interest, and the convenience of public intercourse with our agents in a foreign country, require that every Minister who succeeds to a Mission should know accurately the directions that have been given by the Government to his predecessors, and what they have done—what communications they have received from other sources, and what answers they have given—it was, therefore, made a standing direction to all our Diplomatic Agents, to preserve the archives of their mission, with the utmost care, that they might be delivered to their successors, either immediately, or by means of such persons as might be ordered to receive them until the successor should arrive. It has been observed with regret at the Department that these directions have been, in many instances, but imperfectly executed, and in others, totally disregarded.[2]

Due either to the short tenures of office or to the large number of political appointments of early days, or both, there seems to have been an unusual amount of carelessness in preserving records at some posts. The department, by this same instruction, gave directions that thereafter each new incumbent should report the state of the records upon coming into office. These newcomers apparently complained about the condition of the archives when they reached their posts, for the department was constrained to adopt a form for all diplomatic officers to sign when leaving office: "I . . . do hereby certify upon honor that the records of the Legation at . . . of which I lately had charge were left by me in due order and that they are complete to the date of my departure from it."[3] Without this form duly signed, the minister was not able to obtain his final salary adjustment from the Treasury Department.

Early in the next century, on February 10, 1910, the department instructed the diplomatic officer to forward a "complete inventory of the furniture and archives of . . . [each] Mission, together with a description of the same."[4] Answers to these serve as happy hunting

[2] *Supplement to the Personal Instructions to the Diplomatic Agents of the United States in Foreign Countries.* Diplomatic Post Records, Belgium, Correspondence, C8.7, Vol. 1, 41.

[3] "Circular Instructions," Vol. 1, 1797-1874, pp. 303-304.

[4] Numerical File, 1906-1910, Vol. 1150, No. 23578.

grounds for present day archivists who are thus enabled to reconstruct a picture of the number and kind of bound volumes at a post and to determine whether volumes are missing today. The inventories, therefore, serve as a basis upon which a search for gaps in series can be made.

During this same period, from about 1830 to about 1910, the Department of State evinced a different attitude toward the care of consular post records. Their interest was casual about 1830, careful during the turn of the century when consular inspectors made detailed investigations of consular methods and recommended strict adherence to instructions. A circular instruction of August 8, 1834,[5] required the submission of an inventory of the archives of each post. The answers form valuable clues as to the extent of a consulate's archives at that time. Laxity in preserving records was common, however. A Treasury Department circular of September 20, 1844, contains a casual reference to the "frequent changes in the Consular Offices of the United States abroad, and the practice of retiring Consuls taking with them the instructions they may have received. . . ."[6]

The reorganization of the consular service by the act of August 18, 1856, brought about an increase in the work of consuls and a consequent increase in their record keeping. During the following year the department submitted a questionnaire inquiring about the types of books maintained at the various consulates.[7] In addition, consuls received a formal series of record books, each with a backstrip stamped in gold: "From Jan. 1, 1857-."

The *Consular Regulations* of 1856 contained a provision that was to remain in subsequent editions throughout the rest of the century and which continued on into the next: "All consular officers are instructed to take care that the archives are kept in proper order; and with this in view, as well as to facilitate reference to previous correspondence, they will keep in their offices registers of all the documents, papers, letters, and books which have been or which may be at any time received, and also forwarded by them on matters connected with their official duties." Consuls, likewise, were required to submit an account of their archives upon assumption of duties. These quasi-inventories differ in detail, but invariably are far less descriptive than the archivist would like to find them.

