

Abstractions of Justice: The Library of Congress's Great Manuscripts Robbery, 1896–1897

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Abstract

In the fall of 1897, the Library of Congress opened the Thomas Jefferson Building and left behind an unfortunate chapter in its history. During the spring of that year two employees were brought to trial and lightly punished for stealing rare materials from the Library, then located in the United States Capitol. Fred Shelley's 1948 *American Archivist* article discusses this incident, but is incomplete in both content and sources. This essay fully describes the events surrounding the Library of Congress's first major recorded theft of materials and reviews the present status of security at the Library. In the process, this article also discusses general security concerns for modern libraries and archives.

Since the opening of the Thomas Jefferson Building in the late 1890s, the Library of Congress has suffered a number of significant thefts from its rich manuscript collections. Most recently, during the late 1980s, Charles Merrill Mount attracted national attention with his felonious activities. Throughout the 1990s the Library has reported other significant robberies and reevaluated its efforts for preventing such crimes. This apparent outbreak of recent larcenous events and a heightened awareness of the need for better security led the Library to increase protective measures, close its stacks to patrons, and place greater accountability on its staff.

Theft of materials from the Library of Congress is not a new phenomenon, however, and the problem can be traced back into the late nineteenth century. In 1896 two Library employees started stealing or, as the newspapers of the time said, "abstracting" valuable documents from the prized Peter Force collection, and then sold the rare historic materials to private autograph dealers for large profits. With the help of the Secret Service, by 1897 the thieves were

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apprehended and charged with their crimes. Little scholarly attention has been given to this incident, but the fragmentary record left behind reveals an important story of deception, theft, and vindication that remains a cautionary tale for today's libraries and archives.

Despite the severity of the 1890s thefts and the newspaper attention given to the scandalous event, in the early part of the twentieth century the Library of Congress initiated no significant security efforts to deter future thefts. The 1990s theft cases hint that perhaps the Library's attitude and policies concerning the protection of library and archival materials from thievery have changed little during the past one hundred years. That unfortunate observation is the lesson of this article, which reviews the details of the 1890s case and the current state of security at the Library of Congress. In the process, this essay addresses general security concerns and the need for better defensive measures to deter archival theft.

The Abstractions of 1896–1897

By the late 1890s the Library of Congress had achieved much after nearly a century of growth. In 1864, President Abraham Lincoln appointed Ainsworth Rand Spofford to be the Librarian of Congress. Under Spofford's direction (1864–1897), the institution emerged as the national library and one of the most important libraries in the world. The collection grew enormously thanks to Spofford's efforts in the passage of the Copyright Law of 1870, which required all copyright applicants to submit two copies of their work to the Library of Congress. With this flood of materials, storage space in the Capitol building, where the Library was housed, quickly evaporated and, in 1871, Spofford pushed Congress to authorize the building of a new and separate structure.¹

The new location, one block east of the House of Representatives between East Capitol Street and Independence Avenue, gave the Library of Congress physical autonomy. Construction of the structure commenced in 1887, and when completed ten years later the building featured well-lighted reading rooms, steel book stacks, book conveyers, inter-office speaking tubes, and space for

¹ Michael H. Harris, *History of Libraries in the Western World*, 5th ed. (Lanham, Md.: The Scarecrow Press, Inc., 1995), 266–67; “The Library of Congress: Thomas Jefferson Building” [brochure] (Washington, D.C.: The Library of Congress, September 1997), 2; John Y. Cole, ed., *Ainsworth Rand Spofford: Bookman and Librarian* (Littleton, Colo.: Libraries Unlimited, Inc., 1975), 34–35; Charles A. Goodrum and Helen W. Dalrymple, *The Library of Congress* (Boulder, Colo.: Westview Press, 1982), 19–20; David C. Mearns, *The Story Up to Now: The Library of Congress, 1800–1946* (Washington, D.C.: Government Printing Office, 1947), 119–22; John Y. Cole, “Ainsworth Rand Spofford: The Valiant and Persistent Librarian of Congress” in *Librarians of Congress, 1802–1974* (Washington, D.C.: The Library of Congress, 1977), 132–33. Regarding the Copyright Law of 1870 see Ainsworth Spofford to Thomas A. Jenckes, 9 July 1870, in Cole, *Ainsworth Rand Spofford*, 70–73. For the most complete history of the first fifty years of the Library of Congress, see William Dawson Johnston, *History of the Library of Congress, Vol. I: 1800–1864*, contributions to American Library History Series (Washington, D.C.: Government Printing Office, 1904). Unfortunately for this study, a second volume that would have covered the 1890s was never published.

nearly three million volumes. Known today as the Jefferson Building, the Italian Renaissance structure was a marvel of architecture, art, modernity, and utility.²

However, as contemporary librarians and archivists are aware, moving materials to new facilities often causes a breakdown in security and staff accountability. Even if the transfer is performed by a contracted moving company, without the usual level of oversight materials can easily be misplaced, overlooked, or inappropriately obtained by dishonest staff members. Further, during the preparatory moving stage, security over materials is greatly diminished.³

For the move of the Library in the 1890s the situation was even more complex. In 1896 not only was the aging Spofford dealing with coordinating the moving of approximately eight hundred tons of library materials, but also with challenges to his leadership from the American Library Association and the task of reorganizing the Library's services.⁴ During this chaotic period, two Library employees began stealing documents directly from Spofford's locked office. Preoccupied with other matters, Spofford was oblivious to the thefts and the two robbers went completely unnoticed.

Even without the added complications of moving collections, however, there are always difficulties of protecting collections from dishonest employees. According to a 1983 study, 75 percent of library theft comes from internal sources such as students, professors, librarians, staff members, and janitors, rather than professional criminals. As for archives, the situation is similar, as staff can easily remove specific items and hide them for retrieval at a safer, less obvious time. Therefore, it is critical that no one be permitted into the closed, nonpublic areas of a repository without proper authorization and supervision. However, with keys and after-hours access to the archives, staff can pilfer items without the fear of being discovered by other employees.⁵

The 1890s case was no different, and with weekend and after hours access to the Library, the pilfering by Lewis McKenzie Turner and Philip McElhone went completely unnoticed. During the summer of 1896, about a year before the planned opening of the Jefferson Building, Turner, a twenty-four-year-old clerk in charge of the Music Division and a Library of Congress employee for eight years, and McElhone, a twenty-two-year-old copyright clerk with three years

² Harris, *History of Libraries*, 267; "Library of Congress" brochure, 2. See also, John L. Smithmeyer, *History of the Construction of the Library of Congress, Washington, D.C.* (Washington, D.C.: Beresford, 1906). For a detailed description of the floor plan for the Library of Congress, see Library of Congress, *Report of the Librarian of Congress, 1897* (Washington, D.C.: Government Printing Office, 1897).

³ Denis C. Tucker, *From Here to There: Moving a Library* (Bristol, Ind.: Wyndam Hall Press, Inc., 1987), 19–20; Donald G. Kelsey, "Movement of Materials," in *The Great Divide: Challenges in Remote Storage*, edited by James Kennedy and Gloria Stockton (Chicago: American Library Association, 1991), 49–58.

⁴ Cole, *Ainsworth Rand Spofford*, 37; John Y. Cole, *Jefferson's Legacy: A Brief History of the Library of Congress* (Washington, D.C.: The Library of Congress, 1993), 55; "Library of Congress" brochure, 2.

