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ARCHIVES, RECORDS, AND ARTIFACTS:

WHY BOTHER IN THE AGE OF ERASURES?

DEFINITIONS: RECORDS, OBJECTS, TRACES

- THE EVIDENCE WE LEAVE BEHIND
- FROM SHERDS TO LOG FILES
- WHY DO WE INSIST ON FORGETTING?
[RHETORICAL]
- THE IMPORTANCE OF MEMORY: MAKING
IDENTITIES & FUTURES
- ACCOUNTABILITY: HOLDING POWER
RESPONSIBLE AND SPEAKING TRUTH TO POWER
- ACCESS: STRUCTURES OF ORGANIZATIONS AND
RECORDS—PROVENANCE & MIGRATIONS

ORALITY TO TEXTUALITY

- ORAL TRADITIONS
 - ORIGINATION MYTHS AND STORIES, FROM NAVAJO TO JEWISH
 - POETS, SONGSTERS, AND STORYTELLERS
 - THE AXES: BIBLE, KORAN, HOMER, AND SAGAS—
PROBLEMS OF TRANSMISSION
 - NARRATIVES AND EPICS: THE HEROIC MODE OF
MEMORY
- TRANSCRIBING MEMORY TO DOCUMENTS: HOW
ACCURATE?
 - CRITERIA FOR KEEPING
 - COST CONSIDERATIONS, MODES OF SAVING
PAPER/WORK
 - EXAMPLE: NICHOLSON BAKER AND NEWSPAPERS

ARCHIVES GO DIGITAL

- DIGITIZATION PROMISES TO MAKE THE BASES OF MEMORY, FROM GENEALOGY TO HISTORY, MASSIVELY MORE ACCESSIBLE
- MANY ARCHIVES & RECORDS ARE IN POOR SHAPE AND DIGITIZATION IS A PROMISING MODE OF PRESERVATION
- NEW POSSIBILITIES FOR INDEXING AND ACCESS
- PROBLEMS: FRAGILITY AND EXPENSE
 - BY THEIR NATURE, ARCHIVES ARE OFTEN UNIQUE, SO CAREFUL HANDLING IS ESSENTIAL, AS EVEN THE HEAT & LIGHT FROM A SCANNER CAN HURT THEM
 - WHO SHOULD DO IT AND WHO SHOULD PAY?

MAKING MEMORIES: FROM TEXTS TO BITS

- E-GOVERNMENT AND THE GAPING MEMORY HOLE
 - WHO TENDS TO RECORDS NOW??
- PROBLEMS OF PRESERVATION: WHAT TO KEEP AND HOW
 - PRINT TO PAPER?
 - KEEP ELECTRONIC?
- OBSOLESCENCE: SOFT- AND HARDWARE DEPENDENCIES
- MODES OF ACCESS AND ISSUES OF CUSTODIANSHIP IN DISTRIBUTED SYSTEMS
- “IS IT REAL OR IS IT MEMOREX™”—FAKING THE TRUTH
ALWAYS A DANGER IN E-DOCUMENTS

BODIES AND DOCUMENTS CAN MORPH EASILY...



SOURCE: UNDETERMINED

BODIES AND DOCUMENTS CAN MORPH EASILY...



BY: TOMMER LEYVAND, DANIEL COHEN-OR, GIDEON DROR AND DANI LISCHINSKI, TEL AVIV UNIVERSITY

ACCOUNTABILITY I

- DOCUMENTING THE STATE
 - COHERENCE BETWEEN RECORD SYSTEMS AND ORGANIZATIONAL STRUCTURES
 - PATHS OF POWER AND DELEGATION: TANGLED WEBS
 - DEMOCRACY AND “SUNSHINE” VS. THE SILENCES OF AUTHORITARIANS
 - COUNTER-EXAMPLES: KHYMER ROUGE AND THE SS
 - J. EDGAR HOOVER’S “DO NOT FILE” FILE
- EXAMPLE: THE USA PATRIOT ACT’S LACK OF ACCOUNTABILITY
 - SECRET ARRESTS/DETENTIONS, AND MORE...
 - LIBRARIANS ARE NOT EVEN ALLOWED TO REPORT THAT LAW ENFORCEMENT OFFICIALS HAVE SOUGHT INFORMATION ON PATRONS

ACCOUNTABILITY II

- **SECRECY AND THE NATIONAL SECURITY STATE: CLOSED RECORD RULES; FRUS & CLEANSING**
- **SNOOPING: COINTELPRO, PROFS CASE**
- **“CANONICAL” HISTORICAL SOURCES**
- **THE DILEMMAS OF “NEED TO KNOW”**
- **PROBLEMS OF A FEDERAL SYSTEM: WHOM DO YOU ASK?**
- **SEPARATE, BUT SOMETIMES OVERLAPPING RECORDS AT LOCAL, STATE, AND FEDERAL LEVELS**
- **SLIGHT ADVANTAGE WITH THIS OVERLAPPING: IF ONE AGENCY REPELS A FOIA REQUEST, FILE FOR SAME DOCUMENTS WITH ANOTHER!**

