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Chain of Custody: Access and Control of State Archival Records in Public-Private Partnerships

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Cover Page Footnote

Katie Notopoulos, "Ancestry is in Cahoots with Public Records Agencies, A Group Suspects," BuzzFeed News, October 22, 2018, <https://www.buzzfeednews.com/article/katienotopoulos/ancestry-com-reclaim-the-records-new-york-lawsuit>. O'Toole and Cox, 62. Laura Helton, Justin Leroy, Max A. Mishler, Samantha Seeley, and Shauna Sweeney, "The Question of Recovery," *Social Text* 33, no. 4 (2015): 1. See Paul Conway, "Digital Transformations and the Archival Nature of Surrogates," *Arch Sci* 15 (2015): 51-69, and Adam Kreisberg, "The Future of Access to Public Records? Public-Private Partnerships in US State and Territorial Archives," *Arch Sci* 17 (2017): 5-25. We might consider the fact-meets-fiction novel and then televised miniseries *Roots* by Alex Haley to be the first blockbuster genealogical product, followed by the work of Henry Louis Gates, Jr. with his television series, such as *Finding Your Roots*. In 2012, then Governor Nathan Deal finalized a timely deal appropriating \$125,000 to the institution, which allowed Georgia Archives to maintain regular hours and general operations. This deal also required the state archive to consolidate with the Georgia University System in an effort to maximize institutional efficiency. "A New Chapter for the Georgia Archives," Georgia Historical Society blog, <http://georgiahistory.com/about-ghs/office-of-the-president/perspectives-the-presidents-column/a-new-chapter-for-the-georgia-archives/> Per the International Directory of Company Histories, vol. 116, page 37, in 2002, when the US National Archives and Records Administration (NARA) released the 1930 United States Federal Census to the general public, the company added images and began indexing to the website within 24 hours. The National Archives also entered a contract with Ancestry.com in 2008 for the digitization of national records. According to the contract, NARA-The Generations Network Agreement, National Archives and Records Administration website, <https://www.archives.gov/files/digitization/pdf/tgn-agreement.pdf>, NARA allowed exclusive rights to Ancestry.com for the duration of a five-year embargo, after which the digitized records would be turned over to NARA and made publicly accessible without a paid subscription. The keying tool for AWAP had been down for an unexpected 5 consecutive months in late 2018 and early 2019. While indexes created by AWAP are provided for free (granted a user creates an account) for a select number of materials and collections, including the Central Register of Convicts from Georgia, the images require a subscription. Free, crowdsourced labor is one of the ways Ancestry is able to provide services that traditional archives can't. It would generally be considered unconscionable to ask a professional to index records without pay, but Ancestry.com can provide a subscription discount, for records that should already be freely available as government records. Kreisberg, "The Future of Access to Public Records? Public-Private Partnerships in US State and Territorial Archives," *Arch Sci* 17 (2017): 6. Conway, "Digital Transformations and the Archival Nature of Surrogates," *Arch Sci* 15 (2015): # That archives maintain control is well documented and supported across disciplines and is clearly articulated by, to name only a few, "Terry Cook, "Archives, Records and Power: The Making of Modern Memory," Jacques Derrida "Archive Fever: A Freudian Impression," "Michel Rolph Trouillot, *Silencing the Past: The Power and Production of History*. Pierre Bourdieu. Pierre Bourdieu, "The Forms of Capital by Pierre Bourdieu," 1986, <https://www.marxists.org/reference/subject/philosophy/works/fr/bourdieu-forms-capital.htm>. Peter Kaufman and Jeff Ubois, "Good Terms - Improving Commercial-Noncommercial Partnerships for Mass Digitization," 13, no. 11/12 (2007), <http://dlib.org/dlib/november07/kaufman/11kaufman.html>: "Cultural institutions themselves represent cumulatively billions of dollars of investment, based on values of their assets and decades (if not centuries) of collecting, curating, and preserving copies of these works." The Society of American Archivists notes that "most archivists are prohibited by ethics and organizational policy from assigning any monetary value to material in their care," Society of American Archivists website glossary, <https://www2.archivists.org/groups/acquisitions-appraisal-section/monetary-appraisal-of-archival-material>. Elizabeth Yankle, et al, "The Economic Impact of Archives: Surveys of Users of Government Archives in Canada and the United States," *The American*