That the department was alert in its interest in the archives of

[5] Consular Post Records, Guatemala City, Circular Instructions, C8.5, 1827-1882.
[6] "Circular Instructions," Vol. 1, 1797-1874, p. 94.
[7] *Ibid.*, 158, 159.

consular posts is indicated by a circular instruction of August 27, 1879,[8] inquiring into the condition of the archives. The department was particularly interested in finding out about such matters as preservation of accounting records, keeping of press copy books, transcribing outgoing messages into record books, and indexing both incoming and outgoing correspondence. Shortly before the turn of the century, on September 20, 1898, the department again requested information on consular archives: "You are directed to report frankly to the department what record books have hitherto been kept by you and the exact condition in which each of them is at present, stating without fear of criticism in which ones entries have not been made up to date or have not been made at all."[9]

The formal request for a complete inventory of consular archives preceded the request for the inventory of diplomatic archives by a few months. On October 16, 1909, consuls were instructed to submit the broadest kind of an inventory which "should contain a list of all furniture and other furnishings, books, both reference and record, archives, files or bound copies of correspondence, all files intended to be permanently retained in the office, and in fact all the property in your office belonging to the government."[10] One copy of this inventory was to be submitted to the Department of State; a second copy was to be preserved in the consul's Miscellaneous Record Book.

One of the results of the movement during the early part of the present century for a national archives building was the executive order of July 19, 1912, requiring executive departments to make reports on records outside of Washington which antedated 1873. The survey was under the general direction of Dr. Herbert Putnam, librarian of Congress, and under the immediate supervision of Gaillard Hunt, formerly of the Department of State but then of the Manuscript Division of the Library of Congress. Perhaps it was due to Hunt's influence that the Department of State transmitted to its foreign representatives such a detailed questionnaire. Twenty-one questions covered such subjects as buildings in which the archives were housed; destruction of records by fire; temperature; shelving; custodians of the records; accessibility; arrangement, flat-filing and

[8] Consular Post Records, Dundee, Circular Instructions, C8.6, Vol. I, 1873-1890, p. 233.
[9] *Ibid.*, Vol. II, 1891-1900, p. 735.
[10] *Ibid.*, Vol. III, 1901-1910, p. 1193.

folding; damage by vermin, moisture, heat; gaps in the records with explanations for missing items; and calendars of archives. The "meat" from these reports was incorporated into a volume entitled: *Archives of Government Offices Outside of the City of Washington* (H. Doc. 1443, 62nd Cong. 3rd Sess.).

In early days the department had no suggestions to offer respecting the preservation of books and archives from dampness in tropical countries or from insects and mice. Even as late as 1909 the department was unable to give aid to the consul at Turks Island who, complaining of damage by termites, alleged that "books which had been in the Consulate for years are honey-combed by these pests."[11] By a circular instruction of December 24, 1921, however, the department took positive steps of relief and proffered the following advice:

> . . . the Department urges upon all consular officers the great necessity of adequately protecting the records and archives of the offices and it will appreciate anything which may be done by consular officers with a view to preserving this important class of Government property. Such preservation may be materially assisted by keeping the records cleaned and, wherever necessary, sprinkled with insect-powder; proper binding of all correspondence and storage of records and archives on enclosed shelves or in cabinets free from dust and moisture so far as the storage facilities of the various offices will permit.[12]

The department was hampered by lack of adequate funds to make possible better storage facilities, but requested consuls to report hazards to archives which required urgent attention. Present instructions are far more elaborate than this.

II. *Hazards in Connection with Housing Noncurrent Records at Foreign Posts*

Unless archives are given the most careful attention, they become lost, destroyed or damaged. Mr. Julian Boyd has quoted the words of an archivist at Westminster under Queen Elizabeth as saying, "A foure fold hurt maie bring wrack to Records . . . Fier, Water, Ratts and Myce, Misplaceinge." Then gently but forcefully the archivist supplemented his statement by observing that there "is even plaine takeing of them away . . . by a Privy Counsellor . . . or

[11] Numerical File, 1906-1910, Vol. 407, No. 4732/41.
[12] General Instructions Consular, No. 814.

anie of the Kinges learned Counsell," for which problem, he complained, there was no adequate remedy.[13]

As a rule, post records have been given the best of attention, particularly during the more recent decades. Yet records have been subject not only to the misfortunes mentioned by the ancient archivist; they have been subject also to others. Tidal waves have accounted for damage in certain cases; earthquakes to the complete destruction of the records in others. Climatic conditions in tropical countries, coupled with the ravages of insects which attack both binding and paper, offer further problems to the records preserver. Press copy books containing records of outgoing correspondence have been either of such a poor quality paper or have been so subject to weather conditions that the pages will crumble in one's hands as the pages are turned over.[14] Lack of proper space facilities has in many cases made records difficult of access in an emergency. Shells from enemy guns, bombs, or activities of revolutionary forces within a country have done their part to threaten or destroy archives at the posts.