⁵ Sydney C. Van Nort, "Archival and Library Theft: The Problem That Will Not Go Away" *Library & Archival Security* 12, no. 2 (1994): 38; Gregor Trinkaus-Randall, "Library and Archival Security: Policies and Procedures to Protect Holdings from Theft and Damage," *Journal of Library Administration* 25, no. 1 (1998): 98–99.

experience who had been befriended by Turner, broke into Spofford's private office, to examine manuscripts. According to Turner's later statement, the pair were at first merely interested in viewing rare documents kept in the office and had no intention of taking any of the materials.⁶

Within Spofford's office were portions of the prized Peter Force collection. This extensive accumulation of books, pamphlets, manuscripts, newspapers, and maps made up the Library's Americana and incunabula collections. In 1867 Congress appropriated the Library with \$100,000 to purchase the collections from historian and archivist Peter Force. In total, the materials numbered over sixty thousand books and pamphlets, included over four hundred works printed before 1600, and contained forty-eight folio volumes of autographs and manuscripts. A number of these scrapbooks contained collections of military and political correspondence from the Revolutionary War period. In 1896 these rare scrapbooks were kept in Spofford's desk drawers and were only available for use with his approval.⁷

Turner and McElhone, however, gained easy access to the office by manipulating the door's weak lock. Once in Spofford's chamber, Turner and McElhone viewed the scrapbooks and both seemingly understood the rarity of the colonial manuscripts. Some of the most notable items they examined were letters of Benedict Arnold, John Hancock, Thomas Paine, Thomas Jefferson, John Jay, John Adams, Lafayette, Benjamin Franklin, and George Washington's 1787 diary. In August 1896 they began stealing documents from Spofford's office. To further their chances for success and to avoid an untimely meeting with Spofford, the thieves did their pilfering before and after normal working hours and on Sundays. Their agreement was to sell the documents to autograph dealers and split the profits.⁸

As is still the case today, autograph dealers and collectors frequently serve as the buyers of historical items with often questionable origins. Their trade does promote the importance of unique historical materials, but each item's "value" is measured in dollars rather than informational or cultural worth. The dealers' willingness to buy and sell historical artifacts creates a market for goods and the supply is fed with acquisition of materials from various origins. Sadly, dealers and collectors who buy stolen documents are often totally unaware of

⁶ Fred Shelley, "Manuscripts in the Library of Congress: 1800–1900" *American Archivist* 11 (January 1948): 11–12.

⁷ John Y. Cole, *For Congress and the Nation: A Chronological History of the Library of Congress* (Washington, D.C.: The Library of Congress, 1979), 33, 54; idem, *Jefferson's Legacy*, 18; idem, *Ainsworth Rand Spofford*, 64–69; idem, "Ainsworth Rand Spofford," 132; Carolyn Hooever Sung, "Peter Force: Washington Printer and Creator of the *American Archives*" (Ph.D. diss., George Washington University, 1985), 265–68.

⁸ Shelley, "Manuscripts in the Library of Congress," 6, 7, 11–12; Robert H. Laud, "Defense of Archives Against Human Foes" *American Archivist* 19 (April 1956): 127–28; Cole, *Chronological History of the Library of Congress*, 33; "Statement of Lewis McKenzie Turner in Regard to the Abstraction of Documents from the Congressional Library," [ca. April 1897], 14, General File I, 1899–1904, container 4, folder: Recovery of Manuscripts, McElhone and Turner, 1897, Library of Congress Archives, Manuscript Division, Washington, D.C. (hereafter cited as LC Archives).

the materials' past owner. However, as will be revealed, during the 1890s, 1980s, and 1990s Library of Congress cases, autograph dealers, not library employees, were responsible for uncovering archival thefts. Further, because of their efforts, investigations and convictions of criminals resulted.

To put their plan into action, following their first removal of papers in August 1896 Turner and McElhone traveled to New York and began a business relationship with autograph dealer William E. Benjamin. Benjamin was immediately interested in their manuscripts, but he was also skeptical of the origins of such rare documents. To complete the transaction, McElhone reassured Benjamin that he had obtained most of the papers from his aunt and had bought the rest. Initially, wishing to remain the silent partner, Turner preferred to have McElhone conduct the actual business of selling the documents. With McElhone's reassurances on how he had acquired the papers, Benjamin purchased the documents and requested more.⁹

During the fall of 1896, Turner and McElhone made frequent trips to Spofford's office and continued their business practices. When they worked together they divided the papers and kept the profits from the documents that they had sold. However, on several occasions each accessed the storehouse of documents independently and did not inform the other of his activities. As a result, whether together or separately, Turner and McElhone collected hefty profits, and by late fall were selling documents to two other New York collectors, Walter R. Benjamin (brother of William Benjamin) and William F. Havemeyer, and also to W. C. Campbell, a Philadelphia bookseller.¹⁰

By the end of 1896, the pair had made about fifteen trips to Spofford's inadequately locked office and had sold groups of stolen documents for as little as \$36 and as much as \$400. Materials sold included letters and autographs from Benedict Arnold, George Washington, Thomas Paine, Ethan Allen, Benjamin Franklin, and John Hancock. Despite the growing gaps in the Peter Force collection, Spofford and the other employees were oblivious to the thefts. Since the Peter Force materials were a large, uncataloged collection which most employees were unfamiliar with, only Spofford's taxed memory served as an inventory. Similar situations exist today as the backlog of nearly any repository suffers from being underdocumented. In short, it is difficult to notice theft of uncataloged materials.¹¹

⁹ In Benjamin's absence, Turner and McElhone also sold documents to the dealer's clerks. Also, in later transactions with Benjamin, Turner took over most of the business negotiations. "Statement of Lewis McKenzie Turner," 3–4, 6, LC Archives; "In his Own Defense, Philip McElhone Takes the Stand as a Witness," *Evening Star*, 28 April 1897, 3. For more information on William Benjamin see, "William Evarts Benjamin" in *National Cyclopaedia of American Biography* (New York: James T. White and Company, 1949), 35:143.

¹⁰ "Statement of Lewis McKenzie Turner," 12–13, 15–16; Fitzpatrick, "Journal," 19 February 1897, 1–2, LC Archives.

¹¹ Laud, "Defense of Archives," 127; "Statement of Lewis McKenzie Turner," 27, 30–32, LC Archives.

Still, in 1896, the autograph dealers remained suspicious as to the origins of the rare materials Turner and McElhone offered for sale. In October of that year, Walter Benjamin told his brother not to buy from Turner and McElhone, as he believed that their manuscripts had been taken from government files in Washington. Once again, William Benjamin confronted Turner and McElhone with the question of the documents' origins. This time, the pair explained to Benjamin that McElhone had inherited most of the documents from his late father John J. McElhone, a former employee of the Library and friend of Spofford. The story worked temporarily, but not all doubts were dispelled by this second unsubstantiated explanation.¹²

As their business continued, in early January 1897, Turner and McElhone informed William Benjamin that they could supply him with George Washington's diary kept during the Constitutional Convention of 1787. To obtain this item the thieves not only had to break into Spofford's office, but a locked drawer in his desk as well. Overwhelmed with the rarity of this item, Benjamin wanted to view the diary, but upon receiving it, he re-questioned Turner and McElhone as to how they had obtained such a unique object. To reassure the dealer, the thieves mailed him two orderly books from Washington's 1755 Braddock campaign. McElhone believed that sending more Washington manuscripts would allay Benjamin's suspicions. This tactic backfired however, and convinced the dealer that the two pieces were the property of the U.S. government. At this point, Benjamin was certain that McElhone and Turner had obtained the documents dishonestly.¹³

Benjamin then informed McElhone and Turner of his suspicions and told them that he planned to find out from government officials in Washington if colonial documents were missing from government archives. The duo denied his accusations and encouraged Benjamin to investigate. In January 1897, with additional encouragement from his brother, William Benjamin contacted A. H. Allen at the State Department and W. E. Curtis, Assistant Secretary of the Treasury Department to ask whether their libraries had suffered recent thefts. Benjamin also contacted Massachusetts Senator George F. Hoar, a long-time supporter of the Library and member of the Senate subcommittee on libraries, to inquire if manuscripts were missing from the Library of Congress. In the letters, Benjamin refused to disclose the names of the sellers, but if documents were indeed reported missing he agreed to cooperate in apprehending the alleged thieves. After a few weeks, each of the three officials reported that none of the papers from their respective facilities were missing. Still, Hoar and Allen pursued the matter and alerted the Secret Service to the suspected robberies.¹⁴

¹² "Statement of Lewis McKenzie Turner," 27, 31–32, LC Archives.