Archivist 75 (2012): 297-325. David Carmichael, "Heritage Tourism is a Peach in Georgia," *Archival Outlook* (July/August 2009): 6. Kreisberg, 9. Bourdieu, "Forms of Capital" Bourdieu, "Forms of Capital" Collective memory (as I interpret this social capital/networks) is essential in connecting archives and identity, according to Huiling Feng, "Identity and Archives: Return and Expansion of the Social Value of Archives," *Arch Sci* (2017) 17: 100. James M. O'Toole and Richard J. Cox, *Understanding Archives and Manuscripts* (Chicago: Society of American Archivists, 2006) 40. Khalil Gibran Muhammad *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2010). O'Toole and Cox, 59-62. Also, the Dutch Manual in 1898 marks the standardization and professionalization of archival thinking, pointing to a general consensus that archival practice emerges at turn of the twentieth century (Terry Cook, "What Is Past Is Prologue"). Shortly after, and before thematic collections outside of government emerged, private collecting was a predominantly white middle-class activity in the United States that grew in popularity in the period of Emancipation and Reconstruction and a perceived precarity of their supremacy that prompted the white middle class to invest in the accumulation, preservation, and valuation of their cultural heritage and hegemony. See: Roy Shuker, *Wax Trash and Vinyl Treasures Record Collecting As a Social Practice* (Farnham, Surrey, England: Ashgate, 2010): 3. Rabia Gibbs, "The Heart of the Matter: The Developmental History of African American Archives," *The American Archivist* 75, no. 1 (2012): 197. Rabia Gibbs provides one of the only examinations of the development for African American archives specifically. According to Gibbs, not until the 1960s did marginalized and "mainstream" archives begin to converge, with institutional archives actively collecting and documenting things like African American history and the Civil Rights Movement. Cecily Marcus and Sarah Carlson, "Out of the Shadows: Bringing African American Digital Collections Together in Umbra Search African American History," *Open Library of the Humanities* 4, no. 2 (2018). DOI: <http://doi.org/10.16995/olh.279> Countless archives scholars discuss this, including Elisabeth Kaplan, "We Are What We Collect, We Collect What We Are: Archives and the Constructions of Identity," *The American Archivist* 63, no. 1 (2002): 126-51. Anna Woodham, "We Are What We Keep: The 'Family Archive,' Identity and Public/Private Heritage," *Heritage and Society* (2009):1-18, DOI: 10.1080/2159032X.2018.1554405. Terry Cook, "We Are What We Keep, We Keep What We Are," *Journal of the Society of Archivists* 32, no. 2 (2011): 173-189. Christine Scodari "Roots, Representation, and Resistance? Family History and Media & Culture through a Critical Lens," *The Journal of American Culture* 36, no. 3 (2013): 206-20 provides an analysis of the popular culture, and in particular television programming, of genealogical research and identity construction for individuals and mass popular markets. Dominique Daniel, "Documenting the Immigrant and Ethnic Experience in American Archives," *The American Archivist* 73, no. 1 (2010): 83. Anne Gilliland-Swetland, "Enduring Paradigms, New Opportunities: The Value of the Archival Perspective in the Digital Environment," *Council on Library and Information Resources* (2000): 5. Indeed, the professionalization of the work of archivists and the establishment of state and federal records agencies was in part a response to the rapid creation of documents in the early twentieth century. Thomas Holt, "Marking: Race, Race-Making, and the Writing of History," *The American Historical Review* 100, no. 1 (1995): 1-20. Jenny Andersson, *The Library and the Workshop: Social Democracy and Capitalism* (Stanford: University of California Press, 2010), 64. Hortense Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," *Diacritics*, Vol. 17, No. 2 (Summer, 1987): 68. Sarah Haley, *No Mercy Here: Punishment and the Making of the Jim Crow South* (Chapel Hill: University of North Carolina Press, 2016), 3. Haley, note 8 to introduction on page 4. Haley, 7. Hortense Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," 68. Terry Cook, "Archival Science and Postmodernism: New Formulations for Old Concepts," *Archival Science* 1 (2004): 21. Dorothy Berry, "Umbra Search African American History: Aggregating African American Digital Archives," *Parameters* blog of the Social Sciences Research Center. <https://parameters.ssrc.org/2016/12/umbra-search-african-american-history-aggregating-african-american-digital-archives/> O'Toole and Cox, *Understanding Archives and Manuscripts*, 136. <https://www.reclaimtherecords.org/records-request/22/>

Chain of Custody: Access and Control of State Archival Records in Public-Private Partnerships

Sarah Carlson

Introduction

Concern that public records may move into private hands is a key marker of an increasingly digital realm of record-keeping and public history. Companies and the public now jockey for control of records in a race for access—one open and the other annexed behind a paywall. At the same time, public records agencies are also actively pursuing partnerships with the private sector to digitize materials for online access. This paper explores the implications of the private-public partnership of the Georgia Archives and Ancestry, and the effects on digital stewardship, provenance, and access to cultural heritage materials in a neoliberal economy.¹ Such partnerships, which often form around genealogical records and thus engage in questions of citizenship, property, and race, reveal and reify technologies of state power to marginalize and exploit people of color in national projects.

Through a focus on the Jim Crow era archival holding, the “Central Register of Convicts,” created by the Georgia Prison Commission, I examine private-public partnerships and the structural limitations of the archive. Information on thousands of individuals are bound within the ledgers, offering an abundant and comprehensive data set for users. Potential avenues for research include the vestiges of racial capitalism in mass incarceration and racial profiling and the politics of gender and age in criminality, displacement, and forced labor covering the Civil War, Reconstruction, Jim Crow, and the Civil Rights Movement in the South. This paper asks practical and theoretical questions of archival ethics regarding gatekeeping, access, and use. Who is the appropriate steward of these materials, physical and digital? How can we understand and confront the difficult truth that contemporary cultural heritage projects align with capitalist ventures that exploit racism and lack of access, and is there a way to break free or refashion it?

¹ Throughout this article the company Ancestry will be distinguished from the site through which users access information, Ancestry.com.

Racial Capitalism: Value in the Archive

That the archive has emerged out of state-building as an institution that accumulates, organizes, and brokers information to establish political agendas, maintain hegemonies, and institutionalize control over the polity through historical revision and speculation has been more rigorously explored by our profession in the last decade.² The archive's function, value, and potential are predicated upon and engage three forms of capital enumerated by Pierre Bourdieu: economic, cultural, and social.³ These forms of capital may operate independently or may overlap in the archive, creating a complex system of enculturation, informed by the values and logics of the advanced modern capitalist state, to impose order upon chaos and to sustain the management and control of populations.⁴ While archival collections may represent enormous economic value and investment, a foundational cultural heritage principle traditionally deemphasizes economic value upon acquisition.⁵ Yet the privatization of state

² That archives maintain control is well documented and supported across disciplines and is clearly articulated by, to name only a few, "Terry Cook, "Archives, Records and Power: The Making of Modern Memory," *Archival Science* 2, No. 1 (May 2002): 1-19; Jacques Derrida, "Archive Fever: A Freudian Impression," trans. Eric Prenowitz, *Diacritics* 25, no. 2 (1995): 9-63; Michel Rolph Trouillot, *Silencing the Past: The Power and Production of History* (Boston, MA: Beacon Press, 1995). An entire panel at the Society of American Archivists 2019 annual meeting, on which I participated and present part of this project, addressed this concern through the lens of capitalism. The 2018 keynote for Rare Book and Manuscript Section of the Association of College and Research Libraries (ACRL) featured Marisa J. Fuentes, author of *Dispossessed Lives: Enslaved Women, Violence, and the Archive*, which interrogates the archive as emblematic and central to the control and violence women of color endure from the state.

³ Pierre Bourdieu, "The Forms of Capital," 1986, accessed January 31, 2020, <https://www.marxists.org/reference/subject/philosophy/works/fr/bourdieu-forms-capital.htm>.

⁴ Ibid.

