The Ethics of Collecting

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In the early years of the nineteenth century the distinguished librarian of the American Antiquarian Society, Christopher Columbus Baldwin, wrote the following commentary in his diary about the Reverend William B. Sprague, one of the earliest and most successful manuscript collectors:

"I am heartily glad he has gone out of New England for he is so much esteemed wherever he goes that people let him into their garrets without any difficulty, and being a Doctor of Divinity, they never think to look under his cloak to see how many precious old papers he bears off with him."

Whether the Reverend Sprague was the first collector to purloin historical documents in this

This paper is an expanded version of a panel discussion on the "Ethics of Collection," presented at the annual meeting of the Society of American Archivists in Washington, D.C., September 30, 1976. It is also the first published work on collecting ethics since David Duniway's "Conflicts in Collecting" appeared in the January, 1961, American Archivist. Dr. Mason is Director of the Archives of Labor History and Urban Affairs and Professor of History at Wayne State University. The Archives of Labor History and Urban Affairs was the recipient of the 1976 SAA Distinguished Service Award. Dr. Mason served as Executive Secretary of the SAA from 1963-1968, and as its President in 1970-1971.
manner, we do not know; but we do have ample evidence that other collectors, including professional archivists, have adopted and mastered the same technique and have even devised and developed more sophisticated and subtle practices which border on the unethical. The proliferation of archival programs since World War II, especially those which specialize in nonpublic records, and those built around subject themes, seems to have encouraged such practices. The extent of competition between such institutions is often directly related to the use of dubious collecting techniques.

In analyzing the problem of the "ethics of collecting" one has a difficult task in locating evidence to determine the nature and extent of such questionable practices. There is a void in archival literature about the topic; indeed, many archivists are reluctant to discuss the problem at professional meetings and conferences. Aside from the normal reluctance of archivists to "air their professional linen" to outsiders, the question of libel often discourages a candid discussion of unethical practices. Thus, the basic source of information available is from personal contacts with other archivists.

As a starting point, it might be profitable to define unethical practices in the area of the acquisition of archival materials, to distinguish such practices from "fair competition," and to recommend possible methods of dealing with the problem.

There is general agreement that the practice of one archivist unjustly, unfairly or inaccurately criticizing the reputation of another archives or archivist, in order to obtain a collection, is unethical. Such criticism might take the form of a remark such as: "It is unfortunate that Archives 'A' is a fire trap" or "does not have safe or secure storage facilities!" A similar remark, to a prospective donor, might be: "You had better have a good memory for you'll never be able to retrieve anything after the staff of Archives 'B' gets through rearranging the collection." Comments relating to the professional competence of other archivists, presented in a variety of ways--some subtle, others outrageous in the extreme--are not uncommon.
Many would argue that such practices are deplorable and self-defeating, whether or not there is any truth to such charges. In the long run, the denigration of other archival institutions can do irreparable damage to the archival profession, and may, in fact, not only hamper one's own efforts to secure a collection, but actually discourage a prospective donor from placing his collection in any archival depository. Fortunately, most archivists, when competing for a collection, present in an honest and straightforward manner the strongest arguments possible for his or her own institution, and refuse to comment upon other institutions. To an intelligent, sophisticated, and discriminating prospective donor, such candor may be the determinant in selecting the archival repository for his or her collection.

The frequency of this practice of downgrading other institutions is hard to document because evidence is often based upon hearsay or secondary testimony. My own experience leads me to believe that the practice is more widespread than most are aware. Incredulously, some archivists, in competition for a prized collection, have put in writing their negative views about other institutions. In the summer of 1975, for example, the president of a major international labor union with whom the Wayne Labor Archives was negotiating for historical records showed me a letter which he had received from a distinguished university. The letter alluded to Wayne State as being an unsuitable depository because it had no storage space for the union's records. This letter was written four months after the Wayne Labor Archives had moved into a new archives building with more than 60 percent of its 50,000 linear feet of storage space still available. Aside from the blatant dishonesty of the statement made in the letter, signed by a responsible university official, the tragedy of the episode lay in the fact that the letter caused the union to delay any action on the preservation of its records. Now, because of the inter-union factionalism which may continue for years, a decision may not be made, and thousands of irreplaceable union records will deteriorate at an accelerated pace.