¹³ "Statement of Lewis McKenzie Turner," 22–23; Herbert Friedenwald to Librarian of Congress, "Negotiations with William D. Benjamin," 26 October 1899, 1, LC Archives; Shelley, "Manuscripts in the Library of Congress," 12.

¹⁴ George W. Hazen to William P. Hazen, 8 February 1897, 1–5, LC Archives; "Valuable Papers: Young Men Charged with Robbing Congressional Library," *Evening Star*, 11 February 1897, 3; "Hoar, George

The Secret Service took immediate action. Secret Service agent George W. Hazen led the investigation and met with Spofford. After a tip from Benjamin, on February 8, 1897, Hazen met with the Librarian of Congress and inquired about the location of George Washington's 1787 diary. Although Spofford claimed to have viewed the journal just three weeks earlier, he searched in vain for the missing item. In the process, he also noticed that other pieces from the Peter Force collection were gone. Spofford told Hazen that the papers and the journal were of great value and should be recovered immediately. Unaware of the thefts, Spofford had no clues as to who among his forty-two employees might have pilfered materials from the Peter Force collection, or even if a patron had somehow taken the items.¹⁵

With an urgency to recover the valuable items, Hazen traveled to New York the next day and met with William Benjamin. Hazen informed the dealer that various papers and Washington's diary had indeed been stolen from the Library of Congress. Although Benjamin had yet to purchase the Washington diary, it was still in his possession and Hazen demanded that he turn it over to the Secret Service. The dealer was reluctant to turn over any items to Hazen, however, as he had "been to some expense in paying for these papers" and since he had been buying stolen property he was unsure how he would be treated legally. Hazen declared that he could not make any promises of reimbursement or immunity, and thus Benjamin refused to cooperate.¹⁶

Unable to agree, the two men visited Benjamin's lawyer. They then concurred that the possession of the diary and additional papers should be decided by the local U.S. Attorney, Wallace Macfarlane. After hearing an explanation of the situation, Macfarlane advised Benjamin to give the diary and other papers to Hazen, and the dealer finally consented. As reassurance, Macfarlane issued receipts to Hazen and Benjamin which stated that if the materials were found not to be property of the government, the Secret Service would return all items to Benjamin. Following the exchange, Benjamin supplied Hazen with the addresses of Turner and McElhone and other information concerning them. The meeting ended with Benjamin agreeing to gather together all of the materials that he had purchased from Turner and McElhone and bring the items to Washington the next day.¹⁷

Frisbie," in *Dictionary of American Biography*, edited by Dumas Malone (New York: Charles Scribners Sons, 1961), 5:88; "Hoar, George Frisbie," in *Twentieth Century Biographical Dictionary of Notable Americans*, edited by Rossiter Johnson (Boston: Biographical Society, 1904). For more information about the Secret Service, see L. C. Baker, *History of the United States Secret Service* (Philadelphia: L. C. Baker, 1867).

¹⁵ George W. Hazen to William P. Hazen [additional special report], 8 February 1897, 1-2, LC Archives; Laud, "Defense of Archives," 127.

¹⁶ George W. Hazen to William P. Hazen, 9 February 1897, 1-4, LC Archives.

¹⁷ George W. Hazen to William P. Hazen, 9 February 1897, 4-6, LC Archives.

Hazen returned to Washington later that day and turned over the confiscated items to his father, the Chief of the Secret Service, William P. Hazen. With the authentic Washington diary in hand and Benjamin's promised cooperation, the Secret Service was ready to pursue the thieves. George Hazen confirmed that Turner and McElhone were Library employees, and on February 10 he went to the Library of Congress where he detained and arrested both suspects and charged them with theft, or as the warrant stated, that the two did "unlawfully, knowingly, and feloniously, take and steal and carry away certain records and papers, the property of the United States" from Spofford's office. After a brief questioning session with Secret Service agents, Turner and McElhone were held on \$3,000 bond and the next day appeared before U.S. Commissioner for the District of Columbia Supreme Court, Samuel C. Mills, for examination. Spofford attended the session and was prepared to ask the defendants about their "abstractions"; however, both suspects waived examination and were held for the actions of a U.S. Grand Jury.¹⁸

In the meantime, Hazen collected more papers and documents from the autograph dealers to help build the government's case against Turner and McElhone. Grand jury proceedings began near the end of March, and on April 5th the court delivered three indictments of theft against the suspects. Four days later, both Turner and McElhone entered a plea of "not guilty" and were released on \$3,000 bail to await trial before the Supreme Court of the District of Columbia. McElhone petitioned the court for a separate trial from Turner, stating that his defense was "different from, and to some extent antagonistic to that of his co-defendant." Further, McElhone claimed that, if tried together, Turner would "prejudice and injure his defense." The judge granted McElhone severance and slated his trial for late April. In preparation of the defense, McElhone's lawyers intended to prove that he had been the innocent dupe of Turner, completely unaware that the documents were stolen or even valuable.¹⁹

¹⁸ At that time the Supreme Court of the District of Columbia was the highest court in the District and handled such cases. "Transcript of Record," 17 February 1897; "U.S. Commissioners Warrant for Arrest, Lewis McKenzie Turner," 10 February 1897, in *United States v. Lewis McKenzie Turner*, D.C. Sup. Ct., Crim. No. 21139 (February 1897); "Transcript of Record," 17 February 1897; "U.S. Commissioners Warrant for Arrest, Philip McElhone," 10 February 1897, in *United States v. Philip McElhone*, D.C. Sup. Ct., Crim. No. 21140 (February 1897), box 146, Record Group 21, Records of the Supreme Court of the District of Columbia, Criminal Case Files, 1863–1934, National Archives Building, Washington, D.C. (hereafter RG 21, NAB); "Lewis McKenzie Turner," Description and Information of Criminals, 1863–1906, 27:269; "Philip McElhone," Description and Information of Criminals, 1863–1906, 27:268, Record Group 87, Records of the United States Secret Service, National Archives at College Park, Md. (hereafter RG 87, NACP); "Valuable Papers," *Evening Star*, 3.

