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DOCUMENTARY

EDITING

SUMMER 2004, VOL. 26, NO. 2

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THE ASSOCIATION FOR DOCUMENTARY EDITING



Indiana State House, 1925
Photo courtesy of the Bass Photo Co. Collection, 93791
Indiana Historical Society

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Denton L. Watson, associate professor in the American Studies Department at SUNY College at Old Westbury, is editor of *The Papers of Clarence Mitchell, Jr.*, Volumes I and II of which are scheduled to be published by Ohio University Press in March 2005, and author of *Lion in the Lobby, Clarence Mitchell, Jr.'s Struggle for the Passage of Civil Rights Laws*, revised 2002, which is published by University Press of America.

The John Jay Papers: Re-envisioning a 20th-Century Editorial Project for a 21st-Century Audience

Mary-Jo Kline

John Jay's papers have had a far more tortured history than they deserve—and more than seemed their destiny at his death in 1829. Then it seemed likely that his career and contributions would be studied as carefully and enthusiastically as any other Founding Father's—certainly as closely as his friends John Adams and Alexander Hamilton. His family's archive had survived the Revolution in war-torn Westchester County and New York City. His personal papers had successfully crossed the Atlantic when he returned from diplomatic missions abroad in 1784 and 1795. Jay's will placed those papers in the custody of his devoted family, and his younger son, William, published a creditable two volume "life and letters" of his father in the 1830s. As the years passed, Jay's documentary record still seemed to be blessed. His descendants, unlike those of Madison and Jefferson, did not fall on hard times, and there were no emergency sales of historical manuscripts for cash.

At times the manuscripts seemed too well guarded for the good of scholarship. The bulk of the archive remained with the Iselins, descendants of the same William Jay who had recorded his father's life. In the 1930s, the Iselin family made the manuscripts available to Frank Monaghan, a young Yale scholar who wrote the only remotely scholarly biography of Jay, but otherwise, the manuscripts remained generally unavailable to scholars until the late 1950s, when the Iselin heirs sold their collection of Jay Papers to Columbia University.

This seemed to promise a new lease on life for Jay's papers—and for Jay scholarship. In 1959, Richard Morris, Gouverneur Morris Professor of History at Columbia University, announced that he would head a John Jay Papers project that would collect photocopies of Jay documents from around

The Papers of John Jay

- ◆ About the Project
- ◆ Source Collections
- ◆ Copyright & Use
- ◆ Comments



Search the Collection

- ◆ Biographical Essay
- ◆ Background Material
- ◆ Select Bibliography
- ◆ Help

Rare Book & Manuscripts Library | Columbia University Libraries

The home page of the Papers of John Jay
<http://www.columbia.edu/cu/lweb/eresources/archives/jay/>

the world, catalogue them in tandem with Columbia's manuscripts, and provide scholars with a finding aid that would give access to Jay materials from hundreds of sources.

Then, Morris promised, he and his staff would prepare an annotated select edition of the papers to ensure Jay's recognition on a level with other statesmen of his generation—and subjects of papers projects of the era. But the promises were left largely unfulfilled. In the first fifteen years of the project's existence, Richard Morris published several books and dozens of articles based on the Jay Papers; his graduate students were encouraged to base dissertations on the archive, but other scholars were less lucky. Morris's publication contract with Harper & Row specified that his would be an edition of "hitherto unpublished" materials, and he was reluctant to allow other historians to quote letters or state papers owned by Columbia that fell into this category. Grumbling at these restrictions grew as it became obvious that publication of any Jay volumes would be far behind schedule. The first volume of the Jay Papers was completed in time for publication in late 1975. The second volume appeared in 1980. And then ... nothing.

Richard Morris fell ill and died of malignant melanoma in 1989, leaving Ene Sirvet, his assistant editor, to handle the Jay edition alone. By the mid-1990s, it became apparent that volumes 3 and 4 of the Jay series could not be published without a major investment of funding and new staff. Ene Sirvet retired from Columbia, and the Jay Papers office in Butler Library was emptied of its files of photocopies, transcribed documents and notes, and drawers with slips that indexed the Jay archive. The Jay Papers project was, temporarily, out of business altogether.

On learning of plans to suspend operations of the Jay Papers, I mounted a campaign to make the "Jay Papers" archive accessible to the public in a Web-based publication. Documents in the Jay Papers archive came with not only basic bibliographic indexing (date, names of correspondents, location of original manuscript) but also with brief abstracts of contents prepared by generations of Morris graduate students. In short, the Jay Papers project archives was the perfect candidate for an electronic image edition with ready-made keyword access as well as basic indexing tools.

Columbia obtained funds from the National Endowment for the Humanities (NEH) for just such a project in the summer of 2000. This Web site was opened to the public in December 2002. Since then, Columbia has been trying to find funds to complete the select letterpress edition of Jay's papers—an effort that may or may not succeed. I have been hired as a part-

time consultant working on plans for a possible letterpress edition and on needed improvements to the Web edition of Jay's papers.

The task of analyzing the methodology by which that Web edition was created is simplified by the fact that the NEH-funded electronic edition focused on the "John Jay" series of "control files" and photocopies. The file drawers of abstracts were used to create a database with these fields and entry of the database information was outsourced to a vendor responsible for keying in the information and proofreading the results. The folders of photocopied documents, in turn, were sent to another outside vendor for scanning, with the image files identified by the unique accession numbers assigned to each. Once the database had been completed, image files were linked as they were returned from the vendor.

With the present interface, the resulting electronic edition can be searched in ways expected—by date, by author/recipient, by repository—and, as a bonus, by keywords appearing in abstracts.

There are some limitations—one of which was dictated by the Jay Papers project files themselves. The Jay Papers format created in 1959 did not, for instance, require that processors indicate the form of manuscript represented by each new accession—autograph letter signed, draft, letterbook copy, and so on. Given the limits of budget and schedule, there was no time for this information to be retrieved and provided in the NEH electronic edition. This creates an inevitable inconvenience for researchers using the Jay Web edition. The problem was exacerbated by the staff of the "electronic edition" when a decision was made not to include a field for "collection" in the database. This means that there is no way, for instance, to tell which documents retrieved by a search for correspondence between Jay and Gouverneur Morris at Columbia come from Jay's papers and which from Morris's. Only by calling up images of individual items can you tell which is a draft in the author's papers and which is a recipient's copy from the addressee's files. Regrettable as this omission is, it can't be remedied. And most users find more than ample compensation in the existence of those abstracts.

The abstracts themselves carry some limitations—which we are addressing now at Columbia. These summaries were prepared to address the interests of Richard B. Morris. You could not ask for closer attention to politics and diplomacy and the law. However, some multipage letters between female members of the Jay family carry summary lines reading "Family matters." Work on providing more complete and detailed abstracting information began nearly a year ago, and continues now.

Cartons of document folders lay around the Jay Papers office and were bundled up with “unorganized” labels in 1997. By the time the preparation of the electronic edition began, memories had faded, as memories do. The folders in these cartons were never interfiled back into the chronological document files that were shipped out for scanning. Although the records for these “unorganized” documents were entered in the database, there were no matching images scanned. This problem, too, is being addressed now.

A problem that no one anticipated was the increased time needed to obtain permissions from owner-institutions to reproduce images of their documents. As the copies had been collected decades ago, with no thought of even a microform edition, everyone involved expected that some extra time and effort would be needed, but we were unpleasantly surprised by the number of institutions that required extra time—extra information—extra reassurance—before facing the very notion of publishing any of their holdings on the Web. The Jay Papers paid the price of being the first project to ask dozens of manuscript repositories for this privilege—and Jean Ashton, head of Columbia’s Rare Book and Manuscript Library, is still waiting for several libraries to adopt official policies in this regard. Thus many Jay documents in the Jay Web edition boast full records with abstracts but cannot provide document images until their owner-institutions adopt official statements on Web publications of their holdings and grant permission to display the Jay manuscript images.

A related problem is that of institutions whose policies require that substantial fees be paid for reproduction of any of their holdings on the Internet. Columbia wisely—and immediately—decided that no such fees will be paid. Images from this small group of institutions will remain permanently “Blocked.”

As for the design of the Web edition’s user interface, some failings did not become apparent until Jay researchers subjected it to heavy use. Until one scholar searched for materials relating to John Jay’s older, sadly neurotic sister Eve Jay Munro, the Web site designers had not realized that they had imposed a system that “overmatches” like a banshee. Searching for “Eve” calls up every word containing the syllable “eve”—even, every, evening, everything. Moving between documents retrieved through the same search is more time-consuming than needs be—there’s no easy “next document” button. But these are on the list of things to be corrected by the Columbia Library systems staff this year.

The electronic Jay edition has been available to the public for less than a

year. Our own observations—and comments from satisfied and dissatisfied customers—already provide a few lessons for others who may be tempted to follow in our footsteps—perhaps by converting some of the dozens of existing NHPRC-sponsored microfilms (most nicely indexed) to electronic form or to converting files of photocopies gathered decades ago and never published in any surrogate form.

1. Inspect your prospective intellectual as well as physical “input” carefully to ensure that you don’t exaggerate its limitations unnecessarily. This, of course, is what happened when the “collections” field was omitted from the Jay database for a group of materials that already lacked “form of manuscript” information. For the Jay Papers, it converted an annoyance into a minor problem. For another group of records, the result could be far more serious.
2. Never assume that anything will work without scrupulous checking and cross-checking and checking again. For an edition of this kind, “quality review” has to go far beyond making sure that scans of documents are legible. The electronic Jay edition has more bibliographic records than images because no one made sure that every record found its scanned “mate” at an early stage of the game (those pesky “unorganized” cartons). This problem is being remedied—but it would have been easier to do the checking at the outset.
3. Remember that what you are doing may seem more novel to others than it does to you. I would never have guessed that requests from the electronic Jay Papers would serve as an introduction to electronic publication of documents for so many libraries along the world.
4. Be prepared to improve your product as you go along, and keep an eye out for what can and should be improved.
 - a. The Jay Papers will only be better as more and more of those abstracts are proofread and revised and as we correct misspellings of proper names and standardize usage.
 - b. The user interface will improve by the end of the year—and if our users do their job, we’ll hear about more changes needed to make it perform even more efficiently.
5. Be prepared for more and more demands from your users. Although Columbia thought it could congratulate itself a year ago on producing an electronic documentary edition with

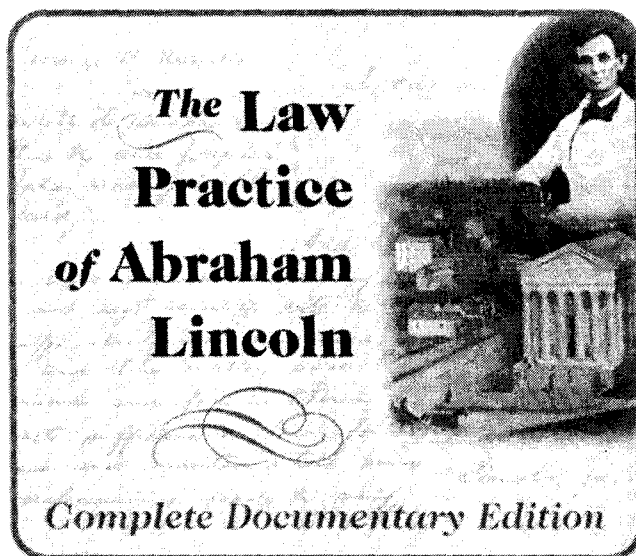
searchable text of documentary abstracts, and took even more pride in announcing plans to add converted texts of transcripts of Jay materials prepared for eventual publication, we are already getting complaints because every word of every document has not been transcribed to provide full text search capability.

In short, users of twenty-first century electronic editions will never be satisfied—and I would be a little disappointed in them if they were.

Epilogue: More than 1,000 unmatched bibliographic records and document images have been added to the Jay Web edition. When quality review of the newly added scans is complete, the Jay Web edition (now known familiarly as “E-Jay”) will provide users with everything that the old paper files of the Jay Papers office did—and much more quickly and conveniently.

In May 2004, the NHPRC voted funds to support the beginning of a revised and complete select edition of Jay’s papers, with texts and annotation meeting modern standards. The multivolume “paper” edition will be intimately tied to the electronic edition, providing a laboratory for new methods to meet old needs.

There is still an element of suspense, however. The proposal to the NHPRC listed me as Editor-in-Chief-designate. Personal matters, however, mean that I’ll be moving to Charlottesville, Virginia, and all agree that the new, improved John Jay Papers demand a full-time editor on the spot in Manhattan. Stay tuned to learn who will be guiding Jay’s papers to completion.



A “Value-Added” Resource

The Law Practice of Abraham Lincoln: Complete Documentary Edition

Marty L. Benner

When one hears the adjective “value-added,” thoughts normally go to manufacturing, business models, and marketing strategies. At its most basic level, however, adding value is exactly what documentary editing is all about: increasing the worth of something for the intended user. The process of organizing, indexing, and publishing documents adds value to any collection; transcribing and annotating documents adds even more value for the intended audience. And, as if collecting, analyzing, transcribing, annotating, and publishing documents were not enough, documentary editors must deal with their urges to add “everything but the kitchen sink” to an edition to increase its value to the user. We know what it takes to understand the documents from being immersed in our subject for years. So who better to impart that knowledge than the documentary editor?

When the editorial staff began designing *The Law Practice of Abraham Lincoln: Complete Documentary Edition (LPAL)* in 1991, we intended it to become an electronic version of a microfilm edition—images of documents accessible through an electronic finding aid.¹ As we refined our conception of what the edition should look like, and as technological capabilities exploded in the 1990s, we saw many opportunities to add value to the edition. The fact that it was electronic made many of these ideas possible and relatively inexpensive. By the time we published *LPAL*, we had created not only the typical introduction to the edition and a statement of editorial method, but a substantial reference section that, if printed, would be over 500 pages in length (see figure 1 on page 60). The reason that we could even consider including these value-added components is that the

¹Martha L. Benner and Cullom Davis et al., eds., *The Law Practice of Abraham Lincoln: Complete Documentary Edition, DVD-ROM* (Urbana: University of Illinois Press, 2000), hereafter cited as *LPAL*.

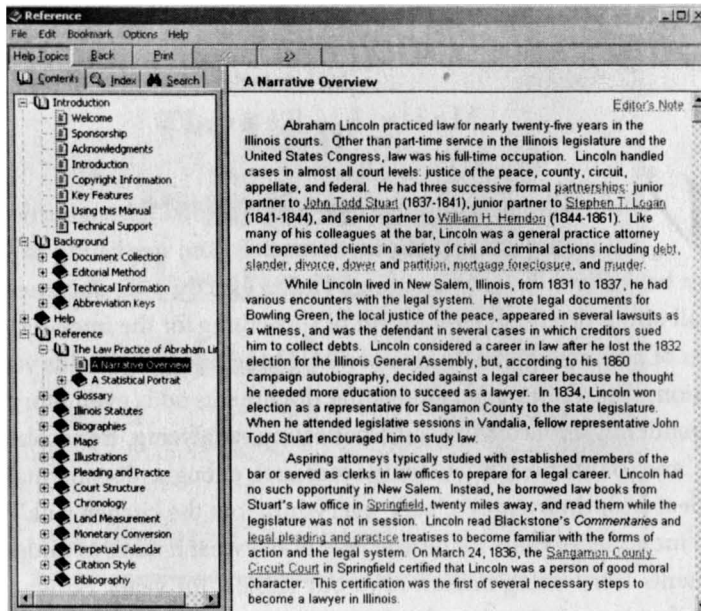


Figure 1

The Table of Contents of the Reference section of the *LPAL* is shown in the left-hand pane. A portion of *The Law Practice of Abraham Lincoln: A Narrative Overview* is shown in the right-hand pane. Notice the hyperlinks in the text that lead the user to different Reference sections or present pop-up boxes with definitions of legal terms.

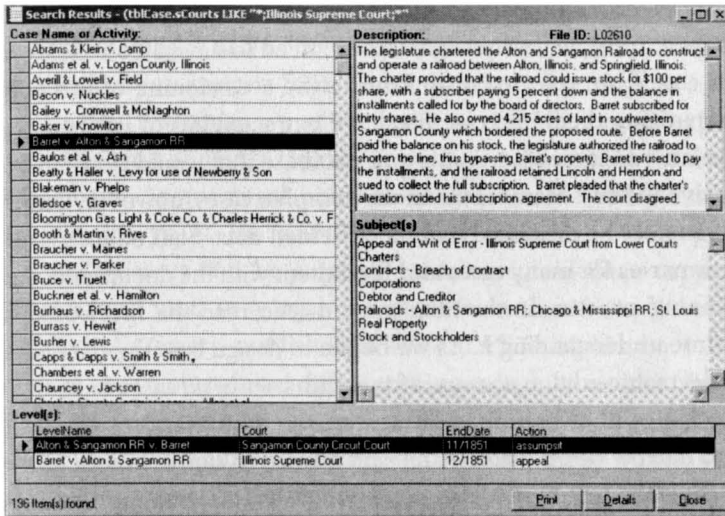


Figure 2
 The results of a search with the subject of “contracts” that were appealed to the Illinois Supreme Court. The description in the upper-right hand corner is a summary of the high-lighted case, *Barret v. Alton & Sangamon RR*. The subjects listed in the lower right-hand window and the court level details at the bottom are also for that case.

electronic format made it cost-effective to publish. Our time spent in creating the content and putting it into the Reference format was the cost for these additional sections; the size of our image collection dictated that we use three DVD-ROM discs, but there was room to spare for the 38 megabytes (MB) of files that made up the Reference, Background, and Help sections.