LIMITS OF ACCOUNTABILITY

- PUBLIC AND PRIVATE AUTHORITY: DESICCATION OF THE FORMER, GROWING DOMINANCE OF THE LATTER: USUAL NOTION OF NEED FOR ACCOUNTABILITY AGAINST GOVERNMENT—BUT PRIVATE ENTITIES NOW (ARGUABLY) HAVE MORE POWER
- SUBCONTRACTORS TO GOVERNMENT: BROWN & ROOT, PRISON ENTERPRISES
- POWERFUL FIRMS: ENRON IN CALIFORNIA POWER MESS, MICROSOFT
- USE OF INTELLECTUAL PROPERTY CLAIMS TO BLOCK PUBLIC ACCESS AND REVIEW: DIEBOLD VOTING MACHINES

LIMITS OF ACCOUNTABILITY,

- **WHITHER PUBLIC SPACE AND DEMOCRATIC GOVERNANCE?**
- **WHAT RECORDS ARE “PUBLIC”; WHO OWNS THEM?**
 - **CORPORATE RECORDS: ANNUAL REPORTS, SEC REPORTS VS. RECORDS ONLY ACCESSIBLE WITH COURT ORDERS**
 - **DATA SHARING? WHY DO BOEING ENGINEERS WORK FOR THE FAA?**
- **IMPLICATIONS FOR THE “RIGHT TO PRIVACY”**
 - **FOURTH AMENDMENT PROTECTIONS FROM WHOM?**
 - **OPT-IN AND OPT-OUT**

PUBLIC RECORDS AND PERSONAL PRIVACY

- **GOVERNMENTS AS MAJOR REPOSITORY OF RECORDS ON INDIVIDUALS**
- **DRIVER'S LICENSES, SOCIAL SECURITY, VOTER INFO, PUBLIC SCHOOL RECORDS (PROTECTED UNDER BUCKLEY)**
- **MOST SUCH RECORDS PUBLIC BY TRADITION, BUT LARGELY INACCESSIBLE WHEN ON PAPER**
- **ELECTRONIC RECORDS AND INTRUSIONS ON PRIVACY: DATA-MINING BY SNOOPS SUCH AS CHOICEPOINT**
- **ONLY CALIFORNIA HAS STRONG LAWS REGULATING DATA-MINING SECURITY**

CONTRASTING

CLASSIFICATIONS:

PROVENANCE VS. HIERARCHIES

- **PROVENANCE DEFINED**
- **CONTRAST TO “NORMAL” CLASSIFICATION SYSTEMS**

- **HISTORICAL RESEARCH: REVERSE-ENGINEERING THE ORGANIZATION**

- **CONSTRUCTING HISTORY AS DETECTIVE WORK**

- **THE LIFECYCLE OF RECORDS**

- **GENERATION**

- **RETENTION**

- **ACCESS/AVAILABILITY**

- **WHAT OF INFORMATION REUSE?**

- **DOES ARCHIVING RELEGATE ORGANIZATIONAL KNOWLEDGE TO A MEMORY HOLE?**

A BIG-THEORY QUESTION:

WHAT'S A RECORD AND WHAT'S RECORDED?

- CLASSICAL DEFINITION OF THE RECORD:...
- EMAIL & PROFS; DOES THE COPYRIGHT NOTION (“FIXED IN ANY TANGIBLE MEDIUM OF EXPRESSION”) WORK HERE?
- BUT WHAT IF INFORMATION AND KNOWLEDGE THAT DON'T LEND THEMSELVES TO BEING RECORD CONTENT OR ARE SET BY VARYING PARAMETERS?
- EXPLICIT VS. TACIT KNOWLEDGE—WHAT DIFFERENCES IN IMPORTANCE?
- EXAMPLE: “BILLABLE” BODIES IN THE ICU...
- INJURED SUSPECTS? ...

**RECORDS MEAN DIFFERENT
THINGS TO DIFFERENT
PEOPLE...**

*Removed:
Frame from Cry of the City*

FROM CRY OF THE CITY (1948), ROBERT SIDOMAK, DIRECTOR

A RECORD IS WHAT WE LEAVE

BEHIND...