¹⁹ George Hazen, "Daily Report for March 15, 1897," 37; idem, "Daily Report for March 26, 1897," 140; idem, "Daily Report for March 27, 1897," 145, 150, Daily Reports of United States Secret Service Agents, 1875–1936, George Hazen, vol. 1–2, March 11–December 1, 1897, (microfilm roll 162) T-915 Microcopy, RG 87, NACP (hereafter Daily Reports vol. 1–2); "Indictment Against Lewis McKenzie Turner and Philip McElhone, Violation of Act of Section 5403, R.S.U.S." in *United States v. Lewis McKenzie Turner and Philip McElhone*, D.C. Sup. Ct., Crim. No. 21239 (April 1897), box 146; "Indictment Against Lewis McKenzie Turner and Philip McElhone, Violation of Act of June 19th, 1878" in *United States v. Lewis McKenzie Turner and Philip McElhone*, D.C. Sup. Ct., Crim. No. 21211 (April 1897); "Indictment

The criminal trial against McElhone began on Friday, April 23, 1897, in the Supreme Court of the District of Columbia. The court consolidated the three indictments, and McElhone was charged with having stolen a number of historical documents from the Library of Congress. Judge A. J. Bradley presided while District Attorney Henry E. Davis represented the United States, and Joseph Shillington and Charles Douglas defended McElhone. Jury selection was delayed because of a legal dispute over whether the alleged crimes would be considered grand larcenies, misdemeanors, or felonies. Eventually, the judge declared the charges to be on the level of a felony, and the lawyers selected twelve jury members.²⁰

Davis opened the case for the United States by stating that he would prove that the two young men employed by the Library of Congress had abstracted and stolen manuscripts from the valuable Peter Force collection with full knowledge that their actions were illegal. Specifically, Davis hoped to establish that McElhone was not the innocent dupe of Turner, but instead that he was the chief instigator of the crimes. Further, he intended to prove that the defendants had stolen specific documents from the collection including several letters of George Washington, three of Benedict Arnold, one of Thomas Paine, and Washington's diary kept during the Constitutional Convention.²¹

Davis called Spofford as the government's first witness. The Librarian of Congress testified that the Force collection had been under his care since its purchase and that the bulk of those materials were kept in his locked office. Davis then presented Spofford with the confiscated documents and letters for positive identification. Spofford recognized George Washington's handwriting in several of Benjamin's seized purchases, and testified that the 1787 diary was in fact authentic and part of the Peter Force collection. After identifying letters from Benedict Arnold and Thomas Paine, Spofford stated that "all of these papers and documents are of unspeakable value." Davis then called New York autograph dealer William Havemeyer, who had allegedly dealt with McElhone and Turner. He testified that he had bought several letters from McElhone and Turner during 1897, believing that they had been obtained honestly.

Against Lewis McKenzie Turner and Philip McElhone, Violation of Section 5456, R.S.U.S." in *United States v. Lewis McKenzie Turner and Philip McElhone*, D.C. Sup. Ct., Crim. No. 21212 (April 1897); Philip McElhone, "Petition for Severance and Separate Trial," 19 April 1897, in *United States v. Lewis McKenzie Turner and Philip McElhone*, D.C. Sup. Ct., Crim. No. 21239 (April 1897), box 147; Minutes of the Supreme Court of the District of Columbia, 1863–1934, (hereafter Minutes) vol. 31, entry 75 (5 April 1897), 245; vol. 30, entry 75 (9 April 1897), 256–57; (20 April 1897), 262, RG 21, NAB; Shelley, "Manuscripts in the Library of Congress," 12.

²⁰ Minutes, vol. 31, entry 75 (23 April 1897), 265, RG 21, NAB; Shelley, "Manuscripts in the Library of Congress," 12; "Trial Commenced: Young Men Charged With Selling Important Government Documents," *Evening Star*, 23 April 1897, 1; "In Washington's Hand: Havemeyer Says He Bought Library Documents," *Washington Post*, 24 April 1897, 12.

²¹ Shelley, "Manuscripts in the Library of Congress," 12; "Trial Commenced," *Evening Star*, 1; "In Washington's Hand," *Washington Post*, 12.

After Havemeyer's brief testimony, Judge Bradley adjourned the proceedings until the next week.²²

On Monday of the following week the trial resumed. That morning the government called to the stand William E. Benjamin and several of his employees. A. J. Bowden, one of Benjamin's former workers, testified that on two or three occasions during the summer of 1896, Turner and McElhone had visited the New York shop and sold, or offered to sell, colonial letters and documents. Bowden explained that Turner did most of the negotiating at these meetings and that Turner had made it clear that the papers had originally belonged to his uncle. William Benjamin then took the stand and testified that he had bought some forty-eight Benedict Arnold letters from Turner and McElhone. However, when Davis presented him with two of the Arnold letters mentioned in the indictment, Benjamin could not identify them as purchases that he had made. As the items he recognized were not listed in the indictment, the defense objected to much of Benjamin's testimony, and Judge Bradley struck most of the dealer's statements from the record.²³

That same day several Secret Service agents, including George Hazen, testified before the court. Hazen described the February 10, 1897, detainment of McElhone. Following the filing of theft charges against the accused, later that day Hazen apprehended McElhone and brought him to the Secret Service office for questioning. Hazen then conducted a search of McElhone's residence and unearthed numerous colonial documents that were alleged to have been stolen from the Peter Force collection. William Hazen, chief of the Secret Service, then took the stand and testified that during the questioning session on February 10, McElhone had admitted his guilt. The Secret Service chief explained that McElhone had stated that he and Turner had stolen, sold, and divided the profits from documents belonging to the Library of Congress. Clearly, the witnesses from the Secret Service had connected McElhone with the possession of papers that were part of the Peter Force collection. However, since most of these documents were not specifically listed in the indictments against McElhone, Judge Bradley declared that the defendant was only accountable for the specific documents listed in the charges; all others in the defendant's possession should be considered "unexplained" and inadmissible as evidence.²⁴

The next day featured even more dramatic testimony. On April 27, Walter R. Benjamin took the stand and testified that he had bought many rare documents

²² Shelley, "Manuscripts in the Library of Congress," 12; "Trial Commenced," *Evening Star*, 1; "In Washington's Hand," *Washington Post*, 12.

²³ "McElhone's Trial: How the Congressional Library was Pilfered of Documents," *Evening Star*, 26 April 1897, 2; "Gave up the Letters: McElhone's Alleged Admission to Detectives," *Washington Post*, 27 April 1897, 10.

²⁴ Shelley, "Manuscripts in the Library of Congress," 13; "McElhone's Trial," *Evening Star*, 2; "Turner Confesses: McElhone's Co-Defendant Gives Some Sensational Testimony," *Evening Star*, 27 April 1897, 2; "Gave up the Letters," *Washington Post*, 10.

from McElhone. However, because the documents that he had purchased were not mentioned in the three indictments, his testimony was also of little help to the government's case. The government then submitted an October 1896 letter from Benjamin to McElhone where the autograph dealer questioned the veracity of McElhone's possession of the papers offered for sale. This helped the government's case, but the next witness—Turner—proved to deliver the key testimony against the defense.²⁵

Although Judge Bradley informed Turner that he was not required to testify or incriminate himself, Turner proceeded to reveal the details of his and McElhone's thefts. He stated that he had been employed at the Library for about eight years, and verified that the papers confiscated by the Secret Service were the documents that he and McElhone had stolen and sold. Turner went on to explain that he and McElhone had gained access to Spofford's office, abstracted the documents, and agreed to divide the proceeds between themselves. He further testified that McElhone had first concocted the entire scheme of stealing documents from Spofford's office with the intention of selling them to wealthy dealers. Turner reported that McElhone had corresponded with four autograph dealers about their merchandise and, for the most part, McElhone had led the negotiations. As for accounting for the origin of the documents, Turner stated that on one occasion he had explained to a potential buyer that he had gotten them from his wife's family. As for the true source of the documents, he stated that he and McElhone depended upon the Library of Congress as the only source for abstracted papers.²⁶