The practice of "splitting" collections among two or more institutions deserves special attention from the archival profession. In this
context, I am not referring to the decision of a donor to divide his collection into segments and to place each at a different archives, as has been done, for example, by some public officials. Often such action may be feasible and serve to foster scholarship; in other instances, it may be the only choice that a donor has, because of outside pressures of those associated with particular institutions. Thus, for example, a cabinet officer who has served more than one president may be pressured to divide his collection accordingly between two presidential libraries. Although such practices may upset the "purists" in the profession who are wedded to the principles of "provenance" and "sanctity of the original order," it is often beyond their power to change the wishes of a donor.

Quite a different matter, however, is the action of an archivist to solicit a part of a collection when the central body of papers has already been donated to another institution, and especially where such a division would seriously destroy the integrity and value of the total collection. Examples of this practice are not difficult to document. They include the division of papers relating to various aspects of an individual's career; separating out valuable autograph items; and splitting up the "personal" and "public" records of a prominent public figure. The deposit in two archival institutions of the incoming correspondence and outgoing copies of letters of a major nineteenth century business firm brings into clear focus the ultimate absurdity of the practice.

One cannot overstate the practice of an archivist who persuades a donor to remove a collection from one archival institution and place it in another. Fortunately this act is so blatantly unethical that few archivists dare to venture this far in their collecting activities. Yet some seem intrigued by this display of "one-ups-man-ship," if it can be so described. More than twenty institutions solicited the personal and official papers of Walter P. Reuther after his tragic death in May, 1970. This effort might have been viewed as an oversight even though the disposition plans for his papers and those of the United Automobile Workers were widely publicized in professional journals and other literature. Less defensible were the overtures of several
institutions to the family and UAW officials after they had been informed that Wayne State University had already been designated as the official depository. One institution even offered to build a special wing onto an existing library to house the Reuther Papers.

Field staff members of archives dealing with donors and prospective donors can easily stray into the realm of questionable ethics. The very nature and timing of a donor contact can precipitate a sensitive situation. Often an archivist first sees a prospective donor when the latter is grieved over the loss of a spouse, parent, family member or close friend. Indeed, it may be such an event as a death that encourages a surviving relative or friend to dispose of papers of the deceased. Thus, the archivist is often dealing in an emotion-charged atmosphere with a person who might be incapable of making decisions on a fully rational basis. The same situation applies when an elderly person decides to part with papers created over a lifetime and reflecting his or her whole life's activities.

The unscrupulous archivist has a great advantage. He can use pressure or "hard sell" techniques to persuade a possible donor to part with a collection immediately even though the person has not had the time or the proper presence of mind to make an objective decision. Certainly, the archivist should ensure that the prospective donor possesses a knowledge of the contents of the collection that includes an awareness of sensitive, highly personal, or potentially libelous material, information as to the economic value of the material, and some insight regarding the factors to be considered in selecting an archival repository.

Archivists with experience in field work will quickly point out that these circumstances, in which the prospective donor is unaware of the specific contents of a collection or the implications of a gift to a particular institution, are not limited to situations in which the prospective donor is grieving or otherwise emotionally upset. A number of archivists would also argue that it is irrelevant whether or not a donor is fully informed of the contents of a collection. Some believe that there are cases where it is better if the donor does not know
the complete contents. The overriding objective of these archivists is to secure the collection for the depository, where its preservation and proper care will be assured and where it will be made available to the world of scholarship.

This superficial description of archivist-donor relations is open to obvious criticism. There frequently are extenuating circumstances which change or influence the course of the negotiations for a collection. Archivists have often justified their pressure tactics on the basis that if they did not act decisively a donor might later discard or otherwise destroy important items in a collection because of failure to understand their historical value. They have also expressed fears that the ravages of fire or some other disaster might destroy irreplaceable items if they were not transferred to the archives at once. These arguments certainly have merit.

Yet there is a need in archivist-donor relations for candor, honesty, and an abiding concern for the best interests of the donor. It seems to me that an archivist must attempt to reach a balance, as delicate as it may be at times, whereby the interests of the donor and the researcher are given equal consideration. By carefully reviewing with the donor all parts of a collection, the archivist may be taking a chance that the donor may decide to retain or even destroy certain items that have major historical value. In other instances the archivist may be influenced by ethical considerations to recommend the retention or destruction of items of an especially sensitive or personal nature. In other cases he may have to persuade a donor not only to place his materials in an archives but also to make them available to researchers as soon as possible because of the great historical value of the material. It is evident that ethical and moral considerations permeate many aspects of the relationship between the archivist and donor.