⁵ Peter Kaufman and Jeff Ubois, "Good Terms - Improving Commercial-Noncommercial Partnerships for Mass Digitization," *D-Lib Magazine* 13, no. 11/12 (2007), <http://dlib.org/dlib/november07/kaufman/11kaufman.html>: "Cultural institutions themselves represent cumulatively billions of dollars of investment, based on values of their assets and decades (if not centuries) of collecting, curating, and preserving copies of these works." "Monetary Appraisal of Archival Material," Society of American Archivists, accessed January 31, 2020, <https://www2.archivists.org/groups/acquisitions-appraisal-section/monetary-appraisal-of-archival-material>. The Society of American Archivists notes that

functions encourages an atmosphere in which archival and cultural institutions must think economically about collection materials and services. Long prioritizing the demonstration of cultural value, state archives and cultural heritage institutions now must identify and measure their economic value, justifying investment from the state.⁶

Cultural capital, generally embraced as a hallmark of the archive, generates value by reflecting a culture back upon itself in a reflexive act of sense making. The archive renders the abstractions of the state and personhood physical in the material collection and preservation of state records. Through this material accumulation of cultural values—including state recognition and membership as documented historical and civic subjects; relations of personhood and property in the collection of records that document birth, marriage, and death, wills, taxes, and land; and identity formation through description and access—the archive invests in the objectified and institutional forms of cultural capital.⁷ Symbolic exchanges in value occur in the context of objectified cultural value, for example, when researchers negotiate access and engage in the knowledge economy through scholarship and curation; in the cost-benefit considerations to digitize and preserve materials; at the moment of deposit and transfer of ownership, and more. Moreover, cultural capital in the archive serves the state by appropriating cultural values for heritage and tourism marketing, an industry that is synergistic to companies such as Ancestry. Cultural capital is the point of transaction that bridges economic and social forms of capital in the archive by requiring diverse engagement with the material and symbolic accumulation, extension, and re-articulation of the state.

While cultural capital invests self-reflexively to assemble a coherent group narrative, social capital in the archive creates networks of association between individuals, groups, and institutions. The archive accumulates disparate materials under a particular collecting area or institution and produce social capital that engages public and private entities by creating among them a “durable

“most archivists are prohibited by ethics and organizational policy from assigning any monetary value to material in their care.”

⁶ Elizabeth Yakle, Wendy Duff, Helen Tibbo, Adam Kriesberg, and Amber Cushing, “The Economic Impact of Archives: Surveys of Users of Government Archives in Canada and the United States,” *The American Archivist* 75 (2012): 297-325.

⁷ Bourdieu, “Forms of Capital.”

network of more or less institutionalized relationships of mutual ... recognition.”⁸ Ancestry accentuates the social capital of archival collections and state records by providing a digital platform capable of imitating the social network of genealogists and family members subscribing to it. The platform heightens the experience of institutionalized relationships in the archive by striking a balance between the private and intimate, on the one hand, and the highly public and market-oriented, on the other. Processes that accomplish this include the compilation of public records to publicly transcribed indexes and the ability for sharing family trees, clues, and gravesites.⁹ “Anchoring themselves and their family in time, setting a fixed and reliable context for themselves,” users of Ancestry.com draw on the social legitimation and recognition afforded them by the connection-building potential of the private corporation and the official, fixed record keeping of the state.¹⁰ Unlike the relational interactions experienced in a traditional reading room—with fellow patrons, archivists and staff, even finding aids, card catalogs, and other discovery resources—interactions via Ancestry.com are more transactional for access to records as well as to other users (through search functions and subscriptions, for example). The archive establishes value, recognition, and membership as it engages in the “accumulation and capitalization of memory” to reflect and prescribe the constituencies deemed valuable and legitimate for inclusion.¹¹ Exclusion, however, is the implied counterpart to group membership in the state and the archive. Even as the archive can facilitate social capital through networks of recognition, the collection of state records and cultural heritage in the archive can produce or enshrine social inequalities, marginalization, and erasure.

Following Reconstruction, the American South actively encouraged the creation of state archives through commissions and committees. Alabama established the first state department of

⁸ Ibid.

⁹ Huiling Feng, “Identity and Archives: Return and Expansion of the Social Value of Archives,” *Archival Science* 17 (2017): 100. Collective memory (as I interpret this social capital/network) is essential in connecting archives and identity, according to Feng.

¹⁰ James M. O’Toole and Richard J. Cox, *Understanding Archives and Manuscripts* (Chicago: Society of American Archivists, 2006) 40.

¹¹ Jacques Derrida, “Archive Fever: A Freudian Impression,” trans. Eric Prenowitz, *Diacritics* 25, no. 2 (1995): 15.

archives and history in 1901 and Georgia followed shortly thereafter in 1902.¹² State archives that emerged in the American South offered a way for the government to maintain control over the historical narrative of slavery, the demise of the Southern plantation system and economic failure, and the perpetuation of racial capitalism.¹³ Contextualizing the development of state archives and records-keeping within the decades following Reconstruction and reaching a pinnacle in the 1930s at the height of the Jim Crow era is important now. Laura Helton et al.'s observation that scholars face "the impossibility of recovery when engaged with archives whose very assembly and organization occlude certain historical subjects" resonates in the popular culture of genealogy and private-public partnerships.¹⁴

Scholars in archival science and digital collections and humanities such as Paul Conway and Adam Kreisberg have discussed the logistics of public-private partnerships for archives.¹⁵ Popular books, television shows, and podcasts recount the allure of genealogical research and the elation of building a (digital) paper trail of family history.¹⁶ However, these discussions extend little beyond observational data gathering and reports about patron use and logistics assessment from institutions. Popular genealogical research appears separate from scholarly, archival research, despite the fact that genealogists and scholars use the same collections. The mass popularity of Ancestry.com and the efficiency of its partnerships with public records agencies mirrors the general trend towards

¹² O'Toole and Cox, *Understanding Archives*, 62.

¹³ I am building upon the groundwork laid by Elizabeth Yale, "The History of Archives, the State of Disciplines," *Book History* 18 (2015): 332-359, who asserts that the history or archives is predicated upon the desire to establish discipline and control within the state.

¹⁴ Laura Helton, Justin Leroy, Max A. Mishler, Samantha Seeley, and Shauna Sweeney, "The Question of Recovery: An Introduction," *Social Text* 33, no. 4 (2015): 1.

¹⁵ See Paul Conway, "Digital Transformations and the Archival Nature of Surrogates," *Archival Science* 15 (2015): 51-69, and Adam Kreisberg, "The Future of Access to Public Records? Public-Private Partnerships in US State and Territorial Archives," *Archival Science* 17 (2017): 5-25.