Evidences of these destructive agencies are to be found primarily among the despatches from our representatives abroad. The following illustrations perhaps give a more realistic picture than any general summary.

Enemy shells. Over one hundred years ago the American consul general in the land of the Barbary pirates saw danger of enemy fire. His first thought was of the archives, which he hastened to protect. The incident is thus described: "A frigate under Austrian colours stands in to the entrance of the Bay, tacks and runs out. The Consul General puts the Archives of his office into the Magazine and walls the door up to preserve them."[15]

Transfer of offices. A serious hazard to the records results from the moving of the consulate or legation from one part of the city to another. The difficulty was greatly augmented years ago when the greater portion of records remained unbound. The American consul general at Havana, for example, reported to the department in 1879: "The records of the correspondence received and sent before the year 1869 are in such great confusion, the office has been twice

[13] Preface to *Guide to the Manuscript Collections in the Historical Society of Pennsylvania* (Philadelphia, 1940), vii.

[14] One illustration among several is the press copy book from the consular agency at Ciudad Bolivar, Venezuela.

[15] Consular Despatches, Algiers, Vol. 12, July 25, 1830.

removed. . . . On both occasions the removal was attended to by an ignorant porter; the books and papers were thrown promiscuously into carts and have been put away in boxes without regard to order or arrangement. From an examination of these archives it appears that much is missing and that they are not consecutive for any period previous to the year 1869."[16] The student of the exciting Civil War days when Havana was a base for blockade runners here has a clear picture of what may have happened to the correspondence he does not find. There is a case on record where an important consul general was unable to give a report of some of the early archives when approached by the department. The mystery was finally solved when representatives from the consulate general visited the basement of a building where the consular office had formerly been located. The missing records in this instance were retrieved, and restored to their place as government archives.

Cyclone and tidal wave. In February, 1906, the American consul at Tahiti sent to the Department of State (telegram via San Francisco) the following message: "Cyclone destroyed consulate February 8th. Records saved but damaged." On March 1, the consul wrote the department a descriptive account of the tragedy. He narrated that:

> . . . the waves broke about fifteen feet high during the removal of the archives and damaged them beyond possible use, with the exception of about forty volumes of records and official correspondence. During my absence from the Consulate, Mrs. A. Wallace Doty, my mother, supervised the removal of the archives being nearly drowned twice, in the midst of high waves. She and my sister abandoned the Consulate toward midnight Feb. 7 and appealed to the Latter Day Saints Mission (American) whose buildings were at a safe distance from the sea. The missionaries . . . made several attempts during the night at Mrs. Doty's request to enter the Consulate and remove the Archives. They were, however, unable until daybreak to achieve any success, as the floors of the building had given way during the night, and it was impossible to make an entrance. From early daybreak the work of removal of official documents was carried on at great peril to the lives of these young missionaries, who were many times under falling debris amidst high waves. . . . I have only this to add that had I been present, the work of securing the archives would hardly have been more successful, than under the direction of my mother.[17]

[16] Consular Despatches, Habana, Vol. 82, October 22, 1879.
[17] Consular Despatches, Tahiti, Vol. 10.

