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CONTENTS

Privacy Act Expungements:
  A Reconsideration
  James Gregory Bradsher

Harper's Ferry Revisited: The Role of
  Congressional Staff Archivists in
  Implementing the Congressional
  Papers Project Report
  Faye Phillips

The Science of Deduction: Dating and
  Identifying Photographs in Twentieth
  Century Political Collections
  James Edward Cross

Short Subjects
  Feature
  Administration of Photographic Col-
    lections: A Bibliographic Essay
    Janene Leonhirth

News Reels

Reviews, Critiques, and Annotations

Information for Contributors
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Cover: Eugene Talmadge delivers a stump speech, 1934 Georgia gubernatorial campaign. (From the Herman E. Talmadge Collection. Courtesy, Richard B. Russell Memorial Library, The University of Georgia Libraries, Athens, Georgia.)
Privacy Act Expungements: 
A Reconsideration

James Gregory Bradsher

"Privacy," according to Justice of the United States Supreme Court William O. Douglas, "involves the choice of the individual to disclose or to reveal what he believes, what he thinks, what he possesses. The individual," he believed, "should have the freedom to select for himself the time and circumstances when he will share his secrets with others and decide the extent of that sharing."¹ For the private manuscript repository the protection of an individual's right to privacy, at least that of the donor, presents no insurmountable problems. Donors may simply purge files in advance of deposit or place certain restrictions on their disclosure.

More vexing is the problem of government records which contain information that either should not have been collected in the first place, or that is incorrect. Unfortunately, many government files contain inaccurate information and, infrequently, illegally obtained information. With respect to such federal—not archival—records, individuals can generally have the records amended, or have them expunged, that is, destroyed. Daily, federal records or portions of them, are destroyed based on the belief that the right of privacy is more important than the right of contemporary society as well as posterity to know.

Archivists are aware of the problems of protecting privacy versus the desire of researchers to have access to records—the right to privacy vs. the right to know. But what archivists are most likely not aware of is that records including those scheduled as archival are expunged. What follows is an analysis of the federal expungement process in the context of one specific expungement case. This analysis

is provided for four reasons: first, to acquaint readers with the right to know, the right to privacy, and their relationship to the expungement process; second, to help them decide if expungements of permanently scheduled records are something they can accept; third, to explain why the current law and procedures governing expungements should be changed; and fourth, to suggest changes in the manner in which expungements are handled.

Among the major American democratic principles is the right of the people to be informed and have the ability to be informed. Indeed, the right to know is important to the United States' political system. The Supreme Court and its justices have continually expressed the importance of free and open discussion. Chief Justice Charles Evans Hughes stated that "it is only through free debate and free exchange of ideas that government remains responsive to the people." 3 Justice Douglas wrote that "the vitality of civil and political institutions in our society depends on free discussion" and that "full and free discussion has indeed been the first article of our faith. We have founded our political system on it." 4

Just as the right to know is important, so too is the importance of using records as a means of studying the past, especially the recent past. In order to know, in order to conduct an analysis of government activities and judgments and to influence the correction of government mistakes and abuses, researchers must have access to information. If information is withheld, it cannot be acted upon. The Federal Freedom of Information Act (FOIA) is based on this premise.

"The basic purpose of [the] FOIA," according to the Supreme Court, "is to ensure an informed citizenry, vital to

the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed."\(^5\)

While achieving an informed citizenry is a crucial goal, counterpoised to it are other vital societal aims, including the protection of personal privacy rights. Indeed, one of the most important rights of Americans is that of privacy, defined by Justice Louis D. Brandeis as the right "to be let alone."\(^6\) This right according to Justice Douglas, "is indeed the beginning of all freedom."\(^7\) Neither the Constitution nor the Bill of Rights nor any amendments explicitly mention any right to privacy. However, the Supreme Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution.\(^8\) In 1961, the Supreme Court stated the right to privacy must be considered a basic constitutional right "no less important than any other right carefully and particularly reserved to the people."\(^9\) "This notion of privacy," Justice Douglas observed, "is not drawn from the blue. It emanates from the totality of the constitutional scheme under which we live."\(^10\) The Supreme Court has recognized that a right of privacy is guaranteed by the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, the Fourth and Fifth Amendment protections from govern-

\(^6\) Olmstead v. United States, 277 U.S. 478 (1928).
mental invasions of the sanctity of an individual's home and the privacies of life, and the Ninth Amendment's protection of rights, though not enumerated, retained by the people.11

But the right to privacy is not absolute. Justice Brandeis also stated that "every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment."12 The key to this sentence is the word "unjustifiable."13 Under the Fourth Amendment, privacy is protected only against unreasonable searches and seizures. The Fourth Amendment, Justice Potter Stewart stated, in delivering the opinion of the court, "cannot be translated into a general constitutional 'right of privacy.' That Amendment protects individual privacy against certain kinds of government intrusion. Other provisions of the Constitution," he wrote, "protect personal privacy from other forms of government invasion. But the protection of a person's 'general' right to privacy. . .is, like the protection of his property and of his very life, left largely to the law of the individual states."14 Because the right of privacy is not out


13 Davis v. United States, 328 U.S. 605 (1946).

14 Katz v. United States, 389 U.S. 350, 351 (1967). "I like my privacy as well as the next one," Justice Hugo L. Black stated in his dissent in Griswold v. Connecticut, "but I am nevertheless compelled to admit that government has the right to invade it unless prohibited by some specific constitutional provisions." Griswold v. Connecticut, 381 U.S. 510 (1965). He opined that there is not a constitutional right to privacy, believing it was not found in the due process clause or the Ninth Amendment, nor "any mysterious and uncertain natural law concept." Also dissenting in the same case, Justice Potter Stewart stated that "I can find no such general right of privacy in the Bill of Rights, in any other
of reach of the legislative power, the details of the right of privacy, and even its very existence, are matters of legislative control. As Justice Douglas stated in 1952, "There is room for regulation of the ways and means of invading privacy."\textsuperscript{15}

In order to function effectively and exercise their powers intelligently, governments today require more and more information and accumulate more and more records.\textsuperscript{16} Daily the federal government collects, with legislative approval, millions of personal details about the lives of American citizens. Much of this accumulated information about the attitudes, activities, and performances of individuals is found in case files.

These case files often contain inaccurate information and infrequently, illegally obtained information. But even if the information was legally obtained and is true, it often may not provide a full and faithful portrait of an individual. Over time information stored in case files becomes less relevant to the purposes for which it was collected and often becomes more misleading. However, once in a case file, the information can, in a short period of time, attain a legitimacy and authority that is lacking in other less formal types of files.\textsuperscript{17} Like the agencies that created the files, the files themselves often have a life far beyond the lifespan of individuals who are the subjects of the files.

\begin{footnotes}
\item[	extsuperscript{15}] Beauharnais v. Illinois, 343 U.S. 250 (1952).
\end{footnotes}
Although the government can legally invade privacy in the process of gathering information about citizens, some protection is afforded. The due process clauses of the Fifth and Fourteenth Amendments impose requirements of procedural fairness on the federal and state governments when they act to invade a person's privacy. The federal Freedom of Information Act and the Privacy Act, taken together, set forth the conditions under which information impinging on privacy can be collected, used, and disseminated. When the federal government wrongfully invades privacy, an individual, acting under the due process concept and the Privacy Act itself, can remedy the wrongs in several ways, including requesting expungement—that is, destruction of information in records or the records themselves.

Because of the concerns about what information finds its way into government records, the growing computerization of files, and potential and actual invasions of privacy, many civil libertarians in the late 1960s and early 1970s called for a law that would allow a person to challenge the accuracy of information about him in a government dossier and, if the information was improperly obtained, provide a mechanism for its destruction. This is in keeping with the legal


maxim that for every wrong, there should be a remedy. Congress, concerned about privacy, made such provisions in the Privacy Act of 1974.

The Privacy Act was enacted "to promote governmental respect for the privacy of citizens by requiring all departments and agencies of the executive branch. . .to observe certain constitutional rules in the computerization, collection, management, use and disclosure of personal information about individuals."21 It provides that no agency shall maintain records describing how an individual exercises rights guaranteed by the First Amendment and provides that only such information as is relevant and necessary to accomplish a purpose of the agency shall be maintained. It also allows individuals to correct or delete improper or inaccurate material.22

The Federal Records Act of 1950, as amended, provides the conditions under which federal records can be destroyed

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22 5 U.S.C. 552a(e)(1),(7). "Each agency that maintains a system of records. . .shall permit the individual to request amendment of a record pertaining to him, and promptly, either make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or inform the individual of its refusal to amend the record in accordance with his request. . . ." 5 U.S.C 552a(d)(2); Several courts have construed the act to authorize expungements, as well as amendments. R.R. v. Dept. of Army, 482 F.Supp 770 (D.D.C. 1980); Churchwell v. United States, 554 F.2d 59 (8th Cir. 1976); White v. Civil Service Commission, 589 F.2d 713 (D.C. Cir. 1978). Certain types of records can be exempted, such as criminal law enforcement files. 5 U.S.C. 552a(j)(2).
and establishes detailed procedures for destruction.\textsuperscript{23} It authorizes the archivist of the United States to determine if records have sufficient administrative, legal, fiscal, evidentiary, or informational values to warrant their continued retention. Under the Privacy Act agencies determine if records are to be expunged, notwithstanding the Federal Records Act. Soon after the adoption of the Privacy Act, questions were raised about the archivist's lack of involvement in making expungement decisions. A circuit court, when viewing the two acts, expressly held that the Federal Records Act must yield to statutory or constitutional rights elsewhere guaranteed, stating that "this general statutory command [the provisions of the Federal Records Act] must bow to them when they are more specific, as of course it must bow to the Constitution."\textsuperscript{24}

Federal courts have found that expungement of records is, in certain circumstances, a permissible remedy for an agency's violation of the Privacy Act.\textsuperscript{25} Two cases have expressly held this to be true when an agency violated the act's prohibition on maintenance of records describing an individual's exercise of rights guaranteed by the First

\textsuperscript{23} 44 U.S.C. 3301-3314 sets forth the procedures and conditions under which federal records may be destroyed or otherwise disposed. It ends by stating that "the procedures prescribed by this chapter are exclusive, and records of the United States Government may not be alienated or destroyed except under this chapter." 44 U.S.C. 3314. This is a contradiction to the Privacy Act expungement process. For a discussion of the disposition of Federal records, see James Gregory Bradsher, "An Administrative History of the Disposal of Federal Records, 1789-1949," Provenance 3 (Fall 1985): 1-21, and "An Administrative History of the Disposal of Federal Records, 1950-1985," ibid., 4 (Fall 1986): 49-63.

\textsuperscript{24} Chastain v. Kelley, 510 F.2d 1236 n.4 (D.C. Cir. 1975).

\textsuperscript{25} Hobson v. Wilson, 737 F2d 126 (D.C. Cir. 1984).
Amendment. It is equally well established that expungement of records is a proper remedy in an action brought under the Constitution. Just last year the U.S. Court of Appeals for the District of Columbia Circuit observed that "document destruction, if feasible, is the ultimate relief available in a Privacy Act suit challenging the accuracy of agency records." Thus, federal records can be, have been, and will be expunged with complete legal approval.

Federal archives, however, cannot be expunged. In drafting the Privacy Act, Congress specifically prohibited their destruction under the act. That archival material was exempt from almost all provisions of the Privacy Act was the result of three arguments that National Archives made to Congress. First, the National Archives argued that archives were not current records used to make determinations about individuals which could adversely affect them. Second, it was argued that the integrity of archives could not be maintained if individuals could amend them. "The fact that

26 Clarkson v. Internal Revenue Service, 687 F.2d 1368, 1376-1377 (11th Cir. 1982); Albright v. United States, 631 F.2d 915, 921 (D.C. Cir. 1980).
29 5 U.S.C 552a(1)(3). As the House report notes, "a basic archival rule holds that archivists may not remove or amend information in any records placed in their custody. The principle of maintaining the integrity of records is considered one of the most important rules of professional conduct. It is important because historians quite properly want to learn the true condition of past government records when doing research; they frequently find the fact that a record was 'inaccurate' is at least as important as the fact that a record was accurate." U.S. Cong., House of Representatives, Privacy Act of 1974: Report together with Additional Views to accompany H.R. 16373, 93d Cong., 2d sess. H. rep. 93-1416, 1974, 21.
records are incorrect," according to James E. O'Neill, former deputy archivist of the United States, "is as much a part of history as if they were correct." And, third, the National Archives argued that there were sufficient restrictions imposed by statute, the transferring agency, and the archivist, to protect individual privacy.