Another collecting practice which is well documented in the annals of the archival profession is the offer of special inducements in return for a collection of archival material. The inducement may be an outright cash payment for a collection, a
commitment that the collection will be housed in special quarters named in honor of a donor, or the assurance that a suitable plaque will be prominently displayed in the archives. A device used by educational institutions is the granting of honorary degrees to major donors. One prominent private collector who had amassed a magnificent collection of nineteenth century literary manuscripts received several such honorary degrees, which he readily admitted were given to him in the hope that they would affect his choice of a depository for his papers. Nonetheless, he cherished the honors and proudly displayed them to his colleagues, but ultimately disposed of his collection to a major library not associated with a degree-granting institution.

To many archivists there is nothing inherently unethical about these practices. Others, however, find them deplorable, especially when monetary awards and a sort of competitive bidding system give a few wealthy institutions unfair advantages in acquiring collections.

There is greater consensus about the use of income tax appraisals as they relate to ethical codes of behavior. Even though the Tax Reform Act of 1969 (H.R. 13270) prohibited the deduction for the gift of one's "self-generated" personal or public papers to an archives or library, there are still situations where such gifts are legitimate, and furthermore there is a movement in Congress to amend the present restrictive gift provisions to allow at least partial deduction of the fair market value. Despite what archivists may personally feel about the fairness of the law, as long as it is honestly administered the ethical questions are not germane. The concern of many archivists is that the earlier practices of archives competing for collections by giving donors inflated estimates of the fair market value of collections might be reintroduced. There is an equal concern on the part of many archival and library professionals over the fact that institutions are providing appraisals or paying for appraisals for collections donated to them. Although the Society of American Archivists officially opposes such practices, the profession needs to give this problem much greater attention.
Finally, there is the dubious practice of "borrowing" a collection from a donor, not intending to return it unless forced to do so. Many of the private collectors of the nineteenth and twentieth centuries whose materials now form the nucleus of distinguished libraries and archives perfected this technique. Some archivists have also used it to enlarge the holdings of their institutions. The rationale or justification for this questionable practice has been offered many times. Collectors and archivists maintain that many persons have no understanding of the historical value of their papers, that they are not being properly cared for, and unless immediate action is taken, such irreplaceable papers might be dispersed, or lost forever to scholars. Therefore, by borrowing a collection with the hope that the owner will soon forget it, be discouraged by "stalling" techniques, or perhaps even change his mind and agree to give his papers to the archives, one makes a contribution to the world of scholarship.

The extent of this practice today, both among private collectors and archivists, is difficult to estimate because few would admit being involved. It probably is not widespread, yet it is not an unknown practice. Many archivists candidly admit that they have no acquisition files whatsoever that include deeds of gift, letters of transmittal, or other records documenting how they gained possession of records in their custody. At least one major archival institution in the Midwest is reluctant to publish a guide to its holdings for fear that it might be forced to provide some proof of how it obtained some of its prized collections. These questionable actions and ethical standards of the past have left an unenviable legacy to the present staffs of such institutions.

Another aspect of collecting which warrants scrutiny is the possible problem caused by the archivist who is also a private collector. Many archivists and librarians are attracted to those careers because they are sincerely interested in research, often in a particular subject area, and have become private collectors in that field. It may be literature, or such specific subject areas as the American Revolution, the Civil War, sports, or the history of a particular locale. While such activities often present no problem, there can be a serious conflict
of interest when such private collecting areas coincide with that of the library or archival institution for whom they work. This conflict is especially dangerous if the archivist in question has responsibility for contacts with prospective donors or other archival field work. Should an archives or library hire someone as a field person who is a private collector in an area relating to the scope of the institution? Should an archivist apply for or accept a position where there is the probability of such an overlapping of interests? What rights does an archives have in monitoring such a conflict of interest? Can it force an employee to cease and desist from acquiring material while he or she is an employee of the institution? Several years ago I was asked by a colleague to advise a man who had offered his autograph collection to an archives for a modest sum. The man reported to me that the archivist who met with him to discuss the transaction offered to pay a higher price for certain of the items for his own personal collection. This suggestion dismayed the owner of the collection and raised serious questions about the integrity of the archival profession.

The disposition by an archives of duplicate items, both printed and manuscript, presents a related problem which requires careful consideration, as does an archives' policy toward the disposition of stamps and stampless covers. Should the staff of an archives have "first choice" over such material? Should staff members be prohibited from collecting such items from their institutions? Must not such duplicates or "non-archival" ephemera be destroyed or returned to donors or their descendents? Can such material be offered for public sale to brighten the financial outlook of the depository? The answers to all of these questions have definite ethical implications.