Turner resumed his testimony the next day by explaining that McElhone had originally informed him of the value of materials in the Peter Force collection, and before that time he had "never seen a historical paper or autograph of any particular value." He also claimed that McElhone had sold a stolen Abraham Lincoln letter to William Benjamin several years before Turner and McElhone had first collaborated. As for the actual removal of the letters, Turner said that the papers were separated from the scrapbook pages by soaking them in water. Giving more details of their activities, Turner stated that they financed their first trip to New York with a loan against thirty-five-dollars worth of postage stamps that McElhone had stolen from Spofford's office. Turner testified that, once in New York, they sold about fifteen letters to William Benjamin's clerk and later to Benjamin himself. From there, Turner explained that they stole documents separately and jointly at least twenty times after their first endeavor, and sold their goods to six different autograph dealers. The rest

²⁵ "Turner Confesses," *Evening Star*, 2; "Turner as a Witness: He Testifies to Removal of Library Papers," *Washington Post*, 28 April 1897, 10.

²⁶ "Turner Confesses," *Evening Star*, 2; "Statement of Lewis McKenzie Turner," 2, LC Archives; Shelley, "Manuscripts in the Library of Congress," 13; Laud, "Defense of Archives," 128; "Turner as a Witness," *Washington Post*, 10.

of Turner's testimony focused on the whereabouts of specific documents contained within the indictments.²⁷

During Turner's testimony, the defense objected to nearly every question that Davis asked, but Judge Bradley allowed much of Turner's testimony into the record. As for his own illegal actions, Turner explained that his lifelong habits of gambling and betting had led him to collaborate with McElhone. Turner's testimony certainly did not clear his own name or make him appear to be McElhone's innocent dupe, but it established him as an accomplice rather than the main instigator of the crimes.²⁸

Following Turner's testimony, the government closed its case. The defense then asked the court to direct the jury to return a verdict of "not guilty." Douglas, for the defense, argued that the government's case rested solely on the testimony of Turner, an accomplice merely interested in clearing his own name. Further, he declared that the government had not proven that McElhone had stolen any of the documents alleged in the indictment, but had only proven possession of materials believed to be property of the Library of Congress. Judge Bradley overruled their objections, and that same day the defense began their arguments.²⁹

To open, McElhone's lawyers explained to the court that they would show "that McElhone merely acted as the agent of Turner in the sale of the papers, never even imagining that Turner had other than a lawful or honest possession of them." Besides proving that McElhone was the innocent dupe of Turner, the defense also wanted to show that few employees of the Library knew about the existence of the Peter Force collection, to establish the fact that McElhone would have had little knowledge of the manuscripts. This second argument quickly vanished as Judge Bradley declared that the testimony of uninformed Library employees was immaterial to the case. However, in an effort to refute Turner's previous statements and to establish their primary contention, the defense called McElhone to testify. Of the two, McElhone was the more well known in Washington and had been William McKinley's private secretary when McKinley was in Congress.³⁰

On the witness stand, McElhone admitted possession of the documents but claimed that Turner had given all of them to him. Although he was in possession of materials listed in the indictments at the time of arrest, he testified that

²⁷ "Turner Confesses," *Evening Star*, 2; "Statement of Lewis McKenzie Turner," 3–6, 10–11, 15–16, 26, LC Archives; "Defense of McElhone: Accused Claims that He was Turner's Agent," *Washington Post*, 29 April 1897, 10.

²⁸ "Turner Confesses," *Evening Star*, 2; "Statement of Lewis McKenzie Turner," 2, LC Archives; Laud, "Defense of Archives," 128; "Turner as a Witness," *Washington Post*, 10.

²⁹ "In His Own Defense," *Evening Star*, 28 April 1897, 3; "Defense of McElhone," *Washington Post*, 29 April 1897, 10.

³⁰ "In His Own Defense," *Evening Star*, 3; "Valuable Papers," *Evening Star*, 3; "Defense of McElhone," *Washington Post*, 10; Shelley, "Manuscripts in the Library of Congress," 13.

he had received those items from Turner. He also denied knowing the existence of the Peter Force collection and appeared shocked to learn that the manuscripts that he had sold belonged to the Library of Congress. Instead, McElhone claimed that Turner had told him that all the papers that they were selling were property of Turner's father-in-law, a Dr. Miller. Further, he mentioned that he had only been in Spofford's office once to help Turner collect what he thought were Dr. Miller's papers, and that he had never taken or assisted in taking any other documents from the office.³¹

Davis then cross-examined McElhone. The witness stated that he had received historical manuscripts from Turner on at least ten different occasions. Refuting Turner's previous testimony, McElhone denied ever selling an Abraham Lincoln letter and claimed that Turner had given him the stamps to finance their first New York trip. He continued to dispute Turner's previous statements and denied the rumor that Turner had urged him to plead guilty since their arrest. After a lengthy cross-examination, Judge Bradley excused the witness and adjourned the proceedings for the day.³²

Following McElhone's dramatic testimony, the next day, April 29, Davis recalled Turner. On the stand, Turner denied that he had ever instructed McElhone to inform Benjamin that the papers had come from his father-in-law Dr. Miller. In this brief second appearance, Turner simply refuted much of McElhone's testimony. Then on April 30, Davis concluded the government's arguments and made his closing statements. In his dramatic epilogue, Davis referred to McElhone as "a son who had disgraced an honored name . . . in the very building where his father had made and gained that honored name." He ridiculed the idea that McElhone was the innocent dupe of Turner, insisting that of the two McElhone was by far the worse. Davis also read to the jury sections of letters from McElhone to William Benjamin that he argued were filled with admitted lies and conclusively determined McElhone's guilt.³³

With the end of the closing arguments, Judge Bradley prepared the jury for their deliberations. The judge instructed the jury to find McElhone "not guilty" of all charges under the first two indictments—the general theft of documents from a public office and specifically taking the Washington diary. As for the third indictment of larceny Judge Bradley told the jury that McElhone could only be found "guilty" on six of the twelve counts. The odd numbered counts charged McElhone with stealing papers, the personal property of the United States, and the even numbered ones charged that he did feloniously take and carry away documents from the Library of Congress. The judge told

³¹ "In His Own Defense," *Evening Star*, 3; "Defense of McElhone," *Washington Post*, 10.

³² "In His Own Defense," *Evening Star*, 3; "Closing the Case: Arguments Begun in the Trial of Philip McElhone," *Evening Star*, 29 April 1897, 3; "Defense of McElhone," *Washington Post*, 10.