We did not formally decide to include case summaries (“briefs,” as we called them) until roughly four years before publication.² Quite a while before then, however, we recognized the need to have a concise description of each case from start to finish. During the accessioning of the documents (and organizing them into case files), we extracted bits of information about the case and documents to put into a database that would serve as our comprehensive index.³ Many of the more complex cases, however, simply could not adequately be described by bits of fielded data. Staff editors wrote informal summaries for many cases and filed them with the documents during the accessioning process, so the next person who read the file would have an easier time understanding it. As we began to design how the data would look in the electronic edition, the need for summaries of *all* cases became evident: From a list of “hits” returned after a search, how could a researcher even begin to narrow down the cases he/she wanted to study without knowing the gist of the case (see figure 2 on page 61)? We were creating the edition primarily for scholars, but we knew that with the addition of some components, like the summaries, it could be used by a much larger audience. We felt that even scholars would appreciate having the cases encapsulated for quick review. The inclusion of case summaries added perhaps the most value of all of the added features in the edition.

While we were writing the summaries, we assigned main and “sub” subject headings to each case. This finding aid supplements specific fielded data about the case (case name, court, date, action) and the documents (document name, date, author, signer) and allows users to search by general and legal topics under headings such as the following: African Americans; Agriculture (Machinery, Crops, Fences; See also Animals); Almanac Trial; Attorney’s Fees (Contingent Fee Agreement, Litigation Involving); etc. These headings

²The project formally began in 1985 and the *LPAL* was published in 2000.

³We identified the case structure in general and named it according to the name used at the court of highest appeal; we identified each specific level of court, the name of the case at each level, when it began, when a decision was rendered, the action, the verdict, the participants in the case (attorneys, plaintiffs, defendants, court officials); for each document, we listed the document name, manuscript type, date of creation, date of filing with the court, location of the original document, and the author/signer/endorser.

were assigned by editors who had digested a case and thus could identify topics to which it related. An index is the most traditional value-added component of any documentary edition. And because we could (due to the electronic format), we also displayed all of the index terms given to a particular case (see figure 2 on page 61). Researchers perusing cases on one topic could use this feature to access similar cases on a related topic.

In creating *LPAL*, we had to prepare a number of resources for ourselves while collecting images of 96,386 documents representing 5,173 legal cases and 496 nonlitigation matters from Lincoln's twenty-five years as a lawyer.⁴ One of the first resources we created was a compilation of legal terms, actions, and document names that we encountered throughout the document collection phase. As any legal historian knows, the use of legal terms has changed over the years. We could not simply consult the latest edition of *Black's Law Dictionary* and be sure the meaning found there captured the nuances of a term used in a legal document from the 1850s. We consulted Bouvier's *Law Dictionary*, published in 1839 in Philadelphia, but even then we had to be aware of regional differences in usage.⁵ As we identified working definitions pertaining to our time period and locale, a rough glossary took shape. With the ability to use hyperlinks and pop-up boxes, we made these definitions available throughout the edition by a simple mouse click, adding value to the documents by clarifying their content.

Another key to understanding Lincoln's law practice is knowing the people mentioned in the documents. We knew of many of the key players in Lincoln's legal career before we began: the names of John T. Stuart, Stephen T. Logan, William H. Herndon, and David Davis appear almost anywhere Lincoln the lawyer is mentioned. As we got further into the project, we identified many close associations with other attorneys, some of which even appeared as informal partnerships as he rode the circuit throughout central Illinois. His path as revealed in the legal documents crossed those of many others who were his political allies or adversaries one day and his clients the next day. While some of these people had a national reputation, many did not—background information on them was frequently buried in county histories and local newspapers. We had good access to those references, but we knew others did not. We obviously could not include everyone mentioned in

⁴Nonlitigation matters include such legal tasks as writing wills and deeds for a client, performing title searches, giving advice or an opinion on some matter, and collecting debts and judgments. These matters were handled outside of court, but were very much a part of a lawyer's daily activities.

⁵John Bouvier. *A Law Dictionary*, 2 vols. Philadelphia: T. and J. W. Johnson, 1839.

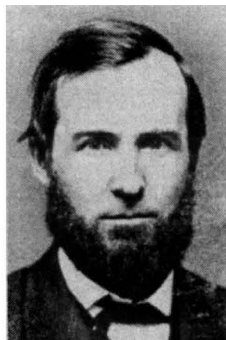
the documents, but by including these key biographies—and photos where possible—the value of the edition as a comprehensive research tool increased tremendously (see figure 3 on page 65).

Our staff unanimously supported the inclusion of all of these aids to research, but one other item was not such an easy sell. Some editors felt strongly that we should include images of the Illinois statutes from the period—at least the 1839 statutes (one volume) and the 1856 statutes (two volumes). Other editors disagreed. The editorial staff spent hours debating the pros and cons of this feature. Those arguing for including the statutes pointed out that if users did not know what the laws of the time were and how they were written, how could they possibly understand the litigation relating to them? They also argued that the volumes—especially the 1839 edition—were rare enough that some researchers would have a hard time locating a copy. Those on the opposing side felt that including entire books went far beyond the scope of a documentary edition. They also questioned the usability of the books presented as TIFF images, which was how we first envisioned their presentation. To conserve space, we had scanned the book with two pages on one image. The 1839 statutes was 728 pages long, or 376 folio pages. There was no table of contents. The index at the end of the book referenced page numbers, but users would have to realize that there were two pages on each image, so they would have to divide the index page number in half and go to that image. Cumbersome, yes, the argument went, but at least the information was available.

We settled on a compromise with the statutes: rather than presenting them as TIFF images, as we did our documents, we scanned the volumes (which were in the public domain) into word-searchable PDF files. All three volumes—2,232 pages—ended up adding only 162 MB. We created our own table of contents for the 1839 statutes (the 1856 volumes had one already), and we created hyperlinks from the table of contents and the index of each volume to the referenced page. Did we go beyond what editors should be expected to provide by including the statutes in the edition? Maybe. But did they add value to the edition? Definitely.

In the Reference section, we also included a narrative overview, a chronology, and a statistical portrait to make it easy for the researcher to get a broad, general view of both Lincoln's life and his law practice. Researchers could have done this research for themselves, of course, but we felt that the edition would be incomplete without a basic biography of Lincoln's life. It was a small step from there to include milestones from his life in the

Normal Broadwell



b. August 1, 1825, in Morgan County, Illinois; d. February 26, 1893, in Springfield, Illinois. In 1850, Broadwell studied law in the office of Lincoln and Herndon in Springfield, Illinois, and was admitted to the bar the following year. Broadwell moved to Pekin, Illinois, to practice law but returned to Springfield in 1854. He had several law partners including Shelby M. Cullom, John A. McClelland, William M. Springer, and W. L. Gross, who was his partner at the time of his death. In his first law case, he was opposed in counsel by Abraham Lincoln. Active in Democratic politics, Broadwell was elected to the state legislature in 1860. In 1862, he replaced George Power as county judge, and in 1867, he was elected mayor of Springfield.

John J. Duff, *A. Lincoln: Prairie Lawyer* (New York: Bramhall House, 1950), 287.

Illinois State Register (Springfield, Illinois), March 1, 1893, 1.

John Palmer, ed., *The Bench and Bar of Illinois: Historical and Reminiscent* (Chicago: Lewis Publishing Co., 1899), 1, 193.

Portrait and Biographical Album of Sangamon County, Illinois (Chicago: Chapman Brothers, 1891), 217-18.

Joseph Wallace, *Past and Present of the City of Springfield and Sangamon County* (Chicago: S. J. Clarke Publishing Co., 1904), 2:930-34.

Illustration courtesy of the Illinois State Historical Library, Springfield, IL.

Figure 3

There are 206 individuals and organizations identified in the Biographies section. Railroads and businesses that were frequent litigants in Lincoln's cases are identified here along with individual attorneys, judges, and frequent clients.

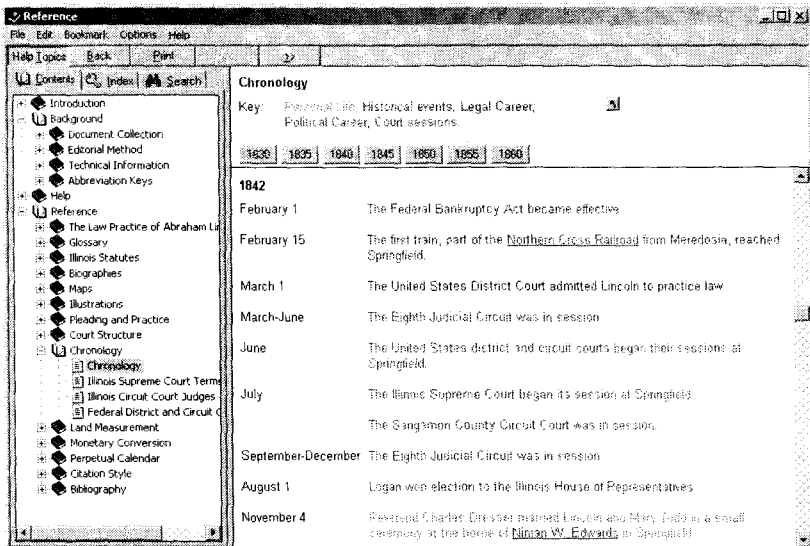


Figure 4

The Chronology includes events from Lincoln's personal life, his legal career, his political career, historical events, and court sessions.

As a more specific study of Lincoln's peers, Table 12 identifies those attorneys with whom he was co-counsel and those whom he opposed by case level.

Attorney	Number of Case Levels		
	Co-counsel	Opposing Counsel	Total
Herndon, William H.	1,428	15	1,443
Logan, Stephen T.	667	306	973
Stuart, John T.	487	308	795
Edwards, Benjamin S.	56	306	362
Baker, Edward D.	56	128	184
Davis, Oliver L.	35	124	159
Lamon, Ward Hill	154	4	158
Robbins, Silas W.	24	110	134
Jones, Edward	36	58	94
Matheny, James H.	27	62	89
Moore, Clifton H.	49	35	84
Harris, Thomas L.	20	40	60

Table 12--Lincoln's Co- and Opposing Counsel

Researchers should note that although Lincoln and one of the above attorneys may have been on the same side in the same case level (represented here as co-counsel), they may not have represented the same person. Co-litigants could, and frequently did, select different attorneys.

Figure 5

An excerpt from *The Law Practice of Abraham Lincoln: A Statistical Portrait*.

Chronology section along with key historical events (see figure 4 on page 66). This background material is invaluable for researchers and students. The Statistical Portrait section was included to give a quantitative description of Lincoln's law practice as represented by the extant documentation. From it, we could show his practice by county, year, and court division. Even though not definitive because of the loss of records to fire, neglect, theft, and flood, the statistics included in this section give a quantitative measure of trends that we observed in reviewing Lincoln's law career (see figure 5 on page 66).

In the same vein, the Pleading and Practice and the Court Structure sections provide a quick background for researchers not versed in nineteenth-century law. A short description went a long way in helping a researcher know how the legal process worked. For example:

To begin a common law case, the plaintiff contacted the clerk of the court in which he wished to sue at least ten days before the beginning of the term of court. The plaintiff filed two documents with the clerk. The first document was a praecipe, which briefly explained the basis for the action and requested that the clerk issue a summons to bring the defendant before the court at the next term. The second document was a declaration or narration, which set forth in detail the facts of the case and the reason that the plaintiff should obtain relief through the court.

The Pleading and Practice section presented the mechanics of the structure of a case in each division, and even included a document flow diagram (see figure 6 on page 68). Armed with this section, and with the glossary and the case summaries, even a student without legal training can use the collection to study Lincoln and nineteenth-century life.

It should be evident at this point that we were creating this edition not just for legal historians and Lincoln scholars. As editors argued for the inclusion of each Reference section, they invariably mentioned using the edition as a teaching tool in secondary schools. Maps of Illinois are included, showing the major waterways and railroads, as well as the changing court boundaries over the years. Photos of Abraham Lincoln from 1846 to 1860 are included, as are photos of the courthouses in which he practiced. All of these resources give users a better "feel" for the era in which Lincoln lived and practiced law.

Common Law Pleading

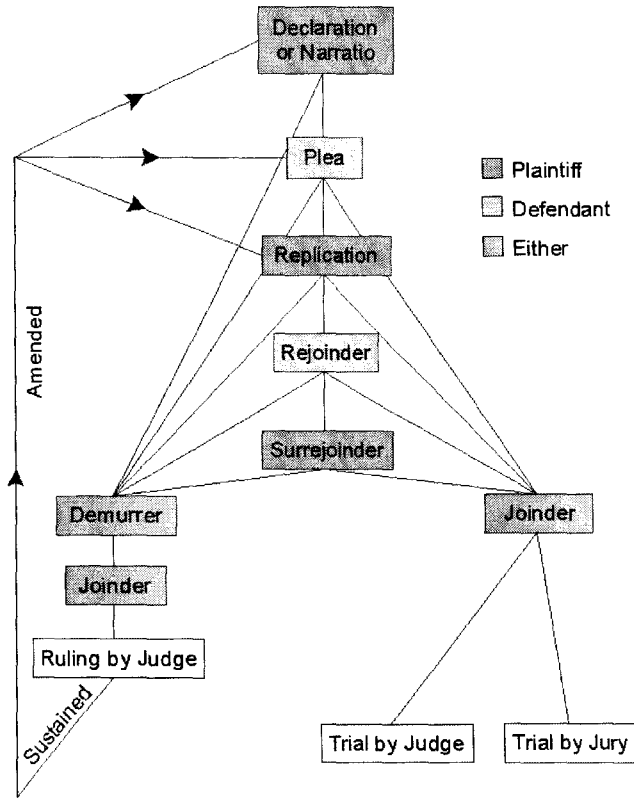


Figure 6
The document flow in pleading a case in the
Common Law division.

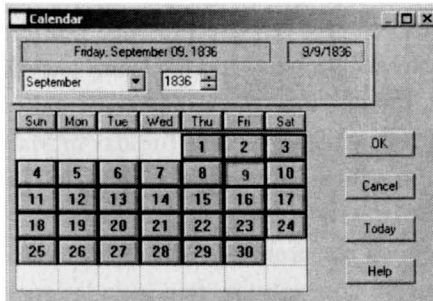


Figure 7
An electronic perpetual calendar.

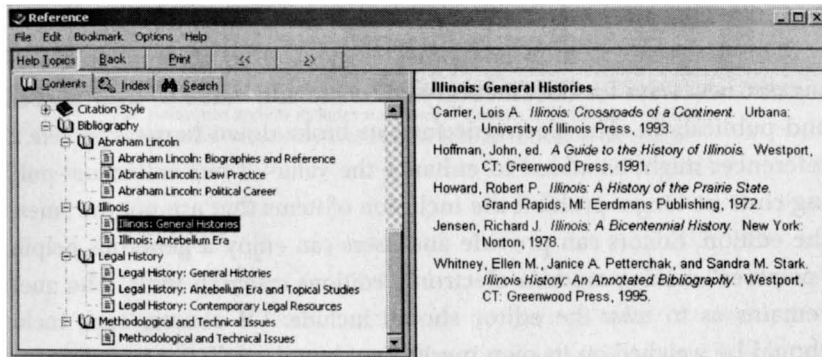


Figure 8
A sample from the Bibliography.

Because the court cases dealt with money and/or land, we added two sections to help users understand nineteenth-century monetary values and the legal terms used in land description. We included a commodity price index for researchers and students to compare real money values over time. The section on land measurement explains how the state is divided into townships, and how to locate properties referred to in documents with terms such as “Township 16N, Range 5W.” We provided modern equivalent measurements for archaic terms, such as “rod,” “chain,” and “link.” And to help with the time element, we added an electronic perpetual calendar to identify, for example, the actual date of the second Tuesday in March of some year or the day of the week on which September 9, 1836, fell (Friday)(see figure 7 on page 69).

Finally, we pointed researchers to the references we used in the creation of the edition. Our Bibliography section includes general works on Lincoln, works about his legal career, and works on his political career. Books on the general history of Illinois and of the antebellum era are included. Legal historians can review general works or those concentrating on the period, as well as practical pleading and practice manuals, references, form books, and treatises that were used by Lincoln and his contemporaries (see figure 8 on page 69). Along with the bibliography, we included a suggested citation style for those citing the edition, whether the reference is to an image, content from the database, or the Reference section (see figure 9 on page 71).

This Reference section and other elements used throughout the *LPAL* suggest new ways for documentary editors to add value to their collections and publications. The electronic formats broke down barriers to *how* these references might be added to enhance the value of our collection—publishing costs no longer prohibit the inclusion of items that are not the “meat” of the edition. Editors can provide and users can enjoy a generous helping of “potatoes” making modern electronic editions research tools. The question remains as to *what* the editor should include. Of course, each inclusion should be weighed on its own merits based on the following guidelines:

- How critical is the component to understanding the documents in the collection?
- Is it readily available elsewhere?
- How much will it cost in terms of time and effort?
- Can the project’s budget and timetable support it?

Having used *LPAL* to teach summer seminars on “Lincoln the Lawyer”

Citation Style

Below are suggested bibliographic and note citations for this publication and elements within it. The citations are based on the *Chicago Manual of Style*, 14th ed. Chicago: University of Chicago Press, 1993.

