

CASE #5

# The Harding Affair Letters

## How One Archivist Took Every Measure Possible To Ensure Their Preservation

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OVERVIEW:

In the section on “Trust,” the [SAA Code of Ethics for Archivists](#) states that archivists “. . . strive to balance the sometimes-competing interests of all stakeholders.” This case study explores the balance between professional relationships and judgment that one archivist took in order to protect and insure future access to a controversial collection of letters written by a former President of the United States.

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Access Control | Access Restrictions | Custodial Issues |  
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## Introduction and Institutional Context

This case study examines the decisions and actions taken by an archivist in 1960s that did not come fully to light until July 2014 with the release of the Warren G. Harding and Carrie F. Phillips love letters held now by the Library of Congress.<sup>1</sup> The archivist in question was the late Kenneth (Ken) W. Duckett, who passed away only weeks before the letters he worked so hard to save went public. The institution involved was the Ohio Historical Society, which in 1960 was located on the campus of Ohio State University in Columbus.

The Harding-Phillips correspondence consists of 240 letters and related materials written by President Harding (1865–1923), before and during his tenure as a U.S. senator, to his mistress Carrie Fulton Phillips (1873–1960), the wife of a Marion, Ohio, merchant. Also included are drafts and notes for correspondence written by Phillips during her approximately fifteen-year relationship with Harding (1910–1924). The letters, which are sometimes sexually explicit, also offer insight into Harding’s political views and relations with Germany both before and during World War I. Phillips was supportive of Germany and tried to win Harding to her point of view.

The Ohio Historical Society, which today is known as the Ohio History Connection, is a state-funded institution that also relies on private support, especially for the donation and purchase of research collections. The mission of the society was and still is to collect, preserve, and promote Ohio history. Duckett was the curator of manuscripts for the Ohio Historical Society from 1959 to 1965. He was also an active member of the Society of American Archivists (selected as a Fellow in 1977). His book, *Modern Manuscripts* (1974) was required reading for archivists and manuscript curators of a certain generation (this author included).

On a personal note, Ken Duckett hired me for my first professional job when he was head of special collections at the University of Oregon. Although I was there for only two years (1986–1988), he had a profound influence on my career and instilled in me a strong ethical core and a sense of professional responsibility for preserving the historical record. Ken also shared with me several experiences from his long and distinguished career, including the story of the Harding-Phillips correspondence. I also recall a locked drawer in his desk where he kept a roll of microfilm. It would not be until the summer of 2014 that I fully appreciated the professional risks that Ken took to create and preserve that roll of microfilm.

This case study examines Duckett’s actions through the lens of the current Code of Ethics for Archivists (approved in 2012), but the events outlined in this case study predate the Society of American Archivist’s first Code of Ethics in 1980. The first code was based on The Archivist’s Code, developed by the National Archives in 1955, which served as the closest thing to a professional code of ethics prior to 1980. The Archivist’s Code opened with the following statement: “The Archivist has a moral obligation to society to take every possible measure to ensure preservation of valuable records, not only those of the past, but those of his own times,

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<sup>1</sup> Jordan Michael Smith, “The Letters That Warren G. Harding’s Family Didn’t Want You to See,” *New York Times Magazine* (July 7, 2014).

and with equal zeal.”<sup>2</sup> As we will see in the following narrative, Duckett did take nearly “every possible measure” to preserve the Harding-Phillips correspondence.

The ethical issues raised by Duckett’s actions touch on almost every section of 2012 Code. One might argue that in his efforts to “secure and protect” the letters in order to ensure future “access and use,” he did not always exercise appropriate “professional judgment” or exemplify good “professional relationships.” During the 1960s the Harding family certainly must have felt that Duckett did not “protect the interests of the donors, individuals, groups, and institutions whose public and private lives and activities are recorded in their holdings” as outlined in the “privacy” section of the Code. For the narrative that follows outlining the primary events surrounding the discovery and preservation of the letters, I have relied on published accounts as cited in footnotes rather than my memory of the incident as told to me by Duckett.