³³ "Closing the Case," *Evening Star*, 3; "The Court Room Packed," *Evening Star*, 30 April 1897, 2; "McElhone Convicted: The Jury Render a Verdict After a Short Deliberation," *Evening Star*, 1 May 1897, 3; "Rests on One Charge: McElhone Jury Must Disregard the Other Two," *Washington Post*, 30 April 1897, 11.

the jury that if McElhone had these papers in his possession, knowing them to have been taken from the Library, or carried them away or assisted in taking them, he would be “guilty.” He also instructed them to consider Turner’s testimony with great caution, saying that the statements were part of the case but should only be given as much weight as they were deemed believable.³⁴

The jury deliberated an hour and a half and at 5:00 p.m. on April 30, 1897, they returned a verdict. Despite the judge’s instructions, the jury found McElhone “guilty” on four counts of the third indictment, two of which Judge Bradley had ordered them to rule “not guilty.” The judge ordered another deliberation, and after a quick reconvening, the jury returned a second time to render its decision. Their updated judgement declared that McElhone was “guilty” of larceny under two of the twelve counts of the third indictment. Before adjournment, Joseph Shillington, for the defense, requested a new trial and asked that the defendant’s bail continue at \$3,000. Davis submitted that the amount should be increased to \$5,000, in view of the defendant’s conviction. However, the judge released McElhone on \$3,000 bail and set a date for sentencing.³⁵

Following the decision, the *Washington Evening Star* reported that if Judge Bradley denied the defense’s motion for a new trial, McElhone would only pay a small fine for his larceny. The law allowed for a fine of as much as \$5,000 or imprisonment from one to ten years, or both. The paper also declared that as the government’s case against McElhone returned a rather weak and inconclusive decision, Turner would probably not be tried for his similar crimes.³⁶

On May 24, 1897, McElhone appeared before Judge Bradley for sentencing, and his lawyers anticipated a light sentence. Therefore, before the judge could rule on their motion for a new trial, McElhone decided to withdraw the motion, accept the judgment, and submit to sentencing. As the newspaper had speculated, the judge fined McElhone only \$200 for his crimes. Judge Bradley made no reference to McElhone’s offense, merely saying that in view of his youth and his previous good character, the court would remit the imprisonment and impose only a fine.³⁷

³⁴ “McElhone Convicted,” *Evening Star*, 3; “The Court Room Packed,” *Evening Star*, 2; “Rests on One Charge,” *Washington Post*, 11; “McElhone Held Guilty: Convicted of Taking Papers from the Library,” *Washington Post*, 1 May 1897, 1; Shelley, “Manuscripts in the Library of Congress,” 13; A. J. Bradley, “Instructions for Jury” in *United States v. Lewis McKenzie Turner and Philip McElhone*, D.C. Sup. Ct., Crim. No. 21212 (April 1897), box 147; Minutes, vol. 30, entry 75 (30 April 1897), 270, RG 21, NAB.

³⁵ “Closing the Case,” *Evening Star*, 3; “McElhone Convicted,” *Evening Star*, 3; “McElhone Held Guilty,” *Washington Post*, 1, 9; Shelley, “Manuscripts in the Library of Congress,” 13; Charles Douglas, “Motion for a New Trial,” 4 May 1897; Joseph Shillington, “Motion in the Arrest of Judgement,” 30 April 1897, in *United States v. Lewis McKenzie Turner and Philip McElhone*, D.C. Sup. Ct., Crim. No. 21212 (April 1897), box 147; Minutes, vol. 30, entry 75 (30 April 1897), 270–71; (4 May 1897), 274–75, RG 21, NAB; George Hazen, “Daily Report for April 30, 1897,” 455, Daily Reports vol. 1–2.

³⁶ “McElhone Convicted,” *Evening Star*, 3; “McElhone Held Guilty,” *Washington Post*, 9; Shelley, “Manuscripts in the Library of Congress,” 14.

³⁷ “McElhone Convicted,” *Evening Star*, 3; “McElhone Sentenced,” *Evening Star*, 24 May 1897, 10; Shelley, “Manuscripts in the Library of Congress,” 14; Minutes, vol. 30, entry 75 (24 May 1897), 282–83, RG 21, NAB; “Philip McElhone,” Description and Information of Criminals, 1863–1906, 27:268, NACP.

Following the decision, the government attempted to indict McElhone further for the other papers in his possession, but by June had abandoned further litigation due to lack of positive evidence. Further, as Turner's convincing testimony during the trial made McElhone appear to be the chief culprit and instigator of the crimes, Turner was never tried for his larceny and on September 30, 1899, the District Attorney announced that the government would press no charges against Turner (*nolle prosequi*). Thus, by 1899, the cases against Turner and McElhone had officially ended.³⁸

All that remained was the recovery of the missing documents. Lacking the positive and incontrovertible proof needed for identification of the stolen documents, the Library depended upon the honesty of the dealers who had purchased the documents from Turner and McElhone. Following McElhone's conviction, the autograph dealers agreed to return all materials that they had purchased from the thieves. However, since the Library of Congress had no cumulative descriptive catalog or written record of their manuscript collections, it was up to the dealers to determine what items they had purchased from Turner and McElhone. Once again, the Secret Service investigated the matter, and in early 1898, George Hazen visited each of the dealers to examine their holdings.³⁹

After McElhone's trial, William Benjamin claimed that he had single-handedly uncovered the thefts, and just like the other dealers he wanted some monetary compensation for returning valuable documents that technically the government had no clear title to. Since ownership was difficult to establish, Benjamin agreed to allow Library representatives to examine his collections and take materials that equaled a value of at least \$2,000. Benjamin also bought back some items from his customers that he knew to have been stolen and returned them to the Library of Congress in a concerted effort to restore the Peter Force collection. His brother, Walter Benjamin, also bought back documents for the same reason. But despite the dealers' good will, the Library of Congress never reimbursed the brothers for their returned materials, claiming that Congress never appropriated enough money to cover their small requested sums.⁴⁰

³⁸ *Evening Star*, 30 September 1899, 9; Shelley, "Manuscripts in the Library of Congress," 14; George Hazen, "Daily Report for June 15, 1897," 829–30, Daily Reports vol. 1–2.

³⁹ Herbert Friedenwald to George W. Hazen, 21 January 1898; George W. Hazen to Herbert Friedenwald, 22 January 1898; George W. Hazen to Herbert Friedenwald, 28 January 1898; George W. Hazen to Herbert Friedenwald, 10 February 1898; George W. Hazen to Herbert Friedenwald, 14 February 1898, LC Archives; George Hazen, "Daily Report for January 22, 1898," 535–36, Daily Reports of United States Secret Service Agents, 1875–1936, George Hazen, vol. 3–5, December 1, 1897–August 31, 1899, (microfilm roll 163) T-915 Microcopy, RG 87, NACP (hereafter Daily Reports vol. 3–5); Shelley, "Manuscripts in the Library of Congress," 16.

⁴⁰ William E. Benjamin to John Russell Young, 7 March 1898; William E. Benjamin to John Russell Young, 5 May 1898; Walter R. Benjamin to John Russell Young, 21 December 1898, 2; William E. Benjamin to Librarian of Congress, 28 February 1899, Librarian's Central File, John Russell Young, No. 1, folder: Benjamin, William E., and Benjamin, Walter R., 1898 and undated; Herbert Friedenwald to John Russell Young, 7 April 1898; William E. Benjamin to John Russell Young, 20 April 1898, 1–2; Friedenwald to Librarian of Congress, 26 October 1899, 3–4, LC Archives; George Hazen, "Daily Report for January 27, 1898," 584–86, Daily Reports vol. 3–5.

