

I^{re} SECTION.
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LES VERSEMENTS DES ARCHIVES DES ADMINISTRATIONS

dans les Archives anciennes

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I shall construe this question as meaning : By what means can it be determined exactly and scientifically what documents ought to continue official archives, and what ought to be deposited in the manuscripts division of a library ?

I shall consider it solely with reference to the archives of the National Government, and the manuscripts in the Division of Manuscripts of the Library of Congress, or, as it is also commonly called, the National Library.

It will be appropriate to preface my observations with definitions of the terms applied to official documents in Washington.

Communications received by a Department constitute its files.

Copies of the communications received by a Department, and retained in it, constitute its records ; but the word records is also loosely applied both to papers which are in the files of the Department and to those which are recorded.

There is only one Executive Department which gives official recognition to the word *Archives*. This is the Department of State, which has a Bureau of Indexes and Archives,

where are kept the files and records of the Department, current and historic, and the indexes by which they are located. But, besides the files and records of this Department, and separated from them, are the *rolls*, cared for by the Bureau of Rolls, which is a part of the Department. This Bureau is, however, under different rules from the Library, and does not correspond in its functions with the Division of Manuscripts in the National Library. The rolls are the official documents of the highest enduring importance, which are, or were, written on parchment, and include the Declaration of Independence, the Constitution of the United States, treaties with foreign powers and the manuscript laws.

In the National Library the word manuscripts is applied to all the written papers of an historical character which are gathered in the Division of Manuscripts, although some of the papers were government archives, which were transferred to the Library from the Executive Departments.

Our question now is : What government papers from the files, what records, what rolls, — in a word, what archives — may properly be transferred from the Executive Departments to the National Library ?

We are not now concerning ourselves with the archives of the Congress of the United States or of the federal courts. These are separate from the Executive archives, and it has not thus far been seriously proposed that any of them should be disturbed.

For illustrative purposes, some of the manuscripts of official origin now in the Library will be enumerated :

The Papers of the Continental Congress, which were deposited in the Department of State when the old Revolutionary government under the Articles of Confederation gave place to the present government under the Constitution ; certain accounts pertaining to the Revolution, which were placed in the Treasury Department ; from the same Department, certain Custom House papers showing trade at the ports of the United States in the early days of the Republic ; from the Department of the Interior, the papers in certain slave trade and negro colonization cases (1864-1872) ; and,

from the Post Office Department, papers showing postal development.

It will be seen that the transfers cover a long period of years, and relate to a variety of subjects. Some of the archives were transferred by order of the President of the United States, some by specific act of Congress ; but in 1903 (act of February 25) a general provision was made permitting the Departments to transfer to the Library any material no longer needed for their use, and in the opinion of the Librarian of Congress appropriate to the uses of the Library. Since then the transfers have been made directly by arrangement between the Departments and the Library. The decision of what archives may properly be transferred rests with the heads of the government Departments, and this arrangement is, I think, based upon sound principles. The most important use of government archives is in the transaction of government business, and those who are responsible for the business must decide what archives are necessary for their purpose. It must be remembered, however, that archives which are deposited in the National Library are still accessible for the use of the Department in which they originated. When archives cease to be of current use in a Department, they must make way for archives which are more constantly used, and they are often stored in inconvenient places. It happens, therefore, that they are more accessible for reference by the Department itself if they are conveniently arranged in the spacious quarters of the National Library than they are when stored away in inaccessible corners of the Department. Therefore, the test which should be applied to the question of depositing archives in the Library is not whether they are ever used by a Department, but, the occasions of their use being rare, what is the nature of that use. I am aware that it is difficult to determine whether or not it is of a character which requires the permanent retention of the papers and that the question cannot be governed by fixed rules ; but some general considerations may be suggested which it is thought would furnish a reasonably satisfactory test to apply to archives of historic value.

