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How to Transfer the Governor's Papers

By MORRIS L. RADOFF*

Maryland Hall of Records

THE GATHERING into one place of the old executive records of Maryland constituted one of the major problems of the Hall of Records when it opened its doors in 1935. Through the efforts of the first Archivist, James A. Robertson, and the present Archivist everything that could be located was brought to the Hall of Records by transfer from other agencies of the State government and the Maryland Historical Society, by purchase from dealers and individuals, and by gift. While there are still obvious and large lacunae that, for the most part, will never be filled, the collection as it stands is of impressive size and usefulness.

Nevertheless, the lesson was plain: the only way to preserve the files of the chief executive in the future would be to receive them directly from him. Because this lesson is surely as valid for other States as for Maryland and because our initiation of this policy met — and overcame — every conceivable hazard of mortality, time, and politics, the writer has felt it worth while to prepare this account for his State Archivist colleagues.

Harry Whinna Nice was Governor of Maryland when the Hall of Records was built and the first Archivist was appointed. Perhaps Dr. Robertson had it in mind to arrange with Governor Nice for an orderly transfer of the executive papers. But if he did, nothing came of it. From this distance one can imagine reasons that might have deterred him. Governor Nice's administration was a stormy one, flush in the middle of the great depression, full of special sessions of the legislature, rife with bitter conflict between the Republican Governor and the Democratic majority in the General Assembly. Perhaps the propitious moment never came. A quick recovery of the executive papers after Nice left office in January 1939 may have been contemplated, but unfortunately Dr. Robertson died shortly thereafter. By good fortune, however, no serious loss of records was suffered, for Nice left his files intact, and before the

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end of the first term of his successor (1943) the Nice papers were all safely in the Hall of Records.

Since Governor O'Connor was reelected for a second term, the problem of transferring his files did not arise until late in 1946. Because he had agreed to transfer his papers to us, we might have waited until he had left the State House; but there were advantages in having him prepare the transfer in advance so that the records could be moved on the last day of his term. In that way we could avoid an intermediate shifting about, which otherwise would be necessary in order to vacate filing space and cabinets for the new administration. We thought, too, that if we sat with him while he sorted his papers it might be possible to persuade Mr. O'Connor not to take away with him the files that he considered personal. Some "carrying off" of records by a chief executive is always to be expected, but if possible the limits of what is personal should be set at something less than the scandalous depletion of files, which we have all encountered and which caused so much agitation in Washington at the end of the New Deal period.

Having decided that we would take the matter up with the Governor before he left office we had then to find a suitable time for the initial *démarche*. We could do nothing during the first part of the year because it was not known whether Mr. O'Connor would seek a third term as Governor or try for the Maryland senatorship that would be at stake in the same general election. He decided for the senatorship; and, since the contest in the primary was with a strong Democratic incumbent, it was known in advance that the campaign would be vigorous and the results close. We decided, therefore, to postpone our business until after the June primaries. Mr. O'Connor won, but the size of the Republican vote indicated that the general election in November would be something more than a formality. We thought we had no choice but to postpone our approach again while the Governor — now a senatorial candidate — conducted his campaign.

At last November 5 came, but several days passed before it was possible to know the winner. As a matter of fact, the election was so close that the next two weeks did not furnish us with anything conclusive. Finally, the Senate Election Committee judged it necessary to recount some of the votes before declaring O'Connor elected. But now we were faced with another problem. According to the Maryland Constitution, the new Governor must take office on January 7, but since the legislature was to meet on January 2, in practice that was the last day on which Governor O'Connor would be avail-

able for executive business. The *terminus ad quem* was also complicated by the fact that Governor O'Connor might decide to resign several days in advance of the end of his term in order to be in Washington for the organization of Congress. For a moment we were afraid that we had passed from the period of *too early* to the period of *too late*. In any case, no further postponement was possible. On November 19, therefore, I wrote to the Governor as follows:

I should like to ask you whether it would be possible for you to set aside the files of your office which should come to the Hall of Records before you take your seat in the United States Senate next January. I believe that it would be better to prepare in advance for this transfer. Otherwise there is a great deal of confusion and sometimes unnecessary losses. You will recall, I am sure, that the files of Governor Nice had to be sorted out and transferred during the first years of your administration.