"The foundation of our arguments," O'Neill observed in 1976, "is the demonstrated tradition of the National Archives of assuming the ethical responsibility of protecting the privacy of individuals. It has always been a major part of our business," he maintained, "to balance the legitimate need to protect individuals from unwarranted invasions of their privacy against the equally legitimate demands for access to information. Our record in this area was a major factor in Congress' decision to grant the National Archives the exemption from the Act."

Because ninety-eight percent of all federal records are temporary in nature, their expungement, before their scheduled disposal date, generally poses no problem. Congress, however, neglected to address the issue of expunging permanently scheduled records that would become archives. They can be destroyed. So, is there a problem when permanently valuable records are expunged, in whole or in part, before they become archives? The answer depends upon a variety of factors, including what information is contained in the records, who is involved, the importance of the records to posterity, and societal views on privacy.

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31 Ibid., 41.

Rather than attempting to delve deeper into the legal and theoretical aspects of expungements, it is more worthwhile to approach the subject from a personal perspective, because expungements involve real people. Because of the nature of the expungement process, there has been little written about it or the people who have been involved in the process. But it is the human element that allows for a greater appreciation of the complexities involved in the expungement of permanently scheduled records. A case that allows insight into the process concerns Leland Stowe, a Pulitzer Prize winning journalist, who in 1986 donated the records relating to the expungement of his Federal Bureau of Investigation (FBI) file to the Bentley Historical Library at the University of Michigan. Not everything can be told about the Stowe expungement case, primarily because some of the information in his file was not made available to him, and, more importantly, to protect the privacy of third parties. However, what can be made public is illustrative of the problems involved in the expungement process, will serve as a basis to address concerns about expungements, and will assist in making a decision about whether the current law should be changed.

"Once one of the most celebrated foreign correspondents of his time, Leland Stowe (1899– )," it was written in a January 1985 Ann Arbor Observer article, "now passes practically unnoticed through the streets of Ann Arbor." The name Leland Stowe means nothing to most Americans today, even in his hometown, but during the 1930s and 1940s, he was among the most successful and most admired


foreign correspondents. Working for the *New York Herald Tribune*, Stowe covered the League of Nations between 1927 and 1931 and the end of the Spanish dictatorship and founding of the Spanish Republic from 1929 to 1931. For his 1929 coverage of the Paris Reparations Commission, he received the Pulitzer Prize. In 1933 he covered the Reichstag fire trial in Berlin and published his first book, *Nazi Germany Means War*. Returning from Europe in 1935, he became a roving Western Hemisphere correspondent and then returned to Spain on leave of absence in 1937, and again in 1938, to cover the plight of the homeless and orphans from the Spanish Civil War.

In September 1939 Stowe joined the *Chicago Daily News* and went to Finland in December when that country was invaded by Russia. The following year he covered the German takeover of Norway and wrote a book about it, *No Other Road to Freedom*. In 1942 he became the first western correspondent to spend time with Russian combat forces. During the war he spent thirty-four months overseas traveling with the armies of seven different nations, reporting in forty-four countries and colonies on four continents, and in the process became one of the premier war reporters of the era. By the end of the war, he had won virtually every major award for foreign reporting and received honorary degrees from three universities, including Harvard.

Returning to the United States in 1944, Stowe published another war book, *They Shall Not Sleep*, became a correspondent for the American Broadcasting Corporation radio network, and wrote for the *New York Post* syndicate. He also did commentary for the Mutual Broadcasting System. In 1946 he published *While Time Remains*, condemning the

decision to use the atomic bomb against civilians and calling for world cooperation, even world government, to control nuclear weapons. In 1949, he warned in *Target You* of Soviet territorial ambitions and discussed them again in his 1952 *Conquest by Terror: The Story of Satellite Europe*.

During the late 1940s and early 1950s, Stowe held a variety of positions, including director of Radio Free Europe's News and Information Service (1952-1954). In 1955 he began a twenty-one year part-time career as a roving editor for *Reader's Digest*, and the following year began a fourteen year tenure as a professor of journalism at the University of Michigan. He continued writing books, publishing his eighth in 1984.

In 1979, while assembling his papers for donation to the Mass Communications History Center in Madison, Wisconsin, Stowe wrote the FBI, under the FOIA, for information relating to himself. He believed, because of the views he had expressed during the Spanish Civil War, that he must have been investigated. He was eventually supplied with 116 pages of materials, most of it from an internal security investigative case file. The file covered thirty years, beginning in 1943 with an internal security investigation of Stowe's activities on the Eastern Front and ending in March 1972 with documents relating to his unsuccessful attempt to interview J. Edgar Hoover for a favorable piece on the FBI Laboratory that he was writing for the *Reader's Digest*.

These latter documents indicate he was refused an interview with Hoover because of derogatory information in the files. That is, he was considered not worthy to see Hoover. What was this derogatory information? The documents Stowe obtained revealed that he had been the subject of an internal security investigation because "he was

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36 Stowe's typewritten chronology of his dealings with the FBI, 6 December 1982, in Leland Stowe Papers, Michigan Historical Collections, Bentley Historical Library, University of Michigan, 1. Hereafter cited as Stowe Papers.
associated with communist front groups and activities in the World War II period, and also expressed sympathy and support toward the Soviet Union." Additionally, the file indicated that during a radio broadcast in August 1947, while discussing the Federal Employees Loyalty Program, Stowe "made statements implying improper actions on the part of the FBI." His comments prompted Hoover to write a letter of protest to the Mutual Broadcasting Company.37

The release of the file was quite enlightening to Stowe. He had not been aware the FBI had been monitoring his activities and personal communications.38 He believed that the file was riddled with factual errors and misrepresentations, and he was disturbed that the file represented him as a person of uncertain loyalty to the American government, of being unduly admiring of the accomplishments of the Soviet government, and as being an associate of others of similar disposition. The allegations in the file, Stowe realized, had been disseminated and had a negative impact on his life. He believed that what he once considered unrelated setbacks in his professional life in the 1940s and 1950s--loss of a series of lucrative speaking engagements and a failure to obtain a routine security clearance to continue a job with Radio Free Europe--were the result of the distribution of this derogatory information about him.39

Believing that the "true" story should be told, Stowe attempted to have the FBI amend his file. On 30 August 1980 he sent the FBI over seven hundred pages of documents giving his version of events. A month later the FBI informed Stowe that certain information maintained in their

37 Copy of FBI memo (FBI file 100-192690-31) from M. A. Jones to Mr. Bishop, February 27, 1972, Stowe Papers.

38 Michael V. Smith, "The Problem of Determining Motives in FBI Surveillance of Journalists and the Case of Leland Stowe," a paper prepared at the University of Michigan's Department of Communication, [1984], 6, 7, 16 n. 11. Stowe Papers.

39 Ibid., 8.
files was exempt from the correction and amendment provisions of the Privacy Act, but that it was their policy to consider each request on an individual basis in order to reach an equitable determination consistent with the best interests of both the individual and the government. As for his documents, Stowe was told that the information contained in his file was "an accurate recording of what was furnished to us by several sources, and is completely relevant to the purpose for which it was collected." However, he was informed that "in view of the age and nature of this material its continued retention is unnecessary, and could be destroyed in its entirety." Stowe was told that if he wanted the file destroyed he would have to ask that it be done.40

Stowe wrote the FBI on 6 November 1980 to ascertain what would be destroyed. The FBI responded two weeks later, informing him that the destruction of FBI records concerning him would include index cards, one investigative file of which he was the subject, and all references in other files identifiable with him.41 Although he "felt a certain obligation to preserve what might be considered an important historical record," he "believed it likely that the data might contribute to a future history that would be insensitive to the FBI's distortions and to the lives of those who--like himself--had been unknowing and essentially innocent victims of the agency." Unless the file could be amended, "Stowe believed the future would be served better by the file's destruction than by its preservation."42 On 24 November 1980, Stowe wrote the FBI approving the destruction.43

41 Thomas H. Bresson to Leland Stowe, 19 November 1980, ibid.
43 Leland Stowe to Thomas H. Bresson, 24 November 1980, Stowe Papers.
Because the complete file was to be expunged, the FBI, acting under National Archives regulations, requested that the National Archives document that the records would be destroyed.\textsuperscript{44} Several National Archives appraisers looked at the file during the winter of 1981-1982. Most of them believed the file should not be destroyed. Acting on their advice, James E. O'Neill, then assistant archivist for presidential libraries and director of the National Archives Records Appraisal Task Force, wrote Stowe in hopes of discouraging him from his disposal request. Stowe was told that "the destruction of this case file would create an enormous gap in the historical record of the FBI. Your professional career," O'Neill wrote, "would be of considerable interest to anyone doing a study of 20th century American journalism, the molding of American public opinion during WWII and the early Cold War era, and how the government monitored dissent during the 1940s." Stowe was informed that if he withdrew his disposal request the file would not be opened to the public until the year 2022, fifty years after the case file was closed.\textsuperscript{45}

"In its present state," Stowe wrote O'Neill, "my case file is inevitably one-sided; perhaps, in some degree unavoidably so--but much more so because of the Bureau agents' acceptance of charges made against me without any recorded effort to check up on their validity or veracity." Stowe wrote that in the file he had found numerous unverified allegations of his being "a Red, a Communist or pro-Soviet

\textsuperscript{44} The National Archives regulations are set forth in GSA Bulletin FPMR B-74 Archives and Records, Subject: Disposal of Federal records in response to requests made pursuant to the Privacy Act, 17 January 1978. These regulations allow federal agencies to expunge up to 99.9 percent of any record without National Archives involvement. If complete destruction is requested, agencies must involve the National Archives in the process, so the destruction can be documented.

\textsuperscript{45} James E. O'Neill to Leland Stowe, 11 March 1982, Stowe Papers.
fellow-traveler" and "also many easily disprovable reports and interpretations concerning my journalistic writings and ideological attitudes. These discrepancies," he wrote, "are especially noteworthy because the agents' reports were totally lacking any counter-balancing or refutatory facts--readily available at the time--about my professional and public career." His file, he believed, was "demonstrably distortive--frequently extremely so--of my journalistic record and all factual evidence of my dedication to democratic principles and my lifelong loyalty to our American form of government is omitted."

Therefore, Stowe continued, if his file was to be preserved for historical purposes, "I firmly believe that my own counter-balancing documents should be included. Elemental justice," he believed, "would make such inclusion a prerequisite, and historically indispensable. Should NARS [National Archives and Records Service] wish to preserve these documents--together with my FBI file for future historical reference--I would welcome having the combined materials ultimately become available, among the Archives' important and most useful collections--even if not until the year 2022 AD." If the National Archives would not do this, he wanted his file destroyed.46

During the summer of 1982, the National Archives informed Stowe that he could not attach material to his file when it was accessioned. Thus, he desired his file to be destroyed. The next summer the archivist of the United States "approved" the file's destruction.47


47 Early in 1986, Stowe was informed the FBI was processing his request and that the file would be destroyed in the near future and that he would be notified when the expungement was completed. James E. O'Neill to Leland Stowe, 27 February 1986, ibid.
Stowe's case is an excellent example of the dilemma faced by those dealing with the right to know, the right to privacy, and the expungement process. What was lost and gained in the destruction of his file? Stowe gained the satisfaction of knowing that what he believed was a file full of false allegations, errors of fact and interpretation, and misrepresentations, was destroyed. His reputation, and his privacy, will be protected. It could be argued that nothing was lost by the destruction. After all, other FBI files will reveal its internal security activities--legal and illegal. With respect to Stowe, if someone was interested in him and his encounter with the FBI, they could obtain information elsewhere. Stowe himself did not think his case file particularly important, writing the National Archives that until it contacted him, he considered "its value seemingly very slight."48

Three things were lost by the destruction of Stowe's file. First was unique information about Stowe. Second was evidence of an FBI investigation of a prominent journalist. And third was evidence, along with his own papers, to show the impact of the FBI on his life. Had Stowe received a security clearance he might have assumed an even higher position with Radio Free Europe, and thus, the last thirty-five years of his life might have been very different.