The first suggestion is that, if the Department uses certain archives merely to elucidate official communications or to throw historical light upon official practice, their official usefulness is not in the least impaired if they are among the manuscripts of the National Library. But, if their occasional employment is of a legal or technical character, and if their force depends upon an official certification to their nature or to their verity, then they should be kept in the Department in which they originated. To illustrate : the accounts of General Washington as Commander in Chief of the American army during the War of the Revolution were transferred by the Treasury Department to the National Library. It is conceivable that, in auditing the accounts of a general officer in the army at the present day, the Department might draw upon the Washington accounts for a precedent of action, and the argument would lose no strength from the fact that the papers are no longer physically in the Treasury Department. On the contrary side, we can take the land surveys deposited in the General Land Office of the Interior Department. The early surveys of the territory out of which were formed several of the states of the Union are of great historical interest, and students occasionally consult them under conditions which are inconvenient to themselves and to the busy office where they now are ; but these surveys sometimes figures in suits in the courts involving titles to lands, and excerpts from them are introduced as evidence. To have full legal force they must come from their official custodian, who can identify them and certify to their character. The Librarian cannot have official knowledge of them, and consequently cannot properly be given this authority.

The second suggestion is that archives should not go to the National Library as long as they are confidential. It is true that it has some manuscripts which are shown to none of the users of the Library, but these are personal papers, which have been deposited with it on condition that they be kept secret until a certain length of time has elapsed, when they are to be open for use under the general rules. As it is a place to which students and writers resort in order to acquire infor-

mation which they may impart to others, the possession of confidential official papers would merely be a burden and an embarrassment.

The question of when archives should cease to be confidential is one which the Departments should determine by applying separate tests to separate groups of archives, for the seal of confidence should rest longer upon some than upon others. Let us take several examples: The slave trade and negro colonization papers transferred to the Library by the Department of the Interior ceased to be confidential as soon as the slave traders had been convicted and the negro colony had failed, and there was no sequence to the case. The Journal and Minutes of the Electoral Commission of 1877, which was transferred from the State Department, is the record of the tribunal which decided the question of the disputed presidential election of 1876. It deals with an event of great political moment, which aroused intense popular excitement, and it was kept among the confidential archives until public opinion had cooled. Several Departments have sent to the Library applications for public office which were among their archives; but no such papers have been transferred which related to living men, or, generally, even to the fathers of living men. When the knowledge they disclose cannot reasonably give offense to the present generation, they are held to be of legitimate historical interest. Thus far there have been no transfers to the Library of Diplomatic Archives, the Department charged with the conduct of foreign affairs holding that all official papers pertaining to this subject should be in its keeping, and subject, save in exceptional cases, to the seal of confidence; nor have any archives pertaining to claims against the Government been among the accessions, as they might be used to the Government's injury.

Recapitulating this branch of our inquiry, I conclude:

- a) That archives which represent completed incidents which carry no sequence may cease to be confidential as soon as the incidents are closed.
- b) That archives which relate to political events may be

open to general inspection when danger of inflaming public opinion by their revelations has passed.

c) That archives which contain personal information affecting individuals may cease to be confidential after two generations have passed.

d) That archives which pertain to international relations must remain confidential as long as they relate to pending negotiations, or if they contain information which would disturb or lessen international good feeling, their permanent custody belonging to the Department charged with foreign affairs.

e) That archives furnishing information which might be used against the Government's interests should remain confidential.

I have said that the heads of the Departments must be the ones to decide which of their archives they are willing to have become a part of the manuscript collections of the National Library, and this brings us to our third point: that the head of the Library must determine the acceptability of the archives. As they are the best judges of what affects their business, so must he be presumed to be the best judge of what will be useful to him.

But as there are nine heads of Departments in Washington, there must inevitably be an unevenness of policy with reference to the transfer of archives. It is believed, however, that if all accepted the principles outlined in this paper, a reasonable degree of uniformity might be obtained. Those principles may be restated:

1. What executive archives may be transferred to the Manuscripts Division of the National Library must be decided by the heads of the executive Departments; but the Librarian must decide which ones he will accept.
 2. A Department may transfer archives which it occasionally uses, provided the use is not of a nature which would lose its force if the archives were not in the Department's possession.
 3. Archives should not leave a Department as long as they are confidential.
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