¹⁶ We might consider the fact-meets-fiction novel and then televised miniseries *Roots* by Alex Haley to be the first blockbuster genealogical product, followed by the work of Henry Louis Gates, Jr. with his television series, such as *Finding Your Roots*.

privatization of public services in the United States. Absent from these conversations is a theoretical perspective that addresses the notion of access as it concerns race, capitalism, property, and erasure.

The Georgia Archives and Ancestry Partnership

Plagued by a decade of financial distress and institutional instability, the Georgia Archives faced the possibilities of closure, reduced staffing, and dramatically limited access to records in the early 2010s. Leading up to 2013, the Georgia Archives suffered funding cuts successively every year to the point that it narrowly avoided closure. In the winter of 2012, Director of Georgia Archives Christopher M. Davidson noted in a letter that “publicity and pressure” from community patrons and activists “resulted in us getting enough funding to keep from closing.” Despite evidence in 2009 that the Georgia Archives generated an additional one million dollars for the local economy, by late 2012 most staff had been laid off and public access was greatly restricted to appointment only.¹⁷ Hobbled by state disinvestment of cultural heritage preservation, the Georgia Archives entered a partnership with Ancestry that, while admittedly imperfect, provided access they otherwise could not offer at the time. The Georgia Archives, along with other state records agencies, partnered with Ancestry to allow the company to scan and provide access to their records in exchange for digital copies of the surrogates. The digital surrogates are now available exclusively through Ancestry.com’s online portal for several years due to contractual embargoes.

¹⁷ David Carmichael, “Heritage Tourism Is a Peach in Georgia,” *Archival Outlook* (July/August 2009): 6. Under the direction of David Carmichael, the Georgia Archives conducted one of the first surveys documenting the economic value of state archives in 2009 and used the collected data to foster synergies with the tourism board. The survey claimed that aside from the value of collection materials alone, the Georgia Archives generated an additional one million dollars for the local economy. Despite efforts such as Carmichael's to demonstrate direct and indirect economic impact, steady disinvestment from the state in archival and cultural collections necessitates public-private partnerships as one possible source of funding. Yet, public-private partnerships force institutions to make value judgements that implicitly prioritize economic over cultural value. Moreover, definitions and priorities of value are often incongruent. Ancestry prioritizes the profit (economic capital) derived from digital images, metadata, and Ancestry.com subscriptions; as a public institution of the state, the Georgia Archives values

This partnership challenges traditional definitions of different publics and how to serve them in cultural heritage, a question that persists several years later. The unknown—including questionable funding, fluctuating staff, and restricted access—posed a legitimate threat to the Georgia Archives existence. As stewards of collections with cultural and historical value, archives and cultural heritage institutions traditionally operate under the presumption of stability and permanence. This belief, however, reveals deeply entrenched biases, including who determines value. The predicament of the Georgia Archives exemplifies the uncomfortable reality that these institutions and collections are neither stable nor universally valued. Moreover, particular collections at the Georgia Archives reveal the ways in which archives are subject to and complicit in the politics of the state that they support, but also purport to hold accountable. Not only the documents but also the operations of state institutions like the Georgia Archives demonstrate the extension of the state in determining the longevity and legacies of its constituents. As neoliberal governance and political economy expand, state archives are managed by public administration less and less, rapidly moving to public-private partnerships in order to stay agile.

The site Ancestry.com launched in 1996 and, following several iterations, mergers, and acquisitions, the company began acquiring federal census documents that could be indexed for online search engines in 2000.¹⁸ Through their partnership with the Georgia

preservation and access of unique materials (cultural capital) that presumably are of and for the people. “A New Chapter for the Georgia Archives,” Georgia Historical Society blog, accessed January 31, 2020, <http://georgiahistory.com/about-ghs/office-of-the-president/perspectives-the-presidents-column/a-new-chapter-for-the-georgia-archives/>. In 2012, then Governor Nathan Deal finalized a timely deal appropriating \$125,000 to the institution, which allowed Georgia Archives to maintain regular hours and general operations. This deal also required the state archive to consolidate with the Georgia University System in an effort to maximize institutional efficiency.

¹⁸ *International Directory of Company Histories*, volume 116, ed. Drew Johnson (Farmington Hills, MI: St. James Press, 2011), 37. In 2002, when the US National Archives and Records Administration (NARA) released the 1930 United States Federal Census to the general public, the company added images and began indexing to the website within 24 hours. The National Archives also entered a contract with Ancestry in 2008 for the digitization of national records. NARA-The Generations Network Agreement, *National Archives and Records Administration* website, accessed January 31, 2020,

Archives, Ancestry created a searchable index for the “Central Register of Convicts.” The company enlists the Ancestry World Archives Project (AWAP), a global, volunteer, crowdsourcing project to create such indexes that, at scale, do not undergo rigorous quality control or interpretation from archival professionals.¹⁹

The Central Register of Convicts

The “Central Register of Convicts” records span decades from the late nineteenth century to the middle of the twentieth century.²⁰ Following the end of the convict-lease system in Georgia in 1908, chain gangs and prison camps disproportionately incarcerated and terrorized black people through forced labor that effectively institutionalized what Saidiya Hartman describes as “an afterlife of slavery” in the Jim Crow South.²¹ The registers represent state efforts to regulate black bodies through disciplinary and punitive control. The archive of these records further asserts controls of access, naming, and order upon the vestiges of subjects, turned objects, in an afterlife of state management. Thus the “Central Register of Convicts” illustrates the strange simultaneity of inclusion and exclusion in value judgements of state records. The inclusion of people in the registers is the result of the state systematically marginalizing individuals from regular civic society.

Records that show evidence of black life from the perspective of the state document the incarceration of people of color as a

<https://www.archives.gov/files/digitization/pdf/tgn-agreement.pdf>. According to the contract, NARA allowed exclusive rights to Ancestry for the duration of a five-year embargo, after which the digitized records would be turned over to NARA and made publicly accessible without a paid subscription.

¹⁹ While indexes created by AWAP are provided for free (granted a user creates an account) for a select number of materials and collections, including the Central Register of Convicts from Georgia, the images require a subscription. Free, crowdsourced labor is one of the ways Ancestry is able to provide services that traditional archives can't. It would generally be considered unconscionable to ask a professional to index records without pay, but Ancestry.com can provide a subscription discount, for records that should already be freely available as government records.