Forest fire. Fires have been the greatest enemy of post records.[18] In 1908, three days after the newly appointed consul arrived at Fernie, Canada, he wired the department his first message: "Fernie burned. Supplies lost. . . . Denison." The story of Denison's inauspicious first days as consul at Fernie is best told in his own words:

> I arrived at Fernie July 31st and that day hired the only available office for a consulate, and had the supplies moved there. The next morning I opened the supplies, and was in fair running order. The forest fires were burning nearly all around Fernie, when at about three o'clock P.M. the whole town was afire at once with a hurricane such as I have never seen. The air was filled with burning brands and flames. My wife and I accompanied a Mr. F. H. Hale, an Ex. M. P., each of us trying to drag a trunk with our belongings out into the street, where the heat, fire and wind were so intense that we dropped all, and fled for our lives, crawling under a Rail Road water tank for safety. After that caught fire, we got into a freight car and were shunted about for an hour or more in an effort to escape the fire. Finally we managed to get back on foot, to the other end of the town, where we were taken aboard cars and landed here [Cranbrook] having lost everything we had, including part of our hair and my moustache, with the exception of the clothes on our backs. All supplies & fee stamps were burned, with the exception of the steel press which I carried in my hand. Probably between 100 and 200 were killed.[19]

During the latter part of the month of August the vice consul made the pointed observation: "I have the honor to report that the entire records of my Office for the month of July 1908, and previous to that date were destroyed in the general conflagration of this city on August 1st 1908." This officer was forced to render his accounts from memory.

Earthquake. Just as Managua[20] and Valparaiso[21] in this hemisphere had earthquakes resulting, through fires that followed, in the greatest destruction to archives created by American diplomatic and

[18] Fires at Chihuahua in 1922, at Ciudad Juarez in 1922 and at Durango in 1927 destroyed nearly all of the records of the consular posts at these towns in northern Mexico and their agencies. All of the significant early correspondence preserved at the consulate general at St. John's, Newfoundland, was destroyed in the great fire of 1892, although some of the early record books have been preserved. Most of the records of the consulate general at Naples were destroyed by fire at a time when the department was making arrangements for their transfer to Washington.

[19] Numerical File, 1906-10, Vol. 313, No. 3367/68. 11, 14.

[20] According to the *New York Times* of April 2, 1931, p. 3, "The American Legation was totally destroyed. . . . American Minister Hanna and his wife are safe but all their personal effects and all the files and documents were destroyed."

[21] The records of the American consulate general at Valparaiso were reported completely destroyed by the earthquake of 1906.

consular officials, so the cities of Tokyo and Yokohama in Japan had visitations resulting in similar losses. After the great earthquake of September 1, 1923, the American ambassador to Japan cabled: "All embassy buildings totally destroyed but no one in embassy injured." Later came a message which read in part: "The casualties in Tokyo are estimated at 10,000. I believe all Americans in Tokyo are safe. The food situation is acute. Send supplies from Philippines. . . . The fire-proof vault of the embassy was not fire-proof and all embassy records are burned."[22] Destruction to records was apparently not as disastrous as this statement would make it appear, for 327 bound volumes from the Japanese embassy, apparently a complete collection for the period before 1912, have since been transmitted to this country from Japan. These records, dating back to 1855, are in excellent condition and give no indication that they have survived an earthquake of such serious proportions.

The post records at Yokohama fared less well. Only one fragmentary volume survived the holocaust. On September 5, 1923, the American consul at Kobe had wired: "Yokohama completely destroyed by earthquake and fire; no business houses, no homes remain standing. Consulate general collapsed and burned killing . . . [several people]."[23]

Direct volcanic eruption. The American consulate at St. Pierre, Martinique, one of the earliest offices established by the federal government, came to a dramatic but tragic end in 1902 as the result of a volcanic eruption. The story is thus told in the Miscellaneous Record Book, Vol. III, from the consulate at Fort de France, Martinique:

> The city of St. Pierre, situated on the north coast of the Island of Martinique, in which the American Consulate was formerly located, was completely destroyed by an eruption of Mt. Pelée on May 8th 1902. The American Consulate for Martinique, the American Consul Thomas T. Prentis and his family, the American Vice Consul Andree Testart, all of the consular archives, seals, shields, records, files, papers, furniture, and all of the articles used in and connected with the Consulate and consular business, were destroyed in that catastrophe. The location of the Consulate was then changed to Fort de France.