The right to know was sacrificed to Leland Stowe's right to privacy. Should it have been? In the process of protecting privacy should the eventual right to know be sacrificed? Should the FBI have been allowed to destroy the Stowe case file? The Stowe case is not an isolated example. Inaccurate or illegally obtained information, of varying importance, contained in permanently scheduled records, is being destroyed to protect privacy rights on a continuing basis. In most instances, no great harm results from such expungements. In part, this is because of the nature of the

information; in part, it is because of the belief that great weight should be given to privacy, since it is basically, if not legally, a natural right and not so easily given up to society without exceptional cause.\footnote{On privacy as a natural right, see Bernard Schwartz, \textit{A Commentary on the Constitution of the United States. Part III. Rights of the Person} (New York: The Macmillan Company, 1968), 169-258; Louis Brandeis and Samuel D. Warren, "The Right to Privacy," \textit{Harvard Law Review} 4 (15 December 1890): 193-220; Charles Grove Haines, \textit{The Revival of Natural Law Concepts} (Cambridge: Harvard University Press, 1930), 85; Henry Steele Commager, "Constitutional History and the Higher Law," in \textit{The Constitution Reconsidered}, edited for the American Historical Association by Conyers Read, revised edition with a new preface by Richard B. Morris (New York: Harper & Row, Publishers, 1968), 230, 232.} In most instances, the right to know is not an exceptional cause, either today or for the sake of history, but there are exceptions.

During the Nixon administration, the White House had the FBI illegally wiretap seventeen American citizens that it believed were responsible for leaks. Subsequently, the public learned of these wiretaps, and Congress held hearings about them.\footnote{David Wise, \textit{The American Police State: The Government Against the People} (New York: Vintage Books, 1976), 31-95.} Some of those who were wiretapped wanted the related records made public, while others wanted to keep the contents of the files private, and one person wanted his file expunged. What if all seventeen individuals had asked to have their wiretap files expunged, based on the fact that they should not have been wiretapped? If the files were destroyed to protect their privacy and to right a government wrong, will history know? The answer is no. If there is no record of the misdeed, then for all practical purposes it did not happen. Is this what archivists and historians want?
The answers to the above questions lie, for the most part, in how the right of privacy is viewed in relation to the right to know—the desire of historians and others to have raw data on which to base their judgments of events, activities, and people. On one hand privacy is an important right, not so easily sacrificed without good reason and with due process. Yet, there are instances when it is necessary to know now as well as in the future when an individual's privacy must be sacrificed for the greater good of society. For example, if records document individual or a pattern of government abuses and nobody knows, no action can be taken to correct the situation. With information available to it, society can, through one or more branches of government, mandate changes.

Under current expungement procedures, historically valuable information is legally destroyed. Professional archival judgments carry no weight in the process of balancing privacy with the right to know, because under the law the decision whether or not to expunge does not lie with archivists, but with the individuals and agencies involved. Thus, there is a need to change the way expungements are handled if permanently scheduled records of exceptional value are to be preserved and eventually made available for research.

The easiest solution, though perhaps not the best, would be to have Congress change the Federal Records Act to provide that once records have been appraised as having enduring value, they be considered archival, and thus not subject to expungement. This, of course, would mean a change in the United States' definition of archives, much along the lines of the French Archival Law of 1979 that provides that permanently valuable records become archives the minute they are created or received.51

If there is to be a change, it must be made within a workable formula which encompasses, balances, and appropriately protects all interests. The "determination of the propriety of an order directing expungement," according to a circuit court, "involves a balancing of interests; the harm caused to an individual by the existence of any record must be weighed against the utility to the Government of their maintenance." The court was thinking in terms of current administrative usefulness to the government, not future uses in terms of informational and evidential values. As the expungement process now works, federal agencies, in approving expungement requests, are protecting the interests of privacy, but not the interests of those who want to know.

Assuming that in some instances the right to know takes precedence over the right to privacy, who should be responsible for making the decision—the choice between retention and destruction? Federal agency personnel should be excluded for the same reason they are excluded from having the final say on appraisal judgments—because they are, for the most part, not as experienced or as well trained as federal archivists in judging the archival value of records. If federal agencies are eliminated, three choices remain: the legislature, the courts, and archivists.

Congress, although responsible for amending the Privacy Act, cannot directly involve itself in the expungement process. "The conflict between the general public's right to know what its government is doing and the individual's right to have some control over the dissemination of personal information held by the government is an extremely difficult one to resolve" according to one legal scholar. "And it is doubtful," he adds, "that any legislative formula could offer more than general guidelines for handling the kaleidoscopic factual problems that are certain to arise." This was written four years before Congress enacted the Privacy Act.

52 *Paton v. La Pradae*, 524 F. 2d 868 (3d Cir. 1975).
It encompasses a great deal of truth. There are so many situations that Congress could not adopt legislation covering every specific situation. Thus, realistically, Congress can only amend the act to provide some general guidelines covering expungements of permanently scheduled records.

If the Privacy Act is amended, it should provide that agencies must have the approval of the National Archives before any portion of permanently scheduled or as yet unscheduled records are destroyed under an expungement request. Such a provision would be based on the premise that archivists are better qualified than agency officials to determine the historical value of records and are adequately trained to balance privacy and the right to know. If the National Archives believes that records should not be expunged, in whole or part, the involved citizen should be informed and given the opportunity to appeal the decision, or possibly to suggest a partial expungement, such as name and other personal identifiers, or to agree to keeping the file closed for an appropriate length of time. The person could be given the opportunity to amend the record, within reason, and the record would either be opened at its normal time or after an extended period of time, or the individual could be allowed to attach a statement indicating where countervailing evidence is located. These options are in keeping with a federal court's finding that expungement is a "versatile tool" where "expungement of only some records, from some Government files, may be enough, as may the placing of restrictions on how the information contained in the records may be used. It is a tool which must be applied with close attention to the peculiar facts in each case." If a compromise cannot be reached by both parties, then the decision should be rendered by the courts.

54 For a brief discussion of a person's ability to dispute information, see Regina C. McGranery, "A Donor's View," in Hamby and Weldon, eds., Access to the Papers of Recent Public Figures, 54-56.

Courts frequently have been called upon to determine whether privacy exists as a legal right and, if so, then to what extent and under what conditions. Constitutional rights of free speech, press, and assembly are often set up in opposition to privacy rights and the courts called upon to strike a delicate and often difficult balance between privacy concerns, on the one hand, and constitutionally protected interests in free expression, on the other.\textsuperscript{56} Expungement cases could be handled by the courts through two methods. The first would be to let the courts review the documentation and render a decision. If the decision was unsatisfactory to either the National Archives or the individual, then a court hearing could be held, and its decision appealed to a higher court if necessary.

Privacy expungements involve complex and subtle issues. They are issues on which archivists can disagree, both as to whether the right to know or the right to privacy should be given greater weight and as to what records are of such importance that they are worthy of being preserved, despite being the subject of a legitimate expungement request. As the federal expungement process now works, archivists have no influence in the process. The decision to expunge permanently scheduled records completely—just one step removed from being archives—is left in the hands of the agencies and their officials who have custody of the records. These officials, in most instances, do not mind destroying records—not only to protect the rights of citizens but also to protect their agency from lawsuits for having certain information and not destroying it.

Under the current expungement process not only is history shortchanged, but the present society’s ability to know fully what its government is doing to its citizens is also. Thus, there is a need to change the current process, to amend the Privacy Act along the lines outlined earlier. By doing so, by bringing archivists into the process, a balance can be struck between the right to know and the right to privacy. Neither is an absolute, especially when placed in opposition to the other. But while gaining a greater role in the expungement process, archivists should remember that while the right to know, not only today but also tomorrow, is a political right that is very important to a democratic form of government, the right to privacy is certainly one that should not be sacrificed without exceptional cause.

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Harper's Ferry Revisited: The Role of Congressional Staff Archivists in Implementing the Congressional Papers Project Report

Faye Phillips

The 1978 Conference on the Research Use and Disposition of Senators' Papers affirmed the value inherent in senatorial papers. In the years since the conference, archivists and senate staff have struggled with preservation and use questions relating to those papers. In a continuing effort to answer such questions, the Dirksen Congressional Center and the National Historical Publications and Records Commission (NHPRC) sponsored a conference on congressional papers at Harpers Ferry, West Virginia in 1985. The final Congressional Papers Project Report summarizes the findings of the Harpers Ferry conference and makes recommendations to the NHPRC on funding congressional papers projects. Germane to the NHPRC recommendations are minimum standards for congressional collections and
repositories which accept congressional collections. If followed, such recommendations "would improve substantially the preservation of Congress's record."\(^1\)

While the emphasis of the *Report* is on criteria for funding congressional papers projects, its recommendations establish guidelines for repositories and congressional offices to follow.\(^2\) Although no set of recommendations were issued from the 1978 Conference on the Research Use and Disposition of Senators' Papers, many of the points raised then are echoed by the findings of the Harpers Ferry conference and by the recent experiences of congressional staff archivists.

The application of such guidelines, however, is a complex and difficult task. Indeed, the *Congressional Papers Project Report* has many limitations which will be discussed in this article, and many of its recommendations can only be implemented fully by a congressional staff archivist. Based on work in four senate offices, this article will explore the applicability of recommendations from the Harpers Ferry conference to records management and archival activities in the Senate and the role of the congressional staff archivist in facilitating preservation of senatorial records.\(^3\)

In 1986, six senators voluntarily retired from the United States Senate. Historically, this was an important first, for never before had so many senators with as large a total amount of service--one hundred twenty-two years--retired in the same year. One hundred twenty-two years of senate service also means that many years of senatorial papers, which are designated personal papers by statute. Therefore,


\(^3\) More detailed case histories for the senatorial offices discussed in this article are available from the author.
each of these senators was faced with the preservation of a large part of senate history. Over one hundred tons of congressional papers had been created in the six offices during those years of service. Where were the papers to go? What steps were necessary to transfer papers for preservation? What was archivally valuable and what was not? Was it too late to apply records management practices? Were there guidelines that could be followed in answering such questions? Finally, who would be responsible for answering these questions and implementing the necessary actions?

The "who" in the case of four of the six offices was a congressional staff archivist hired specifically to work in the Washington offices. The work of that congressional staff archivist for these four offices reveals the validity of points raised by the 1978 Conference on the Research Use and Disposition of Senators' Papers and the 1985 Congressional Papers Project and provides examples of the impracticality of some of their recommendations.

The Congressional Papers Project Report delineates minimum standards for congressional collections and minimum standards for repositories collecting congressional papers, recommends better records management practices in congressional offices, identifies factors "determining the quality of the relationship between congressional offices and repositories," and suggests specialized training for congressional archivists.4 Previously, the Conference on the Research Use and Disposition of Senators' Papers had also discussed points to be used in preserving senate papers. The 1978 conference emphasized the need for records management; early contact with a repository; minimum standards for repositories; limitation of restrictions; ease of access; reduction of bulk; and provided a "Checklist: Steps Toward

4 Report, 17-27.
Establishing a Records Disposition Program. The "Checklist" mirrors issues raised by the Harpers Ferry conference and a similar list now appears in the *Records Management Handbook for United States Senators and Their Repositories*.

Minimum standards for congressional collections were discussed by the Harpers Ferry conference and approached from the viewpoint of records management at the 1978 conference. Unfortunately, this is a discussion area many archivists fear. Serious questions arise for those building collections of congressional papers, for the insistence on minimum standards could alienate the congressperson whose papers are judged most valuable by archivists. However, the reason to collect only collections meeting minimum standards is clear for "...there are relatively few phenomena that a congressional collection best documents." The implication thus is that only the highest quality papers should be collected.

The Report lists areas for archivists to use in determining the minimum standards of a congressional collection: the member’s stature, the collection’s quality, the promise of use, any access restrictions imposed by donors, and the ease with which the collection can be appraised and prepared for use. The stature of the four retiring senators considered here met more than the minimum standards enumerated by the Report. All had served in the Senate more than two terms and their careers spanned some of the most tumultuous decades in United States history. Some had

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7 Report, 18.

8 Ibid., 36-37.
run for higher office, or held state government executive positions, or had been members of the United States House of Representatives. All served on or chaired powerful senate committees and were leaders in their political parties and communities.

Stature is easier to judge than collection quality in these four cases or in any appraisal of congressional papers. The Report recommends that congressional collections "document the roles for which the Member is deemed important. It must do so in quantity and quality, providing completeness and continuity." Such conclusions fail to acknowledge the true manner in which the most important and far reaching decisions are made in Congress. They are made verbally. Documentation for background used to make the decisions does exist, especially in senior staff members papers. But agreements, trade-offs, and the road to the final outcome of major decisions of national policy do not appear in black and white print.