²⁰ This paper focuses on the records created during the first three decades of the 1900s to illustrate the ways in which archival collections and state records reproduce the power of the state.

²¹ Saidiya Hartman, *Lose Your Mother: A Journey Along the Atlantic Slave Route* (New York: Farrar, Straus, Giroux, 2006).

functional extension of enslavement. Genealogists frequently must use government records that document the surveillance and control of the state, such as prison records, adoption records, court cases, property and tax records, and so forth. While no researcher necessarily enjoys discovering their grandfather's imprisonment, their uncle's bankruptcy, or their great aunt's adoption, these records are often the only accessible documentation of everyday people in the historical record. This is especially true for people of color disproportionately found in the prison commission records now accessible through Ancestry.com as digital surrogates. Ancestry.com renders the names found in state records as commodities of genealogical industry built upon racial capitalism by deriving value from and exploiting the racial identity of others. The digital surrogates created in partnership with Ancestry are locked up, indexed into cells of an online database, and marketed to paying customers seeking access.

The arrangement of the registers varies in the physical collection and the digital images conform to digital platforms that do not perfectly honor the physical object. Further, there is no usable index beyond the Ancestry.com index, which is riddled with problems. The search page on Ancestry.com, which is the primary point of access to records and is powered by the index, includes typical fields, such as name, date, location, and collection filtering. The search fields perpetuate misunderstandings of identity politics by deploying a binary drop-down search for gender and providing an empty text search field for "race/nationality," as if they are synonymous. Undoubtedly, it is unproductive to impose contemporary frameworks of gender and sexuality on historical records. Nevertheless, the mangling of such data clearly inhibits the kind of access one expects from such a database. Indexes on Ancestry.com are susceptible to the human error of its AWAP indexers, and thus they inconsistently document fields. Searching by gender, for example, provides false positives, listing individuals who in the records are not identified as the gender from the performed search. Collapsing race and nationality into a single searchable field suggests to users that they are interchangeable and absolute, reifying the subjective and historically problematic descriptions for people of color, often by white people. The Ancestry.com platform distorts the context of records without providing interpretive strategies like an

archivist or reference librarian would. As a for-profit company, there is little urgency or motivation for Ancestry to provide such services as long as subscribers continue paying for and using the platform, despite its flaws.

While individuals are not searchable in the Georgia Archives finding aids, detailed information regarding arrangement and provenance give context to researchers about the nature of the collection. Further, state archivists and reference librarians can provide insightful suggestions for other materials to contextualize genealogical and scholarly research with state records, which can be bureaucratically straight-forward or circuitous and evasive. Staff in reading rooms, online chats, or correspondence and phone calls strive to democratize and enhance access through in-person reference assistance, LibGuides, and archival description—services that Ancestry does not. Certainly, every archive, regardless of the standardization of record keeping at state institutions, varies greatly. This variety is even more discernable for digital collections that simultaneously adopt established practices while also upending them. Attempting uniformity in public state records becomes more difficult as institutions partner with private corporations that then impose their own organizational structures and workflows, such as Ancestry.

Metadata, the contextual information that accompanies records (e.g., creator, dates, material type), and provenance, the origin of a record's creation, are two necessary components that give records meaning. Poor or inadequate metadata and obscured provenance threaten the success of public-private archival partnerships.²² Fundamental concerns about metadata quality, provenance, and value emerge in part because of the chasm separating the missions of public cultural heritage institutions that serve the public and the missions of subscription services that define success by profitability, thus creating a theoretical and practical divide in their stewardship.²³ The dissonance between the services provided and the materials preserved at the home institution of the Georgia Archives and the digital assets owned by Ancestry zeroes in on a crucial and disturbing reality for cultural heritage institutions, archives, and special collections. The partnership between Ancestry

²² Kreisberg, "The Future of Access to Public Records?," 6.

²³ Conway, "Digital Transformations, 65.

and the Georgia Archives signals the privatization of historical perspectives and preservation.

The turn of the twentieth century marked the intentional standardization and professionalization of archival science with efforts to create a “manual of archival economy” and prevailing state histories.²⁴ The formalization of archives coincided with the Progressive Era and modernity that hinged upon mechanisms of capitalistic efficiency and evaluation haunted by racism.^{25,26} This is an ugly inheritance in which the potentiality of cultural capital is contingent upon a racially capitalist system that economically and socially devalues black life in the official record keeping that undergirds public memory. Archives have historically not prioritized black culture and history in collection development policies, naming conventions, and access, thus creating massive gaps in archival collections, canonical historical narratives, and scholarship. In “Archives and Histories of Racial Capitalism,” Jennifer Morgan asserts that evidence of racial capitalism in the archive is found not only in the ledgers of plantation records or deeds of sale, but also in the absences and silences that haunt the documents we do have. In this suffocating archival ignorance and disavowal of black life, a very few intentional, institutional black archives emerged, with the remaining materials scattered across thousands of institutions all over

²⁴ O’Toole and Cox, *Understanding Archives*, 61.

²⁵ Ibid.; Terry Cook, “What Is Past Is Prologue: A History of Archival Ideas Since 1898, and the Future Paradigm Shift,” *Archivaria* 43 (1997). Also, the *Dutch Manual* in 1898 marks the standardization and professionalization of archival thinking, pointing to a general consensus that archival practice emerges at turn of the twentieth century.

²⁶ Roy Shuker, *Wax Trash and Vinyl Treasures: Record Collecting As a Social Practice* (Farnham, Surrey, England: Ashgate, 2010), 3. Private collecting was a predominantly white middle-class activity in the United States that grew in popularity in the period of Emancipation and Reconstruction as a perceived precarity of their supremacy prompted the white middle class to invest in the accumulation, preservation, and valuation of their cultural heritage and hegemony.

the country and across the world or forgotten or destroyed.^{27,28} Further, archival functions that require value judgements privilege whiteness; documentation, archival collecting, preservation, and access are steeped in entrenched practices borne out of institutionalized power and disenfranchisement. Archives professionals and scholars agree that “we are what we keep,” and the power to keep and discard are an essential function of curation, but also of hegemonies.²⁹ Considering that most African American archival collections were started in the 1960s, spurred by the Civil Rights Movement, an enormous backlog of unknown and underrecognized materials exist, heretofore ignored and undervalued until institutions legally required admission—for students to attend, for records to be preserved.³⁰ While the archive is meant to “serve as memory institutions for a culture,” persisting gaps in the archival record make clear that one culture had dominated the historical

²⁷ Rabia Gibbs, “The Heart of the Matter: The Developmental History of African American Archives,” *The American Archivist* 75, no. 1 (2012): 197. Rabia Gibbs provides one of the only examinations of the development for African American archives specifically. According to Gibbs, not until the 1960s did marginalized and “mainstream” archives begin to converge, with institutional archives actively collecting and documenting things like African American history and the Civil Rights Movement.