Insects. A despatch dated March 29, 1908, from the American consul general at Panama illustrates the destruction to records

[22] *Foreign Relations of the United States*, 1923, Vol. II, 466-467.
[23] *Ibid.*, 468.

wrought by the insect "polilla."[24] "I have the honor to inform the Department that, in going through the boxed records which I have found here, I found one box containing books, records, etc., of the Consular Agency at Buenaventura, Colombia; that the correspondence, records, etc. have been almost totally destroyed by insects."[25] Sample pages, still preserved, were sent to the department to illustrate the damage. The consular official, after receiving authority from the department, destroyed the bulk of the damaged records of the Buenaventura consular agency. Many consular records show the results of insect depredations.

Violation of immunity of archives. Immunity of diplomatic and consular archives either from use by civil authorities[26] or from seizure by military authorities has been firmly established in international law. Violations have so far been rare. In 1914, during the period when American interests in Mexico were handled through the Brazilian legation in Mexico City, John R. Sillman, American vice consul at Saltillo, was captured and imprisoned by General Maas. On May 5, 1914, the Brazilian legation wired the department: "My informant states that consulate [at Saltillo] was sacked, all archives taken, Marchani [the consular clerk] forced by troops to open safe; troops are said to have carried code with them. . . ." A few days later the American consul at Vera Cruz wired the department upon the same subject: "Marchani left Saltillo May 8; states [that he] was taken from jail to consulate under heavy guard and compelled under threat of death [to] open safe and deliver all records including Red Code and three hundred pesos and jewelry left at consulate for safe keeping."[27] The Mexican authorities evidently returned the records in good condition, for the post records from Saltillo are among the best preserved to be found in the National Archives.

Fear of violations of international law sometimes resulted in record destruction. In August, 1918, the action of *de facto* authorities at Moscow in entering the consulates general of Great Britain and France and arresting the consuls general influenced the American consul general in that city to destroy both codes and records.[28] Simi-

[24] The insect "comejen" destroyed furniture.
[25] Numerical File, 1906-10, Vol. 832, No. 12963/1-3.
[26] See Green H. Hackworth, *Digest of International Law* (Washington, 1941-), IV, 722-726.
[27] *Foreign Relations of the United States*, 1914, 662-663.
[28] *Ibid.*, 1918, Russia, Vol. 1, 643.

larly, in 1941, at the outbreak of the war between the United States and Japan, Japanese officials burned records of the embassy at Washington and of the consular office at Chicago fearing that the data might get into the hands of the enemy.[29]

Modern War. Surprisingly enough, the wars of the twentieth century have not as yet brought serious destruction to consular and diplomatic records. The writer has failed to find an instance where American diplomatic or consular records were destroyed as the result of gunfire or bombing in the first World War. An incident which perhaps was a serious danger to diplomatic records of another nation is told in a German White Paper. On August 4, 1914, at St. Petersburg, "the German Embassy was completely wrecked by the mob, not a single article of furniture being left undestroyed. Everything was smashed into the smallest possible pieces and thrown into the street. Actually nothing was saved. . . ."[30] In September, 1922, at the time of the destruction of Smyrna during the war between Greece and Turkey, the American consulate was reported completely destroyed, although valuable records were saved.[31]

Records in the war zones today are receiving such care and attention that dangers from enemy destruction are being minimized. An interesting sidelight on the transfer of archives during war-time concerns post records. In the summer of 1942, diplomatic post records from the American embassy at Spain, covering the whole period before 1912, were transferred to the National Archives. The records travelled under cover of the diplomatic immunity of the exchange ship *Drottningholm.*[32]

Consular and diplomatic archives of no permanent value or historical interest may be destroyed by appropriate action of Congress. The earliest instance of such an authorization is to be found in the act approved February 4, 1903, directing the Secretary of State to cause the "destruction of invoices that have been filed in the consular offices for a period of more than five years."[33] Up to the present

[29] *New York Times,* December 8, 1941, p. 5.