At the 1978 Conference on Research Use and Disposition of Senators' Papers, historian William Leuchtenburg expressed the problem with documenting senatorial history because of its verbal nature. He commented that many times researchers attempt to use senators' papers to determine particular relationships among senators but find nothing. "That is not because the salient records have been destroyed, but because they never existed. Why should one senator write a letter to another when he can walk down the hall to talk to him or speak to him on the phone? Under such circumstances, the chances are very slim that there will be any record of their exchange. . . ." Leuchtenburg discovered the same to be true with congressional committee records. When doing research on a particular area dealing with the Senate Judiciary Committee he found that "...the records of how the committee had reached its decisions. . ."

9 Ibid.
10 Proceedings, 19.
could not be obtained, because they apparently had never existed." Leuchtenburg concluded that "oral history interviews would fill in some gaps for the recent period."11

The Congressional Papers Project Report fails to acknowledge Congress's verbal nature. Archivists should realize, however, that this lack in congressional collections can sometimes be resolved. If the records of these four retiring senators serve as a representative example, archivists can find ways to fill many blanks in the historical record through records management in the offices; by collecting the papers of former long-term, high ranking congressional staff members and other colleagues; by including in congressional collections the papers of pre- and post-congressional careers; and by collecting the papers of family members. Gaps in the record can also be filled by oral histories. Regrettably, archivists have long held an aversion to "creating history" through oral histories. The conference on congressional papers should have considered ways to develop oral history projects along with sources for funding, especially for collections meeting minimum standards.

Determining whether a congressional collection meets these minimum standards can be accomplished more easily by a Washington-based congressional staff archivist than by an occasionally visiting repository archivist. The Report states that an "archivist can best assess content quality and make preliminary judgments regarding which portions of the collection exemplify the Member's role in the governing process if he or she has a chance to survey all files at one time, regardless of their origin or medium."12 Certainly this is an ideal which has seldom been achieved. The Washington congressional staff archivist may be able to review files in the senate office, the senate attic storage areas, the Suitland National Records Center, and then travel to the state to review state office files, but never will all files be together

11 Ibid., 20.
12 Ibid., 36.
in one place until they reach the repository. However, archivists must review the major components of congressional collections and establish procedures for appraisal previous to receipt of a collection. The Report acknowledges that, while appraisal cannot be considered a minimum standard, pre-acceptance appraisal must be required by any funding agency.

Appraisal questions remain unanswered, but the Report provides clear guidelines on evaluating the value of a congressional collection. Archivists should look for comprehensive coverage, ancillary files, uniqueness associated with the member, inclusion of background materials, documentation of committee activities, coverage of a long time span, and unsplit collections. In all the cases of these four retiring senators, none of them had transferred items to a repository other than the one that was to receive the bulk of the papers, all contained substantial bodies of background materials on topics with which the senator was involved, all contained extensive files documenting the senators' committee work, and all covered long periods of time. One of the collections, however, did not include ancillary files of principal staff aides nor substantive documentation of nonsenate career. While this lack would have made the collection less valuable to another repository, the repository receiving the collection considered it their most valuable.

Other minimum standards for congressional collections are ease of arrangement and description, appraisal and subsequent use, and preservation. The Report states that the following represent minimum quality: a collection's components are well defined and in good order; weedable series are easily distinguished; texts and indexes of automated files and system documentation exist, and automated formats are useable with the repository's technology; random paper files or microfilm are accessible through indexes or lists; nonpaper media items are identified, dated, indexed, and stored under archival conditions; and permanent files are on paper or other media of established quality. The records of only one
of the senators being considered met the majority of these standards. The same office was the only one which had done substantial records management, and it was one of two which had employed a congressional staff archivist. One office employed a congressional staff archivist with no archival training, hence, the effectiveness of the person was limited. Therefore, in three out of the four instances, the majority of the above points had to be addressed in the last year of the senator's time in office after a trained archivist was hired to work on the Washington staff. Either the repository archivist must spend substantial time in Washington working with the congressional staff or a congressional staff archivist must be hired to apply systems that will establish minimum standards for collections.

The 1978 conference discussed such minimum standards for senators' papers as well as research use of the papers. Historians at the conference were concerned about the availability of senatorial papers in appropriate locations, reasoning that limited travel funds will continue to prohibit researchers from reaching obscure locations. Historians were also concerned that collections be acquired by repositories with professionally trained archivists. Archivists and historians agree that "professional arrangement and description affect use more profoundly than does size."13

Historians did contend, however, that content and quality, format and volume would also affect the use of a senator's papers. They were against reducing the bulk of the papers by weeding, while realizing that not every item in a senator's papers was worth keeping permanently. Conference participants agreed upon a basic list of items which are weedable.14 A very similar list also now appears in the Records Management Handbook of the Senate. Weeding was part of the records management program in only one of the offices being considered here. The other three offices only

13 Proceedings, 69.
14 Ibid., 4, 177.
weeded files when advised to do so by the congressional staff archivist during the last year of the senators' terms in office.

Microfilm, like weeding, is not favored by historians as a means of reducing bulk, even though they realize that some items of bulk can only be saved on microfilm. Microfilm was used in each of the four senators' offices for some segments of the office operations. One office used microfilm only for scrapbooks of clippings, and the other three used it for constituent correspondence and some state project files. Two of the offices had consistently microfilmed constituent files and state project files, and in one, indexes and other finding aids were available and in good order. The other office which used microfilm extensively had poor or nonexistent indexes, and during the senator's last year in office, the congressional staff archivist wrote guidelines for researchers to use the microfilm. In one other office, microfilming had been used for a period of time and then abandoned. The congressional staff archivist was required to provide explanations about these various filming policies for researchers in a limited amount of time. A congressional staff archivist can work with the office staff and the senate microfilming department to reduce the bulk of constituent mail through microfilming and oversee production of indexes and finding aids to make the film useable by office staff and researchers. Such work must be done, however, before a senator retires.

Restrictions, like bulk, are detrimental to ease of use of congressional collections. The project Report emphasizes that collections which are least encumbered by donors' restrictions are of more value to researchers if all other conditions are similar. The 1978 conference participants first stated this point. In each of the four senate offices only items classified by federal law are under restrictions. Such materials were removed from the collections by the congressional staff archivist and forwarded to the National Archives and Records Administration for declassification at
the appropriate time. Each of the four senators signed a deed of gift with the respective repositories stating that only those items restricted by federal law would be closed to researchers. Each deed of gift included a statement that if archivists subsequently located items they deemed to be of a sensitive nature harmful to living individuals these would also be closed.

The Harpers Ferry conference Report recommends minimum standards for repositories also. Similar minimum standards had previously been discussed in the 1978 conference on senators' papers. Senators and their staffs should consider donating papers to repositories with environmentally and security controlled storage areas; those committed to bear the cost of processing, housing, and making the papers available for use on a continued basis; those with appropriate collecting policies; those with adequate and professional staff; those able to handle sensitive data and classified information; those which can promise timely processing; those with technology to make machine readable records useable; those with complementary collections and research resources and the ability to service the materials; and those with a commitment to participate in national data bases. Historian Leuchtenburg in the 1978 conference argued that congressional papers should not be given to small, understaffed libraries because travel to them is difficult and their ability to process papers, which critically affects research use, is minimal.15

In the four cases discussed here, two collections went to repositories which met most of the minimum standards. One collection went to a repository which held no other congressional collections, which had no professionally trained archival staff, no clear ability to provide timely processing, no collecting policy, and no plans to participate in national data bases. The repository did, based on its desire to acquire the senator's papers, make a commitment to add professional

15 Ibid., 21.
archivists, complete timely processing, and participate in national data bases. They were in close proximity to other research materials, had new and adequate archival storage, and were institutionally committed to providing service to the collection. If the senator had not been retiring, the staff and the congressional staff archivist could have monitored the ability of the repository to meet these minimum standards.

In another of the cases, a collection was donated to a repository where the papers fell outside the collecting policy of the institution. Although a professional archival staff existed, it was a very small staff that became overwhelmed by the volume of the senator's papers and were not overly enthusiastic about receiving them. All four collections went to institutions because of political commitments, not because of the ability of the repository to care for the collection. The Report hesitates to address this issue and states that "funding should not be available to help institutions meet minimum standards."16 However, until archivists have more influence over the placement of papers, outside funding may be the only way substandard repositories which have received congressional collections on political whims can make materials available for research use.

Due to the high cost of caring for congressional collections many repositories have simply stopped acquiring them. Unfortunately, these tend to be the above standard repositories, and their refusal to accept collections provides an impetus for inadequate repositories to collect congressional collections. A congressional staff archivist and staff sensitive to records management and historical perspectives can facilitate the deposit of congressional collections in appropriate repositories. Properly prepared collections will then be more attractive to repositories meeting minimum standards which currently hesitate to accept congressional papers.

16 Report, 22.
Even senators' staffs will not be able to prevent all political commitments, and archivists must bear responsibility for anticipating such events. Each archival institution which now collects congressional papers should monitor the archival plans and activities of members of Congress, even for those collections which they do not wish to collect. Information gathered should be provided in a cooperative spirit to other archival institutions in the state. A university with no intention of collecting congressional papers may find itself committed to do so by its president. Had the institution whose collecting policy included congressional collections been in touch with the senator and other archival agencies in the state, then the small archival staff overcome by senatorial papers mentioned previously might have been spared such a burden.

Unexpected burdens often come to archival repositories via the institution's chief executive. Written and institutionally accepted collecting policies help to prevent such problems as do acknowledged documentation strategies. Few university administrators will ever attempt to learn about the collecting policies of the manuscripts department, but if those policies are written and endorsed officially, then the manuscripts department can more ably combat political commitments which hamper the abilities of the department. This requires archivists to provide collecting policies and to push them through administrative approval.

In addition to collection policies, Patricia Aronsson in "Appraisal of Twentieth-Century Congressional Collections" presents plans for a regional repository system for congressional papers. She suggests that a documentation strategy could be developed allowing for coverage of activities in Congress by keeping selective portions of congressional papers collections. While members probably will not support

a regional repository where their papers are preserved outside their home state, Aronsson's plan for congressional documentation strategies is applicable to single state repositories that acquire large collections and to multi-institution activities in a single state.

Intellectual minimum standards of collecting policies and documentation strategies are as important as repository physical minimum standards. The Report skirts these issues. However, more and more archivists are focusing on collecting policies and documentation strategies at conferences and in their research. Congressional archivists must involve themselves in the promotion of and development of policies and strategies to maximize preservation of congressional papers.

Better records management, while not a minimum standard, is also essential to the preservation of congressional papers. "Better records management practices in congressional offices is the most important activity that could be taken to improve the preservation of Congress's record, according to conference participants. Yet the group seemed to feel that archivists have little influence over these practices."18 While it is true that the impetus for better records management must come from within Congress, archivists can influence what happens. If repository archivists will contact congressional offices at the beginning of congressional terms, an effective records management program can be developed. Repository archivists can also suggest that congressional staff archivists be hired to help institute records management practices.

Congressional staff members hesitate to devote any of their already limited time to records management unless directed to do so by their bosses. Repository archivists must ask senior staff members from offices already committed to records management to pass the word of its value to other members of their state delegations. Then repository

18 Report, 23.
archivists can begin a campaign to provide information on records management to Washington staff as well as state office staff.

Records management in the Senate is facilitated by the *Records Management Handbook for United States Senators and Their Repositories*. It is hoped that a similar handbook will be produced for the House of Representatives in the near future. Unfortunately, senators' offices tend not to implement procedures from the *Handbook* unless assisted by an archivist. Here again, the repository archivist must be active not passive and gently, but firmly, suggest such procedures, or a congressional staff archivist can attempt to implement them from within.

In the four senate offices considered by this article, only one had actually followed procedures from the *Handbook*. This office had employed a congressional staff archivist who prepared policies supported by the office manager for an effective records management program. The other three offices were aware of the *Handbook*, had reviewed it, and planned in the future to implement records management procedures. However, the senator announced his retirement before records management was put into place. Archivists, through communication with congressional staff, can prevent offices from closing and forwarding papers to a repository without ever having implemented records management programs.