²⁸ Cecily Marcus and Sarah Carlson, “Out of the Shadows: Bringing African American Digital Collections Together in Umbra Search African American History,” *Open Library of the Humanities* 4, no. 2 (2018), DOI: <http://doi.org/10.16995/olh.279>.

²⁹ Countless archives scholars discuss this, including Elisabeth Kaplan, “We Are What We Collect, We Collect What We Are: Archives and the Constructions of Identity,” *The American Archivist* 63, no. 1 (2002): 126-51; Anna Woodham, “We Are What We Keep: The ‘Family Archive,’ Identity and Public/Private Heritage,” *Heritage and Society* (2009):1-18, DOI: 10.1080/2159032X.2018.1554405; Terry Cook, “We Are What We Keep, We Keep What We Are,” *Journal of the Society of Archivists* 32, no. 2 (2011): 173-189; Christine Scodari, “Roots, Representation, and Resistance? Family History and Media & Culture through a Critical Lens,” *The Journal of American Culture* 36, no. 3 (2013): 206-20. Scodari provides an analysis of popular culture, and in particular television programming, of genealogical research and identity construction for individuals and mass popular markets.

³⁰ Dominique Daniel, “Documenting the Immigrant and Ethnic Experience in American Archives,” *The American Archivist* 73, no. 1 (2010): 83.

record.³¹ Influenced by capitalist frameworks that run along racial lines, archival collections and state records repositories build upon what is already there, investing in collections that could easily garner attention, funding, and interest. In other words, collections stewards invested in the historically safe while eschewing the poor and precarious.

Archival collections, and especially state records, exude an abundance—even an overwhelming amount—of material.³² While the scarcity of these records lies in their unpublished and unique nature, the information within such collections provides a wealth of historical and genealogical evidence to mine. Although the "Central Register of Convicts" records are an example of meticulous recordkeeping in service of the state prison commission, they were created by individuals at different camps across the state of Georgia so they contain little to no consistency in terms of both content and arrangement. Yet, they generally document basic information regarding a convicted person's identity, movement, and relation to the state, such as: name; crime and county where the crime was committed; sentence, including minimum and maximum terms, and date due for release; date received in penitentiary and locations of detention; and much more. The archive here is a standardized and professional repository of records that tracks with racist incarceration and Progressive-era recordkeeping in which data cataloged in police and prison records pathologized black criminality.³³ Cleve Moore, for example, appears in the Ancestry.com index as a black male, about 35 years old, convicted in Wilkes, GA, for "assault to rape," in 1928. We must take claims of sexual violence seriously. We must also read these ledgers with a critical historical lens that contextualizes the incarceration and killing of black men and sexual violence in the Jim Crow South. The state disproportionately demonized, tormented, incarcerated, and lynched black men in a

³¹ Anne Gilliland-Swetland, "Enduring Paradigms, New Opportunities: The Value of the Archival Perspective in the Digital Environment," *Council on Library and Information Resources* (2000): 5.

³² Indeed, the professionalization of the work of archivists and the establishment of state and federal records agencies was in part a response to the rapid creation of documents in the early twentieth century.

³³ Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2010).

racist frenzy to protect white women. Pathologizing black people with criminality, sexual violence or deviance, and intellectual inferiority justified their exclusion from civic life. Missing from the index for Cleve Moore, but apparent in the images of the ledgers in Ancestry.com, is the small note with his sentence location: “Farm (Crazy) Muscogee.” This note leaves more questions than answers and complicates the previously uncomplicated, admittedly bureaucratic, entry characterizing Mr. Moore in the database. The predominance of black people in the prison ledgers catalogs the racist criminalization, devaluation, and exploitation of people of color in the Jim Crow south and the impulse of the state to document it.

Gender, race, and age are also recorded and reveal an upsetting lack of standard or respect for persons. The majority of people are described by the conventional black, brown, and white in varying degrees from light to dark, and outdated language such as negro, mulatto, and octoroon appear, indicating the perverse obsession to document the percentage of which someone is or is not white. The “everydayness” of these descriptors is disturbingly uncanny now, especially in the context of Ancestry, which, through their genetic genealogy service, offers a similar evaluation of racial compositions. Ancestry reaffirms that racism permeates the quotidian actions of history-making that records such as “The Central Register of Convicts” illustrate.³⁴ Meanwhile, others’ race is described as American, Greek, or Filipino, demonstrating the conflation of nationality, ethnicity, and race, which Ancestry.com also replicates in the search field for Race/Nationality. Finally, some individuals’ race is described not by color or perceived nation of origin, but is degradingly conveyed in terms of the food item a prison staff member considers that person’s complexion most closely resembles—for example, coffee, dark chocolate, or gin cake. These inventories tally up a devastating account of the afterlife of slavery that spans decades and offers the potential for nuanced interpretation of the archive of racial capitalism.