## **Narrative**

For decades the Ohio Historical Society (OHS) had worked to acquire the papers of former President Warren G. Harding. These papers were rumored to have been mostly destroyed by Harding’s widow, but what remained was protected and held by the Harding Memorial Association (an organization of Harding supporters that raised funds for his tomb) in Harding’s hometown of Marion, Ohio. In October 1963, after years of negotiation, Duckett, OHS curator of manuscripts, convinced the Association to transfer the records to OHS. Expecting to receive the entire collection held by the Association, OHS received only the presidential era records with earlier records from Harding’s time as a senator held back.<sup>3</sup> Negotiations would continue over the following months for the remaining portion. The acquisition of the Harding papers attracted the attention of several historians, including Francis Russell, who was working on a biography of Harding and quickly came to visit OHS.<sup>4</sup>

While in Ohio to learn about the recently acquired Harding papers, Russell decided to visit Harding’s hometown of Marion to verify rumors of Harding’s affair with Carrie F. Phillips, the wife of a Marion merchant. He quickly learned that Phillips had passed away in 1960 and that local attorney Don Williamson had served as guardian of Phillips in her final years. In talking with Williamson, Russell not only confirmed the affair, but also discovered that Williamson had found a shoebox of love letters written by Harding when clearing out her house. Russell spent the next two days reading the letters and then called Duckett about the letters. The three men decided that the letters should be placed with OHS. Duckett accepted the letters and completed a gift agreement with Williamson and the judge of the probate court.<sup>5</sup>

After returning to OHS and thinking about the correspondence overnight, Duckett realized he had a problem. He was still negotiating with the Harding Memorial Association for the

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<sup>2</sup> Elena S. Danielson, *The Ethical Archivist* (Chicago: Society of American Archivists, 2010), 333.

<sup>3</sup> Kenneth W. Duckett, “How Some Were Burned . . .,” *American Heritage* 16:2 (February 1965).

<sup>4</sup> “[Kenneth W. Duckett Papers Finding Aid](#),” Western Reserve Historical Society, MS 4938.

<sup>5</sup> Francis Russell, “. . . And Some Were Saved,” *American Heritage* 16:2 (February 1965).

remaining Harding papers and knew OHS's acquisition of the letters documenting Harding's affair would upset them and potentially stop negotiations. He also was concerned about what to tell his supervisors and was worried that there would be pressure to destroy the letters since OHS received its funding from the Republican-controlled Ohio legislature.<sup>6</sup> Duckett decided to hide the letters in a bank safe deposit box and then asked his former supervisor and mentor (who now taught at Kent State) for advice.<sup>7</sup>

After that talk, Duckett also decided to keep the letters secret and sealed until after the Harding papers were opened, not even allowing Russell access. But he was still concerned about the security and preservation of the Harding-Phillips correspondence, even in the bank safe deposit box. Thinking they would be safer at OHS, Duckett removed the letters from the bank and hid them in a corner of the vault at OHS. There he secretly microfilmed the letters using a borrowed camera and film he had purchased. Duckett's plan was to make copies of the microfilm and distribute them to friends around the country. He continued to worry about how the Harding Memorial Association would react to the letters as he suspected that the earlier Harding papers were withheld so the Association could remove any materials that they felt would hurt Harding's image. In March 1964 the Association finally transferred the remaining files, but as suspected, gaps remained in his senatorial records.<sup>8</sup>

Just prior to the opening of the Harding papers on April 26, 1964, at the OHS annual meeting, Duckett's supervisors learned about the Harding-Phillips correspondence. At the board meeting that followed the celebration of the Harding Papers, the trustees discussed the disposition of the Harding-Phillips correspondence. After a discussion held in executive session, the trustees formed a special committee to consider the disposition of the letters and ordered Duckett to surrender them. The letters were placed in a bank safe deposit box with keys held by Duckett and OHS President Erwin C. Zepp. In the meantime, Russell's request to use the letters for his forthcoming biography was denied.

One of the issues raised by the OHS board was whether Williamson could have legally donated the letters. Although he had served as guardian for Phillips, no executor had been appointed and there were debts and claims against her estate. The value of the letters could help resolve that debt. Duckett and Williamson met with the probate judge who appointed Paul Michel, a Marion attorney and secretary of the Harding Memorial Association, as executor. While Michel searched for potential heirs, he demanded to have custody of the assets of the estate, which were the letters. Duckett reluctantly turned them over, but did not disclose the existence of the microfilm.<sup>9</sup> Concerned about preserving the letters, Russell then told his publisher, *American Heritage*, about the existence of the letters and they in turn asked Russell and Duckett to write an article about the letters and related events.

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<sup>6</sup> John W. Dean, foreword to *The Harding Affairs: Love and Espionage During the Great War*, by James D. Robenalt (New York: Palgrave Macmillan, 2009), xi.

<sup>7</sup> Kenneth W. Duckett, *The Shoe Box Letters* (Eugene, Oregon: Nonesuch Press, 2003), 37.