Irritated by the oversight of the court and the Library of Congress, Walter Benjamin announced in July 1897 that if the \$200 fine was a precedent, he was prepared to buy government records from all thieving clerks and pay their resulting court fees and fines. His brother, William Benjamin, best summed up his position in a November 1898 letter to the Librarian of Congress when he said that: "My service to the Government cost me about \$1,500 loss in money, time, and trouble whereas the thief McElhone got off with a \$200 fine." In total Benjamin estimated that he had freely returned to the Library of Congress over \$7,500 worth of colonial manuscripts since he had first reported McElhone and Turner—only to receive no monetary compensation from the government for his assistance and cooperation.⁴¹

Following McElhone's trial, during the summer of 1897 the Library of Congress remained newsworthy. Because a new building made the institution physically independent, the Library's administration established new ground rules and ushered in an era of reorganization. The staff was increased from 42 to 108, new service areas were founded, a cataloging project was initiated, and a national union catalog was established. To administer the Library, on July 1, 1897, President William McKinley appointed John Russell Young as the new Librarian of Congress. The President, as well as the library profession, believed it was time to replace the seventy-two-year-old Spofford with a younger and more skilled director. Young immediately appointed Spofford as his Chief Assistant Librarian (Spofford willingly stepped down as Chief Librarian to concentrate on developing the Library's collections). In addition, Young recognized the need for a separate manuscripts division of the Library, and appointed Dr. Herbert Friedenwald as the director of the new department.⁴²

On November 1, 1897 the new Library of Congress building opened its doors to the public. The press hailed the structure as a glorious monument and "the largest, the costliest, and the safest" library building in the world.⁴³ With the opening of the new facility, the Library of Congress began a new chapter of its history and left behind the unpleasant matter of Turner and McElhone.

As to the whereabouts of the two robbers following their dismissal, neither resurfaced. As an odd coincidence, a printer and collector of historical items also named Lewis McKenzie Turner operated the Salt House Press in Baltimore from 1920 until his death in 1938, and had broadsides printed for the Library of Congress. He was nine years older than the robber with the same name, and

⁴¹ Walter R. Benjamin, *The Collector* 10 (July 1897): 1; William E. Benjamin to John Russell Young, 10 November 1898, Librarian's Central File, John Russell Young, No. 1, folder: Benjamin, William E., and Benjamin, Walter R., 1898 and undated; Benjamin to Young, 20 April 1898, 1; Friedenwald to Librarian of Congress, 26 October 1899, 3, LC Archives.

⁴² Cole, *Jefferson's Legacy*, 23, 26–27; idem, *Ainsworth Rand Spofford*, 40–43; idem, "Ainsworth Rand Spofford," 136; United States Senate, *Condition of the Library of Congress*, 54th Cong., 2d sess., S.Rep. 1573 (Washington, D.C.: Government Printing Office, 1897); Mearns, *Story Up to Now*, 126–29; Shelley, "Manuscripts in the Library of Congress," 14.

⁴³ "Library of Congress" brochure, 2.

it is uncertain if they were related. Even more curious, another person named Lewis McKenzie Turner (1898–1960), conceivably a son of the robber, was a collector of historical manuscripts and in the 1930s donated his watermark collection, consisting of various materials ranging from 1769 to 1861, to the Manuscript Division.⁴⁴

Twentieth-Century “Abstractions”

For most of the twentieth century, theft at the Library of Congress has remained a largely unknown or perhaps unreported phenomenon. One of the few known instances occurred in 1953 when a patron stole approximately ten manuscripts and tried to sell them to a dealer, but was quickly detained. However, by the 1980s a rash of robberies came to light and resulted in congressional hearings and a major rethinking of security policies and practices. The first of these robberies was the late 1980s case of Charles Merrill Mount who stole papers and letters worth in excess of \$100,000 from both the Library of Congress and the National Archives. With the sole help of the book dealer Mount had contacted, agents of the Federal Bureau of Investigation arrested Mount on August 13, 1987, as he attempted to sell 158 Civil War documents to Goodspeed’s Book Shop in Boston. Two years later he was convicted on theft charges and was later sentenced to an eight-year prison term. As in the Turner/McElhone case, a private dealer, not Library of Congress or National Archives employees, recognized that the documents were stolen.⁴⁵

The Mount case also raised issues of ownership of manuscripts, also known as replevin, and the burden of proving that items were in fact stolen. Similar to the Turner/McElhone case, since there were no actual eyewitnesses to the thefts, ownership of the materials had to be verified. While Spofford served as the somewhat shaky expert on the Peter Force collection during the 1897 trial, in 1989 call slips and backup microfilm copies of the missing documents provided enough proof for a conviction. Although Mount was not an employee, his frequency of use established him as a “regular” of the various reading rooms at the Library of Congress and he was considered by many employees as a rather privileged and trusted patron.⁴⁶

Following Mount’s 1989 conviction, the Library’s security practices changed little. In fact, with the \$81.5 million renovation of the Jefferson Building in

⁴⁴ “Lewis McKenzie Turner,” *New York Times*, 24 August 1938, obituaries section, 21:3. Information on these other two individuals named Lewis McKenzie Turner can be found on the Chadwyck-Healey database *ArchivesUSA* at <<http://archives.chadwyck.com>>.

⁴⁵ News Notes Section, under Library of Congress, *American Archivist* 17 (April 1954): 184; Theresa Galvin, “The Boston Case of Charles Merrill Mount: The Archivist’s Arch Enemy,” *American Archivist* 53 (Summer 1990): 442–50. See also, James B. Rhoads, “Alienation and Thievery: Archival Problems,” *American Archivist* 29 (April 1966): 197–208.

⁴⁶ Galvin, “The Boston Case of Charles Merrill Mount,” 445.

1991, the Librarian of Congress James Billington ushered in a new era of greater access for patrons. But following the grand opening in May 1991, the arrests of several thieves led the Library to rethink security. During that month a radiologist, Harry Katz, was charged with removing, damaging, and destroying historical materials from the Library. He pled guilty to the charges, but his attorneys successfully argued that Katz's significant mental health problems had led him to steal library materials. As punishment, Katz was ordered to pay over \$65,000 in restitution, a \$10,000 fine, serve five years under probation, and continue his psychiatric treatment.⁴⁷

Just two months after Katz's arrest, security guards apprehended Barry Goldman, an attorney with the Government Accounting Office, as he attempted to leave the Manuscripts Division's James Madison Building with ten documents in his pocket worth \$33,000. Some of the confiscated documents included letters signed by John F. Kennedy, Abraham Lincoln, Thomas Jefferson, and Franklin D. Roosevelt. After further investigation, the FBI estimated that Goldman had stolen \$200,000 worth of documents from the Library of Congress. As punishment, Goldman was sentenced to six months in a community correctional center, to be followed by two years of probation, and a fine of \$10,000.⁴⁸

Another case occurred in March 1992 when Library security guards arrested an Alexandria, Virginia book dealer, Fitzhugh Lee Opie, as he attempted to leave the manuscripts reading rooms with two stolen maps underneath his sweater. For ten years Opie had taken items from the Library, often cutting out parts of volumes and rebinding the stolen chapters or plates into his own copies. He was charged with depredation of government property, and in September 1992 a U.S. District Court judge fined Opie \$2,000 and sentenced him to six months in prison, with three years of probation to follow.⁴⁹

Although the felons in the 1990s cases, a doctor, a lawyer, and a book dealer, did not work for the Library, their relatively mild sentences were reminiscent of the light punishment handed to Philip McElhone in 1897. For nearly one hundred years, without the existence of sufficient precedents or supporting laws, the Library of Congress has been unable to deter felonious activities with the threat of rigorous prosecution and significant punishment for the theft. As a general rule, without the fear of retribution, patrons and employees remain more likely to participate in felonious activities.⁵⁰

⁴⁷ Todd Allan Yasui, "Access to the Library Archives," *Washington Post*, 27 May 1991, C7; David Streitfeld, "Dealer Held In Library of Congress Theft," *Washington Post*, 13 March 1992, F2; idem, "The Library of Congress Rip-Off," *Washington Post*, 29 March 1992, A12-A13; United States Senate, *Hearing Before the Joint Committee on the Library*, 103rd Cong., 1st sess., S.Hrg. 475 (Washington, D.C.: Government Printing Office, 1994), 42.