When read in the frame of abundance, this archival holding is “big data,” that needs to be wrangled. When read in the frame of scarcity, it is often the only trace of an individual’s life. Beyond the

³⁴ Thomas Holt, “Marking: Race, Race-Making, and the Writing of History,” *The American Historical Review* 100, no. 1 (1995): 1-20.

register and their camps, the state denied inmates recognition of personhood. The scarcity of these registers is multidimensional, extending to access: the ledgers are not physically accessible. On site at Georgia Archives, researchers may use microfilm reproductions; online at Ancestry.com, images of the records are frequently illegible. Ancestry.com perpetuates the illusion of archival abundance, even completeness. In a database that accounts for millions of records and advertises itself as a company that facilitates the creation of family trees or answers dozens of genealogical questions through genetic testing, it is easy to presume a sense of wholeness. The value of Ancestry.com is its data abundance, flipping the traditional narrative that scarcity determines value of archival materials. Ancestry.com deprioritizes engagement with the digital surrogates of materials and instead pushes that database created by indexing information from the images of records. Keyword search thus drives research with records licensed by Ancestry as users mine cells of metadata that volunteers populate by transcribing the ledgers. A 500-page, leather bound ledger with inconsistent handwriting, corrections, emendations, marginalia, and the evidence of human intervention in the historical record becomes secondary in Ancestry.com to the index. The site not only encourages researchers to take the materials at face value by looking at isolated digital surrogates, but also buries engagement with the materials further under indexed data that does not include all the information found in the digitized records. In this presentation, Ancestry.com suggests to users that certain fields of *data* are the only value these ledgers have to offer, by referencing the index over the digital images instead of contextualizing and complicating the assumed neutrality of government records. Ancestry.com simplifies the records, attempting to create a seamless experience that glosses the archive and distorts an already complicated state history, archival collection, and research experience, especially for people of color.

Prison records, which track the movement and personal history of incarcerated individuals, mimic the processes of archives that include detailed accounting of intake and acquisition, tracking provenance, ushering through stages of processing, and monitoring material for preservation, storage, and access. Otherwise largely absent from the historical record, racialized subjects appear in records of the state when targeted in the Jim Crow South, imprisoned

and exploited through the convict lease, chain gang, and prison camp carceral system. This system of control renders people of color the property of the state, first as bodies in containment that are warehoused in camps, shackled together on the chain gang, or confined to isolation. The state prison apparatus then inventories individuals, recording them in the lines of ledgers that become property of the state archival agency. Archives, especially those of state penal administrations, reduce personhood to objects by documenting life and death as line items in bureaucratic ledgers and subsequently flattening textual, material records into digital files and coding on platforms such as Ancestry.com. Especially for culturally-specific collections that are already thinly represented in traditional archival formats and standards, accumulating and (re)producing records by indexing and translating into databases primed for keywords and facets, suggests a type of destruction that masquerades as reincarnation, excavation, or reclamation in cultural heritage and genealogy.

Once the prison ledgers were digitized and indexed by Ancestry World Archives Project, the representation of people as line items further atomizes them through an indexed database that “encourages an economic philosophy of ‘people as bits,’” in the digital cache.³⁵ The steps of removal—from personhood to incarceration and intake ledgers, to digitization and indexed databases, from subjects to property of the state, subsequently contracted out to private corporations—traces the “profitable ‘atomizing’ of the captive body,” which haunts the logics and practices of the neoliberal and racially capitalist archive.³⁶ This is evident in the Georgia Prison Commission records, which literally document captive bodies that are then rendered profitable through the indexing and atomization of their names. While Ancestry indexers preserve the historical and outdated naming conventions of the ledgers for the field of race in the contemporary metadata they create, sex and/or gender is often excluded from the database, highlighting the ways in which black bodies are denied bodily personhood, reduced to abstractions of racial imaginations. This is

³⁵ Jenny Andersson, *The Library and the Workshop: Social Democracy and Capitalism* (Stanford: University of California Press, 2010), 64.

³⁶ Hortense Spillers, “Mama’s Baby, Papa’s Maybe: An American Grammar Book,” *Diacritics*, Vol. 17, No. 2 (Summer 1987): 68.

even more pronounced in the case of black women who are eclipsed, elided, or erased in the “racial-gendered order” of state systems of control, from incarceration to documentation.³⁷ While the original ledgers rather reliably document gender and/or sex, the digital index of the records often fails to include this information, revealing the ways in which genealogical research privileges patrilineal and paternalistic systems that disregard and undermine women, and especially women of color.

For example, Sadie Butler appears as two entries in the Ancestry.com index for the registers. One entry includes her race and gender: Black, Female, Age: 23. The other entry lists bureaucratic details following her name: Received: June 18, 1938; Crime: L from H; Conviction place: Muscogee; File Number: A7503. In the index, one Sadie Butler is a young black woman and the other is number. Without looking at the digital surrogates that indexers mine, one might assume there were two Sadie Butlers incarcerated in Georgia, and rightly so. It’s a common enough name. Yet these two women/entries are the same Sadie Butler. Prison ledgers are large, and entries span two pages. The verso and recto are photographed and presented separately as individual records, thus pulling apart a single entry into two. The index reflects this, tearing the information about Sadie Butler asunder. The pages are not linked and so the index simultaneously duplicates and further obscures her. Without a subscription, Ancestry.com does not provide access to the digital surrogates, and the citation information does not help identify that these entries are from the very same register of the many that constitute the “Georgia Central Register of Convicts, 1817-1976.” Thus, the database, without the context of the original document that has been digitized and then transcribed, pulls apart Sadie Butler into the discrete fields by which she has been described in the historical record. At times she is an incarcerated black woman, contained in the index without explanation, dates, location. She appears in containment almost out of nowhere and for no reason. At other times she is listed as an inventory of criminality, without age, race, or gender.

This un-gendering in the archival index, particularly for incarcerated women of color, continues a legacy of illegibility to the

³⁷ Sarah Haley, *No Mercy Here: Punishment and the Making of the Jim Crow South* (Chapel Hill: University of North Carolina Press, 2016), 3.

state from enslavement to Reconstruction and Jim Crow to contemporary technologies of control that disproportionately target and simultaneously ignore black women. Importantly, women on the chain gangs in Georgia during the first three decades of the twentieth century were disproportionately and almost exclusively black, a fact that the indexes created in the twenty-first century fail to fully convey. Indeed, they hide it.³⁸ A close reading of the index to these records illuminates “the role of the southern penal regime in the construction of racially determined and defined gendered subject positions” and its pervasive legacy in the preservation and limited access of these documents.³⁹

Implications of Digital Collections

Digitization of records, negotiations of access through public-private partnerships, and indexing records to encourage engagement with a spreadsheet instead of the materials or surrogates themselves creates new avenues for access but also imposes barriers to fully contextualizing records at a collection and institutional level. By fracturing individuals from the records and mechanisms of the state, “we lose any hint or suggestion of a dimension of ethics, of relatedness...between one human personality and another, between human personality and cultural institutions.”⁴⁰ The loss and abstraction of relatedness between individuals and the state is directly reflected in the loss of relatedness between state records and their agencies and archival homes, in other words, alienated provenance. Provenance has long been a critical element in authenticating, organizing, and interpreting records by prioritizing creator over subject matter. Archives impose order and prioritize provenance as a way to preserve the legacy of creators and recognize historical actors. Despite the many subjects that state archives may contain, they are organized to reinforce and reflect the divisions of government and paternalistic legacies of administrations in which they were created (i.e., their provenance). Provenance contextualizes records by illuminating the chain of creation, custody, and access that traditionally occurs in the transfer of a physical object. The chain of custody established in “linking a record directly to its single place

³⁸ Ibid, note 8 to introduction on page 4.