Technology in Congress has affected office functions and records management. The *Report* states that technology is "an opening wedge for improved records management and archival preservation."19 This will not be true, however, without the intervention of an archivist. In many cases technology has actually hampered records management and destroyed the archival records of congressional offices. All four offices represented here implemented extensive technology systems as a means of faster service to constituents and

as a way to avoid paper files. Backup systems for computers were in existence in only one of the offices. Drafts of bills and reports were overwritten and are not retrievable, file code guides were lost or never existed, and evidence of important messages transmitted electronically was lost. In two of the offices, staff and congressional staff archivists implemented paper backup systems to assure that drafts were printed out before being overwritten and organized file codes with explanatory documentation. These actions helped create collections meeting minimum standards.

The Report identifies factors "determining the quality of the relationship between congressional offices and repositories," which will improve records management and the preservation of congressional papers.20 Two critical points discussed are the need, as already stated, for the repository to have early contact with the congressional office, and for guidelines on mutual expectations. Early and frequent contact by the repository with the congressional office is essential to the proper preservation of files. Contact must be with the staff person responsible for managing office systems, not just the public relations. Repositories should, of course, stay in touch with the congressional office press secretary, but only instructional sessions with the office manager or administrative assistant will result in the application of archival procedures. Some of the repository archivist's contact will need to be in person, for personal reviews of files in Washington insure better quality collections.

Repository archivists should not hesitate to recommend the hiring of a Washington-based congressional staff archivist. It is better to lose some control over the handling of the files in order to gain on-site expertise from an experienced archivist. Repository and congressional staff archivists may disagree on minor points, but they will at least be disagreeing in the same language.

20 Ibid., 24-25.
In addition to recommending minimum standards for collections and repositories, the Report recommends that statements outlining the mutual expectations between repository and office be developed. A draft gift or deposit agreement can delineate these. Included should be the following: a description of the donor and the receiver; an explanation of materials being given or deposited, including a brief list; inclusive dates and size of the materials; any restrictions on use and the time limit of the restrictions; ownership of literary rights and copyrights; the disposition of duplicate materials; expected time to process fully; allowable use of materials for research prior to completed processing; a description of additions; and whether finding aids or guides are to be produced. Of course, other points regarding the uniqueness of the repository and the congressional collection need to be included in deeds of gift or deposit.

In three of the four instances, a deed of gift written by the congressional staff archivist was signed by the senator and the respective repository. Written into the deeds is the requirement that the repository archivally arrange, describe, and make available for research use the collection within five years of its receipt; that duplicate materials may be discarded by the repository; that only classified materials will be restricted; and that literary and copyrights belong to the repository upon the death of the senator. Future questions of ownership and obligations are already answered by the deeds.

Understanding and acknowledging mutual obligations will improve the preservation of congressional papers, but archivists dealing with such materials need better training and information. The Congressional Papers Project Report explores these needs and recommends congressional archival fellowships as well as better communication among congressional archivists. Fellowships will begin to address many of the questions congressional archivists face. The Report suggests four to six week fellowships, but experience in congressional offices shows that more time is needed. Four to six weeks is only enough to begin to gain the confidence of congressional staff members which is necessary to the
implementation of any archival program. Additionally, a few weeks spent working in the historical offices of the Senate and House of Representatives will give the archivists a better background in the history of Congress. More one or two year positions for congressional staff archivists and fellowships for repository archivists in conjunction with work in the historical offices will build a true archival program for congressional papers.

Currently, the Society of American Archivists’s Congressional Archivists Roundtable provides the only formal network for discussion relating to archival programs for Congress. Congressional staff archivists and repository archivists working with congressional collections need to provide more case studies to each other, publish more information about their work, and develop cooperative programs. The Report strongly emphasizes these needs and urges archivists and congressional staff to become involved and concerned about the preservation of Congress’s history. However, no coordinated effort has yet evolved between these two groups. Despite the good work of the Senate Historical Office and the House of Representatives Bicentennial Office, only when repository archivists become proactive instead of reactive will progress be made in the management of congressional collections.

Further progress will occur when the hiring of congressional staff archivists is accepted by Congress and repositories. Today, these positions are usually developed by the person hired to fill them. However, more such positions need to be established because of the valuable assistance they bring to Congress. Recommendations made by the Report are valid and workable, but only if more archival assistance is given to Congress. From where is this archival assistance to come? Certainly, repository archivists will seek collections that meet minimum standards, but the archivist who has extra time to spend in Washington working in the congressional office is rare, if he exists at all.

Congressional staff archivists can provide assistance for repositories. They will foresee many areas where a collection does not meet minimum standards and implement improvement procedures for the congressional office to
follow. Washington-based congressional staff archivists can do this better than anyone in the repository, because they are on hand, and better than anyone else in the office, because they are trained as archivists. They also can establish records management programs in-house and perhaps free repository archivists to work on oral history to fill in gaps created by the verbal nature of Congress. Appraisal can also be facilitated during establishment of records management programs. Many of the other problems repository archivists find when a congressional collection arrives, such as missing file codes, missing documentation for automated systems records, names and positions of staff members, and identification of photographs can be eliminated by the congressional staff archivist while the office is still functional. Such problems may not be resolvable once office staff are scattered.

In conjunction with managing congressional papers to meet minimum standards, congressional staff archivists can assist members of Congress in locating repositories that meet minimum standards as delineated by the Report. The congressional staff archivist may have as little power as other congressional staff in preventing placement of papers at unsuitable repositories because of political whims. However, a congressional staff archivist in the office of a member contemplating placement is more likely to be consulted than not.

Also, as previously stated, congressional staff have limited time which they would seldom devote to records management. Therefore, a congressional staff archivist could implement needed records management programs where no one else would. Of course, not all archival problems for Congress can be solved by congressional staff archivists, but if each office hired a trained archivist the preservation of the history of Congress would be dramatically enhanced, the standards presented in the Report might become reality, archival repositories would be less burdened, and jobs would be created for archivists.

The 1978 Conference on the Research Use and Disposition of Senators' Papers passed a resolution which challenged archivists, historians, and congressional staff:
Recognizing that the Conference has illuminated important problems of acquisition, research use, organization, processing, arrangement, description, and size of papers of United States senators, be it further resolved that this Conference urge that these and related questions receive further systematic study by representatives of the Senate, of the historical profession, and of the archival profession, through a study group sponsored by the Senate Historical Office and the Society of American Archivists.21

Seven years later the Congressional Papers Project Conference in Harpers Ferry finally began to review such issues with the hope of developing guidelines for funding work on congressional papers. Today, only the Harpers Ferry conference, the Records Management Handbook for United States Senators and Their Repositories, the work of several congressional staff archivists, and a few published articles have dealt with the issues first raised at the 1978 conference. Through such continued efforts and the analysis of the work done, archivists can and will develop better ways to preserve congressional papers and make them available for research.

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21 Proceedings, 121.
One of the more common analogies in archival literature is that comparing archivists to detectives. But even Sherlock Holmes, the "most perfect reasoning machine the world has ever seen" (in the words of his biographer, Dr. Watson), might quail at the task facing an archivist who must identify and date photographs in twentieth century political collections. Bereft, in most cases, of the technological clues that enable those working with nineteenth century photographs to date by photographic process, the archivist faces a situation that, in the words of Canadian archivist Richard J. Huydra:

"presents numerous fundamental difficulties. Existing captions are often incomplete, inaccurate, deliberately distorted or irrelevant. For photographs with no captions, the task of identification is even more difficult. Recognition by memory or through comparison with other visual evidence is often inadequate and unreliable."²

Yet identification of these photographs is crucial. Apart from the traditional illustrative and biographical uses to which this type of photograph has been put, photographs from political collections have value as documentation in their own right. They may contain a wealth of information on the material culture and the social milieu through which a politician's career moved. As John Lovett, Jr. and John Caldwell, in their article on congressional photographs, point out, "the photograph has become an integrated part of research. . .the photograph can complement the written record and, in some instances, present an aspect of the historical record not found in the written word."³

Archival considerations must also be taken into account. The process of appraisal is greatly assisted if proper identification can be made for the photographs. Photographs cannot be arranged into logical groupings unless the archivist can establish that the images were created at the same time to document the same event. Use is another consideration. In most cases, the researcher is looking for a specific person or event, a particular type of scene, or a specific photograph. Adequate access cannot be provided unless the photograph can be identified in sufficient detail for the user to determine that an image is the one desired and for the archivist to retrieve it.

A search of the archival literature does little to relieve the archivist’s dilemma. Aside from works predominantly concerned with the identification of nineteenth century photographs, such as Booth and Weinstein’s *Collection, Use and Care of Historical Photographs*, little has been written about the process of identifying the contents of photographs, as opposed to identifying photographic processes. Even Ritzenthaler, Munoff, and Long’s excellent *Administration of Photographic Collections* is lacking in this regard. This is true for all types of photographs, not just those in political collections.

The process of identifying photographs in twentieth century political collections is similar to that for other types of photographs. Information is gathered from outside sources, usually the donor, experts with specialized knowledge in areas such as particular historical periods or artifacts, or reference works. The individuals and background details in the photograph are carefully examined and internal evidence is collected, with the photograph being compared to others if possible. All the evidence is combined, collated, and then analyzed in an attempt to produce an identification. The differences between identifying twentieth century political photographs and other types lie in the sources used and, more importantly, the inherent characteristics of the political photograph itself.

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5 Mary Lynn Ritzenthaler, Gerald Munoff, and Margery Long, *Administration of Photographic Collections* (Chicago: Society of American Archivists, 1984). There is an excellent description of a photograph on page 57, but it appears in the section on appraisal. In that same section, the caption under Figure 3-4 on page 60 mentions that the "stained, out-of-focus photograph that appeared to have little visual appeal or research value" was the only extant photograph of the Paterson Silk Strike Pageant, yet there is no discussion of the identification process that led the archivists to that conclusion.
The nature of political photographs is complex. They are a combination of personal and public relations photographs. In addition, they also share some of the characteristics of a newspaper archive. Like their related manuscript collections, they can be very bulky. Political photographs are very "event-driven," documenting incidents such as campaign stops, trips, and visits by individuals to the politician's office, some of which are unique to political photograph collections. Although a politician has a home district, the peripatetic nature of political life often dictates that a collection will hold photographs from a wide variety of locations. There is usually a larger number of important or famous individuals represented in this type of collection than in others of comparable size.

All these characteristics necessitate the use of a wider variety of resources to aid in making identifications in political photograph collections than for other photographic collections. Some of these resources, such as congressional pictorial directories and legislative handbooks, are used almost exclusively for political photographs. The combination of all of these factors—-the nature of the photographs themselves and the events they record, their bulk, the wide variety of locations pictured, the large number of famous individuals represented, and the multitude of sources used in their identification—serve to separate political photographs from other types of twentieth century photographs.

The first step in the identification process is to gather information from the donor, if possible. Can the donor provide any information as to the place, date, or individuals in the photograph? Although sometimes unreliable, the memory of the donor can be a valuable starting point for identifying and dating photographs. The donor, or another member of the family, often provides the only hope of identifying individuals and places pictured in a photograph, or of dating a photograph. Even if the initial identification is incorrect, the process of disproving it can bring to light valuable information.
It is best at this stage of the process to begin by writing down a description of the photograph, and then adding information as it is acquired. This can be done either by note-taking or by the use of a form. If the archivist makes these notes as detailed as possible, the final analysis will be made much easier.

Some archivists may object to the time and effort spent at this level of processing, pointing out that no manuscript series would be processed on an item-by-item basis. It should be noted that, although all photographs should have a brief description made for them (for security purposes, if nothing else), each photograph will not undergo the rigorous examination process outlined here. Captioned photographs, those with few or no clues to their origins, and photographs that can be grouped together and described en masse usually require less time than other photographs. Only the most important background items, which consist of those that are clearly visible and prominent (such as major buildings, ships, aircraft, etc.) or those that are central to the identification of the photograph, need to be identified; effort should be concentrated on the who, the why, the when, and the where. With the penchant that patrons have for requesting photographs on the basis of the important individuals they contain, access considerations alone may dictate this level of processing. If the photographic collection has been properly appraised as having permanent value, then it is worth the same amount of time and effort that would be lavished on a comparable manuscript series.