[30] Quoted by James W. Garner in *International Law and the World War* (New York, 1920), I, 45.

[31] George Horton, *The Blight of Asia* (Indianapolis, 1926), 178.

[32] *Eighth Annual Report of the Archivist of the United States* (Washington, 1943), 14.

[33] Such action had been recommended to Congress by James G. Blaine in 1892. He had likewise recommended destruction of landing certificates and "papers which, from age and decay, have crumbled to pieces and become illegible."

time, over ninety-five per cent of the consular and diplomatic records have been considered worthy of preservation.

III. *Transfer of Post Records to the National Archives*

When records have outlived their administrative usefulness, or when the administrative value of archives becomes secondary, the custody of the records should be transferred from the administrator, whose interest lies primarily in the practical use of the records for administrative purposes, to the archivist. In addition to the basic problem of providing for future administrative uses to which the records may be put, the archivist has a two-fold purpose in view: to preserve the records; and to make the records available for the use of historians and others. The modern archivist has the training, skills, and repair facilities which are not usually available to the administrator.

The movement to bring the post records to Washington, which had been strenuously urged by some historians, was considerably hampered by the lack of adequate space facilities in the Department of State. Occasionally some records came in. The story is told that one ambassador kept repeatedly filling the despatch bags with extra volumes of old records, much to the disturbance of Department of State clerks. But the records sent to Washington were only fragmentary; by 1932 less than one per cent of the post records had been centralized.

The year 1932, however, ushered in the beginning of a transfer of the older post records to the Department of State building in Washington. Records which were no longer of administrative value and those antedating 1906 were to be moved. The year 1906 was at that time the terminal date for public use of Department of State records. Records in the Caribbean areas were to be moved first since these were in the greatest danger of deterioration. The story of the initial transfers has already been told by Mr. David Hunter Miller in the *American Historical Review*.[34] Thereafter, the department adopted a policy of acquiring all records from closed posts regardless of date and of receiving records from posts not in the Caribbean area. The terminal date for records scheduled for transfer was changed from 1906 to 1910, later to 1912. The last change was presumably made in order that the records sent in would cover the

[34] *American Historical Review*, XXXIX (October, 1933), 184-185.

period up to August 1, 1912, the date when a formal system of classifying and filing post records began.

In 1939 those post records which had been received by the Department of State were transferred to the custody of the archivist of the United States. Provision was made subsequently for future transfers of records to the National Archives. At the present time, approximately fifty thousand volumes, occupying an estimated 9,600 cubic feet of space, have been received in the National Archives. This represents possibly two-thirds of the total volumes earmarked for transfer to Washington. The outbreak of the second World War brought a temporary halt to this movement, although some post records were transferred even during the course of the war.

IV. *Future Problems Connected with Preservation*

The deposit of post records in the National Archives has minimized if not overcome most hazards to the records. Ants, mice, floods, fire, earthquake are no longer problems. This does not mean, however, that problems do not still exist. Obviously, centralization of records is not alone the answer to destructive influences. There are cases on record where scattered archives have been brought to a central archival depositary where they subsequently were all destroyed by fire. Fire is no serious hazard in a modern repository such as the National Archives which is made of steel and reinforced concrete. But whether records deposited in archival buildings of the finest construction known to man can indefinitely survive modern warfare is a matter that should not have to be put to the test. The best precautions, other than removal in every time of crisis—which is impractical—are microfilming and publication of the most valuable parts of the papers. Lamination and rebinding are answers to the less serious problems of decay, wear, and tear. If important records are subject to hazards, it is incumbent upon their custodian to see that the information contained in the records is preserved in another form, and if records are of intrinsic value, extraordinary efforts be taken to preserve them.

MEREDITH B. COLKET, JR.

The National Archives