

Testimony of
Dr. Allen Weinstein

February 7, 2008

STATEMENT

by Allen Weinstein
Archivist of the United States
to the
Committee on the Judiciary
United States Senate
On The Founding Fathers Projects
February 7, 2008

Mr. Chairman and Members of the Committee: I want to thank you for having invited me to testify on this important issue--one which has been of keen interest to me throughout my almost-half-century as an historian, and most intensely during the past three years as Archivist of the United States.

Let me begin with a few facts. Unlike the practice of preserving and making available to the public the papers of each President of the United States beginning with Franklin Roosevelt, there was no policy in place in the 18th century to archive the papers of the founders of the nation. If collected at all, documents were either scattered in diverse repositories--public and private--or held within federal institutions, often informally. Responding to many of the same concerns that led to the creation of the National Archives, historians and scholars had long urged the creation of a federal entity to collect historical materials related to the three branches of national government and to publish specifically the important papers of our Presidents in order to make them more widely available to all citizens.

In 1934, a Federal entity, the National Historical Publications Commission (NHPC) was created within the National Archives to address this mission. Although not initially funded as a grant-making agency -the Commission called for publication of comprehensive documentary editions of the papers of the key Founders: George Washington, Benjamin Franklin, Alexander Hamilton, John Adams, Thomas Jefferson, and James Madison, as well as a documentary history of the ratification of the Constitution.

Encouraged by historians, work began on a comprehensive edition of the papers of Thomas Jefferson. Its first volume was completed in 1950 and presented to President Truman who, impressed by the project's scope, became a strong supporter of the NHPC's work on the founders. Subsequently, in 1964, the Commission began awarding grants for these projects.

The documentary editions collect, transcribe, and annotate the materials written and received by these key American statesmen. In the early years, much time and effort was spent locating and assembling thousands of documents, and deciphering 18th century handwriting.

The National Historical Publications and Records Commission (NHPRC)--a name change in 1974 --has funded this process for the past 44 years. It has provided over \$18 million in awards to six Founding Fathers documentary editing projects, resulting in the publication of 216 volumes to date. The volumes have been praised for their careful work, scholarship, and detailed annotation.

At the same time, however, many Americans have been frustrated by the slow pace of production and would like to have earlier access to these papers in their entirety. For example, the Adams papers project begun in 1954 does not anticipate completion until 2049. This important work must be completed at an accelerated pace, and we must find ways to partner with others outside the federal government in new and creative ways to reach this goal and achieve the most cost-effective solutions.

With the advent of the Internet, on-line versions of the documentary editions are both possible and desirable. Without sacrificing work on the scholarly editions, the National Archives' NHPRC hopes to develop a plan to produce on-line editions of all major published and unpublished collections of the Founders' papers at the earliest possible moment. Achievement of this goal will require cooperation among all of the scholars and university presses involved, as well as steady support from the Congress on a time-table geared to early completion of the on-line editions.

Some projects have already begun to work toward this goal. For example, the project to publish the papers of Benjamin Franklin has made available on-line the complete collection of its printed volumes as well as unpublished transcripts of Franklin's papers. The online materials are freely available to the public.

Other documentary editing projects have tried different strategies to address production pace and public access concerns. The George Washington Papers project is participating with Rotunda, a fee-based online service at the University of Virginia. This approach provides on-line access to the project's published volumes to its service subscribers. Alternatively, beginning in 1999, the Jefferson papers project divided the work into two parts (the period through the end of Jefferson's Presidency and his post-Presidency period) and has two teams working simultaneously to annotate and publish the remaining volumes.

To produce on-line versions of the Founders' papers would require negotiation for the electronic rights with the copyright holders, namely the university presses. The Adams Papers are published by Harvard University Press with copyright held by the Massachusetts Historical Society; The Papers of Benjamin Franklin by Yale University Press and the American Philosophical Society; The Papers of Alexander Hamilton by Columbia University Press; The Papers of Thomas Jefferson and The Papers of Thomas Jefferson: Retirement Series by Princeton University Press; The Papers of James Madison by the University of Chicago Press (first 10 volumes) and the University Press of Virginia; and The Papers of George Washington by the University Press of Virginia. In the future, NHPRC will work to establish that public access become a requirement for Founding Fathers projects and will work to establish meaningful benchmarks as they proceed with their work.

To achieve the timely on-line editions of the papers of the Founders, NHPRC would need to negotiate an agreement with the project sponsors to release and post on-line unannotated

transcripts of the raw materials for future printed volumes. The presses and projects have a long-standing financial interest in these collections, as well as a commitment to ensure thorough scholarship. At the same time, scholarly presses have at the core of their mission open access to knowledge.

The Association of American University Presses describes the issue in its Statement on Open Access:

The increasing enthusiasm for open access as a model for scholarly communication . . . presents new challenges and new opportunities for university presses. In its pure form, open access calls for an entirely new funding model, in which the costs of publishing . . . are paid for by authors or by a funding agency, and readers can have access to these publications for free.

Crucial to open access is that a clear and effective plan be created for speeding projects along. Our goal should be to achieve a balanced approach which ensures that the public has the earliest possible access to on-line editions of the collected papers of the Founders and, at the same time, that scholars commit to completing their work in a timely fashion.

Only the closest cooperation among the main actors in this process--the National Archives' NHPRC, the documentary editors, and our congressional supporters--will produce the desired outcome: timely and cost-effective on-line editions of the Founders' writings and the finest scholarly editions possible in our lifetime.

This hearing, Mr. Chairman, is an important step toward fulfilling these goals. This concludes my brief prepared statement, and I am happy to try and answer any of your questions. Again, thank you for holding this hearing.