<sup>8</sup> Duckett, "How Some Were Burned . . ."

<sup>9</sup> Russell, ". . . And Some Were Saved."

In July 1964 the existence of the letters was leaked to the press with the story first published by the Toledo *Blade* (July 8) followed by a story two days later in the *New York Times* (July 10).<sup>10</sup> In his *American Heritage* article “. . . And Some Were Saved,” Russell claimed the story was probably leaked by one of the seventeen members of the OHS board of trustees or by one of their spouses and that he contacted the *New York Times* to insure an accurate account was published. Duckett, in his 2003 memoir about the Harding-Phillips letters, says that his former mentor at Kent State was the source for the leak.<sup>11</sup> Meanwhile Duckett became increasingly concerned about the preservation of the letters. On July 22, 1964, he wrote to Oliver Jensen of *American Heritage* “I have heard the words ‘burn, destroy and suppress’ so many times since I acquired the papers, that I am determined that extraordinary precautions must be taken to insure their preservation and use by historians.”<sup>12</sup> Included with the letter was a copy of the microfilm sent for safekeeping. By taking this action Duckett was fully aware that he was placing his job at risk. In turn *American Heritage* promised to help defend Duckett if sued and help him with employment if fired.

The lawsuit was not long in coming. The Harding family filed a suit naming Duckett, Russell, American Heritage Publishing, and their parent company McGraw-Hill.<sup>13</sup> The suit demanded all copies of the letters be turned over to the court, a publishing ban be placed on the letters, and requested one million dollars in damages. Duckett was called into court to testify on August 10, 1964, and admitted to making four copies of the microfilm, which was probably true at the time (although he did not include the original negative in that count). Duckett would make additional copies from the negative after the deposition.<sup>14</sup> The OHS board then discussed whether to reprimand or dismiss Duckett; he was officially reprimanded for his actions concerning the Harding-Phillips correspondence in October 1964.

Although not fired, Duckett realized he did not have much of a future with OHS and actively sought employment elsewhere. He was offered and accepted a position as university archivist and head of special collections at Southern Illinois University in February 1965 with the rank of associate professor at twice his OHS salary.<sup>15</sup> That same month *American Heritage* would publish companion articles by Duckett and Russell about the Harding-Phillips correspondence. Also that month the probate court determined that Isabel Mathee (daughter of Carrie Phillips) was the rightful owner of the letters. Mathee agreed with the Harding family to hold the letters in escrow until the lawsuit was settled.

After leaving OHS in March, Duckett started his new job at Southern Illinois in May 1965. The lawsuit continued to hang over Duckett and in 1966 The New York Times Company and OHS trustee Glen Thompson were added to Harding lawsuit. Thompson had been a Duckett supporter and also held a copy of the microfilm for safekeeping. The following year, 1967, the

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<sup>10</sup> R.W. Apple, Jr., “250 Love Letters from Harding to Ohio Merchant’s Wife Found,” *New York Times* (July 10, 1964).

<sup>11</sup> Duckett, *The Shoe Box Letters*, 28.

<sup>12</sup> Dean, foreword, xiv.

<sup>13</sup> “Harding Letters Held Up by Court,” *New York Times* (July 31, 1964).

<sup>14</sup> *Ibid*, xv.

<sup>15</sup> Duckett, *The Shoe Box Letters*, 112.

Harding heirs agreed to pay the debts of the Phillips estate in exchange for the Harding-Phillips correspondence. Mathee agreed to these terms and turned the letters over to the Harding family. In 1968 in exchange for being removed from the lawsuit, Thompson turned over his copy of the microfilm.

## Conclusion

Finally in September 1972 all parties agreed to settle the lawsuit out of court. The New York Times Company was dropped from the lawsuit; American Heritage agreed to pay \$10,000 to the Harding family. Duckett agreed to surrender four copies of microfilm—two he held personally, one that he had placed with *American Heritage*, and one already surrendered by OHS board member Glen Thompson. All parties agreed not to use the letters and the judge dismissed the suit. Duckett did not disclose that additional copies of the microfilm existed beyond those mentioned in the lawsuit. The Harding family decided to donate the letters to the Library of Congress in 1972 with the requirement that they be closed for fifty years. The opening date of July 29, 2014, was set when the probate court judge closed the case on July 29, 1974.