- Bibliography:** Benner, Martha L., and Cullom Davis et al., eds. *The Law Practice of Abraham Lincoln: Complete Documentary Edition*, DVD-ROM. Urbana: University of Illinois Press, 2000.
- Notes:**
- First Citation: Martha L. Benner and Cullom Davis et al., eds., *The Law Practice of Abraham Lincoln: Complete Documentary Edition*, DVD-ROM (Urbana: University of Illinois Press, 2000), hereafter cited as *LPAL*.
- Later Citations: *LPAL*.
- Case or Activity: *Dorman et ux. v. Lane*, *LPAL*.
- Legal Document: Decree, 11 September 1847, *Dorman et ux. v. Lane*, *LPAL*.
- Published Court Opinion: *Dorman et ux. v. Lane*, 6 Ill. 143 (1844).
- Statutes (1839): Stephen F. Gale, *Statute Laws of the State of Illinois* (Chicago: Stephen F. Gale, 1839), pp. *LPAL*.
[pp = page number(s)]
- Statutes (1856): Norman H. Purple, *A Compilation of the Statutes of the State of Illinois* (Chicago: Keen and Lee, 1856), pp. *LPAL*.
[pp = page number(s)]
- Reference Material: "Samuel D. Marshall," Biography, *LPAL*.
"Eighth Judicial Circuit, 1845-1847," Maps, *LPAL*.

Figure 9

The Reference section includes a suggested citation style to help researchers unfamiliar with electronic works cite different sections of the edition.

to high school students, I know how valuable the case summaries and the Reference section are in helping students (and teachers) get a glimpse of life in nineteenth-century Illinois through legal documents. I held the class in a computer lab, so each student had access not only to the *LPAL*, but also to the Internet. To introduce my students to Lincoln the lawyer, I had them read “A Narrative Overview” (from *LPAL*). Many had heard of Lincoln “riding the circuit,” but they did not know what it meant. I used maps to show what counties were included in the circuit that Lincoln rode, and we read about the makeup of the circuit courts in the Court Structure essay. We used a present-day map to calculate the distance between county seats and talked about modes of travel during the period. We talked about his political career and looked at the chronology to see how his political life and life as a lawyer intertwined. We looked at photographs of Lincoln in his lawyer days and at the courthouses in which he practiced. We then followed the topics suggested in *From Courtroom to Classroom: The Lincoln Legal Papers Curriculum*.⁶

With each topic, we studied one or more illustrative legal cases. The students used a form to help them analyze key documents. We used the *LPAL* glossary for a definition of the document type, the action of the case, and any other unfamiliar words. We read the biographies of the other attorneys and key figures in the case. We referred to the pertinent section of Pleading and Practice (Common Law Pleading or Chancery Pleading) and studied the document flow diagrams to help them understand where the key documents fit into the overall case. We looked at the chronology and talked about other events that were going on in Illinois and the United States at the time.

To give the students a better idea of life in that period, we looked at personal property inventories from two different legal cases—one inventory was from the estate of a farmer and one was from the estate of a wealthy landowner living in the city. A value was put on the content of the different inventories—household furnishings, dishes, tools, clothing, livestock—and students used the commodity price index from *LPAL* to put present-day values on the different items. They could compare the collection of personal property from the rural family and the city family to their own family to gain an appreciation of material culture then and now.

We studied the advances in transportation—building roads and railroads—

⁶Dennis E. Suttles and Daniel W. Stowell, *From Courtroom to Classroom: The Lincoln Legal Papers Curriculum* (Springfield: Illinois Historic Preservation Agency, 2002). See http://www.papersofabrahamlincoln.org/educational_resources.htm for other lesson plans associated with this edition.

and conflicts over the location of transportation routes. We looked at a case where the placement of the road made a real impact on a farmer by going between two land parcels. We used the drawing contained within one of the legal documents from the case, and we studied the Land Measurement section of the *LPAL* to understand the size of the plots and the distance between them.

While studying marriage and divorce, we looked closely at the statutes and found the law of the period that governed how marriage could be dissolved. We used the Internet to find the divorce laws of today for a comparison. During this study, we also visited an Illinois Regional Archives Depository, located on the campus of the University of Illinois at Springfield, where our class was held. Students could see the original documents and docket books that appeared as images in the *LPAL*.

We reviewed a complex case where a milldam impeded a flatboat full of corn traveling on the Sangamon River en route to New Orleans. The dam, which was an illegal structure on the river, subsequently caused the flatboat to sink. We tracked this case from the circuit court to the Illinois Supreme Court, and the students saw how technical errors in legal practice in the lower courts caused verdicts to be appealed and overturned in a higher court. The Court Structure essay helped them see the hierarchy of courts and differentiate between jurisdictions. Students also saw how the price of a commodity was different depending on the market. In this case, the plaintiff sued the defendant not only for the value of the lost corn in central Illinois but for damages—the difference between the value of the corn in Illinois and the value of the corn had it reached the seaport in New Orleans. The case summary was invaluable in understanding this complex case. Once the students knew the “whole story,” they could read the documents and see where the editors who wrote the summaries got the details.

Toward the end of the session, I divided the students into small groups and asked them to peruse our subject entries to find an interesting topic to explore. I then asked them to determine what they did not know but wanted to know about the topic (as it related to Lincoln’s law practice or antebellum Illinois). They had a week to put together a Web site and prepare a class presentation on their topic. One group wondered what the penalties were for murder and assault and whether the penalties were applied fairly to people from different social classes. Another group reviewed all the cases involving African Americans as litigants in an effort to see what rights this group had at the time and how those rights were supported in a court of law. Spurred

by our discussion of family law, one group of young women reviewed all the divorce cases and did a statistical analysis by gender based on grounds for divorce. An assignment like this would not have been possible in our time frame without the case summaries, subject matter search capability, the statutes, glossary, background essays, and all the other value-added components in *LPAL*. The addition of these sections to the primary source documents made *LPAL* an extremely comprehensive teaching tool. The Reference section offers a virtual legal library targeting the parameters of the edition. It and the other value-added components make the daunting task of slogging through legal documents much simpler and much more rewarding for students and scholars alike.

The one thing we did not do that would have added additional value to our edition was to transcribe the documents. Based upon the guidelines offered above, we could have justified it due to the difficulty some users have in reading the handwriting, but our budget and timetable did not support this task. The additional value did not outweigh the cost. We had provided a very comprehensive search tool, an “intelligent” index (beyond simple keyword searching), and a wealth of references to help with document content. We produced these references in much less time than we could have accurately transcribed the almost 250,000 pages in the collection. We knew that we would follow this edition with a book edition, where we would offer transcriptions of selected documents from selected cases.⁷ We also knew that many of our documents were formulaic—lawyers or clerks copied document templates from form books and filled in the blanks. The value of most of these legal documents—subpoenas, affidavits, and entries in the court record and various docket books—was not the prose, but the facts contained therein. Many of the few letters, notes, and speeches within the collection had already been transcribed and published in other works, most notably *The Collected Works of Abraham Lincoln*.⁸ For these reasons, the decision not to transcribe the documents was not a difficult one to make.

Fortunately, the documentary editor has help in deciding which components to add and which ones to leave out—our editorial and advisory boards weighed in on all these issues, as did our sponsors and funders! We made the arguments, however, with the best interests of our users in mind. After all, if it were not to add value to document collections for those who follow, why would we bother?

⁷Forthcoming from the University of Illinois Press in 2007.

⁸Roy P. Basler, et al., eds. *The Collected Works of Abraham Lincoln*, 11 vols. (New Brunswick, NJ: Rutgers University Press, 1953–1990).

National Origin, Alienage, and Loyalty

Denton L. Watson

During World War II, Americans were consumed by fears over national security owing to the presence within our borders of a large alien population and citizens who were descendants of immigrants from countries that were then fighting against us. The Roosevelt administration's reaction to the hysteria over threats from "enemy aliens" are a sobering lesson for the nation, especially given the response of the Bush administration to similar post-September 11 fears. These have led the administration to take even more drastic steps, ostensibly to protect our national security in its fight against terrorism, that specifically target Arabs and Muslims. Although the Japanese suffered the brunt of the anti-alien hysteria between 1940 and 1946, other alien groups, notably Germans and Italians, also were targeted for discriminatory treatment, which included refusal to hire them for war-related jobs and confinement to relocation camps. As associate director of field operations of the Fair Employment Practice Committee (FEPC), Clarence Mitchell Jr. worked to end discrimination against those groups as the agency sought to uphold the national nondiscrimination policy President Franklin D. Roosevelt established under Executive Order 8802, which created it on 25 June 1941.

Ending discrimination based on national origin and alienage, or noncitizenship, was especially challenging for the FEPC because questions of loyalty and national security were oftentimes intertwined in those issues, and the distinction between them could be fuzzy. Furthermore, many employers did not distinguish between noncitizens and citizens of foreign origin, so the issues of national origin and alienage often merged or overlapped. In fact, practically all complaints of discrimination based on national origin the FEPC received, for example, were from Mexicans, whether or not they were American citizens. Their complaints were similar to those from African Americans. National origin complaints from Japanese and Jews, and sometimes from Germans and Italians, however, were essentially alienage cases,

often resulting from national security concerns.¹

Because it felt that discrimination against any ethnic group undermined its efforts to obtain fair treatment of African Americans, the FEPC made no distinction in its aggressive treatment of complaints based on race, creed, national origin, or alienage. Similarly, it fought to ensure that temporary, foreign agricultural workers, notably Mexicans, Jamaicans, and Bahamians, were covered by its nondiscrimination policies.²

Alienage and Loyalty

Disclosures in Europe over fifth-column activities in countries that had been conquered by the German war machine made Americans especially worried about their national security. Consequently, aliens, as in past periods of war, were regarded as a people apart. Section 11(a) of the act "To expedite national defense, and for other purposes," of 28 June 1940 (Public, No. 671, 76th Congress, 3rd Session) provided that:

No aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials, unless the written consent of the head of the Government department concerned has first been obtained

Its precursor, the Air Corps Act of 1926, said:

... no aliens employed by a contractor for furnishing or constructing aircraft parts of aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials without the written consent beforehand of the Secretary of the Department concerned.³

Another law, the Alien Registration Act of 1940, which was fully enacted the following day, on 29 June 1940, required the Department of Justice to

¹See draft report, "FEPC and Discrimination Against Mexicans" (n.d.), used in note at 4 December 1943; and United States Civil Service Commission Circular Letter No. 3982, 27 March 1943, used in note at 17 April 1943.

²See Mitchell's memoranda of 6 May 1943, 28 June 1943, 27 January 1944, 26 February 1944, and 21 November 1944, and his report of 17 February 1944; FEPC *Final Report*, 40.

³"The Alien Myth," 374-78; the texts of the statutes, provided in a Bureau of Employment Security advisory, 7 July 1941, to all state employment security agencies informing them of operating policy and procedures under them, are in (FEPC microfilm headquarters collection group 65) HqR65, Aliens in Defense, D-H folder. For complete text of the act, see: United States Statutes at Large, 76th Congress, 2nd and 3rd Sessions, 1939-41, Vol. 54, Part 1, Public Laws and Reorganization Plans, Washington, D.C., Government Printing Office, 1941, 676-83. (Section 11 is on pp. 680-81.)

fingerprint them as part of the process. In signing the law, Roosevelt said it “should be interpreted and administered as a program designed not only for the protection of the country but also for the protection of the loyal aliens who are its guests.” He cautioned: “It would be unfortunate if, in the course of this regulative program, any loyal aliens were subjected to harassment.” In enacting the law, he said, Congress intended “to provide a uniform method of handling this difficult problem of alien registration,” but enforcing it fairly was another matter. The main objective of this law was to destroy the American Communist Party and other left-wing political groups in the country (William Green, president of the AFL, also named the German-American Bund as another organization that engaged in “traitorous activities”), but its scope covered all aliens, whether loyal or disloyal. Under this law, 4,741,971 aliens were registered. Section 1 of the act prohibited certain subversive activities and made it a crime to advocate violent overthrow of the government. Popularly known as the Smith Act of 1940 (named after Congressman Howard W. Smith of Virginia), the law assumed a notoriety of its own.⁴

Owing to those laws and the general suspicion of aliens, some employers had a rule of not hiring them. Many labor unions, too, made citizenship a requirement for membership, in effect presenting aliens with a closed shop, since without membership they could not be employed in related areas. Furthermore, many states (including New York), federal agencies, and the civil service for years prohibited the employment of aliens on public works.⁵

Consequently, prior to the issuance of Executive Order 8802, an employer had discretion to apply for a permit to employ an alien and to base

⁴The Alien Registration Act, H.R. 5138, also of 28 June 1940, Public, No. 670, required the Department of Justice to register all aliens over 14 years old; for the text of the act, see United States Statutes at Large, 76th Congress, 2nd and 3rd Sessions (as in note 3 above), 670–76. <http://tucnak.fsv.cuni.cz/~calda/Documents/1940s/Alien%20Registration%20Act%20of%201940.htm>; <http://www.spartacus.schoolnet.co.uk/USAalien.htm>; *New York Times*, 30 June 1940, 5; *Congress and the Nation, 1945–1964*, 1647–48; http://www.bc.edu/bc_org/avp/cas/comm/free_speech/smithactof1940.html. See also Albert Fried’s *McCarthyism, The Great American Scare, A Documentary History* (New York: Oxford University Press, 1996), 10–15.

⁵Report, “Number of Alien Registration Schedules Received Cumulative Through and During the Week Ending November 1, 1940,” in HqR65, Aliens in Defense, D-H; see Boris Shishkin, member of the FEPC policy-making committee, cited below at note 18. The texts of the 1926 and 1940 acts are provided by Bureau of Employment Security, 7 July 1941, in HqR65, Aliens in Defense, A. See also “Discrimination Against Aliens in Defense Industries, 8/23/41,” in HqR66, U.S. Department of Justice; and news bulletin of Public Administration Clearing House, 22 September 1941, “Few Laws to Restrict Aliens’ Occupations Enacted in 1941,” in HqR66, Japanese.

his decision solely on the person's status or origin. With the issuance of the order, the employer was still responsible for vouching for the employee's loyalty. Nevertheless, he was prohibited by a national nondiscrimination policy from excluding a person solely on the basis of national origin, so he had to find other reasons for doing so.

That procedural looseness in a time of extreme national anxiety made the FEPC's challenge considerable. The dangers of sabotage were widely publicized, and the belief that aliens were the most likely to engage in such actions worsened their plight. The problem was compounded by employers' misdirected patriotism towards aliens. A study by the Bureau of Employment Security of the Federal Security Agency revealed that of approximately 40,000 persons hired during a short period by the aircraft industry, those employers required that 99.99% be citizens; out of 6,600 shipbuilding employees hired, 94.1% had to be citizens; in the automobile industry, 93.5% of 9,000 hired had to be citizens. The study showed that the tendency was aggravated by federal statutes that restricted the employment of aliens on certain types of contracts, which provisions were widely misinterpreted to completely prohibit the employment of aliens. In some areas of the country, discrimination was extended to people of foreign-born parents and with foreign-sounding names. The attitudes of defense employers were often copied in nondefense industries.⁶

Consequently, twelve days after Executive Order 8802 was issued, the Bureau of Employment Security began efforts to establish standard procedures by issuing an Operating Policy and Procedure regarding statutes and their interpretation relating to the employment of noncitizens in defense industries. The bureau felt it was essential that local employment offices have information on procedures and laws concerning the employment of those persons in defense industries by private employers on government contracts.⁷

A draft government statement on the employment of aliens and persons of foreign origin in national defense industries similarly noted that the negative attitude toward foreign-born and alien workmen did not contribute to the national welfare, and neither was it in the best interest of the defense effort. The practice, it said, held many dangers for the entire country.

⁶Cramer memorandum, 9 March 1942, to Edward F. Prichard Jr. of the War Production Board, HqR66, Central Files, United States Government, Aliens in Defense, Specific Groups, O-S.

⁷Advisory of 7 July 1941 from Martin F. Carpenter, chief, United States Employment Service Division, to all state employment security agencies, with interpretation attached, in HqR65, Aliens in Defense, A.

Shortages of labor, it said, were developing in many industries vital to the national well-being, so it was “imperative that the skills and services of all able-bodied and loyal persons—citizens and aliens alike—be utilized. Unnecessary dislocations of labor and turnover of employees must be avoided.”

The statement explained that federal laws contained “no absolute prohibitions against the employment of aliens in national defense industries.” It reiterated that in certain special instances involving government contracts an employer must secure permission under PL No. 671 to employ them from the head of the government department concerned.⁸

The Japanese attack on Pearl Harbor brought the issue to a new peak. On 7 and 8 December 1941 Roosevelt issued proclamations prescribing regulations “for the conduct and control of alien enemies.” Attorney General Francis Biddle promptly announced that the FBI had been directed to take into custody for questioning and temporary detention a selected group of Japanese aliens. Throughout the country, he said, “a comparatively small number” of Japanese were “being rounded up in view of the situation.” On 12 December 1941, Roosevelt issued Executive Order 8972, which specifically suspended the employment of Japanese Americans pending a careful investigation of their loyalty by the War Department. Previously, Japanese, as well as Chinese, long had been barred from naturalization. With exceptions made in a few special cases, furthermore, they had not been allowed for many years to settle in the United States. Only those born in the United States were therefore citizens.⁹

⁸Draft of general statement of 20 October 1941, HqR65, Aliens in Defense, D-H. Bureau of Employment Security advisory, 7 July 1941 to all state employment security agencies, in HqR65, Aliens in Defense, D-H.