⁴⁸ Streitfeld, "Dealer Held In Library of Congress Theft;" idem, "Library Tightens Book Access" *Washington Post*, 31 March 1992, B2; Senate, *Hearing Before the Joint Committee on the Library*, 42.

⁴⁹ Streitfeld, "Dealer Held In Library of Congress Theft;" idem, "Book Thief Sentenced to 6 Months," *Washington Post*, 1 October 1992, C4; Senate, *Hearing Before the Joint Committee on the Library*, 43.

Following these incidents, in March 1992, Billington announced that the Library would heighten security throughout all its departments. Initial measures included using more surveillance cameras, increasing the number of guards, installing electronic doors to limit access, and allowing fewer researchers to freely browse the general book collection. This move towards a closed stack system met with opposition from Library supporters and patrons, but Billington argued that developing technologies would eventually allow users to electronically browse materials.⁵¹

The publicity surrounding security and theft at the Library led to congressional hearings in spring 1993. In an internal report produced ten years earlier, the Library described enormous security issues, but its administration had done little to address the problems. At the hearings, Billington explained to the Joint Committee that closed stacks and heightened security were necessary to protect the Library's collections. Other Library of Congress officials testified and agreed that the changes were the only way to control the overwhelming occurrences of theft and in some cases mutilation of materials. However, a handful of scholars and patrons had the opposite opinion and argued that closed stacks impaired the research process and led to the breakdown of the Library's self-described and longstanding commitment to "free intellectual creativity." Their argument was strengthened with Billington's own push for greater access just two years earlier, but the Committee did not demand any further action or debate and access to the stacks remained limited.⁵²

Following the 1993 hearings, the Library spent \$12 million in security efforts and further restricted access to both staff and patrons. This action resulted in significant internal opposition to the closed-stacks mandate, and two years later Billington reappeared before the Joint Committee to discuss a number of issues, including management and continued problems with security. Earlier that year, Billington also declared that the Library's police force would not carry on theft investigations independently and were now accountable to the institution's assistant inspector general. Clearly, by the mid-1990s, Billington had acknowledged that security was a major problem area for the Library.⁵³

To better deal with security concerns, in 1997 the Library of Congress established an Office of Security to oversee the development of a comprehensive

⁵⁰ In addition four other minor incidents of theft occurred at the Library Congress during 1991–1993. In each case the thieves were apprehended trying to leave the Library with concealed materials and nearly all the items were recovered. See, Senate, *Hearing Before the Joint Committee on the Library*, 42–43; and David Streitfeld, "Library of Congress Employee Arrested in Theft," *Washington Post*, 28 August 1992, C2.

⁵¹ Streitfeld, "Dealer Held In Library of Congress Theft;" *idem*, "Library of Congress Rip-Off," *Washington Post*, A12–A13; Library of Congress, *Annual Report of the Librarian of Congress*, 1993 (Washington, D.C.: Library of Congress, 1993), 11.

⁵² David Streitfeld, "Unsettling Losses," *Washington Post*, 10 August 1992, B5; *idem*, "Off Limits!" *Washington Post*, 10 August 1992, B5; Senate, *Hearing Before the Joint Committee on the Library*, 2–41, 91.

⁵³ Linton Weeks, "In A Stack of Troubles," *Washington Post*, 27 December 1995, F1, F4; Library of Congress, *Annual Report of the Librarian of Congress*, 1994 (Washington, D.C.: Library of Congress, 1994), 33; *idem*, *Annual Report of the Librarian of Congress*, 1995 (Washington, D.C.: Library of Congress, 1995), 2.

plan. However, in November a former Library employee was indicted on twenty counts of book theft. James W. Gilreath, a former American history specialist for the Library for over twenty years, stole a number of books such as rare copies of Walt Whitman's *Leaves of Grass* and Upton Sinclair's *The Jungle* from the collections and attempted to sell them to a Boston antiquarian dealer. As in the Turner/McElhone and Mount cases, the dealer believed that the items were stolen from the Library of Congress and immediately contacted the appropriate authorities. Following an investigation, in November 1997 FBI agents arrested Gilreath, who later claimed that his severe mental and physical health problems had caused him to steal the items. In July 1998 the U.S. District Court found Gilreath guilty of theft and sentenced him to a year of home detention, five hundred hours of community service, continued counseling sessions, and a fine of \$20,000.⁵⁴

It is now more than a century since the Turner/McElhone case, and theft remains an uncomfortable subject for the Library of Congress. Despite a series of recent efforts to heighten security, this study suggests that the problems of theft at the Library of Congress have changed little in the past one hundred years. In addition to external factors such as an active and profitable autograph and book trade; the lax attitude of the legal system in punishing thieves; bad publicity, and the overall lack of significant publicity or public outcry; internal issues such as staff accountability, poor library management, the lack of inventories, incomplete documentation, and insufficiently guarded materials have kept the matter of security at the Library of Congress and other repositories a significant area of concern.

As to the experiences of the author, researching the 1890s case required visiting the Manuscript Division in the Madison Building and getting through several checkpoints staffed by security guards. Similar to the National Archives facility at College Park, Maryland, a researcher must enter the Library's manuscripts reading room with little more than a pencil and blank paper. Once the research is completed, the researcher must go through the same checkpoints by having a guard examine photocopied pages and any personal items. The security process appears to be an effective deterrent for the average researcher, but the incalculable threats from dishonest staff members or professional thieves remain another matter.

Although the details of this one-hundred-year-old incident may seem distant, theft is still a daily concern for both libraries and archives. Further, because stealing documents or books, especially from within, is almost impossible to monitor and control, the Turner/McElhone case helps archivists and librarians

⁵⁴ Library of Congress, *Annual Report of the Librarian of Congress, 1997* (Washington, D.C.: Library of Congress, 1997), 2–3, 30–32; Robert Dizard, "Safe and Sound: Protecting the Collections of the Library of Congress," *Library of Congress Information Bulletin* 57 (June 1998): 144–45; David Streitfeld, "Former Library of Congress Staffer Indicted for Book Theft," *Washington Post*, 27 November 1997, D2; Bill Miller, "Former Library of Congress Curator Sentenced in Theft of Rare Books," *Washington Post*, 8 July 1998, D11.

further understand the need to better control their collections, and to carefully oversee the use of materials deemed exceedingly valuable. From a legal standpoint the incident showed that without witnesses or a record of inventory it was difficult to prove theft, even if possession of allegedly stolen materials was established. The case also revealed the dilemma of retrieving stolen materials from individuals who had purchased the documents without the knowledge that the items were inappropriately obtained. Further, issues relating to replevin and compensation to the dealers involved still remain unclear, and the 1890s case demonstrated how honest dealers were insufficiently rewarded for their efforts to return stolen materials to their respected repositories.

Certainly, other robberies have occurred at the Library of Congress, but the Turner and McElhone “abstractions” mark a distinct place in the long and storied history of the institution. The similarities between the 1890s case and the 1990s cases remind us that security is an important part of maintaining the irreplaceable treasures of an archives. The Turner and McElhone thefts have been nearly forgotten, but the issues that surrounded the case still hold relevance for modern libraries and archives.