More important than the above cited areas of concern to the archival profession, in my opinion, are collecting practices and policies which cannot be so easily isolated in terms of ethical standards. Yet they have equally profound and significant long-range implications. Two such areas bear careful consideration of the profession.
The first relates to the practice of an archival institution of soliciting and acquiring collections without having either the immediate or long-range resources to properly administer them. This practice is certainly not a phenomenon of recent vintage. One need only review the collecting practices of historical organizations of all varieties during the past century to see the extent of its excesses. Such institutions have openly and actively collected valuable and irreplaceable archival and historical manuscript materials without any regard for the resources required to preserve, process and service them. Some take a gamble that by amassing more accumulations of historical records that their institutions will be able to obtain the necessary resources for facilities, staff and operation.

In this manner hundreds of valuable historical collections, useful to researchers if their location were known, remain lost, often packed away in the crates, trunks, and boxes in which they were shipped, and stored under poor conditions.

One need not look far to see examples of such neglect: historical societies that regard manuscript collecting as a principal function regardless of whether they have suitable space or staff; local public libraries which have served as the "catch-alls" for local records; and colleges and universities whose once ambitious archival programs have been drastically curtailed are legion. In one instance the voluminous files of a recent Republican Senate leader, one of the powerful public officials of the twentieth century, are located in a small Illinois public library that does not even have the staff to unpack them. Some of the valuable files of the American Fur Company are housed in a small public library in northern Michigan, and although they are now stored in suitable quarters, no guide or finding aid describes their location to researchers. Thousands of historical Civil War collections were located in similar institutions during the recent Centennial of the 1960's, where they too are unknown to historians. A small New England junior college has rich and extensive collections of letters of abolitionist leaders in its vault, unknown even to its own faculty.

If such practices were limited to the nineteenth or early twentieth centuries, or to local
historical societies and public libraries, one might take comfort in the thought that the recent growth of an archival profession has curbed this trend. But such is not the case. In fact, the policies of many of our major archival institutions today are equally open to criticism. Well endowed and competently staffed archives have embarked on aggressive collecting campaigns without any regard to the long-range implications of their policies. A number of major archival institutions are already so overcommitted that they can neither properly administer existing archival holdings nor accept additional installments from donors, much less acquire other important and relevant collections. Unfortunately, many of their holdings are of marginal value, a legacy of predecessors who were more anxious to cater to current fads or who were unwilling to be discriminating. The recent development and almost universal acceptance of quick copy machines and the resultant paper explosion have only exacerbated an already critical problem.

One need only review the practice of widespread collecting of the papers of congressmen, senators, and other public officials to see the problems from a different perspective. The extensive duplication between and among such collections, the widespread inclusion of records of marginal value, and the uncritical decision by archivists to give high priority to collecting such papers are clear proof that the archival profession must reconsider its collecting priorities. Thus, the proliferation of current records, the absurdity of the "scarcity theory," and the popular collecting policy of archival institutions bring into focus one of the critical problems of the profession.

In response to such criticisms, many archivists will argue that they must give preference to past and current historical records or that prior commitments by predecessors have restricted their options. Other archivists complain that policy decisions relating to collecting priorities have been taken from their control and assumed by faculty members, alumni, university officials, prominent citizens, boards of trustees, or others who have little knowledge of archival practices or of the long-range problems involved in uncontrolled collecting. There is validity in this explanation, as Kenneth Duckett recently described in his book.1

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This trend violates the essence of professionalism, and the definition of archival collecting policies is a job for highly-trained archivists not well intentioned but often uninformed laymen. It is imperative, as a corollary, that the archival profession give the highest priority to establishing appraisal standards and guidelines, and to developing cooperative rather than competitive collecting programs. In summary, the solicitation and acceptance of records which cannot be properly administered and the absence of carefully and realistically conceived collecting policies are practices which may be within the area of unprofessional and unethical conduct.

A second and final issue of ethical concern relates to the relatively recent development of subject-oriented archives which collect on a national basis materials relating to immigrants, labor, social welfare, transportation, literary figures, women, Indians, and psychologists, among others. The collecting scope of presidential libraries and institutions like the Library of Congress and Smithsonian's Archives of American Art fall into this category. The inevitable conflict arises when these institutions solicit papers which are also of interest to the state and regional institutions which are interested in these same collections because of their research value to the region.

Several questions might serve to clarify this dilemma. Should the papers of a United States cabinet official, who has served a long and distinguished career in a particular region or state, be placed in a presidential library hundreds of miles away? Are the interests of scholarship better served by placing the total collection in the presidential library, in the Library of Congress, or in the individual's home state archival depository.