⁹In Executive Order 9066, issued 19 February 1942, “Authorizing the Secretary of War to Prescribe Military Areas,” Roosevelt said it did not modify or limit “in any way the authority heretofore granted under Executive Order 8972,” issued on 12/12/41, <http://www.parentseyes.arizona.edu/wracamps/execorder9066.html>; *New York Times*, 8 December 1941, p. 6; see headnote in *The Papers of Clarence Mitchell, Jr.*, Volume I on Japanese Americans for the extent of discrimination they suffered, as well as Memorandum of Understanding of 10 March 1943, between the FEPC, War Department, and Provost Marshal General, in HqR4; *Enemy Aliens*, 88–100; for a contemporary bibliography, see, in addition to David Cole’s *Enemy Aliens: Double Standards and Constitutional Freedom in the War on Terrorism*, <http://humanrights.uchicago.edu/enemyaliens/further-reading.html>; “The Enemy Alien Files: Hidden Stories of World War II,” <http://humanrights.uchicago.edu/enemyaliens/>; <http://www.enemyaliens.com/facts.html>; “World War II—The Internment of German American Civilians,” <http://www.foitimes.com/internment/>; “WWII Violations of German American Civil Liberties by the US Government,” <http://www.foitimes.com/internment/gasummary.htm>; “Internment of Japanese Americans,” <http://academic.udayton.edu/race/02rights/intern01.htm>; “Confinement and Ethnicity,” http://www.cr.nps.gov/history/online_books/anthropology74/ce3d.htm.

Alarmed, however, about the harmful impact of the hysteria over aliens on the war effort, Biddle tried to moderate anti-Japanese passions. He had a tough job doing so, given the security concerns and often blatant racial prejudices of the War Department and the FBI. He appealed to state and local law enforcement agencies and to the general public to “help guard at home the freedoms our country is now fighting to defend by protecting the civil liberties of our loyal non-citizen population.” The response to the appeal to keep the hysteria and antagonism toward noncitizens at a minimum was heartening; nevertheless, he said, there remained “a serious problem in adjusting our sights to our one great objective; it is the problem of discrimination against aliens in private employment.”

He reminded employers who were “discharging workers because of some vague ‘suspicion’ that they may be disloyal aliens,” or because they had “foreign-sounding names” that of America’s total noncitizen population of about 5,000,000, fewer than 3,000—six out of ten thousand—had been regarded as dangerous. Federal authorities, he repeated, had taken those persons into custody. He also reminded those employers that many of the “foreigners” they had discharged had sons serving in the United States army and navy. “Among those who died fighting off the treacherous attacks upon Manila and Pearl Harbor were men named Wagner and Petersen and Monzo and Rossini and Mueller and Rasmussen.” War, Biddle said, threatened all civil rights:

... and although we have fought wars before, and our personal freedoms have survived, there have been periods of gross abuse, when hysteria and hate and fear ran high, and when minorities were unlawfully and cruelly abused. Every man who cares about freedom, about a government by law—and all freedom is based on fair administration of the law—must fight for it for the other man with whom he disagrees, for the right of the minority, for the chance for the under privileged with the same passion of insistence as he claims for his own rights. If we care about democracy, we must care about it as a reality for others as well as for ourselves; yes, for aliens, for Germans, for Italians, for Japanese, for those who are with us as well as those who are against us: For the Bill of Rights protects not only American citizens but all human beings who live on our American soil, under our American flag. The rights of Anglo-Saxons, of Jews, of Catholics, of negroes, of Slavs, Indians—all are alike before the law. And this we must remember and sustain—that is if we really love justice, and really hate the bayonet

and the gun, and the whole Gestapo method of a way of handling human beings.¹⁰

President Roosevelt, too, sought to ease the hysteria. He said: "It is one thing to safeguard American industry, and particularly defense industry, against sabotage; it is very much another to throw out of work honest and loyal people who, except for the accident of birth, are sincerely patriotic." He said such a policy was "stupid" as it was "unjust." Responding to the FEPC's request for clarification of his now contradictory policy on aliens, Roosevelt wrote the committee on 3 January 1942, that it was his intention to include

... non-citizens in the scope of the committee's responsibilities. I, therefore, feel it appropriate that your Committee investigate cases in which non-citizens allege that they have been discriminated against because of their national origin in a manner more restrictive than required by the law governing their employment in defense industries.

The Bureau of Employment Security study and the draft statement showed that the problem was not a new one; neither was it isolated to the Japanese, Germans, or Italians. The *First Report* confirmed that reality. The rush of letters and memoranda between Eugene Davidson, FEPC field representative in New York, and Lawrence Cramer, executive secretary, over how to handle differing problems underscored the complexity of the many challenges of developing effective policy. Stumped over the question of hiring aliens in New York, Davidson on 23 January 1942, wrote Cramer for assistance. But before Cramer could respond on 29 January 1942, that he had earlier provided Davidson with a statement, Davidson on 28 January sent Cramer a memorandum on other aspects of the problem, to which Cramer responded on 31 January 1942.

As an example of the problem, Davidson in his 23 January letter informed Cramer that, "The situation in regards to employment of aliens in New York City is exceedingly serious." He inquired "whether or not our Committee had jurisdiction over aliens in law as well as in fact" and asked whether he should continue handling such cases. One question, he said, resulted from the practice by the "great majority of private defense contractors" in the New York area who were "refusing employment to aliens even to the extent of advertising in newspapers that American citizenship was

¹⁰*Enemy Aliens*, 88–100; Department of Justice press release, 28 December 1941, in HqR75, Statement by Attorney General Biddle—employment of aliens in private industry.

essential.” He cited the example of Arnold Burger, who a company refused to hire because “they did not employ aliens.” Cramer responded that he seriously doubted whether the Navy Department had

... given any employer instructions not to hire aliens. It may well be that the Navy Department inspector on the grounds does not fully understand the directive issued by the Navy department relating to the employment of aliens in the execution of classified contracts. In order to clarify this matter, I suggest that you prepare a careful statement of facts relating to the Arnold Burger case indicating that he was refused employment because the company to which he applied did not employ aliens, setting forth the information which you have secured from the personnel director of the company in question and setting forth also information as to the source of the instructions alleged to have been given the company.

Nevertheless, Cramer in his 31 January memorandum to Davidson, summarized the basic position that everyone, including President Roosevelt, had been trying to establish. He told Davidson that it was his judgment that E.O. 8802 placed “a positive duty on employers not to refuse to employ and not to dismiss employees simply because they” were aliens. “In order to conform with the spirit and letter” of the order, he said, the employer must “base such refusal or dismissal not on the mere fact of the alien status of the worker but rather on the question of his individual loyalty or trustworthiness.” Overwhelmed by reality, nevertheless, Cramer told Edward F. Prichard of the War Production Board that, “This obviously is something that should not be left to private individuals to do, but should be a function of the Government itself.”¹¹

Thus the government was hard-pressed to improve upon its earlier efforts to moderate its policies, especially since some job applicants could not produce birth certificates to prove their American citizenship. The Undersecretaries of War and Navy issued a joint statement in June 1942 attempting to address the birth certificate problem that said:

¹¹Press release, 2 January 1942, on Statement by the President, in HqR86; Davidson’s letter and memorandum to Cramer and his responses, and circular letter, 9 January 1942 by Robert L. Glenn, labor representative, Office of Production Management, to which Roosevelt’s 2 January 1942 statement regarding the employment of aliens or foreign born citizens is attached, are in HqR65, Aliens in Defense, D-H. For reference to Federal Security Agency study, see, “Discrimination Against Aliens in Defense Industries,” 23 August 1941, in HqR66, U.S. Government, Department of Justice. Cramer to Prichard, 9 March 1942, HqR66, Aliens in Defense. *Final Report*, 146-47.

The previous memorandum [of 16 July 1941] is suspended and in lieu of the procedure set forth therein it is recommended that contractors and subcontractors require applicants for employment in the performance of any secret, confidential or restricted contract, or any contract for furnishing aircraft, aircraft parts, or aeronautical accessories, to sign a statement in the presence of an Army or Navy District Procurement, Factory or Plant Protection representative, to the effect that he is a citizen of the United States and that he has read and understands the pertinent provision of the act of June 28, 1940 (Public Law 671, 76th Cong.), as indicated by the inclosed form entitled "Declaration of Citizenship."

The foregoing recommended procedure does not relieve the employer from the duty of seeking further investigation when there is any reason to doubt the truth of applicant's declaration that he is a citizen.

The United States Employment Service (USES), in a memorandum on 3 July 1942, noted earlier efforts to ease difficulties applicants were still encountering in getting jobs under an Army or Navy contract because they could not immediately produce their birth certificate to prove their American citizenship. The USES instructed its local offices to inform such applicants of its 16 July 1941 memorandum to all Army and Navy contractors and subcontractors of its policy to ease the problem. It further instructed its local offices to refer those applicants "to the contractor with the suggestion that they request the employer to accept their 'Declaration of Citizenship' as a basis for employment."¹²

Nevertheless, the mass evacuations of the Japanese from the West Coast under Executive Order 9066 heightened concern over enemy aliens. The Council for Democracy noted that the slightly more than 1,000,000 aliens of German, Italian, and Japanese extraction listed by the 1940 Alien Registration Act could be "swelled" by the inclusion of Hungarians, Bulgarians, and Rumanians. Unquestionably, the council said, the overwhelming majority of these aliens were loyal. Many had been in the United States for decades. Many others were essential workers in war industries. Approximately 200,000 of them were refugees, whose citizenship in a majority of cases had been revoked by the Axis powers. Their bitter experience

¹²Joint statement, 4 June 1942, by the undersecretaries of War and Navy, in HqR66, U.S. Government, Employment of Aliens, T to XYZ; Bureau of Employment Security, USES Operations Bulletin No. C-29, Supplement No. 2, 3 July 1942, in HqR66, U.S. Government, Application Forms.

with fascism abroad gave them more reason to fight against the system than most Americans. Nevertheless, the council said, “news of the Japanese evacuation, plus inept announcements from the military authorities,” had created increasing “uneasiness among all aliens of enemy nationality, and only to a slightly lesser degree among naturalized citizens.” The council explained that grave psychological harm had been wreaked, a problem worsened by the widespread use of the invidious term “enemy alien.”¹³

On 11 July 1942, Roosevelt sought further to clarify the nondiscrimination policy regarding aliens and other persons of foreign birth. He said in a comprehensive statement that:

1. Persons should not hereafter be refused employment, or persons at present employed discharged, solely on the basis of the fact that they are aliens or that they were formerly nationals of any particular foreign country. A general condemnation of any group or class of persons is unfair and dangerous to the war effort

2. There are no legal restrictions on the employment of any person (a) in non-war industries, and (b) even in war industries, if the particular labor is not on “classified” contracts, which include secret, confidential, restricted, and aeronautical contracts.

The laws of the United States do provide that in certain special instances involving Government contracts an employer must secure from the head of the government department concerned permission to employ aliens

After citing sections of the Act of 28 June 1940, he said there were no other laws that restricted the employment of aliens by private employers in national war industries. Neither was there any “Federal laws restricting the employment of foreign born citizens of any particular national origin.”¹⁴

The Secretary of War on 28 January 1943, further attempting to moderate his department’s harsh policy toward Japanese Americans, announced its “confidence in loyal Japanese Americans” and that he was extending to them the right to serve as soldiers in the army. He said:

¹³For the text of E.O. 9066, see <http://www.parentseyes.arizona.edu/wracamps/execorder9066.html>; “Plan for Reclassification of Aliens of Enemy Nationality,” 26 June 1942, Council for Democracy, in HqR65, Aliens in Defense, A.

¹⁴Roosevelt’s statement and, “A Report on Utilization of Non-Citizens in War Industries,” 4 September 1942, by the American Committee for Protection of Foreign Born, a New York-based group, which is a comprehensive review of the problem up to that date in view of the president’s 11 July 1942 statement. HqR65, Aliens in Defense, A.

It is the inherent right of every faithful citizen, regardless of ancestry, to bear arms in the Nation's battle. When obstacles to the free expression of that right are imposed by emergency considerations, those barriers should be removed as soon as humanly possible. Loyalty to country is a voice that must be heard, and I am glad that I am now able to give active proof that this basic American belief is not a casualty of war.

The War Department also informed the FEPC that it was collaborating with the War Relocation Authority in examining the loyalty qualifications of all Japanese Americans released from the War Relocation Centers for work in essential war industries. The United States Civil Service Commission, in its Circular Letter No. 3982 to its regional and division chiefs, also once more sought futilely to provide a coherent policy and procedure for the utilization of American citizens of Japanese origin who had been in the centers.¹⁵

The FEPC's *First Report* further documented the struggles within the government with the issue. It provided an excerpt of a joint statement by the Secretary of War, the Attorney General, the Secretary of Navy, and the chairman of the Maritime Commission on the Employment of Aliens (paragraphs 6 and 7, 7 June 1943), which was that the nondiscrimination clause

... has been included in all War and Navy Department and Maritime Commission contracts entered into since June 25, 1941. This clause requires the granting of full employment opportunities to all loyal and qualified workers regardless of race, creed, color, or national origin. This clause is intended to apply equally to citizens and noncitizens. For contractors or subcontractors of the War or Navy Department, or of the Maritime Commission to require American citizenship as an essential condition for employment is considered a breach of the clause in the contract and is contrary to the national policy as expressed in the Executive order.

Even on aeronautical and classified contracts, if a qualified applicant whose services the contractor needs is an alien whose loyalty to the United States the contractor has no reason to doubt, the contractor is obligated to cooperate with the applicant in applying for consent to his employment. Failure to request consent for the employment of, or to employ such an alien upon securing consent, if except for his alien status he

¹⁵John J. McCloy, assistant secretary of War, to Cramer on 23 April 1943; Circular Letter No. 3982, 27 March 1943, which amended Circular Letter No. 3615, 7 March 1942, is in HqR66, Japanese.

would have been employed, constitutes a breach of the antidiscriminatory clause of the contract and is contrary to national policy as expressed in the Executive order. If a contractor refuses employment to a qualified and authorized alien worker, he should be prepared to present specific and sufficient reasons to avoid a charge of discrimination.¹⁶

With policy and practice conflicting, nevertheless, Congressman Vito Marcantonio had told Roosevelt that the procedures of the Army and Navy Departments were creating many serious problems. Marcantonio's experience was that many employers were willing to cooperate in enforcing the federal policies that Roosevelt himself had established, but they were being discouraged from utilizing noncitizens by the manner in which the War and Navy Departments were administering the law. He noted that one of the problems that was deterring employers who wished to hire or to continue employing aliens, was that they had to apply to the War or Navy Department for permission to do so. After applying for such permission, however, employers had to wait several months before receiving a decision. The employer could not be expected to hold open the position indefinitely, he explained, so many stopped giving consideration to noncitizens.

Marcantonio said the situation was further aggravated by the insistence of the War and Navy Departments that an employer receive renewed permission for the employment of an alien for each job that person performed. "Thus a sub-contractor, working on a series of jobs, each of two weeks duration, must obtain permission again and again to employ the same alien." Probably the greatest demoralizing factor, he said, was the refusal of the two departments to give reasons for their denying permission to employ an alien. The practice caused "widespread confusion and hopelessness among great numbers of non-citizens and their families." Another consequence of the practices of the War and Navy Departments was that a noncitizen who had worked for a firm for many years and was fired when that firm was converted to classified work had great difficulty in finding other employment in a nonclassified firm because he could not give a reason for his dismissal because those departments gave him none.¹⁷

Roosevelt's assertions notwithstanding, the government required contracting agencies to obtain certain information to aid them in their investi-

¹⁶Appendix 1, *First Report*, 147.

¹⁷Marcantonio's letter, 4 September 1942, along with "A Report on Utilization of Non-Citizens in War Industries," and other materials are in HqR65, Aliens in Defense, A folder.

gations of job applicants or workers they hired. The enforcement of PL No. 671 required that plants executing confidential (secret, restricted, or aeronautical) contracts to submit an application to the contracting agency involved for consent before hiring an alien. Consequently, the employer had to have the information about the nationality or citizenship status of applicants. In order to facilitate an investigation, additional information, such as the applicant's national origin, was considered helpful. The FEPC therefore held that in those cases it could not take exception to the inclusion of such inquiry on employment application forms regarding national origin. The committee maintained that:

Where, however, it cannot be shown that the information on nationality or national origin has a direct relationship to national security, these inquiries should be eliminated.

Inquiries on application for employment forms pertaining to "Descent," in which the applicant is asked to disclose whether he is "Aryan," "Semitic," "Asiatic," "Non-Caucasian," etc., rather than specific information pertaining to nationality, are not acceptable and should be eliminated, since such information concerns *racial origin* (editor's emphasis).¹⁸

In January 1944, however, the FEPC still had no policy regarding aliens, and that gap increased the frustrations of its field staff in resolving related issues. George Johnson, deputy chairman, therefore suggested to the committee that the position of members in the "field operation" should be that the policy on aliens is similar to that with respect to other minority groups. He said "the staff was concerned with what variations, if any, should be made." Boris Shishkin, too, stressed that there was "no clear delegation to this Committee to deal with aliens. If we have that jurisdiction we ought to have it defined so there is no question. If we want to assume jurisdiction we ought to have it defined, so there is no question."¹⁹

Shishkin saw the loyalty issue in a much broader context that involved groups other than Japanese aliens. Discussing the case of a Mr. Miyakawa, who charged he was denied employment because of his Japanese ancestry even though he was born in California, Shishkin reiterated that

¹⁸Rough draft, Operations Bulletin Re: Application for Employment Forms, ca. 14 March 1944 (estimate based on letter of 4 January 1944 by Roy A. Hoglund, director, FEPC Region IX-Kansas City, St. Louis), in HqR4, Office Files of George M. Johnson, Nov. 1941–Oct. 1945, Application for Employment.