The next step is to examine the photograph and its surroundings. Is there a caption or processing stamp on the front or back? Has the caption come loose? How complete is the caption? If the photograph was enclosed with a letter or other document, can that item provide any information about the photograph?
Information from these sources should be treated with caution. Memories fail, captions and other written information may be incorrect, and processing dates stamped on the photograph may be days, months, or even years after the photograph was actually taken. This does not mean all such information should be rejected out of hand; it does mean that it should be viewed critically.

It is often a good idea to begin the examination of the image itself by trying to identify the individuals in the photograph, since this is usually an easier matter than trying to identify the place or date. If a politician only served a limited term in office or represented a limited geographic area, identifying that individual in a photograph may serve to narrow possible dates or places. A useful tool for identifying members of Congress after 1951 is the Congressional Pictorial Directory (it was called the Pocket Congressional Directory until 1967), published biannually by the Government Printing Office; it is arranged alphabetically by state. For state legislators and other state officials, the best source is legislative handbooks published by the states themselves. For example, both the Georgia Official and Historical Register and South Carolina’s Legislative Manual contain portraits of members of all three branches of state government.6

Portraits of other individuals may be found in publications such as Current Biography, the New York Times Index (which identifies illustrated obituaries), and the New York

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The Science of Deduction

*Times Biographical Service/Edition.* Biographies and general historical works are also sources of portraits that can be used to aid identification. 7

Holmes once said, in the story "A Case of Identity," that it was a long-held axiom of his "that the little things are infinitely the most important." 8 The details in a photograph—clothing, objects, landscape and architecture—are very useful in dating, identifying places and for grouping photographs. When trying to date a photograph by using details, it is best to attempt to find clothing or objects whose style is distinctive and whose period of use is narrowly defined—as Holmes might say, "singularity is almost invariably a clue." 9 For example, a photograph of a politician visiting a military base may have equipment in the background and will certainly include soldiers in uniform. Uniform styles and equipment have limited service lives, which can be used to narrow the time period in which a photograph may have been taken. Background details such as buildings can be useful; Booth and Weinstein discuss the use of landmarks in dating photographs. 10 Another detail to look for is dates *in* the photograph; photographs have been dated because a desk calendar was clearly visible (and legible) in the picture.

Using details, especially in dating photographs, should be done cautiously. Clothing styles change more slowly in the hinterlands than in a large city such as New York, and economic considerations may necessitate the use of clothing far beyond the time when it has gone out of style. Building styles, or even the buildings themselves, may be copied from

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one location to another, from one time period to another. It is best to base an identification or date on more than one detail and to examine everything critically.

Identifying places involves the ability to recognize architectural and geographic features. Since a politician may travel widely during his career, it is impossible to be familiar with all of the places he visited. This means the archivist must look for distinctive landmarks or a specific sequence of buildings along a street which can be compared with an already identified view. The archivist must also be able to identify landmarks by using certain specific features, since the entire landmark may not be visible. This may mean identifying a building using only a doorway, or a lake by its distinctive shoreline.

When grouping photographs, using details for pattern recognition is essential, whether the task at hand is determining whether a group of photographs are all of the same event or deciding that a photograph is part of (or related to) an already existing collection. This is the point at which an archivist has enough information to begin comparing photographs with one another. Rather than looking for singularity, the archivist is now looking for repetition. For example, it is reasonable to assume that a series of photographs were taken at the same time when the clothing of the individuals and some of the background features are repeated from photograph to photograph. William Frassanito used this technique to good effect in his 1976 study of photographs taken at Gettysburg.11

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The number of sources that can aid in the identification and dating of photographs is only limited by the imagination and creativity of the archivist. A source that is not utilized as much as it should be is "experts." They range from university professors to local amateur historians with specialized knowledge to technicians. For example, a language professor may be able to translate a Chinese inscription in a photograph taken in Taiwan during a congressional committee tour, while a textile worker may be able to identify a machine that appears in the background of a mill scene.

Experts even include the archivist and his staff. Through their own expertise, based on their knowledge of the repository's collection, the locality, the local history of the area, and outside knowledge that they bring from their own experience or education, they can succeed in making a correct identification. Booth and Weinstein note that, over time, one can "develop a sense of recognition of the terrain, its objects, and its structures, that materially help in identification and dating."12

There are a wide variety of sources for identifying automobiles, aircraft, ships, clothing, architecture, and other objects that appear in photographs. A few examples follow. For architecture, Blumenson's *Identifying American Architecture* and *A Field Guide to American Houses* by the McAlesters are both useful for identifying the styles of buildings in the United States. Both are arranged chronologically, with the *Field Guide* being more detailed in its treatment of the subject.13

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A useful guide for identifying American furniture is *Clues to American Furniture.* It is arranged chronologically and by style, and contains useful line drawings. Like the *Pictorial Guide* alluded to above, this publication is a "quick and dirty" guide and is less detailed in its coverage of the subject of American furniture than other sources.

Both the *Dictionary of Costume* by Wilcox and *The Encyclopedia of World Costume* by Yarwood are comprehensive in their treatment of the history of clothing and are profusely illustrated, but both suffer because they are arranged alphabetically by subject, rather than chronologically. Wilcox has also written a chronologically arranged history of clothing in the United States entitled *Five Centuries of American Costume.* It concentrates on everyday dress and is particularly good for identifying clothing from earlier periods in the country’s history and military dress.

There are numerous books on ships, aircraft, and automobiles. *Jane’s* is still the standard for both ships and aircraft, especially those used by the military. The Olyslager Auto Library, published by F. Warne of New York, and Tad Burness’s *American Car Spotter’s Guide, 1940-1965* and *American Car Spotter’s Guide, 1966-1980* are only examples of the many books that picture automobiles. Some automobile books are devoted to single models, such as the


Model T or the Corvette. Any large public or university library should have enough of these types of publications to provide for most of the archivist's needs.

It is best to use more than one source to identify an item, not only as a means of verification, but to take advantage of the different types of information publications provide. For example, in identifying American warships, one should use Jane's Fighting Ships and the Dictionary of American Naval Fighting Ships in tandem. Jane's is arranged by country, then by type of vessel within each country, and then by the ship's identifying number, such as CV-2 for the first U.S.S. Lexington. The identifying number is often the only clue to the identity of a warship on an uncaptioned photograph. The Dictionary is arranged by the name of the ship and provides information on the history of the vessel, including the ship's home ports during various stages of its career and major voyages the vessel undertook. This kind of information can be very useful in dating a photograph, since a vessel may only be in a location at specific times during its life.

The final step in the process of identification is to correlate and analyze all of the information obtained in the previous stages. At this point the notes taken earlier are most useful. The archivist should take into account any discrepancies and the possible reasons for them, and base the identification on more than one piece of information, if possible. Making a successful identification requires care, respect for accuracy, patience, and the ability to reason logically--"when you have eliminated the impossible, whatever remains, however improbable, must be the truth." This portion of the process is probably the most intuitive, more of an art than a science. Once a photograph is

18 Doyle, "The Sign of the Four," CSH, 111.
identified, it can act as "a type of Rosetta Stone. . .[allowing] you to spread out from. . .the known point, to other unidentified areas, the unknowns."19

Figure 1. Detail from original photograph, "Marcus at 'Calder's Universe,' Atlanta, Georgia, April 1977." Glass case described in example is to the left of the men in the original. Sidney J. Marcus Papers, Richard B. Russell Memorial Library, University of Georgia Libraries.

19 Booth and Weinstein, Historical Photographs, 42.
An example based on an actual problem in identifying a photograph will serve to show how the process of identification, using the techniques and sources mentioned, works. An uncaptioned photograph was discovered in a collection of photographs from a state legislator that showed the legislator with two men, one with his back to the camera and the other with his face partially visible. (See Figure 1.) There was a glass case in the left background which contained two objects, and there were other objects hanging from the walls. A processing date of "AUG 1977" was stamped on the back of the photograph.

The archivist was able to identify the man whose face was partially visible as another state legislator, since the archivist had previously identified him in another photograph by using a state legislative handbook. The archivist knew that the date on the back of the photograph could not be too inaccurate, since both men had served together for a specific period of time, which included the year 1977. But he could not be sure that the date was correct, nor did he know where, or for what reason, the photograph was taken.

The archivist began to examine the objects in the background more closely, using a magnifying glass, and was able to identify the objects on the wall as mobiles. He remembered seeing something similar at a museum that he had visited and that the artist who created those objets d'art was named Alexander Calder. This dimly held memory sent the archivist scurrying to the online catalog to find any illustrated books the library had on Calder's work. Finding three books that he thought would be useful, the archivist began to compare the illustrations in the books with the mobiles in the photograph.

None of the mobiles matched. But looking through the illustrations in one of the books, two of the objects pictured looked suspiciously similar to the objects in the glass case in the background. Examining the photograph under magnification removed all doubt; the objects in the case were "Fish
Pull-Toy" and "Wooden Bottle with Hairs," both by Calder. Obviously, the group in the photograph were at an exhibition of Calder's work.

The archivist checked a list of exhibitions in the appendix of one of the books and discovered that in 1977 an exhibition entitled "Calder's Universe" had toured the United States. Since the photograph was in the collection of a man who had represented a district in a large metropolitan area, it was likely that the exhibition had visited that city. Searching through a periodical similar to the city magazine *Washington Monthly* revealed that the exhibition had been there in April 1977. It was likely that the photograph had been taken at that time and had not been processed until August.

As a result of this careful examination, the archivist could now date the photograph to a specific month. He could also identify two of the three individuals in the photograph, as well as the place and the event.

In spite of an archivist's best efforts, inevitably there will be photographs that defy all attempts at identification. These items should be described as fully as possible, in the hope that more information will eventually be obtained. A tickler file should be developed to identify photographs that need more information, to act as a memory aid. It is also a good idea to review these items and to keep them in mind as newly accessioned photographs arrive. The archivist should always be willing to change an identification if better information becomes available.

The identification and dating of photographs in political collections is crucial for their use. As the example shows, by following a strategy of meticulous examination, judicious use of available informational resources, previous knowledge, and careful reasoning, an uncaptioned photograph can be accurately dated and identified. This process is not only
useful for this type of photographic collection, but for others as well. The "game's afoot" for the archivist who must deal with photographs in political collections.

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Administration of Photographic Collections: A Bibliographic Essay

Janene Leonhirth

Because the inherent nature of photographic images is self-destructive, those entrusted with their care should know what they have and how to assure the images the longest life possible. Information contained in photographs is just coming into its own as historical documentation, but several helpful books are available on the subject of administration of photographic collections. Many of them can be found in a good library and can serve as a basic resource library for any archival repository.

Images which find their way to repositories can range from 150-year-old processes, such as daguerreotypes and ambrotypes, to the latest process technology has to offer. Since different photographic processes require different
storage and preservation techniques, those dealing with photographic collections must be able to identify the varying types of images. Almost any book on photographic collections includes a guide to process identification. However, one of the best guides is Collector's Guide to Nineteenth-Century Photographs.

Written by William B. Welling in 1976, Collector's Guide not only describes the processes used in the nineteenth century but, through many photographs, shows actual examples. Identification of other photographica is included in the latter part of the book, including early photographic instructional literature and portfolios. Listings of nineteenth century photographers and photographic societies also can help to identify photographs already in house and to identify potential donors. Welling also advises which images are valuable and which are not.

Until recently photographic storage and conservation has been the almost exclusive domain of photographers and private collectors, so most books do not deal specifically with the concerns of archivists and their repositories. Two which do are Administration of Photographic Collections, by Mary Lynn Ritzenthaler, Gerald J. Munoff, and Margery S. Long, and Collection, Use, and Care of Historical Photographs, by Robert A. Weinstein and Larry Booth.

Weinstein and Booth offer the reader a step-by-step guide to the collection and care of historical photographs, as well as citing several uses for the images once they are acquired. Case studies give even more insight into what may be encountered when processing a newly acquired photograph collection and how problems may be handled. Since this volume was published in 1977, some of the information has become outdated, such as that on copyright and some cleaning procedures. Still, its simplicity and clarity make it one of the first books that should be consulted when studying the administration of photographic collections.
As part of the Archives and Manuscripts series published by the Society of American Archivists, Ritzenthaler's *Administration of Photographic Collections* goes even farther into the real world of archives to discuss legal issues, copying, appraisal, arrangement and description, as well as realistic storage procedures, taking into account that more often than not, people have to work in the same environment in which the photographs are housed. Ritzenthaler also offers some alternative preservation techniques from what many authors suggest, again taking into consideration some of the compromises which must be made in the real world. If an archivist reads only one book on the administration of photographic collections, this should be it.