The Governor's reply came within the week:

I have carefully noted what you say with regard to the transfer of the files of this office and in order to facilitate matters and so that proper arrangements can be made, I am asking that Mr. Brock take the question up with you at the earliest convenience.

Before leaving the State House I wish to tell you how very much I have enjoyed associating with you in the important work in which you are engaged. I am intensely interested in the continued successful functioning of the Hall of Records. I feel that you and your associates are to be commended for the excellent standards that have been maintained. . . .

This was a very encouraging letter indeed! The late James P. Brock, to whom the Governor referred, was his administrative assistant in the executive offices. Brock telephoned me several days later to tell me that the Governor had instructed him to prepare for the transfer. It was then that the delicate question of distinguishing between official and personal files was put. I explained to Brock, and later to the Governor, that no hard and fast line had ever been set to separate these two categories, that traditionally the executive has decided himself, and that there were no laws in Maryland to cover the subject. Finally, I explained that the Hall of Records does not permit the use of recent executive materials except for good and legitimate reasons and that therefore, whenever there were doubts, the material might safely be adjudged "official."

As the next step in the transfer the Assistant Archivist at the Hall of Records, Gust Skordas, was assigned the task of making a preliminary survey of the files. Several unanticipated problems were encountered. Not all of the files could be moved, since the Gover-

nor's office has continuing business, as has any other governmental office. It was decided to leave behind the last biennium of records. The metal file drawers had to be returned after each load, and the size of the load had to be set by the size of our fumigator and the narrow space in the basement available for new acquisitions. But the file drawers could not be emptied immediately into the standard boxes in use at the Hall of Records, as the separators in the files were too large and had to be cut down by hand. Much of our staff and equipment had to be directed to the job; there was no other way.

We had full cooperation in the Governor's office. Its participation was accurately noted on December 16, in the *Baltimore Sun*:

As his part in the moving program, the Governor is engaged in getting the State's affairs in order before turning them over to the incoming Governor.

He has assigned a representative of the Hall of Records to work with Louis J. O'Donnell of Governor-elect Lane's staff, and James P. Brock, Administrative Assistant to Governor O'Connor, to go through the thousands of papers in the files of the Governor's office.

The purpose of this survey is to retain for Mr. Lane those letters, documents and other papers which he may want for further reference, to preserve those which the Hall of Records should keep and to discard those for which no need exists.

The size of the files may be judged by the fact that in some instances certain disputed legislation resulted in receipt of more than 5,000 pieces of mail. The Governor numbered the papers in the files at "tens of thousands."

Many of the papers and documents, including important proclamations, relate to Maryland activity in World War II and the part played in it by, among others, the Council of Defense, the State Guard, Minute Men, the National Guard and many volunteer defense organizations all of which may be placed in the State archives.

I cannot tell whether Mrs. O'Connor thought this a worthwhile task for the Governor during the hectic days when she was engaged in moving the family from the Governor's Mansion in Annapolis to the Senator's new home in Baltimore, but the Archivist certainly has no doubts about the matter. In any case, the Governor removed from the files only two or three drawers of materials. His decision not to disturb the papers having to do with his position as leader of the Democratic Party in Maryland is certainly commendable; what he removed consisted primarily of invitations having to do with his own social activities and those of his family. The motive behind their removal was obviously not to suppress anything but simply to take with him certain mementos of office.

Shortly afterward the first truckload of materials arrived at the

Hall of Records. The transfer was made under the supervision of Mr. Skordas as were the fumigating, the transfer from filing drawers into boxes, and the arrangement in our vaults. Five full loads completed the job, and it was all over by the end of January. It was an arduous task and it required a good deal of time and effort on the part of all concerned. But it was rewarding in that it represented a successful transfer of considerable archival material under difficult conditions. It taught us early the value — and the complexity — of careful advance planning. We have tried to profit by the lesson.¹

¹ *Editor's note:* Former Governor and U. S. Senator Herbert R. O'Connor died in Baltimore on Mar. 4, 1960, as this number of the *American Archivist* was being proofed.

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