¹⁹Transcript of Proceedings, 15 January 1944, 63, HqR66, Central Files: Transcripts, Specific Transcripts, 15 Jan. 1944–4 Sept. 1945.

... a tremendous amount of abuse in cases of this kind has occurred to American citizens who are eligible to jobs because of the inadequacy of the procedure and the incompetence of the staff of the Civil Service Commission. One flagrant example was a case where a supervisor of the Civil Service Commission who was investigating a girl who had been in my employ came to my office. He asked about her locality, patriotism, etc. This was not a direct investigation. He said "she had been with the International Labor Organization, a 'commie' outfit from the name of it, and I wonder what you know about that organization, what its purpose is and what its objectives are."

Miyakawya, Shishkin noted, was denied a job that did not involve war production but which handled work in civilian requirements in the area of non-ferrous metals.²⁰

With the FEPC's approval, Johnson suggested a policy that the committee adopted at its 4 March 1944 meeting. It stated:

Executive Order 9346, issued May 27, 1943, refers to "the policy of the United States to encourage full participation in the war effort by all persons in the United States" and specifically states that the new Committee [established 27 May 1943, under E.O. 9346] "shall assume jurisdiction over all complaints and matters pending before the old Committee." The intention to vest the new Committee with such jurisdiction over alien complaints as was given to the old Committee, is clear.

The Committee, therefore, recognizes its jurisdiction over problems of discrimination in employment in war industries because of non-citizenship and exercises the powers vested in it by Executive Order 9346 to obtain the elimination of such discrimination in this field as it finds to exist.²¹

Emphasizing his approval of the policy, Charles Hamilton Houston, another member of the committee, said it seemed to him that the president expressly extended the FEPC's jurisdiction "to include all workers, whether they are citizens or aliens." Shishkin, however, who had been absent from

²⁰Transcript of Proceedings, 12 February 1944, 62-66, HqR66, Central Files.

²¹Transcript of Proceedings, FEPC Committee 4 March 1944, 10-13, 18 March 1944, 73-78, HqR66, Central Files; Summary Minutes, 4 March 1944, and 18 March 1944, in HqR1, Summaries of Actions Taken by the Committee at Its Meetings, 11 September 1942-15 March 1943; 6 July 1943-21 July 1945. See also *First Report*, 49-50; Press Release, Statement by the President, 2 January 1942, HqR86, Press Releases, Aug. 1941-Nov. 1945; Johnson to Maslow, 7 March 1944, HqR38, Central Files, Meetings folder; FEPC Chronology, *The Papers of Clarence Mitchell, Jr.*, Volume I.

the 4 March committee meeting when the matter had been discussed, strongly dissented from the statement at the committee's meeting on 18 March. Their disagreement showed the differing attitudes of Jews and African Americans over the issue. Shishkin said he objected to "government by press release," a reference to the committee's earlier announcement of its latest position on the issue, and to basing FEPC authority on informal statements of the president. Neither Executive Order 8802 nor Executive Order 9346, he said, explicitly referred to discrimination because of noncitizenship. The committee's assumption of jurisdiction in such cases placed upon it "the responsibility for action involving legal rights and equities of persons." Yet it was "doubtful that such action by the Committee, if subjected to a judicial test, would be sustained by the courts in the absence of a clear and valid grant of authority." Noncitizens, he noted, were "denied employment by the federal government itself and by the majority of state governments. This fact must be faced and its implications met." FEPC policy would have to be accommodated to civil service law. He therefore urged the committee to seek clear and explicit grants of power from the president regarding the employment of aliens.

In response, the FEPC on 18 March 1944, modified its decision and agreed to "request the President to issue an Executive Order giving the Committee jurisdiction over alien complaints, spelling out the authority extended to other specified agencies of the government in cases of alien employment involving questions of national security, and an explicit enumeration of wartime employment policy of the federal government with regard to aliens." The FEPC further agreed that regional offices should continue processing such complaints but if they got to the committee level they would be held pending action on the FEPC's recommendation to the President. Roosevelt took no action on the request.²²

On 23 March 1944, Congress also took up the jurisdiction issue when members of the House Sub-Committee on Appropriations considered the FEPC's budget request for fiscal year 1944-1945. Johnson reported that the congressmen questioned the FEPC's representatives regarding its "authority to process complaints involving 'enemy aliens.'" He said the FEPC's representatives responded that the agency did so according to its "jurisdiction over complaints of this type." Although it had "processed only a small number of complaints involving 'enemy aliens' there appeared to be no basis for

²²Minutes, 4 March 1944, HqR1, Summaries of Actions Taken; see also "A Report on Utilization of Non-Citizens," cited above.

distinguishing between complaints from 'enemy aliens' and those received from other aliens." Nevertheless, the FEPC's representatives agreed "that pending a clarification of its jurisdiction over all alien complaints, the FEPC would suspend processing complaints of this type." Subsequently, Malcolm Ross, chairman of the committee, said that by unanimous action of its seven members on 27 March 1944, "the agency had voted to stop processing all complaints involving aliens, and its regional directors have been so instructed." Processing alien cases was still suspended in January 1945, when the committee agreed to further discussions with Congressman Ellis D. Patterson, chairman of the House sub-committee, who had recommended that the FEPC handle "resident alien complaints."²³

With the end of the war, the overriding focus of loyalty concerns shifted to communists, real or imagined. The FEPC suffered some of those attacks during the hearings by the Special Committee to Investigate Executive Agencies (Smith Committee), when members suggested that it was "communist" for promoting "social equality" and subsequently from racist demagogues like James O. Eastland and Theodore G. Bilbo, both senators from Mississippi, during a budget appropriations debate in 1945. Several FEPC staff members were also labeled "subversive." But those attacks were a political stretch based on fears concerning national security. They should serve as reminders that in times of national crises, such as these caused by September 11, special efforts must be made to protect the rights of those who are especially vulnerable to scapegoating.²⁴

²³"Exhibit A" regarding FEPC action on 27 March 1944, HqR4, Office Files of George M. Johnson, Deputy Chairman, Nov. 1941–Oct. 1945, Policy folder; Johnson to Congressman Ellis D. Patterson, 26 January 1945, HqR4, Records of the Legal Division, Office Files of George M. Johnson, Director, Dec. 1941–Nov. 1945, Correspondence from Congressmen folder; FEPC, *First Report*, 97–98. For references to individual alienage cases, suspension of action on them, and continued handling of them, see Mitchell's memoranda of 14 January 1944, 27 January 1944, 26 February 1944, 12 October 1944, and 21 November 1944, and 23 January 1945, *The Papers of Clarence Mitchell, Jr.*, Volume I.

²⁴For attacks on the FEPC, see, for example, Malcolm Ross, *All Manner of Men*, 113; "Legislation in the 79th Congress," *The Crisis* (January 1945), 29–30; "Negroes! Jews! Catholics!" *The Crisis* (August), 217–19, 237–38; and Charles L. Horn's letter to Malcolm Ross, 19 April 1945, and Ross' response, 2 May 1945, noting the FEPC staffers, including himself, who had been labeled "subversive," in HqR38, Central Office Files, Memoranda, Horn, Charles L.


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The Correspondence of John Dewey

Volume 1: 1871-1918

Second Edition, June 2001



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Another Kind of E-Mail: The Electronic Edition of *The Correspondence of John Dewey*

Martin Coleman

The Correspondence of John Dewey, Volume 1: 1871-1918, 2nd ed.; *Volume 2: 1919-1939*, Past Masters Series. Edited by Larry A. Hickman, General Editor; Barbara Levine, Editor; Anne Sharpe, Editor; Harriet Furst Simon, Editor. Charlottesville, VA: InteLex Corporation, 2001. For pricing information see <http://www.nlx.com/titles/titldewc.htm> (1 CD-ROM). *Volume 1*: 1-57085-124-7; *Volume 2*: 1-57085-260-x.

John Dewey was the most influential and arguably the most important American philosopher in the history of the nation. He was born in 1859 and died in 1952, a lifetime that spanned great social, political, and technological change: He saw the horse and the airplane, the Civil War and the atomic bomb, and the emergence of the United States as an economic and military superpower. Dewey's most recent biographer, Jay Martin, points out that already by Dewey's second decade rapid cultural change was occurring in America. The Civil War resulted in an increasing concentration of wealth among a small group, and greater industrial wealth led to growing urban populations. Along with these economic and social changes, education was becoming available to more people, science was gaining in cultural significance as a rival to religion, and the machine and new inventions were coming to hold a prominent place in American life. Martin writes that, in the face of these daunting changes, Dewey, the naïve schoolboy, somehow stumbled into the vocation for which he was destined, and he became "the person for his time, the one who learned to think about wealth and its consequences, the turmoil of the cities, the need for a new kind of education, the obligation to reform and reconstruct, and the importance of science and its practical application in method and thought" (Martin 2002, 30).

The practical application of science in method and thought entailed a reformulation of empiricism and a new conception of experience. For Dewey, the great lesson of science was the importance of taking experience seriously as method. Dewey rejected the dualism of thought and experience, as well as the attempt to reduce one to the other. In Dewey's view, experience is living, the interaction of creature and environment, and thought is a natural function of human life; it grows out of experience. This notion of experience enabled Dewey to conceive connections between opposed pairs resulting from the rapid shift from old to new, rural to urban, religious to scientific. His ability to see bridges over the gulfs opening up around him made Dewey a person for times of cultural change. Dewey worked to mend philosophical dualisms as well as social divisions, including those resulting in gender and racial inequality. He had a deep sense of the actual, the historic, and the accomplished, but he understood them as always being intimately bound up with possibilities for the future and for new growth.

The Electronic Edition

During Dewey's long life he traveled widely and took an active part in social and political affairs. He made significant scholarly contributions to philosophy, psychology, sociology, education, and the political life of America; and a record of his work can be found in the 37-volume critical edition of *The Collected Works of John Dewey*, edited by Jo Ann Boydston. This critical edition was completed, after almost thirty years' work, in 1990. In that same year the Center for Dewey Studies began work on the Dewey correspondence project. The goals for this project include publishing the correspondence of Dewey—now consisting of more than 21,000 letters, postcards, telegrams, and other documents—in electronic form, followed by a selected letterpress edition. So, the publication of the correspondence of one who observed and dealt with great cultural shifts is itself partaking of a technological shift occurring in the culture of documentary editing. The primary medium for the work available to both individuals and institutions will be electronic.

The Correspondence of John Dewey in electronic form consists of three volumes and is edited by Larry Hickman. It is a title in the PAST MASTERS series from InteLex Corporation, along with the electronic edition of *The Collected Works of John Dewey*, also edited by Hickman. The first volume of the *Correspondence* covers the years 1871 to 1918 and includes more than 3,500 documents. The second volume covers the years 1919 to 1939 and includes

over 5,000 documents. The first two volumes are currently available, and the third is due to be released this fall. It begins with documents from 1940 and concludes with the correspondence that followed Dewey's death in 1952. The electronic edition of the *Correspondence* is available on CD-ROM¹ and in a web server format for institutions. For both formats, InteLex includes its proprietary software called Folio VIEWS, which is required for reading and searching the texts.

Those who lament the replacement of the 12-inch vinyl record by the audio compact disc may also be dismayed on encountering the CD-ROM edition of volumes 1 and 2 of *The Correspondence of John Dewey* instead of a traditional letterpress edition. The decline of the vinyl record in favor of the CD has resulted in the shrinking of the characteristic features of a record to fit the smaller product. Cover art and inner sleeve goodies must fit behind the plastic tabs of the small, plastic jewel case. The smooth, silvery disc itself may strike one as sterile compared to the black vinyl with its treasures etched in the irregular grooves—recoverable with nothing more than a straight pin attached to a piece of light poster board formed into a conical amplifier and a pencil on which to spin the record.

The CD-ROM edition of the *Correspondence* comes in a jewel case that is packaged in a molded plastic case that resembles a book in size, shape, and manner of opening, all of which suggests its place on a traditional bookshelf. But the cover and spine of this package lack any marks identifying its contents beyond its manufacturer. The only feature of the entire product that indicates the contents of the disc is an inked-in square on the back of the CD jewel case next to one of 81 possible titles.

In contrast to the fate of the vinyl record, the characteristic features of a book are not reduced when adopting a digital medium; rather the electronic edition of the text discards the particular design features of a book altogether (while the packaging retains a weak semblance of the general features). The anticipatory moments of reading blurbs, assessing typefaces, thumbing through photos, feeling bindings and cover material, sniffing the pages—in short all of the experiences, each enjoyable on its own, that introduce one to a new book before actually submerging oneself in the printed text—are gone. And there is no way to crack the electronic text without the machine for

¹The CD-ROM is available in two different versions: one for Windows operating systems and one for Macintosh operating systems. According to InteLex, the Macintosh version does not run native in OS X, but it will run in Classic mode or in OS 9. The CD-ROM used for this review contained the Windows version. It ran adequately in both Windows XP and Windows ME.

which it was designed.

Of course, the CD-ROM edition of the *Correspondence* may not elicit this kind of response from others. While most would agree that important differences can be attributed to different technologies, one may insist that the important differences in the case of the digital technology considered here are the increased efficiency, the increased speed and accuracy, and the better economics now possible in editing and publishing texts.

According to the User's Guide for Folio VIEWS: "We need tools to help us consume information more effectively." A CD-ROM edition may be considered just such a tool as it enables one to more easily and quickly consume the philosophical and historical significance of texts. Search capabilities quickly locate documents relevant to people or topics of special interest; cut and paste features reduce keystrokes during composition and allow text to be shared with colleagues by means of electronic mail; storage of texts becomes much easier with one 12-centimeter compact disc containing information equal to approximately 40 thick volumes of a letterpress edition for the entire collection of the Dewey correspondence.

Considering this increased efficiency in the distribution and consumption of information, one may come to see excessive lamentations over losses due to new technology as indicating a basic misunderstanding of the function of the text. Electronic texts rev up the capacities of texts to convey information; they present a new and better way to consume texts. The old aesthetic features were nice, but the new medium gets down to business by decreasing the time and cost of publishing and increasing ease and speed in the use of texts.

These two possible responses to the electronic edition of *The Correspondence of John Dewey* are easily seen, I hope, as extreme. The first stresses aesthetic quality and the second practical efficiency, almost to the complete neglect of the other. There is, of course, something true in both views. On the one hand, the packaging of the CD-ROM format does a poor job in its imitation of a book, but on the other hand it seems likely that most people will encounter the electronic edition of *The Correspondence of John Dewey* in the web server edition available to institutions. This suggests that the book really is not the model for the electronic text in its storage or its use. However, an emphasis on practical efficiency alone certainly would limit the possibilities of the electronic edition. Regarding the electronic edition as better because more efficient is as subject to a fixed ideal of how to "consume" a text as is the nostalgia for a text printed on paper.

The actual situation of the electronic text is different from what is conveyed in either extreme view because it can never be a case of complete loss of aesthetic quality or a complete gain of practical efficiency. John Dewey made a great effort throughout his long career to communicate this in terms of the richness of human experience. He insisted on taking experience seriously: that is, neither reducing it to one kind of experience, namely the experience of knowing, nor holding it apart as utterly irrational from the perspective of human reason. In this view, the aesthetic aspects of feeling and the instrumental function of thinking are continuous in the sense that each are phases of human interaction, not separate kinds of being. In more general terms, the ideal and the real, because both occur in human experience and as a result of human experience, are continuous; or as he expresses in a letter, “the possible is a trait of the actual, not something set over against it.”² This entails that aesthetic enjoyments are not set over against the instrumental or practical aspects of experience—both traits of experience are present and together are potentially enriching. The separation of these aspects of experience results in the stilted responses given above and neglects the possibilities present in actual experience.

Readers can trust that Dewey’s insight informs the sensibilities that produced this edition of his letters. Larry Hickman, director of the Center for Dewey Studies and general editor of *The Correspondence of John Dewey*, understands Dewey to claim that “the end of human living is not practice ... or contemplation ... or even enjoyment. It is, rather a cycle of production: production of new significances, production of new feelings, production of new means of enjoying, production of new techniques of production. To be human is to be involved in production, to advance what nature has given, to construct ourselves, to be technological” (Hickman 1990, 76). This technological understanding of human living denies the dichotomy between the static ideal of the purely aesthetic and the perpetual motion of mechanical activity. The new technologies of the electronic text of the *Correspondence* neither displace the aesthetic nor champion the narrowly practical. In Dewey’s view, technology is richer than either of these alternatives. According to Dewey, “‘Technology’ signifies all the intelligent techniques by which the

²1911.11.08 (02946): John Dewey to Elsie Ripley Clapp. References to documents in *The Correspondence of John Dewey* are made by giving the date of the document followed by the number of the document in parentheses and the names of the writer and addressee.

energies of nature and man are directed and used in satisfaction of human needs; it cannot be limited to a few outer and comparatively mechanical forms" (LW.5.270).³

In his essay "Literacy, Mediacy, and Technological Determinism," Hickman argues from this understanding of human living and technology to a rejection of the idea that different kinds of texts—say, electronic and letterpress editions—are distinguished by fixed essences. Recognizing the continuity of the aesthetic and instrumental in experience entails the rejection of the view that some kinds of texts are essentially or absolutely better than other kinds.