One of the major problems facing the archivist when confronted with a photographic collection is preparing it for storage and use. Photographs often arrive faded, dirty, cracked, and bug-ridden. They may require anything from preservation, or prevention of further deterioration, to conservation and restoration, in which the conservator attempts to return the photograph to its original condition.

Companies such as Kodak and Time-Life have published several manuals on the subject of care and conservation which deal with cleaning and repairing procedures. *Conservation of Photographs*, published in 1985 by the Eastman Kodak Company, offers the experienced conservator some procedures for archival processing of prints and chemical restoration of photographs. However, this manual is not for the average archivist, as the numerous disclaimers attest, unless he wants to get an appreciation of the difficulty a conservator faces in restoring photographs. In fact, most of it can be understood only by those with a thorough understanding of photographic chemistry. And while *Conservation of Photographs* also includes chapters on collection, storage, and early processes, the information contained in them can be obtained elsewhere.
Caring for Photographs, published in 1972 by Time-Life, falls into the same category as Kodak's manual. However, it is more easily understood because of the step-by-step photographs which illustrate the procedure narrative. Before and after shots are also helpful in showing just what conservation can do to restore a photograph to its original condition. A section on storage, while intended for the working photographer, is helpful in terms of understanding which materials are safe. Again, this information can be found in other sources.

One such source is The Life of A Photograph. By Laurence E. Keefe, Jr. and Dennis Inch, this book provides more for the archivist than the name implies. Although the authors did not write it for one specific audience, archivists can extract what is appropriate to their work and disregard the rest. The book starts with archival processing of negatives and prints, but most of its content deals with matting, mounting, framing, and exhibiting photographs. Anyone whose collection is to the point where an exhibition can be planned should consult The Life of A Photograph to ensure that proper lighting and security measures are taken and that safe materials are used, as well as taking advantage of other useful tips the authors provide.

Chemically safe materials are a major concern of Keefe and Inch. A section on storage delves beyond shelves and cabinets into boxes and envelopes, each type of which gets its own section heading for easy reference. Another plus for Keefe and Inch is the book's last section: Inspecting and Reframing Old Prints. Coming immediately behind Old and Antique Photographs, it gives three case studies of seemingly well-kept prints, which, once removed from their frames, were found to be in varying degrees of deterioration. In each case, the authors show through photographs and narrative how each photograph was treated and reframed so that the problem would be arrested before it worsened.
For those who do not wish to read volume after volume on the administration of photographic collections, many short articles have been published in journals and books, ranging from those geared toward photographers to those geared toward archivists. Professional journals such as The American Archivist or Special Libraries or specialized ones such as the Journal of the American Institute for Conservation, Photographic Science and Engineering, Picturescope, or Technology and Conservation can supply information about specific issues of concern. The American National Standards Institute’s standards for film are also a valuable source of data.

Most books on the administration of photographic collections deal with nineteenth century and early twentieth century photographs. However, antique images are not the only ones which can be housed in an archives. Modern photographs such as those using the various color processes and both color and black and white processes using resin coated paper present even more challenges to those faced with assuring their permanence than do antique photographs.

An overview of more modern processes, especially color, was written by Bruce Pinkard in The Photographer’s Bible. Most helpful under his entry "Archival Processing, Storage, and Presentation" are the charts listing a summary of archival practice and archival qualities of color photographs.

Once a photographic collection has been established and its existence assured as well as possible through preservation, conservation and storage, thought should be given to a disaster preparedness plan, part of which involves recovery of damaged records. Real horror stories exist of photographic collections that have been threatened or destroyed by natural or manmade disasters. Especially detrimental to photographic collections is contact with water. The water solubility of some photographic emulsions presents a nearly
impossible task to someone trying to salvage water-damaged photographs. Several of the books listed discuss this important issue.

The information provided by these sources is by no means exhaustive. Techniques and practices for the administration of photographic collections continually evolve as more is learned about the nature of photographs. And, as historians and others learn to glean the information photographs provide, it will become even more vital that they are afforded as much archival attention as are written records.


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NEWS REELS

The Mississippi Department of Archives and History has been awarded a $5,000 grant from the Unitarian Universalist Association for the conservation of the papers of Judith Sargent Murray, an early advocate of female rights. The National Endowment for the Humanities (NEH) is funding both the microfilming of the Murray papers and microfilming of selected Mississippi newspapers that are in danger of deterioration. The newspaper portion of the grant is $26,317.

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Preservation Day was held 26 April 1988 on the steps of the Old Capitol in Tallahassee, Florida. Highlights of the day's activities included a legislative briefing session and a reception honoring F. Blair Reeves of the University of Florida for his years of service to the cause of historic preservation.

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The South Carolina Department of Archives and History was awarded $2,976 to support printing of the state’s historical records assessment report and a summary brochure.

On 17 November 1987, the Alabama State Records Commission recognized the Alabama Department of Revenue as the first micrographics lab certified under the state’s new program. Several other labs have since become certified.

The University of Louisville (Kentucky) has been awarded a grant of $22,775 to create or improve finding aids for six of the university’s recent accessions relating to women’s history. Collections for which finding aids will result include the papers of Gerta Bendl, a Louisville alderwoman in the early 1970s, and of Sara Landau, an economist, teacher, world traveler, and social reformer. New or improved finding aids will also be developed for the records of the Business and Professional Women of Kentucky, 1921-1985; the local chapter of Professional Secretaries International, 1943-1983; the League of Women Voters of Louisville, 1920-1980; and the Louisville Young Women’s Christian Association, 1912-1979.

Guide to Kentucky Archival and Manuscript Collections, Volume One will be published in the fall of 1988. An introductory volume, The Guide to Kentucky Archival and Manuscript Repositories, which gives a brief overview of two hundred eighty-five repositories, is still available for $12. For copies of either publication, contact: Barbara Teague,
Kentucky Department for Libraries and Archives, P. O. Box 537, Frankfort, Kentucky 40602-0537; or telephone (502) 875-7000.

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The Kentucky Department for Libraries and Archives awarded grants totaling $430,599 to local governments during the 1987-1988 fiscal year. The local records program is designed to improve the management and protection of the vital records of Kentucky's local governments. Governments receiving funds to date have undertaken projects for security microfilming, restoring damaged or deteriorated records, converting heavily used records to alternative formats, codifying original ordinances, and purchasing equipment and supplies.

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The Tennessee State Archives will have a remote access terminal to an experimental database of one million digitized pages from the Military Service Record files for the Confederate army from the state of Tennessee. The National Archives and Records Administration (NARA) has created the database to test the capabilities of enhancing the image of documents that are deteriorating badly as part of its Optical Digital Image Storage System (ODISS). The digitized technology will then be compared to microfilm copies of the same records. Access to the database, which is also available from NARA, is by name, rank, or regiment.

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The Society of American Archivists received a grant from the National Historical Publications and Records Commission for $56,400 ($5,000 of it matching) to publish a series of seven new manuals entitled Archival Fundamentals.
The National Association of Government Archives and Records Administrators (NAGARA) was awarded a grant of $106,450 to develop an archival preservation planning tool for use in state and local government archives and other archival institutions. Products will include self-survey materials for repositories and a preservation planning resource notebook.

"Microenvironmental Research and New Directions in the Care of Collections" was the topic of the third annual preservation conference that was held on 12 April 1988 in the National Archives Theater. The conference addressed issues related to the microenvironments in which archival and library materials are stored and displayed. Speakers discussed research relating to the effect of temperature, relative humidity, and air quality on record materials in various enclosure formats and settings. Practical applications for such data also were covered in the context of preservation decision making, environmental controls, and storage enclosures. For more information, contact the National Archives and Records Administration, Washington, DC.

The National Archives and Records Administration (NARA) and the National Bureau of Standards (NBS) recently sponsored a conference on electronic records. The conferees included the archivist and deputy archivist as well as the representatives of the National Archives of Canada, the United Nations, the World Bank, the General Services Administration, the National Aeronautical and Space Administration, and the Office of Management and Budget.
Charles Dollar, assistant director of the Archival Research and Evaluation Staff (NSZ), was moderator of a panel composed of three speakers from NBS. The conferees were briefed on the work to be undertaken jointly by NARA and NBS, which will establish a policy on the preservation of electronic records and will develop standards for the transfer, storage, and accessioning of these records.

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The Archives and Museum of LaGuardia Community College in Long Island City, New York, has created a computerized information retrieval system to manage collection holdings of three thousand photographs. The project, funded by a National Endowment for the Humanities grant of $25,000, will create a machine-readable index (subjects, people, and places) to photographs of Mayor Fiorello H. La Guardia, as well as develop a model computer system. For more information about the computer system, contact: Richard K. Lieberman, Archives and Museum, La Guardia Community College, 31-10 Thompson Avenue, Long Island City, New York 11101; or telephone (718) 626-5078.

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The New York State Archives and Records Administration has issued a new brochure designed to promote better management of historical records programs. Entitled "Ensuring a Usable Past for Your Community: The New York Citizen's Guide to Evaluating and Improving Historical Records Programs," it provides information to strengthen the identification, collection, access, and administration of historical records programs. For more information or to request copies, contact: Ms. Terri Sewell, Education Program Aide, State Archives and Records Administration, 10A63 Cultural Education Center, Albany, New York 12230; or telephone (518) 474-6926.
The University of Alaska-Fairbanks has published a guide to the personal and official papers of the state's first elected governor. The *Guide to the William Egan Papers, 1940-1984* is now available for $12 including postage and handling from the Alaska and Polar Regions Department, Elmer E. Rasmuson Library, University of Alaska-Fairbanks, Fairbanks, Alaska 99775-1005; or telephone (907) 474-7261.

North Carolina State Archives has received an endowed internship from Dr. Lenox D. Baker, a prominent Durham physician and the state's first Secretary of Human Resources. The endowment, which accompanies the donation of Dr. Baker's papers to the archives, is handled by the Friends of the Archives, Inc.

The Florida State Archives research room, office, and staff areas will be renovated beginning in August 1988 and will take from ninety to one hundred twenty days to complete. Reference service during this time will be limited. Please contact the archives after 1 August for more information.

The Florida State Archives has published the *Guide to the Records of the Florida State Archives*—a 327 page document which details the public records, manuscripts, and local government records maintained by the archives. Its compre-
hensive index will enable researchers to access the collections by name, corporate title, subject, and geographic location to a degree not previously available.

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The Alabama Department of Archives and History has produced a listing of Alabama newspapers on microfilm. This listing contains purchase information on approximately 4,500 reels containing 262 Alabama titles. Copies of the listing are available for $8 each. To obtain a copy, contact: Clara Jehle, Alabama Department of Archives and History, 624 Washington Avenue, Montgomery, Alabama 36130; or telephone (205) 261-4361.

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The Society of Georgia Archivists (SGA) will assist the Society of American Archivists (SAA) in holding the 1988 SAA annual meeting in Atlanta from 26 September through 2 October 1988. Volunteers from the SGA are helping the local arrangements committee arrange tours and publicize the city's many attractions.

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Reviews, Critiques, and Annotations


A Guide to Civil War Maps in the National Archives, published in 1986, is not a reissue of the 1964 edition published as a part of the Civil War Centennial. In the preface, the editors state that there are three significant changes in this edition: Maps from the War Department Collection of Confederate Records (Record Group 109) are included, file numbers for individual maps are inserted for those from the Office of the Chief Engineers (Record Group 77) to facilitate reference retrieval, and more illustrations are used to show the type and variety of maps available.

The volume is divided into two parts, with the first part being a general index to records in the government hierarchy. A total of eight thousand Civil War maps are contained within the records of Congress, Department of the Treasury, Department of War, Department of Navy, Department of the Interior, Department of Commerce, the War Department Collection of Confederate Records, and the gift collection which comprises private papers "appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions." These private records are those of William Henry Paine, a captain and topographical engineer for the

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Maps in this section are described by series, including titles, dates, numbers of items, and descriptive annotations. A description of each record group as to its organization and function during the Civil War precedes the series description within the record group.

The second part of the volume contains detailed descriptions of 267 maps deemed to be of exceptional interest. Five criteria were considered for selection purposes, and those maps chosen represent major geographical areas in the Civil War, possess intrinsic historic value, contain the highest concentration of information, are easier to read than maps covering the same area, and are of artistic value. These sections are arranged by United States and then by individual state. Descriptions for each map usually include the map title in bold face print; the name of the surveyor, compiler, draftsman, or producing agency; date; scale, dimensions to the nearest inch; a brief description of the map; and the appropriate record group and file designations. Information supplied by archivists is in brackets.