The field in which the archives at Wayne State specializes, the American labor movement, touches this dilemma in a slightly different context. Among the unions which have designated Wayne as their official depository are the United Automobile Workers, the American Federation of Teachers, the Newspaper Guild, the Industrial Workers of the World, the American Federation of State, County and Municipal Employees, and the United Farm Workers. Each of these
unions has a national headquarters and regional and local offices scattered in all parts of the United States and Canada. The regional and local records have value in understanding the workings of the international union and at the same time have value to archival institutions in the various geographical areas. Should the records of local unions be deposited in the national archival institution in Detroit or should they be placed in a regional agency? The dilemma is not easily resolved. Aside from the fact that the individual union may hold the power of decision, there is always the possibility that the local archival institution does not want the papers of a labor union. Many conservative persons, who frequently populate the governing boards of depositories, might reject such material as being radical or even "un-American."

The Wayne Archives has recently been criticized for "raiding" California with its acquisition of the records of the United Farm Workers. Yet, in the 1960's and for many years afterwards, no archival institution in California was interested in the United Farm Workers or Cesar Chavez, its charismatic leader. In fact, some universities were reluctant to even collect such records for fear of antagonizing their conservative, "agro-business" governing boards. Moreover, since 1967 there have been numerous attempts by hoodlums, competing unions, and growers to burn, destroy, or steal that union's records. In September, 1976, a former Santa Clara deputy sheriff was convicted on eleven counts of grand theft and concealing stolen property for his burglaries of the offices of the United Farm Workers. Fortunately most of the valuable union records had been transferred to Wayne before the thefts and the fire bombings of the union's headquarters. Had not Wayne previously solicited the papers of the United Farm Workers they would have been destroyed and their information lost forever to researchers.

In the past several years a number of California archival institutions have suddenly "discovered" the United Farm Workers and are deeply concerned that an out-of-state institution is the official depository for the union's inactive records. The charges of "raiding" have surfaced since that time, and attempts have been made to persuade the
Farm Workers to withdraw their records from Wayne State and return them to California.

Did Wayne act unethically in collecting papers in which no local institution had an interest? Is it under an ethical obligation to surrender these papers to a California institution and to discontinue its collection of United Farm Workers materials? I have perhaps exaggerated this argument somewhat because the United Farm Workers have broader interests than merely the workers in California, but it serves to illustrate this dilemma of the national versus the local archives.

Since the subject archives seems to be a well established institution, attention must be given to this problem. There is a need for greater cooperation, including microfilming programs, but there are other areas which merit our attention. The question still must be answered: Are such activities fair competition or unethical behavior?

In the discussion of the "ethics of collecting" the role of competition between archival institutions has been frequently mentioned, often in a perjorative manner. The nature of the topic has inevitably influenced this emphasis. However, the distinction should be clearly drawn between "fair and unfair" competition. There is a place for fair and reasonable competition in archival collecting programs. Archival institutions, like others in our society, tend to become complacent and to rest on their laurels rather than continually follow up leads. In this context, the advice of Jeremy Belknap, founder of the Massachusetts Historical Society, given nearly two centuries ago, still has relevance. He wrote:

"There is nothing like having a good repository and keeping a good look out, not waiting at home for things to fall in the lap, but prowling about like a wolf for the prey, and we intend to be an active, not a passive literary body; not to be waiting like a bed of oysters, for the tide of communication to flow in upon us, but to seek and find, to preserve and communicate literary intelligence especially in the historical way."

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In reviewing the topic, "The Ethics of Collecting," archivists may raise the question as to what can be done to curb the obvious immoral and unethical practices which seem to be on the increase. Can the Society of American Archivists provide the leadership in this area and develop and monitor a code of ethics? How can the distinction between fair and unfair competitive, ethical and immoral practices be made? Perhaps the real question is: Can the archival profession afford to postpone action on this problem?

Certainly as a first step the Society of American Archivists, through an existing committee or a special task force, has agreed to investigate the extent of unethical practices within the profession. A carefully documented survey may provide no new insights, but it should indicate the dimensions of unethical practices. Based upon such a study, the Society can prepare and promulgate a Code of Ethics relating to collecting practices. Perhaps it will be similar to the Archivists Code, which was prepared many years ago to define the responsibilities of the archivist. At that point the Society can determine whether it has the authority and resources to enforce such codes of ethical behavior. Whatever the specific outcome of these efforts, the ethics of collecting must be given major and immediate attention by the profession.

NOTE

1Modern Manuscripts (Nashville, 1975), 56-85.