Duckett went on to have a very successful career at Southern Illinois and later at the University of Oregon. In 2003 he donated his papers to the Western Reserve Historical Society; the bulk of his papers document the Harding-Phillips Letters controversy and include a copy of the microfilm. That same year Duckett also wrote a fictional memoir about the events surrounding the Harding-Phillips letters called the *Shoe Box Letters*. Author James Robenalt published *The Harding Affair: Love and Espionage During the Great War* in 2009 after using the microfilm of the Harding-Phillips correspondence in Duckett's papers. The Harding family decided not to try and block Robenalt after former Nixon administration official John Dean supported Robenalt.

On July 12, 2014, Ken Duckett passed away at the age of 90, only days before the Library of Congress opened the Harding-Phillips correspondence and also made them available online.

## Discussion

No one can deny the professional risks and the courage Duckett showed in his efforts to preserve the Harding-Phillips letters. How many archivists would put their employment on the line while being sued for a million dollars (an even more considerable sum in 1964) by the family of a former U.S. president? Duckett did save the letters, but we have to question whether the end result justified the means of achieving it. At the 36<sup>th</sup> Annual Meeting of the Society of American Archivists in 1972 held in Columbus, Ohio, the director of the Ohio Historical Society, Dan Porter, said the following about Duckett's actions as part of panel discussion:

The Carrie Phillips – Warren Harding letters affair was one of the most unnecessary, unproductive, self-serving, professionally demeaning, and destructive incidents in

American historiography. The event will stand for many years as a benchmark of intemperate professional excess.<sup>16</sup>

Porter, who was an administrator at OHS and not director during the controversy, had witnessed the events first hand and gives us one of the few glimpses into how the OHS leadership felt at the time. Duckett did develop some celebrity from saving the letters, which helped him land his position at Southern Illinois University.

In looking at the sections of the Code of Ethics for Archivists addressing “professional relationships,” could Duckett have acted differently and still preserved the letters? Was he “. . . honest, fair, collegial, and equitable” as the code suggests? In trying to preserve the letters, he had to hide their existence from his employer and a related donor (the Harding Memorial Association). In two accounts, Dean’s introduction to the Robenalt book and in his own memoir, Duckett states he got into a scuffle with the director of the OHS to keep him out of the vault while microfilming the letters. And there is the question of the microfilm copies. In reviewing the various accounts, I counted anywhere from six to eight total copies made, not including the negative. Even after the lawsuit was settled, Duckett appears to have kept one or more copies as insurance. In trying to preserve the letters, Duckett had to violate the policies of his employing institution and used a linguistic technicality to be truthful with the court in his deposition—reporting only the “copies,” and not the “original” negative.

By all accounts, Duckett rightfully feared the letters would be destroyed. Whether by members of the Harding family, their friends, or by the OHS itself, it appears destroying the letters was an option on the table for all three groups. It seems unlikely they would have survived if Duckett has not risked his position by first secretly copying the letters and later by letting the scholarly community know of their existence through *American Heritage*. The naming of the Harding Memorial Association secretary as executor for the Phillips estate must have raised Duckett’s concerns and helped convince him to make additional copies of the microfilm for safekeeping as well as to write about the letters in *American Heritage*. For Duckett, first deceiving OHS, and then later the courts regarding the number of copies, must have seemed like the only way to save the letters from what appeared to be sure destruction.

Except at the time of acquisition, Duckett was equitable regarding access in the way he did not allow Russell privileged access to the letters, even though he unearthed them. And given that Duckett retained a copy of the records, he did not “take unfair advantage” of his “privileged access to and control of” the letters as outlined in the section on trust. For Duckett, this approach must have been the balancing point for his conscience for holding back the information about the copies. The trust section of Code concludes with the statement: “They [archivists] strive to balance the sometimes-competing interests of all stakeholders.” This author believes Duckett found himself in a situation of competing interests and he selected the route that he believed would best insure the preservation of the letters.

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<sup>16</sup> Ibid, 111.

The Harding-Phillips affair letters illustrate the potential for ethical conflict inherent in the archives profession. *American Heritage*, in its April 1972 announcement that the lawsuit had been resolved, summed it up best: “While some historians may regret the long wait, we at *American Heritage* feel we have made our point: that the letters, like all Presidential letters, should be preserved. It was not the best instance, by far, but an excellent principle.”<sup>17</sup>

I think Ken Duckett would have agreed with that summation; and perhaps this incident inspired him to become the mentor he would be for me and so many other archivists.

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<sup>17</sup> “Harding Case Concluded,” *American Heritage* 23:3 (April 1972).