Human living involves taking up the means of production or tools to remake present conditions and enrich further experience. While the living is constituted in part by the kinds of tools taken up, these materials do not wholly determine the character of the experience. It is the role of intelligence to determine how a tool will enrich experience. In the present case, the tools are texts, and it is not predetermined that a particular type of text adds beauty and another adds efficiency in consumption. Recognizing the variety of experience, that is, the always-present possibilities in actual experience that excludes neither the practical nor the aesthetic, entails an understanding of tools that rejects a fixed conception of their nature: One kind of text is not essentially aesthetic and another essentially practical. Therefore, no essential contest must be settled between the two types of texts. One text is not better than another any more than a screwdriver is better than a hammer. That is, they serve different functions, resolve different problems, and are not fundamentally distinct in the sense of being wholly aesthetic or wholly practical.

This means that the electronic edition of *The Correspondence of John Dewey* is to be considered as neither an affront to booklovers nor a device of factory scholarship but rather, in the spirit of its principal subject, as a tool "for enjoyment and use" (Hickman 2001, 120). Because it has no essential form that excludes "meaningful inquiry into what [it] can be" (Hickman 2001, 120), taking experience seriously means inquiring into what experiences can be had with this text. So this review now takes the form of a consideration of

³Standard references to John Dewey's works are to the critical edition, *The Collected Works of John Dewey, 1882-1953*, edited by Jo Ann Boydston (Carbondale and Edwardsville: Southern Illinois University Press, 1969-1991), and published as *The Early Works: 1882-1898* (EW), *The Middle Works: 1899-1924* (MW), and *The Later Works: 1925-1953* (LW). These designations are followed by volume and page number. For example, page 270 of volume 5 of the Later Works is cited as "LW.5.270."

what kind of tool is the electronic edition of *The Correspondence of John Dewey*, how it may be enjoyed and used, and what it may potentially become.

The Documents

The documents included in *The Correspondence of John Dewey* give life to the events and ideas of Dewey's life in a way unparalleled by the best biographies, although they lack the narrative structure and coherence of the latter. The actual process of intellectual growth is revealed with its probings and false starts and outside influences. The letters show in a way that publications cannot that the method is the thing, that is, that knowing is an *activity*. Family life is made vivid, both the growth of loving relationships and the heart-breaking deaths of Dewey's children Morris and Gordon. Gordon's illness, his recoveries, and his parents' hope as detailed in letters are especially disturbing to read, knowing the sad outcome. Long friendships and professional relationships display a character possible to discern because the reader has the benefit of years of correspondence gathered together for examination.

The collection is not limited to correspondence to and from John Dewey: there are also third-party letters about Dewey and other documents, such as a record of Dewey's undergraduate transcript from the University of Vermont and government memoranda and FBI reports that refer to Dewey. The government documents concern Dewey's assessments of political activity in China and later his relationship to groups with ties to Soviet Russia. Letters to and from important people in Dewey's life before they entered his life are included here, such as correspondence between Harriet Alice Chipman, Dewey's first wife, and her family and friends, and letters between Roberta Lowitz Grant Dewey, Dewey's second wife, and her first husband Roy Grant. The volumes also contain letters written about Dewey by his teachers, colleagues, peers, and critics. These include letters of recommendation,⁴ letters written about Dewey's work,⁵ and letters containing more

⁴1882.02.11 (00417): H. A. P. Torrey to George Sylvester Morris; 1883.04.03 (00426): Matthew H. Buckham to Daniel C. Gilman; 1883.04.05 (00427): H. A. P. Torrey to Daniel C. Gilman; 1893.12.? (00477): James H. Tufts to William Rainey Harper.

⁵1887.01.12? (09529): William James to Thomas Davidson; 1887.01.30 (09206): William James to G. Stanley Hall; 1896.07.23 (09530): William James to Alice Howe Gibbens James; 1933.04.15 (11711): George Santayana to Sidney Hook; 1922.06.14 (17041): Oliver Wendell Holmes Jr., to Harold J. Laski; 1931.05.15 (17032): Oliver Wendell Holmes Jr., to Frederick Pollock.

⁶1914.03.22 (08296), 1914.03.26 (08297), and 1921.02.21 (08295): Bertrand Russell to Ottoline Morrell; 1937.02.08 (08626): Franklin Roosevelt to Charles R. Crane.

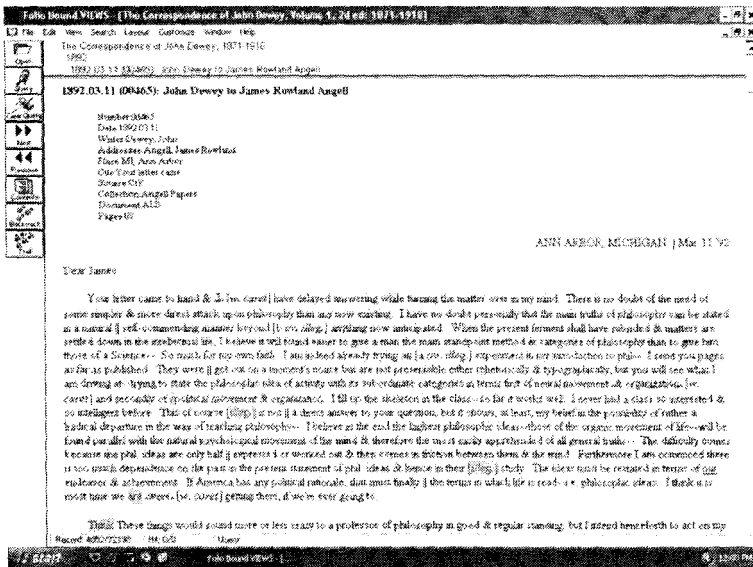


Figure 1

personal assessments of Dewey.⁶ While the selection of these third-party letters and documents seems obvious in some cases (letters of recommendation, for example), the criteria for choosing others is puzzling. For example, the only quotation from a Santayana letter is interesting,⁷ but as I show later in this review, there are other letters written by Santayana that are more revealing of his view of Dewey and perhaps more insightful about Dewey's thought.

The Apparatus

The scholarly apparatus in the *Correspondence* includes brief instructions on searching the collection and the proper syntax for searching dates. (A complete User's Manual is also included with the software, and it gives more detailed instruction on using the software.) The sections "Principles of Transcription" and "Dewey's Alterations" describe the conventions used in giving the documents the appearance they have in the *Correspondence*. Spelling, capitalization, and paragraphing are left untouched; but brackets are used where necessary to supply missing letters or words, make editorial conjectures or clarification, or indicate the appearance of the original in case a document is damaged, writing is illegible, or some portion overwritten. Documents are transcribed with the author's deletions in red type on a gray field and carets indicating interlineations and substitutions (see figure 1 on page 100). These conventions are both informative and convenient for the reader.

The section entitled "Source List" provides details, including contact information for archives where documents in the *Correspondence* are kept. "Document Abbreviations" explains abbreviations used in describing the nature of documents. "Identifications" is a helpful collection of capsule information on people and organizations mentioned in the *Correspondence*. This section gathers together information contained in footnotes throughout the *Correspondence*. There is also an impressive chronology of Dewey's life that includes references to letters in the *Correspondence*, *The Collected Works of John Dewey*, and secondary sources like newspapers and university publications announcing events involving Dewey. It is a working chronology and readers are encouraged to contact the Dewey Center with additions and corrections. The "Chronology" also provides something of a preview of what is in the

⁷"You Deweyfy Marx a good deal: wouldn't it be better to Marxify Dewey? In respect to the material basis of all life Marx and even Engels (though he hedges a little in the last letter, which you quote at the very end) seem to me much clearer and more honest than Dewey, Kallen, & Co—" 1933.04.15 (11711): George Santayana to Sidney Hook.

third volume of the *Correspondence*, because it includes references to letters collected there.

The "Preface" details the gathering, transcription, and organization of the documents included in the *Correspondence*. Also discussed are copyright issues, previous editions of Dewey's letters, and material new to this second edition of volume 1 of the *Correspondence*.

The research tool that most directly illuminates the content of the collection is the introduction that begins each volume. Each volume's introduction surveys the documents contained in that volume. Hickman writes the introduction to the first volume, and Michael Eldridge, author of *Transforming Experience: John Dewey's Cultural Instrumentalism* (Nashville, 1998), writes the introduction to the second volume. It is made explicit at the outset that these introductions are neither biographies nor chronologies. The introductions serve to guide the reader through the massive amount of material presented in the *Correspondence*, and in this they do an exquisite job. Hickman compares each volume's introduction to a map or a series of signposts. Perhaps "life preservers" is a better metaphor than "signposts," given the vast sea of documents facing the reader wading in for the first time. The number and variety of correspondents is impressive, and they not only show Dewey's openness to all sorts of people, but they also allow the present-day reader to see Dewey's ideas expressed in contexts beyond those of professional philosophy.

In the introductory surveys major events and important correspondents are noted with extensive quotations from relevant documents. The contents of the first volume include correspondence and documents that give insight into the character of Dewey's parents; Dewey's education and early professional life; the development of Dewey's philosophical ideas; his relationships with his wife and children; his time at the University of Chicago, where he shaped the department that William James proclaimed a genuine school of philosophy;⁸ and his less-than-pleasant departure from Chicago for Columbia University.

Important correspondence that Dewey maintained for years begins in the period covered by the first volume. Correspondents in this volume include Elsie Ripley Clapp, a student and graduate assistant of Dewey's; Horace Kallen, a graduate of Harvard who taught philosophy at the University of

⁸1903.10.17 (00801): William James to John Dewey, and 1903.10.29 (09546): William James to Sarah Wyman Whitman.

Wisconsin and became a professor at the New School for Social Research; Scudder Klyce, a writer of philosophy books decidedly outside the academic realm; Albert C. Barnes, a philanthropist and art collector who attended some of Dewey's lectures and aided his study of art that contributed to his important work, *Art as Experience*; Max Otto, a friendly and helpful critic of Dewey and a professor of philosophy at the University of Wisconsin; and Salmon O. Levinson, a longtime family friend and lawyer who worked with Dewey in the outlawry of war movement.

Eldridge's introduction to the second volume guides the reader through correspondence about Dewey's years in Japan and China; his travels to Turkey, Mexico, and Russia; the death of his wife Alice; his involvement with the Trotsky Commission in Mexico City; his second wife, Roberta Lowitz Grant Dewey; and through many letters to family and friends about everyday life.

Letters in the second volume provide insights into the reception of his major works. *Art as Experience*, Dewey's book on art and aesthetic experience, is identified as the first book written by Dewey that his children read.⁹ He also answers inquiries that provide insights into the thinking that went into *Experience and Nature*,¹⁰ often regarded as the greatest single statement of his views, and *A Common Faith*,¹¹ his little book about religious experience. Especially relevant to Dewey's philosophical work is ongoing correspondence with Max Otto and Dewey's former students Sydney Hook and Joseph Ratner. Both of the students became good friends with Dewey and worked closely with him: Hook published books about Dewey and his philosophy, and Ratner published anthologies of Dewey's work. Correspondence with both helped Dewey work out his philosophical ideas.

In the second volume, serial correspondence continues with Barnes, Klyce, Otto, and Levinson, and also includes correspondence with Corinne Chisholm Frost, a teacher who came across Dewey's name at a lecture, read *Experience and Nature*, wrote to Dewey, and, to her surprise, received an answer with encouragement to write again. In the second volume begins correspondence with Arthur F. Bentley, a former college lecturer and journalist, and author of books on sociology, economics, linguistics, and philosophy, with whom Dewey would write *The Knowing and the Known* in 1946.

⁹1934.04.20 (04346): John Dewey to Albert C. Barnes.

¹⁰1928.12.19 (05085): Max Otto to John Dewey; 1929.01.25 (05932): John Dewey to Max Otto.

¹¹1935.01.04 (08046): Max Otto to John Dewey; 1935.01.14 (08049): John Dewey to Max Otto.

The introductory surveys give the reader a strong sense of the collection and indicate places to begin inquiring into the letters according to topics of interest. Letters discussed in the introductions are adequately cited, but a chief advantage of an electronic edition is neglected here: It seems that more extensive use could have been made of hyperlinks. It would have been helpful to be able to click on the reference to a letter in order to read the complete document for oneself.

The Dewey-Clapp Correspondence

Following a particular signpost (or reaching for a particular life preserver) in Hickman's introduction led me to the Dewey-Clapp correspondence of the fall of 1908. Dewey taught a course that semester and summarized the lecture and discussion of each meeting to include in his letters to Clapp. Dewey's letters, the only half of the correspondence included here, indicate that Clapp was commenting and making suggestions that Dewey found helpful.

Hickman writes, "Dewey's letters to Clapp provide insights into his teaching methods and reveal the extent to which he is actually thinking, as opposed to just lecturing, in his classroom" (Hickman 2001, "Introduction"). The notion that Dewey thought through a problem rather than lectured about it is a common refrain in the reminiscences of former students about Dewey as a teacher (Martin 2002, 260–61), and many add descriptions of how Dewey took the students along with him. One called it an "active deference" to student questions that drew out intellectual wonders in the classroom. These accounts seem to relate concrete experiences of the cultivated naïveté that Dewey describes in *Experience and Nature* as the result of "the discipline of severe thought" (LW.1.40) and that he claims to struggle to cultivate himself in a letter to Leo Stein: "Im trying to be naive, which is of course impossible, and I dont know whether I can live long enough to be so without trying."¹² In this way, the letters illustrate how Dewey lived an aspect of the philosophy he published.

The wonderful thing about reading the Clapp letters for oneself is the sense of accompanying Dewey on a classroom inquiry. The present-day reader has the luxury of knowing how much of the inquiry turns out: One simply has to read the subsequent published works. But reading the letters still provides a sense of excitement in seeing how it was done: the circling of the problem, the various formulations that did not make it into a book, the

¹²1926.02.22 (04963): John Dewey to Leo Stein.

times when Dewey simply does not know how to proceed. One gets a sense of Dewey's effort; he struggled with problems that took years for him to even articulate clearly.

In a letter to Clapp summarizing a discussion of knowledge, Dewey wrote about the place of desire or passion in the activity of knowing. Taking desire as both urgency and incompleteness, he was unable to articulate its relationship to knowing. "This involves a peculiar combination, so peculiar that I find myself unable to express it, of requiring [*ink underline*] knowing—reflective—and [*ink underline*] excluding, working against it."¹³ Dewey then cited William James as giving a good account of the facts: Passion or desire shuts out reflection but yet some element of reflection remains in the very passion that rejects reflection. This is so because passion, in shutting out reflection, senses the *consequences* of reflection. That is, passion shuts down reflection because it *knows* that reflection is deleterious to passion. Dewey wrote, "This expresses perhaps the peculiarity of the combination referred to."

The nature of the combination remained a pressing question for Dewey. In 1916 he wrote the long introduction to *Essays in Experimental Logic*, a reissue of his essays included in the 1903 *Studies in Logical Theory* plus some newer essays. The essays are focused on the cognitive aspect of experience, but Dewey was concerned to emphasize that the cognitive does not exhaust the character of experience. As already discussed, Dewey maintained that experience was neither exclusively rational nor exclusively irrational. In stressing that experience is much broader than the specialized activity of knowing, he wrote that "this is not to deny that some element of reflection or inference may be required in any situation to which the term 'experience' is applicable in any way which contrasts with, say, the 'experience' of an oyster or a growing bean vine" (MW.10.321). Here again is the peculiar combination remarked on in the earlier letter.

In 1922, Dewey took up the question of the peculiar combination again in his book *Human Nature and Conduct*. In this book, Dewey worked out a theory of habit and impulse that gave greater depth to his discussion of the nature of knowing, and he now characterized knowing as an interaction of established habit and vital impulse. The peculiar combination had become "a certain delicate combination of habit and impulse" (MW.14.124). According to Dewey, without impulse to animate it, habit is impotent; and without habit to direct it, impulse is equally ineffectual. But one misses the

¹³1911.11.21 (02950): John Dewey to Elsie Ripley Clapp.

point if one simply takes Dewey to have restated in terms of habit and impulse Kant's familiar dictum that thoughts without content are empty; intuitions without concepts are blind. Dewey described how experience itself comes to be intelligent, how reflection results from the interaction of habit and impulse; this is not the work of *a priori* categories imposing order on reality but an emergent quality of life continuous with and as natural as (though with a different experiential quality than) the heliotropism of plants or the instinctual behavior of animals.

The key ingredient in intelligence is neither habit or impulse nor even the mere presence of both: it is the ongoing interaction of both. This combination is, Dewey wrote to Clapp, "not something life has, but what it is."¹⁴ In 1922 Dewey expressed in *Human Nature and Conduct* what had seemed to stump him 14 years earlier and in a terminology that is familiar¹⁵ but also capable of demolishing the dilemma of conceptual scheme and empirical content that was bequeathed by Kant, has bedeviled empiricism, and still exercises thinkers today.

The letters give a broader context for these ideas that appear in the published works and in doing so reveal other connections or other formulations. The articulation of the relation of passion and reflection in terms of impulse and habit in *Human Nature and Conduct* yielded the idea that the intelligent cultivation of intelligence requires widening, not narrowing, one's "life of strong impulses while aiming at their happy coincidence in operation" (MW.14.137). The idea is that wider and deeper interaction produces stronger and more varied impulses that keep habits from growing rigid and stupid. In a letter to Clapp, Dewey already expresses the spirit of this advice in a neat formulation that owes its inspiration directly to Clapp. Dewey wrote to Clapp, "You are right too about thinking as trusting instinct we trust convention—the deposit of some past idea—not instinct in thinking; and we trust impulse instead of reason—reasons—in action."¹⁶ Unreasonableness is manifested in both impulsive action and conventional thought; conventions are habits grown rigid, and unreasonable impulse lacks the guidance of intelligent—that is, flexible and responsive—habits. Dewey described genuine

¹⁴1911.09.02 (02938): John Dewey to Elsie Ripley Clapp.