³⁹ Ibid, 7.

⁴⁰ Hortense Spillers, “Mama’s Baby, Papa’s Maybe,” 68.

or origin in a traditional hierarchical organizational structure” thus necessitates interaction with the state when accessing state records.⁴¹ Ancestry.com and similar digital platforms counter one of the most fundamental principles and values of archives by alienating records from their provenance and by abstracting original format, creator, and collection. Material obsolescence in an increasingly digital environment requires revised approaches to contextualizing records.

While the turn toward digital collections and public-private partnerships presents as a novel (even radical) approach to archival control and limitations, it ultimately perpetuates some of the same pitfalls. Or, in attempting to solve some problems it creates new ones. Word-searchable documents and indexed databases, such as those of Ancestry.com, highlight individual persons while failing to represent the complexity of human life in relation to states that original records and archival organization generally convey. The many pieces of African American history and genealogy that have been haphazardly collected, preserved, and made accessible across collecting institutions and state archives make apparent that fragmentation characterizes the archival reality of African American history materials.⁴² Nevertheless, the proliferation of digital surrogates and federations of digital collections may represent a solution to the sense of incompleteness, supplying a digital solution for a complex problem that is not exclusively defined by the limitations of manual processes, but steeped in a history of violence, captivity, exploitation, marginalization, and erasure. In this digital frontier of archives, individual items are unmoored from the contexts of the original collections and institutions in which they first exist as archival records. Digitization atomizes entire bound ledgers into thousands of individual pages. Indexing a single page compartmentalizes information into discrete cells of a database that are reassembled upon a search function. Records from different agencies, institutions, even states appear alongside each other in digital space, defying the physical organizational principles beholden

⁴¹ Terry Cook, “Archival Science and Postmodernism: New Formulations for Old Concepts,” *Archival Science* 1 (2004): 21.

⁴² Dorothy Berry, “Umbra Search African American History: Aggregating African American Digital Archives,” Parameters blog of the Social Sciences Research Center <https://parameters.ssrc.org/2016/12/umbra-search-african-american-history-aggregating-african-american-digital-archives/>.

to geography or authorship. These digital realities of archival collections provoke questions of fragmentation, completeness, provenance, and stewardship through the mission of access. The records themselves embody an ambiguous existence in this partnership: discrete digital surrogates, unbound from the ledgers, are not the property and thus not subject to the same ethics of access, preservation, and care of its physical originals. Moreover, each person returned in search results remains the property of Ancestry.com, which owns the metadata. Metadata assembled in search results constitutes a digital composite of people represented in the data extracted from the inventoried record-keeping of state containment.

Conclusion: Speculation

Not only do archival agencies traffic in the economic evaluation of state records, but the records under scrutiny in this paper also document economic value generated from the legacies of racial capitalism. The Georgia prison records represent the extraction of labor from incarcerated bodies, predominantly targeting African Americans after Reconstruction, in a new paradigm of slavery during the Progressive and Jim Crow era. Convict leasing and chain gangs followed the racially capitalist economic logic of the state in the impoverished South. Digitizing the records through a public-private partnership reproduces economic capital by creating images and metadata that monetize the names of incarcerated individuals listed in prison ledgers. In doing so, they market race to genealogists who pay for access. The images and database entries are financial assets for Ancestry that also provide an economic benefit to the Georgia Archives, which saves money or receives expensive digitization services gratis for what are likely considered invaluable cultural assets.

Regardless of these implications, state archives and records agencies will likely continue entering public-private partnerships to satisfy the trend of online access and word-search functions for records of all kinds.⁴³ While organizations such as Reclaim The Records and archives professionals and historians may bemoan and resist the rapid accumulation of public records by organizations in the private sector, many state and federal records agencies will be

⁴³ O'Toole and Cox, *Understanding Archives*, 136.

tempted to agree to undesirable terms for the sake of access, efficiency, and affordability.⁴⁴ When archives fail and there are more gaps, elisions, and obfuscation than clear evidence, archival absence creates both frustration and opportunity for creative work, evident in the scholarship of Sarah Haley, Saidiya Hartman, and Stephanie Smallwood, who mine archival absences as sources of critical scholarship.

Such intellectually creative endeavors are not, however, the domain of commercial digital collections, such as those on Ancestry.com. The mission of Ancestry is not to create a more complete historical record but rather to provide a service to the people who pay a subscription. While it would be nice if these services mirrored those of public libraries and archives, the reality is that Ancestry.com will enjoy many subscribers who pay whether or not they adopt archival standards. Indeed, many genealogists find great solace in filling in gaps, finding and claiming recognition and connection to subjects and actors in the historical record. As someone who used Ancestry.com to complete this work, I understand such satisfaction. But we must also recognize the ways in which we are complicit to a system of records-keeping, historical narration, and state control that continually privileges and profits white people at the expense of people of color. By aligning with subscription-based commercial enterprises such as Ancestry, publicly funded institutions indirectly lend such services an air of archival legitimacy that they don't rightly deserve. Moreover, such alignment ultimately renders state institutions complicit in the commodification of race.

Ancestry.com and digital collections simultaneously obscure the state in the presentation of records, while also reifying the ways in which the state manifests in defining subjects. The erasure of people of color in this system occurs not through the destruction of records or the refusal to incorporate them into collections and metadata, but rather through the continued alienation of provenance and refusal to recognize their subjectivity in the mechanisms of any state. Public-private partnerships for state records and other archival agencies indeed offer some relief and expanded forms of access. Nevertheless, privatizing public records and archival collections

⁴⁴ For more information on Reclaim the Records, see <https://www.reclaimtherecords.org/>.

fundamentally changes how we define and understand the politics of race and the logics of state power.

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