The thirty-three illustrations of maps are useful and visually depict the variety of maps, including watercolor views, manuscript maps, published maps with annotations, sketches, and "birds-eye views."

A detailed index to proper names, places, and battles complements the text. A random check of the text against the index verifies its completeness.

The *Guide* is a useful addition to any research collection of Civil War or cartographic materials. Archivists and researchers will find the volume helpful in documenting place and action for Civil War research as well as an excellent source for appropriate illustrative materials.

Anthony R. Dees
Georgia Department of Archives and History

This is an attractive collection of essays previously printed in the National Archives and Records Administration's (NARA) popularly oriented quarterly journal Prologue. Since 1980 this magazine has regularly included essays on "Sources in the National Archives for Genealogical and Local History Research." The compiler has grouped these essays into seven well-illustrated and somewhat contrived sections (general overview, citizen soldiers, citizenship, the frontier, tax and census enumeration, immigration and case files) and written a short introduction for each section. Historian Thomas J. Schlereth provides a general introduction to the volume which argues that the monumentality of the archives, both as institution and building, prevents America from seeing it as a place where its families and towns can also be found. While the archives is national, it also is next door.

The strength of these essays is their useful description of particular record series. Anyone familiar with NARA's preliminary inventories will appreciate the much more "user friendly" discussion of arrangement, content, and limitations of these records written by users or custodians who have consulted them on a regular basis over the years. Keith R. Schlesinger's article on ways to find names in urban census records, for instance, should be read by every custodian of census population schedules, including those having "accelerated" or "Soundex" indexes. Constance B. Schulz on Revolutionary War Pension Applications, Cynthia Fox on Civil War Income Tax records, Frank H. Serene on Ship Passenger Lists, and Sarah Larson on War of 1812 papers and Southern Claims Commission records provide helpful analyses of particular series, especially of the process of records creation as defined by law and administrative practice.
Equally significant, although perhaps of less interest to the archivist, are the several case studies that grow out of the new social history. In these generally academic essays (John P. Resch on Revolutionary War pensioners in Peterborough, New Hampshire; Jane F. Smith on land use patterns in Iowa County, Wisconsin; and Sarah Larson on the census and local history in Virginia City, Nevada), readers learn how particular record groups can help the scholar piece together the social fabric of a community.

Less successful are the essays seeking to provide an overview of available NARA sources on genealogy (James D. Walker) and state and local history (Richard S. Maxwell on civil and Elaine C. Everyly on military records). These read like laundry lists of NARA record groups. Other essays deal with records that would only be of value for narrow research questions (Ira Dye on Seamen’s Protection Certificates, James W. Oberly on Mexican War bounty claims, Barry A. Crouch and Larry Madaras on Texas Freedmen’s Bureau records, Cynthia G. Fox on Eastern Cherokee claims, Thomas E. Wiltsey on New Mexico Territory court records, and Leonard Rapport on Interstate Commerce Commission case files).

The central problem with this collection is its lack of focus as to content and intended audience. Some articles have footnotes and take an academic approach; others are more journalistic with eyecatching illustrations. The chief audience ranges from the genealogist and the local historian to the academic historian and the archivist, but it is doubtful that there is enough here to appeal to any one of these groups. This is frankly due to magazine-column source of the essays. As a consequence, there is little reason for anyone to acquire this volume, especially if Prologue is already on the shelves.

Ben Primer
Maryland State Archives
Echoes of the Watergate controversy still reverberate in the scholarship surrounding the ownership of the papers of federal officials. While public attention has focused upon the ownership of the papers of the executive branch, particularly those of Richard Nixon, there always has been a reasonable amount of interest displayed towards the papers of congressmen. The judiciary has received less attention from archivists. This slim volume summarizes the current status of papers of the justices of the United States Supreme Court. It complements the guides to the papers of United States senators and representatives.

The information contained in this volume is in large part the outcome of the activities of the National Study Commission on Records and Documents of Federal Officials (Public Documents Commission). After a short introduction, the work is divided into three parts of unequal length: a short essay regarding past practice and current attitudes towards the preservation of the papers of the justices of the Supreme Court, a short analytical description of the characteristics of the collections of Supreme Court justices, and a detailed guide to the location of papers of members of the Court. Survey work done as part of the original activities of the commission has been supplemented by information provided by the Library of Congress and Professor Paul A. Freund.

This publication permits greater accessibility to information about the location and availability of Supreme Court justices' papers. Organized alphabetically by the name of the justice, it is an excellent guide. Like the National Union Catalog of Manuscript Collections, this work has the strength of a national effort to identify manuscript collections. In addition, it also covers justices for whom no, or only
fragmentary, collections of material exist. A unique feature is the judicious use of commentary by informed scholars concerning the historical value of some collections of papers in relation to their documentation of the activities of the Supreme Court. In a number of instances, these commentaries provide particular insight regarding the research value of the collection.

The section on the description of collection characteristics provides both useful information and distressing documentation of the tremendous losses of the justices' papers. With one exception, there are no significant collections from the Court's formative years under the direction of Chief Justice John Marshall from 1801 to 1835. An equally dismaying discovery is that for over half of the justices of the Supreme Court (fifty-one of ninety-two), there are either no papers or only collections of less than one thousand items. It is possible to speculate about how history would be written if the executive and legislative branches had suffered comparable losses.

The examination of collection contents includes not only the collection's size, but also the amount of correspondence and working papers related to the Court. This is particularly helpful as a ready reference for researchers who might be misled by size alone. For example, the guide states that there are over a hundred shelf feet of James F. Byrnes papers in existence, but the content analysis indicates that there is only a small amount of working papers and correspondence related to his short tenure on the Court (1941 to 1942).

This work's first section, "Past Practice and Current Attitudes Towards the Preservation of Judicial Collections," provides an historical overview of how justices' papers came to be preserved. It focuses primarily upon the influence of Chief Justice John Marshall who strove for secrecy and unanimity with regard to the Court's decisions. He had a tremendously negative influence upon the preservation of the
Court's documentary record. The raising of this dead hand is briefly discussed. The inclusion of more examples similar to how Justice Frankfurter saved the papers of Justice Brandeis would have provided a better concept of how the justices' papers eventually began to be preserved during the late nineteenth and early twentieth centuries.

Overall this is an excellent guide to the papers of the justices of the Supreme Court, although it does suffer from a number of annoying weaknesses: there is no index, no listing of repositories with papers, and no discussion of other primary sources documenting the Supreme Court, which would have been a great help to researchers. Some mention of the recommendations of the Public Documents Commission concerning the judicial branch would have placed this work in context with its original purpose. Nevertheless, this guide does serve its major purpose of identifying the location and composition of the justices' papers. As such, it will be a welcome addition in the reference section of any research or law library.

Michael Kohl
Clemson University Libraries


In recent years, scholars have begun to look beyond the standard concepts of military history to explore the historical and sociological role of the military presence in American life. Ever mindful of the vast array of military and related
records in the National Archives, that agency brought together historians, army officers, archivists, and other government officials for a scholarly conference to discuss the interrelationship between the United States Army and the American people during the past 150 years. The presentations from this conference have been published as *Soldiers and Civilians: The U. S. Army and the American People*.

The volume, which was edited by Garry D. Ryan and Timothy K. Nenninger, compresses the essays or commentaries of seventeen program participants into 210 pages of text, notes, illustrations, and an index. General Andrew J. Goodpaster set the tone for the volume with an introductory essay that effectively analyzes the interaction between American society and the development of the U. S. Military Academy at West Point. Goodpaster contends that the armed forces are supported, accepted, and respected in accordance with the degree to which the nation sees the military as an inherent societal component. The nation's view primarily is molded "by the extent to which it perceives that the military institution mirrors the larger society." The remaining essays are grouped into four topical sections that are concerned with the roots of American military policy, the social world of the "people of the Army," the impact of the army on local communities, and the army as an agent of social change and as an instrument of social control.

On balance the authors have presented stimulating, well-documented, and highly commendable studies on a variety of topics, reflecting the crucial interaction of the army with the civilian populace. Essays by Jerry M. Cooper on the use of the army as a strikebreaking tool in late nineteenth century labor disputes in Idaho and by Joan M. Jensen on the army's involvement in domestic surveillance on college campuses are particularly provocative, as is Jack C. Lane's reexamination of early American attitudes toward the military.
The greatest frustration for the reader and certainly the most noticeable weakness of the volume is the brevity of many of the articles. The section on the "People of the Army" contains six papers that vary in length from three to ten pages, including notes and illustrations. To attempt to place the composite of the American soldier, the noncommissioned officer, or the army family into any type of perspective in only three pages of text must have been highly vexing to the authors. Were it not for the promise that the topics still hold for future historical and sociological study, the reader would come away disappointed by these brief introductions that raise complex issues but lack the depth to satisfy even a modest curiosity. This volume can be recommended not only for the scholarly, readable, and well-executed articles that it contains but also for the possible avenues for future study and research on army history that are suggested by some of the briefer commentaries.

Donald R. Lennon
East Carolina University


This collaborative publication by members of the Australian Society of Archivists has been written, the editors state, "as an introductory manual for those who are interested in or have been given responsibility for the keeping of archives." The choice of the word "or" is crucial,
but the Australian archivists succeed well in meeting the needs of persons who need to learn "on the job" as well as university students preparing to enter the profession. This is true even for archivists in North America, where it is serving as the basic text for introductory archives courses.

With two introductory chapters--on the profession and on getting organized--plus chapters on acquisition and appraisal, accessioning, arrangement and description, finding aids, access and reference services, conservation, using computers and micrographics, documentation programs, and user education and public relations, along with a glossary, the book is comprehensive in its scope. The first two chapters are particularly noteworthy. The first places the profession in the context archivists share with librarians and museum curators, noting differences and similarities. The second brings home directly the point that archival work involves administrative procedures, from policy statements to hiring workers to space planning. The chapters on acquisition and appraisal and on arrangement and description place a high priority on the writing of administrative (or agency) histories or the equivalent biographical sketch for individuals. The chapter on conservation emphasizes strongly the point that this aspect of archival work covers the entire gamut of archival work. The chapter on documentation, one of two written by editor Pederson, explains this archival interest well even as archivists in this country are stretching the concept further than the essentially localized biases seen in the book.

There are, however, some problems of unevenness in the book. The chapter on micrographics, for example, could well have distinguished the differences between the cine and comic modes for filming rather than merely mentioning them. And the case scenarios employed so well in some of the early chapters might also have been used in others such as the chapter on public programs.
In technical terms, the book has several useful features. The pages are laid out so important points or lists are highlighted with dots at the left margin. And the book has a plethora of well-conceived tables and charts, many done very effectively. See, for example, the table with components for a descriptive inventory (p. 161), the chart with components for a brochure (p. 211), and the table with basic yet simple ideas for exhibits (p. 321). The type style chosen, however, does not lend itself well to a good quality photocopy. The book also does not indicate whether the paper is acid neutral. The fact that the book uses a British Commonwealth spelling style (e.g., artefact, programme) should not present a problem to readers this side of the Pacific.

This publication is of special interest for Society of Georgia Archivists members since the editor-in-chief is Ann Pederson, formerly of Georgia. Keeping Archives compares favorably with Ken Duckett’s Modern Manuscripts, a very readable book, and A Modern Archives Reader, edited by Maygene Daniels and Tim Walch. It should do well as the text for introductory graduate level archival courses. Practicing archivists need to examine the book, particularly the first two chapters, for parts that can be useful on those occasions when archivists have to provide a quick study on what an archives is and what archivists do.

George W. Bain
Ohio University Libraries
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Members of the Society of Georgia Archivists, and others with professional interest in the aims of the society, are invited to submit manuscripts for consideration and to suggest areas of concern or subjects which they feel should be included in forthcoming issues of *Provenance*.

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Use of terms which have special meanings for archivists, manuscript curators, and records managers should conform to the definitions in "A Basic Glossary for Archivists, Manuscript Curators, and Records Managers," The American Archivist 37, 3 (July 1974). Copies of this glossary may be purchased from the Society of American Archivists, 600 S. Federal Street, Suite 504, Chicago, IL 60605.
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