¹⁵See the comment on this work in 1922.06.14 (17041): Oliver Wendell Holmes Jr., to Harold J. Laski, in which Holmes described the book as "not feeling to me quite as new as it is civilized. I seem to have known the fundamentals before." It is consistent with the kind of praise Holmes would give Dewey's work. It gives the impression, one sometimes encouraged by Holmes himself, that he did not quite grasp what Dewey was doing.

¹⁶1911.10.16 (02943): John Dewey to Elsie Ripley Clapp.

thinking as the exercise of impulse in imagination for the purpose of creating new solutions to problems. This is the only way to avoid impulsive action when presented with obstacles.

The letters lay bare not only Dewey's intellectual struggles but also their communal character. And it was not only Clapp who contributed to Dewey's thinking. Throughout the correspondence one sees Dewey's openness to others' ideas and his graciousness in acknowledging this, and his summaries of classroom discussion are no different. Dewey writes of the contribution students made in discussion and how this opened his eyes to some difficulty. In the introduction to the *Correspondence*, Hickman cites a good example in which Dewey wrote that a question posed by a student "gave me more pause than anything that has come up, and I am still very unclear on the matter."¹⁷

A great benefit of reading these letters in the electronic edition is that by searching on the field for the addressee (in this case, Clapp) one can, at the click of a mouse button, read the letters sequentially without scrolling through other unrelated letters: One can follow uninterruptedly the thread of a continuous correspondence.

Dewey and Santayana

The example of the Dewey-Clapp correspondence does not, of course, exhaust the ways to use the *Correspondence*. I also made a wider search for letters concerned with George Santayana, a contemporary of Dewey's who was born only four years later and was a student of William James and Josiah Royce at Harvard University. I performed the search on the name "Santayana" in the fields of "writer" and "addressee", and also in the text of the letters. The identified documents were telling about the relationship of the two thinkers as well as the temperaments of both.

Dewey and Santayana were not close personally, and similarities in philosophical outlook, some of which were sometimes significant, were more often overshadowed by their differences. But there were undeniable connections: Santayana's teacher James was an important influence on Dewey; Dewey and Santayana had friends and, in some sense of the word, followers in common; and they were aware of each other's work. Dewey reviewed eight books by Santayana, including a novel and two collections of essays, and he also reviewed one collection of critical essays about Santayana. Santayana reviewed two books by Dewey, and submitted one of the reviews

¹⁷1911.09.02 (02938): John Dewey to Elsie Ripley Clapp.

to a volume of critical essays about Dewey. Dewey in his own work cited approvingly Santayana's first book, *The Sense of Beauty*, published in 1896. Dewey's regard for this book did not seem to diminish; references and allusions to Santayana appear several times in Dewey's 1934 work, *Art as Experience*.

The best-known philosophical exchange between Dewey and Santayana took the form of two published articles. Santayana's contribution was a review of Dewey's 1925 book *Experience and Nature*, entitled "Dewey's Naturalistic Metaphysics" (LW.3.367–84) that was republished in 1940 in a collection of critical essays by various writers entitled *The Philosophy of John Dewey*, the inaugural volume in the Library of Living Philosophers series. In this essay, Santayana characterized Dewey's metaphysics as having an interest in human experience, which he termed the foreground, that excluded the background of nonhuman nature, that of the infinite universe to which human direction and particularity are relative. According to Santayana, this exclusionary interest undercut Dewey's right to be called a naturalist without qualification. Santayana thought Dewey's naturalism was half-hearted at best. Dewey then wrote a response entitled "Half-Hearted Naturalism" (LW.3.73–84) in which he characterized Santayana's naturalism as "broken-backed" for excluding much human experience from nature. These two articles comprise the published record of the direct conflict between the different outlooks of Dewey and Santayana. It is a conflict that has been characterized more as a difference in emphasis than as an outright disagreement, and the letters suggest this is a fair assessment while also giving it much greater depth.

Until recently, many if not most scholars believed that Dewey and Santayana never met and that, with the exception of reviews and mentions in books, they never corresponded. For example, Herbert Schneider, a colleague of Dewey's at Columbia University, made the claim that Dewey and Santayana never met in a letter to Richard Rubin, who wrote his doctoral dissertation on Santayana and Dewey.¹⁸ Schneider would seem to be a reliable source, since he took his B.A. from Columbia in 1915 and his Ph.D. in 1917, later worked as Dewey's teaching assistant, and remained at Columbia for the rest of his career. But the letters show that Dewey and Santayana

¹⁸Richard Marc Rubin, *Metaphysics as Morals: The Controversy between John Dewey and George Santayana*, doctoral dissertation, Washington University, St. Louis, Missouri, 2000.

almost certainly met in person, and that they did have a private philosophical exchange.

The letters strongly suggest that Dewey and Santayana met in 1910, which is presumably just prior to Schneider's arrival at Columbia. In 1909 Dewey and Nicholas Butler, the president of Columbia University, exchanged letters arranging a series of six lectures by Santayana.¹⁹ Santayana gave the lectures in February 1910 based on a course he had taught at Harvard and which were published later that year by Harvard University Press as *Three Philosophical Poets: Lucretius, Dante, and Goethe*.²⁰ Nothing in the letters indicate that Dewey was away from Columbia in February, and it seems almost certain that Dewey could have attended these lectures and interacted to some extent with Santayana.

Requiring no speculation is the claim that Dewey and Santayana corresponded in 1911. There is a letter written by Dewey to Santayana in which Dewey expressed his interest in and appreciation for Santayana's journal articles (making it seem even more likely that he attended Santayana's Columbia lectures of the previous year). He then asked in a rather detailed way for some clarification of points concerning Santayana's views. One point that concerned Dewey was a trademark view of Santayana, namely that empirical philosophy is inherently solipsistic. Dewey is interested in this because he considered his own outlook empirical though not in the traditional philosophical sense following Locke. With reference to empirical philosophy, Dewey wrote, "I think its meaning to your mind and to mine is an other illustration of how easy it is in philosophy to suppose that two persons are discussing the same subject, when they are talking, as a matter of fact, in different universes of discourse."²¹

Santayana apparently responded to this letter almost immediately because there is another letter from Dewey dated four days after his first letter thanking Santayana for his response. It is not clear what form Santayana's response took, and if it was written, it has not been located. However he

¹⁹1909.10.15 (02343): John Dewey to Nicholas Murray Butler; 1909.10.19 (02344): Nicholas Murray Butler to John Dewey.

²⁰In addition to the Dewey-Butler letters, there are also letters between Dewey and a university secretary arranging Santayana's payment 1910.02.25 (02345): Frederick P. Keppel to John Dewey; 1910.03.22 (02358): John Dewey to Frederick P. Keppel; 1910.03.24 (02359): Frederick P. Keppel to John Dewey.

²¹1911.03.09 (03608): John Dewey to George Santayana.

made his response, he posed questions to Dewey that Dewey evaded. Dewey wrote: "I am not going to try to answer any of the questions you raise, because, while very simple and direct, they do not spring up readily in the sort of question that more habitually preoccupies me, and I want to assimilate them."²²

Interestingly, part of this Dewey-Santayana exchange was echoed six weeks later in a letter written by Santayana to a friend in which it is again suggested that Santayana may have met with Dewey. Santayana wrote: "I was in New York for a week at Easter, and saw some old friends, and also the philosophers at Columbia, but without making much progress in mutual understanding. As Dewey said, we are all facing different problems when we seem to be discussing the same point."²³

These letters of 1911 are the only indication of direct correspondence between Santayana and Dewey, with the exception of their published exchange. Each thinker continued to mention the other occasionally in letters to friends. Santayana acknowledged a favorable review by Dewey in 1917.²⁴ In 1921, Santayana wrote: "I have never studied Dewey myself at all attentively or completely, and I am not sure that I understand him, but I suspect that he is merely attempting to analyse the vision of the human mind, the 'experience' (in the proper sense of the word) that a typical American has nowadays of the world."²⁵ He found the attempt to be shallow and perhaps naïve—"so very American"²⁶—though he did detect a "noble sincerity"²⁷ in Dewey's efforts.

When Santayana began reading for the review of Dewey's *Experience and Nature* in March 1925 he called the book "a heavy tome"²⁸ and "a ponder-

²²1911.03.13 (03609): John Dewey to George Santayana.

²³Santayana, *Letters* 2:35. *The Letters of George Santayana* is Volume V of *The Works of George Santayana*. Volume V consists of eight books, six of which have been published to date. References to The Letters are given by the number of the book followed by the page numbers. For example, "Santayana, *Letters* 2:35" refers to the second book of *The Letters of George Santayana*.

In a recent e-mail message, Rubin agreed with the suggestion made here that Schneider was incorrect in his letter stating that Dewey and Santayana never met. Early in 2002, Rubin visited the Center for Dewey Studies at Southern Illinois University at Carbondale, and Larry Hickman showed him the letters from Dewey to Santayana, which were located for Hickman by Harriet Simon, an editor of *The Correspondence of John Dewey*. Within a few days Rubin contacted Kris Frost, Assistant Director of the Santayana Edition at Indiana University Purdue University Indianapolis, who passed along the 1911 letter from Santayana that mentioned his Easter visit to New York.

²⁴Santayana, *Letters* 2:298.

²⁵Santayana, *Letters* 3:7.

²⁶Santayana, *Letters* 3:8.

²⁷Santayana, *Letters* 3:7.

²⁸Santayana, *Letters* 3:251.

ous tome” by one who “wishes to rear truth on the sands of industrialism. I am going to call him the ‘Latest Oracle of the Zeitgeist:’ and I have a feeling that these are swan-songs because industrialism may be short-lived.”²⁹ Santayana suggested that writing the review had become something of a burden to him. He sent a draft of the review to F. J. E. Woodbridge, a colleague of Dewey’s at Columbia, and in the accompanying letter he wrote, “I little thought that my article on Dewey’s book would have taken six months to write.”³⁰ In the same letter he wrote, “I hope [the review] may amuse Dewey and not offend him, because I have come away from reading his book—twice, most attentively—liking him better than ever.”³¹

The seeming change of tone may reflect an awareness of the relationships of the recipient, but elsewhere he almost defended Dewey when an author named Warner Fite attacked Dewey in print. In a letter to Fite sent late in 1925 Santayana wrote, “my eye has fallen on your strictures on poor Dewey, with whom I have been lately wrestling on my own account. I think you are hard on him; he is doing such a difficult pioneer’s work in reducing the human intellect—sadly idle and good-for-nothing so far—to a working instrument, all muscle and no fat. The poor creature never did such a terrible penance in his life before, but I think it will do him good.”³² Of course, the irony is thick but it seems good-natured and perhaps explains Santayana’s somewhat wounded response to Dewey’s article “Half-Hearted Naturalism” that answered Santayana’s review.

The fact that Dewey answered the review at all indicates the strong feelings it evoked, and this seems to have taken Santayana aback. But the letters suggest that Santayana had the stronger reaction to the whole affair. In 1927 in a letter to his friend Charles Augustus Strong, he characterized Dewey’s article as an “explosion.”³³ He wrote, “I am sorry that Dewey should have been so much enraged by my article: I meant to be friendly and sympathetic....”³⁴ He then attributed misunderstandings between Dewey and himself to “Dewey’s extraordinary intellectual deafness and blindness.” He wrote, Dewey “can’t think: he can only see things move: and for that reason he wonders how I, who sometimes see things moving too, can also think about them and see the dialectical and eternal relations of their essences.”³⁵ Setting out to write a sympathetic review landed Santayana in a cranky mood.

²⁹Santayana, *Letters* 3:242-43.

³⁰Santayana, *Letters* 3:260.

³¹Santayana, *Letters* 3:260.

³²Santayana, *Letters* 3:266.

³³Santayana, *Letters* 3:327.

³⁴Santayana, *Letters* 3:327.

³⁵Santayana, *Letters* 3:327.

That the exchange was unpleasant for Santayana is made explicit in a letter from the end of 1927 to Herbert Schneider, who had apparently asked Santayana to review a book by Woodbridge: "No: I can't write a review of Woodbridge's Realm of Mind; it would require re-reading and a terrible struggle to become clear as to what it means. My experience with Dewey was enough: no more such reviews in this short life."³⁶

In reading the two articles by Santayana and Dewey it is not immediately clear that one exceeds the other in critical tone. But a comparison of letters does reveal a difference in tone. The exchange appears not to have affected Dewey in the way that it did Santayana. In 1926 Dewey wrote to Max Otto that Santayana's review "was very interesting, but I could not for the most part get any feeling of contact."³⁷ Looking throughout the letters one cannot find a letter from Dewey to match the rhetoric of Santayana's letter on Dewey's intellectual incapacities. Even after Santayana's review one sees Dewey praising Santayana's literary style,³⁸ albeit to a follower of Santayana's, Gertrude Stein's brother Leo.

In other letters Santayana is critiqued but without any ill-tempered accompaniment. Santayana's importance in aesthetic theory is tacitly acknowledged by his currency in the correspondence of Dewey and Barnes, the art collector. Letters as well as Dewey's publications indicate that Santayana's aesthetics was taken seriously.³⁹ A critical comment came from Barnes, who classed Santayana's aesthetics with that of Aristotle as having "too much philosophy and too little natural reaction to experience, and a too limited experience."⁴⁰ In a 1931 letter to Joseph Ratner, Dewey criticized Santayana's psychological theory for being sensationalistic, the result of Santayana's being "obsessed with the older psychology."⁴¹ And in a 1935 letter,⁴² Ratner criticized Santayana's poetizing as a form of escape and unsuitable for philosophy.⁴³

The point of this comparison is not to hold up one or the other, Santayana or Dewey, for either praise or blame in their conduct of the philo-

³⁶Santayana, *Letters* 3:365.

³⁷1926.05.27 (05080): John Dewey to Max Otto.

³⁸1926.02.22 (04963): John Dewey to Leo Stein.

³⁹1920.11.02 (04111): Albert C. Barnes to John Dewey; 1921.01.07 (04117): Albert C. Barnes to John Dewey.

⁴⁰1930.10.16 (04298): Albert C. Barnes to John Dewey.

⁴¹1931.03.20 (07397): John Dewey to Joseph Ratner.

⁴²1935.06.11,12,13 (06902): Joseph Ratner to John Dewey.

⁴³The harshest words on Santayana in the Dewey correspondence came from Scudder Klyce, who wrote: "such talkative asses as Santayana don't amount to much" (1924.03.19 (04664): Scudder Klyce to John Dewey). But Klyce cannot really be taken as representative of anything but Scudder Klyce.

sophical dispute. The point is to show how the letters give depth and support to the assessment that their differences are ones of emphasis, and that this in turn indicates differences in temperament. The letters show just how those differences play out: For Santayana the dispute showed that Dewey neglected or lacked capacities of mind; the dispute occurred because Dewey saw only motion and had no appreciation for thought. For Dewey the dispute appears to have been a matter of course, or at least something that was over with the published response; things kept moving along. In a sense there seems to be little room for disagreement here: Santayana might have said Dewey does not stop and contemplate; and Dewey might have said exactly, because I am *thinking*. The difference lies in the values held regarding the life of the mind.

The Software

Because each volume of the *Correspondence* contains such a large number of documents, understanding how the Folio VIEWS software works is important for making the best use of the collection. The program is not terribly difficult to use, but it does take some time to learn how to navigate the collection effectively. The ways of moving around among the documents are simply scrolling through the text, jumping through the collection by means of links from the Table of Contents, and searching by means of the Query dialogue box. Scrolling is not very precise when moving through a large amount of text. The Table of Contents is helpful when moving to titled sections of a volume and in conjunction with the search capabilities. There are two main kinds of searches, text searches and field searches, both of which are executed using the Query dialogue box.⁴⁴ The dialogue box features automatic completion of search terms (see figure 2 on page 114). It also displays a list of words that may complete the user's entered text. This is helpful because it can show instantly that a search term is not present anywhere in the collection, or it can sometimes suggest variant spellings of a search term.

Each document may be searched for a particular word or phrase. Standard operators such as "and," "or," "not," and "exclusive or" are supported, and may be used by typing in either the English expression or a symbol. So one could enter the search criteria "James ^ William" or "James not

⁴⁴The Folio VIEWS software also permits documents to be searched by group and level, but these classifications do not appear to be that helpful given the way the *Correspondence* is structured.

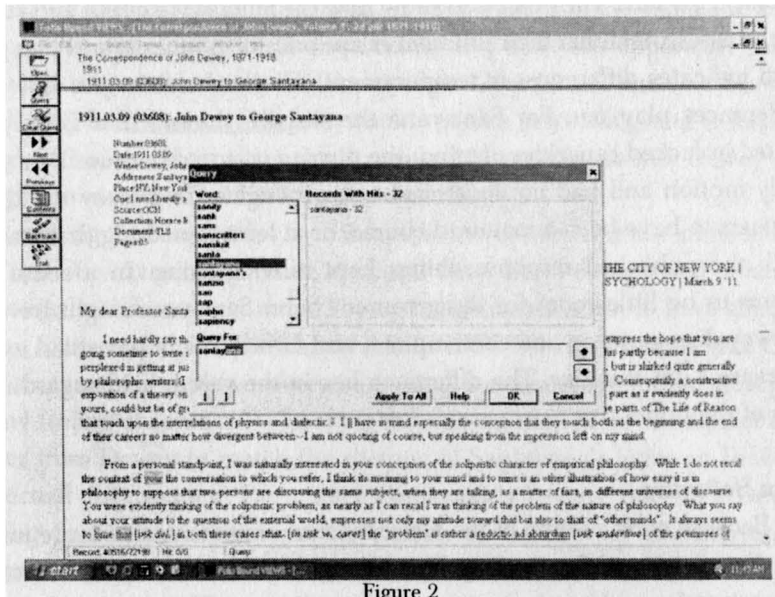


Figure 2

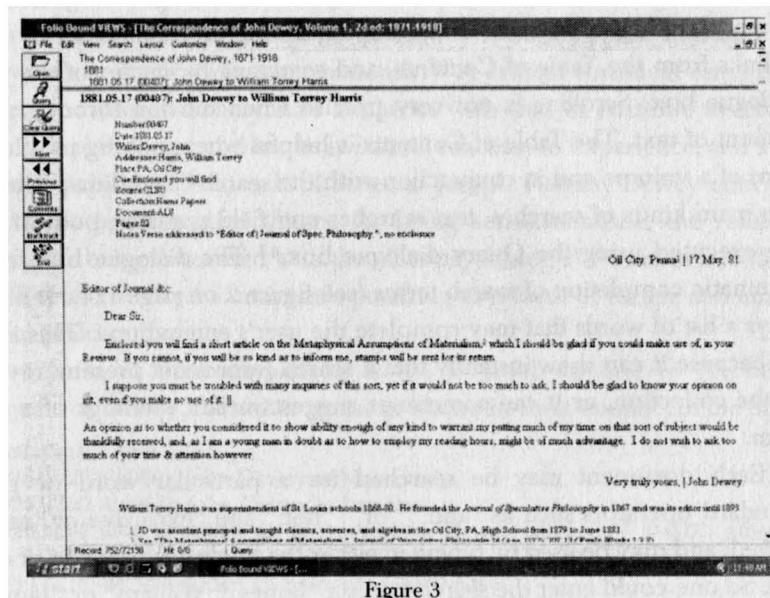


Figure 3

William” and all documents returned will contain the name “James” and lack the name “William”. It is possible to do both ordered and unordered proximity searches; for example, one can search for letters that contain the words “Chicago” and “pragmatism” within five words of each other. Wildcards may be used as part of a word or phrase. These may be used to search for patterns or variant spellings of words. When searching for phrases, the entire string should be enclosed in quotation marks. There are also special operators that permit searching for word forms and synonyms: Using the word form search operator with the word “run” will return occurrences of “runs,” “running,” “ran,” as well as “run.” Unfortunately, this feature does not appear to work with names, so using the word form operator with “Santayana” does not return “Santayana’s” or abbreviations or misspellings. The synonym operator will return documents with occurrences of a word and its synonyms. Searching on the word “love” returns documents with the words “love,” “delight,” “affection,” and so on. The symbols for performing these functions appear to be confused in the user’s manual.

Documents also may be searched by fields. Each document is tagged with ten fields (see figure 3 on page 114): first, a *number* is assigned to each document; second, the *writer* of the document is identified; third, the *addressee* is identified; fourth, the *place* from which the document originated is given; fifth, a *cue* consisting of the first few words of the document or of the body of the letter is given; sixth, the *source* is given, for example, “CLSU,” which is identified in the “Source List” as Special Collections, University Library, University of Southern California, Los Angeles, CA 90089-0182; seventh, the *collection* is named, for example, “Harris Papers”; eighth, the kind of *document* is indicated, for example, “ALS”, which is explained in the “Document Abbreviations” as an “autograph letter signed”; ninth, the number of *pages* is noted; and tenth, *notes* about the document are given, such as notations on the document, the presence or absence of enclosures, issues of authenticity, or identification of persons. Given appropriate syntax, the standard query dialogue box may be used to search fields; and there is also a dedicated fields query dialogue box (see figure 4 on page 116).

These search capabilities can be augmented in different ways. Often repeated searches can be saved in a search link; one may search on ranges of dates, for example, and theoretically one may combine and nest field searches. However, it is not actually possible to combine field searches. This could be a problem, because it leaves one scrolling through results looking for a document that could have been located precisely using a combined

search. For example, one should be able to search for letters written by Dewey to Salmon O. Levinson in 1934. The query would look like this:

```
[field addressee:levinson] & [field date:1934*]
```

When attempted, this search returns no hits (see figure 5 on page 116). But two such documents do exist: 1934.01.17 (03416): John Dewey to Salmon O. Levinson, and 1934.01.25 (03506): John Dewey to Salmon O. Levinson. Without the ability to do a combined search one ends up with either 142 hits on Levinson as addressee or 224 hits on letters dated 1934. The work-around in this case is fairly simple: Search on Levinson as addressee; then, when the hits are marked in the text, use the Contents button in the tool bar to go to the Table of Contents; double-click on the plus sign in front of “The Correspondence of John Dewey” and each year will be listed below, with the number of search hits in bold in front of the year (see figure 6 on page 118); double-click on “1934” and proceed through the marked hits using the Next button on the tool bar. (Alternatively one could double-click on the plus sign in front of 1934 for a listing of all the letters of that year. The letters to Levinson will be indicated by a “1” in bold in front of the date and number of the letter.)

Another problem one may encounter is the influence on search results of typographical errors and misspellings in the original document. For example, George Santayana’s last name is misspelled at least three different ways in the *Correspondence*. It occurs as “Santyana,” “Santayan,” and “Antayana.” When searching on the name “Santayana” all of these misspellings will be missed, and so perfectly relevant documents may be missed in the search. (This also is true for occurrences of names with an apostrophe “s”, but this is easy enough to correct for manually.) Furthermore, Dewey sometimes abbreviated Santayana’s name with “S.”, but Dewey also sometimes used “S.” to stand for “student”.

There are two partial solutions to this problem. First, one could pay close attention to the list of possible matches displayed in the Query dialogue box as one types in the search term. These possible matches are presented for the purpose of using the automatic completion feature. Of course, if the misspelling varies too widely it will not show up in the displayed list of possible matches. Second, one could employ wild cards. But if one is unaware of all the possible misspellings in the collection, wildcards will not be helpful. They will catch too much or too little. Neither one of these proposed solutions would necessarily allow one to find “Antayana.”

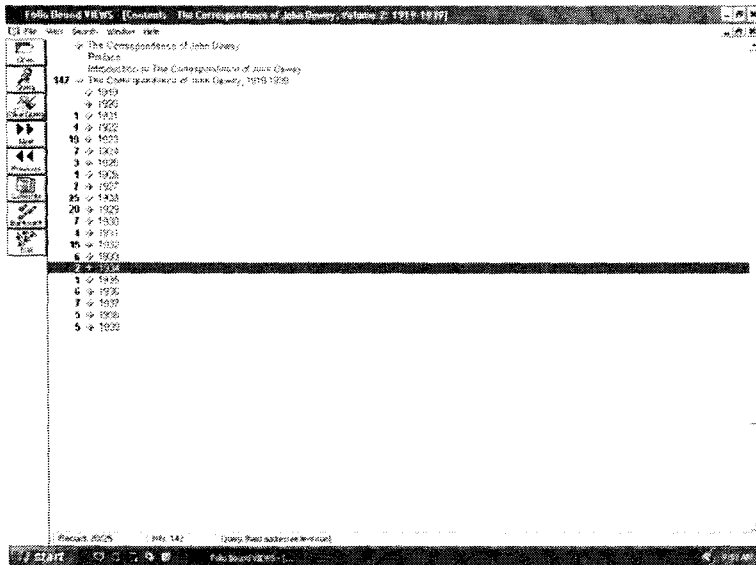


Figure 6

Perhaps the ideal solution to this problem would have to be implemented in the transcription of the documents. The “Principles of Transcription” allow for misspelled words deemed important enough to be correctly spelled in brackets. Abbreviations, such as “S.” for “Santayana” could be spelled out as well. In this way, no violence would be done to the original document and searches could be more fruitfully pursued. While this would require no more editorial judgment than is exercised in creating a good index, it would require an effort equivalent to indexing 40 books of correspondence. Hence, in the end, the inconvenience of misspelled words eluding search criteria seems a small price to pay for easy access to this extensive and readable collection of documents.

Sometimes, navigating the collection most effectively requires combining the search capabilities and the links in the Table of Contents. For example, if one wanted to locate the entry for Corinne Chisholm Frost in the “Identifications” section, one would first search on the name “Frost, Corinne Chisholm,” which would return 55 hits. Then, one would click on the Contents button and click on the links that take one to the “Identifications” section, thus bypassing the first 54 hits on the search term. From there, one would click on the button that takes the screen to the nearest hit, and one would end up at the entry for Frost, Corinne Chisholm in the “Identifications” section.

One of my first reactions on browsing the *Correspondence* was a desire for more extensive use of hyperlinks. Within the documents there are links from footnote references to the footnotes at the end of the particular document, and there are also very helpful links from particular documents to photographs included in the *Correspondence*. For example, at the beginning of the document collection of volume 1, there are links to photographs of Dewey’s mother and of the Dewey children and a cousin. It would have been nice if the same feature could have been used with references to particular letters and documents in the introductions, the footnotes, and the chronology. Each time a document is cited, the citation could be hyperlinked to the document. But, once again, it should be emphasized that this is a very large collection of documents, and including more hyperlinks during the editorial process may be an unreasonable expectation. The software does come with customizing features, including the ability to create hyperlinks as needed.

Conclusion

The electronic edition of *The Correspondence of John Dewey* is an outstanding achievement in the gathering, preparing, and organizing of an extremely large number of documents. Because there is little likelihood that so many documents could be published in a letterpress edition, the electronic version makes available to researchers a tremendous amount of material that would otherwise be stored in files or on microfilm in a library or research center.

The main issue surrounding the electronic format of *The Correspondence of John Dewey* is not a loss in aesthetics or a gain in efficiency; rather it is the creation of new possibilities of communication and growth in scholarship. It is fitting that material so helpful in understanding a thinker sensitive to the beneficial possibilities presented by change should be presented in a format that not only represents important changes in media technology, but itself allows for rapid changes in organization and communication of material. The electronic edition of *The Correspondence of John Dewey* is a text that embodies inspiration and possibility.⁴⁵

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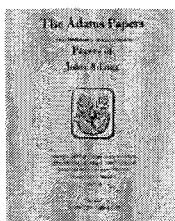
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⁴⁵I am grateful to Richard Rubin for the discussion of his correspondence with Herbert Schneider and for helpful suggestions about this review. I would also like to thank Larry Hickman for answering technical questions about the Folio VIEWS software.

Recent Editions

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<http://www.hup.harvard.edu>

BRONTË, CHARLOTTE. *The Letters of Charlotte Brontë: With a Selection of Letters by Family and Friends, Volume III: 1852-1855.* Edited by Margaret Smith. Oxford: Oxford University Press, 2004. 444 pp. \$155. ISBN 0198185995. The third and final volume in this series of annotated letters covers the final years of Brontë until her death in 1855.

<http://www.oup.com/us>

BROWN, CORINNA AND ELLEN. *Echoes from a Distant Frontier: The Brown Sisters' Correspondence from Antebellum Florida.* Edited by James M. Denham and Keith L. Huneycutt. Columbia: University of South Carolina Press, 2004. 360 pp. \$39.95. ISBN 1570035369. This volume is an edited, annotated selection of the correspondence of the Brown sisters, who moved to the Florida frontier in 1835 and corresponded with relatives about their experiences in their new home.

<http://www.sc.edu/uscpres>

CAMPBELL, ELIZABETH BETHUNE. *The Heiress vs. the Establishment: Mrs. Campbell's Campaign for Legal Justice.* Edited by Constance Backhouse and Nancy L. Backhouse. Vancouver: University of

British Columbia, 2004. 356 pp. (US)\$45. ISBN 0774810521. This work contains a reprint of *Where Angels Fear to Tread* with commentary and annotations by the editors that place Campbell's self-published manuscript into its correct historical context.

<http://www.ubcpress.ca>

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<http://www.ashgate.com>

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University of Tennessee Press, 2004. 288 pp. \$32. ISBN 1572332794. This work chronicles the experiences of two German soldiers who fought for Kentucky in the Civil War.

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DAWSON, FRANCIS WARRINGTON. *See* **MORGAN, SARAH.**

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<http://utpress.utoronto.ca>

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<http://www.upress.virginia.edu>

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<http://www.ugapress.uga.edu>



LAWRENCE, D. H. *D. H. Lawrence: Paul Morel.* Edited by Helen Baron. Cambridge, England: Cambridge University Press, 2003. 382 pp. \$100. ISBN 0521560098. This edition of an early draft of *Sons and Lovers* heavily departs from the final version and contains scholarly notes, editorial apparatus, and maps.

<http://uk.cambridge.org>

LEVERTOV, DENISE. *See* DUNCAN, ROBERT.

MCQUESTEN, MARY BAKER. *The Life Writings of Mary Baker McQuesten, Victorian Matriarch.* Edited by Mary J. Anderson. Waterloo, Ontario: Wilfrid Laurier University Press, 2004. 248 pp. (US)\$55. ISBN 0889204373. This edition contains the personal letters of Mary Baker McQuesten, a single Canadian mother of the Victorian era.

<http://www.wlu.ca/~wwwpress>



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the "*Charleston News and Courier*." Edited by Giselle Roberts. Athens: University of Georgia Press, 2004. 344 pp. \$39.95. ISBN 0820325910. This work contains the correspondence of Sarah Morgan and her husband-to-be, Francis Dawson, interwoven with some of the editorials Morgan wrote.

<http://www.ugapress.uga.edu>

PERKINS, MAXWELL. *The Sons of Maxwell Perkins: Letters of F. Scott Fitzgerald, Ernest Hemingway, Thomas Wolfe, and Their Editor.* Edited by Matthew J. Bruccoli with Judith S. Baughman. Columbia: University of South Carolina Press, 2004. 384 pp. \$29.95. ISBN 1570035482. Edited presentation of letters between the editor Maxwell Perkins and three prominent American authors.

<http://www.sc.edu/uscpres>

POLK, JAMES K. *Correspondence of James K. Polk, Volume 10, July–December 1845.* Edited by Wayne Cutler and James L. Rogers II. Knoxville: University of Tennessee Press, 2004. 645 pp. \$55. ISBN 1572333049. This edition includes not only texts, briefs, and annotations, but also a calendar of all the documents from the last six months of 1845, including some previously unpublished documents.

<http://utpress.org>



RAPPAGLIOSI, FATHER PHILIP. *Letters from the Rocky Mountain Indian Missions.* Edited by Robert Bigart. Lincoln: University of Nebraska Press, 2003. 200 pp. \$49.95. ISBN 080323953X. Scholarly edition and translation of letters from an Italian Jesuit priest who worked in missions in Canada and Montana during the latter part of the nineteenth century.

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ROSSETTI, CHRISTINA. *The Letters of Christina Rossetti, Volume 4, 1887–1894.* Edited by Antony H. Harrison. Charlottesville: University of Virginia Press, 2004. 464 pp. \$70.00. ISBN 081392295X. This is the final volume in a series of professional and personal letters written by Christina Rossetti during her last seven years of life.

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<http://www.iupui.edu/~santedit>

SHERWOOD, ELMER W. *A Soldier in World War I: The Diary of Elmer W. Sherwood*. Edited by Robert H. Ferrell. Indianapolis: Indiana Historical Society Press, 2004. 211 pp. \$24.95. ISBN 0871951738. This diary reveals the viewpoint of a front-line soldier in World War I who left college to join the military; an editorial introduction and a commentary on historical context are included.

http://www.indianahistory.org/ihs_press

STETSON FAMILY. *Letters from an American Utopia: The Stetson Family and the Northampton Association, 1843–1847*. Edited by Christopher Clark and Kerry W. Buckley. Amherst: University of Massachusetts Press, 2004. 288 pp. \$34.95. ISBN 1558494316. Scholarly edited work of 75 letters written by the Stetson family while they were members of the Northampton Association of Education and Industry, a utopian community in Massachusetts; includes annotations and original essays.

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STEVENSON, FANNY VAN DE GRIFT. *The Cruise of the Janet Nichol among the South Sea Islands: A Diary by Mrs. Robert Louis Stevenson*. Edited by Roslyn Jolly. Seattle: University of Washington Press, 2004. 208 pp. \$24.95. ISBN 0295983701. This volume contains the text and photographs from the diary of Fanny Van de Grift Stevenson during her trip on the *Janet Nichol*; includes notes on the text and the photographs, and explanatory notes at the end of the work.

<http://www.washington.edu/uwpress>

SUPREME COURT OF THE UNITED STATES. *The Documentary History of the Supreme Court of the United States, 1789–1800: Volume 7, Cases: 1796–1797*. Edited by Maeva Marcus. New York: Columbia University Press, 2004. 923 pp. \$150. ISBN 0231126468. This volume deals

with suits decided between 1796 and 1797 and includes official court records, as well as related correspondence, lawyers' notes, justices' notes and opinions, newspaper commentary, and pamphlets. Document texts are provided with introductory narratives and extensive annotations.

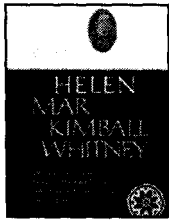
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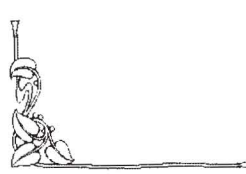
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