- A TRACE, AN ARTIFACT... FOOTPRINTS IN THE SNOW, A LIPSTICK TRACE (FORGET “CSI...”)
- AN AUDIO RECORDING, AS IN “A RECORD ALBUM”
- SOMETHING WE OR SOMEONE ELSE DECIDES IS A RECORD
- MAYBE IT’S LIKE DATA THAT ATTENTION HAS CONVERTED INTO INFORMATION... A RECORD IS A TRACE THAT ATTENTION HAS MADE INTO SOMETHING LESS EPHEMERAL
- BUT IT MUST BE RETAINED OR “RECORDED” TO PERFORM ITS INFORMATION DUTIES ACROSS TIME
- RECORDING THUS REPRESENTS A TEAR IN TIME, AN ACT DONE IN THE PRESENT UPON THE PAST IN THE NAME OF THE FUTURE: THE ARCHIVISTS’ SELF-DENYING ROLE

RECORDS RETENTION

FEDERAL RULES ON CIVIL PROCEDURE ARE NOW IN THE PROCESS OF BEING REVISED SO THAT COMPANIES CAN ESSENTIALLY DESTROY ELECTRONIC RECORDS WHEN THEY THINK THAT THEY MIGHT BE SUBJECT TO JUDICIAL DISCOVERY

BY CONTRAST, IN 2005-12, THE EUROPEAN PARLIAMENT WILL VOTE ON WHETHER TO FORCE INTERNET SERVICE PROVIDERS TO RETAIN CONNECTION LOGS FOR UP TO ONE YEAR AS A WAY TO TRACE “TERRORIST” ACTIVITY. MUSIC COMPANIES ALSO WANT ACCESS TO THOSE LOGS IN ORDER TO CHASE DOWN PIRATES.

A BIG-THEORY QUESTION:

WHO HAS ACCESS, WHEN?

- THE RECORDS “CLOCK”: HOW MANY YEARS SHOULD RECORDS BE CLOSED? EXAMPLE: MICRO-LEVEL CENSUS DATA
- NATIONAL SECURITY & THE POLITICS OF “NEED TO KNOW”
- IF CORPORATIONS ARE “PERSONS” UNDER WESTERN LAW, YET THEY HAVE CONSIDERABLE POWER OVER ENTIRE COMMUNITIES, SHOULD THEY HAVE PRIVACY RIGHTS EQUAL TO THOSE OF REAL PERSONS?
- CITIZENS’ RIGHTS TO ACCESS (TO GOVERNMENT, NOT CORPORATE, DOCUMENTS)—SOMEWHAT[!?!]
- THE BUSH ADMINISTRATION HAS BEEN “RECLASSIFYING” MILLIONS OF DOCUMENTS

THE FREEDOM OF INFORMATION ACT(S)

- FREEDOM OF INFORMATION ACT, 1966
 - BURDEN OF PROOF RESIDES IN THE AGENCY, NOT THE ASKER...
 - YET ALWAYS THE “NATIONAL SECURITY” BARRIER
- 1ST CHANGE: 1974 POST-WATERGATE: OPENNESS (OVERRODE FORD’S VETO, WHICH WAS URGED BY HIS AIDES, R. CHENEY AND D. RUMSFELD)
- 2ND CHANGE: 1986 CLOSING DOWN THE PROMISE OF ORIGINAL ACT: “TOO MUCH BOTHER FOR THE AGENCIES”
- 3RD CHANGE: EFOIA 1996: SQUARELY PLACED DECISIONS TO RELEASE WITH AGENCIES THEMSELVES

PROBLEMS WITH FOIA

- FEES AS BARRIER, SIMILAR PROBLEM WITH TURN-AROUND TIMES
- UNTRAINED STAFF DOING CENSORSHIP & INADEQUATE IT INFRASTRUCTURE/SKILLS WITHIN RESPONDING AGENCIES
- LOUSY INTERNAL SEARCH ENGINES, IN IMPLICIT VIOLATION OF LAW; WHAT THE ENGINES DON'T HARVEST, IT IS CLAIMED, DOESN'T "EXIST" [MANY OF THE TRADITIONAL INFORMATION RETRIEVAL ISSUES HERE AS WELL]
- CANNOT "READ" BLACKENINGS/REDACTIONS PERFORMED BY THE "DELETE" KEY—BUT BLACKENINGS ON REDACTED PDFS CAN OFTEN BE REMOVED BY MINIMALLY CLEVER PEOPLE.

THE BALANCING GAME: ACCESS & ACCOUNTABILITY VS. PRIVACY

- IS A “POTENTIAL HARM” APPROPRIATE OR USABLE AS A STANDARD? GIVEN WHAT WE KNOW ABOUT WHO ACTUALLY PROCESSES RECORDS, SHOULD THESE DECISIONS MADE BY MINIONS?
- PROBLEMS IN POSTING PUBLIC RECORDS:
“CONSTRUCTIVE PRIVACY INVASIONS” BY DATA MINING
AND THE MAKING OF DATA DOUBLES

EMERGING ARCHIVAL ISSUES...

- WITH DIGITIZATION, WHAT SORTS OF E-LOCKING AND CHAIN-OF-CUSTODY MEASURES ARE NEEDED AND HOW SHOULD THEY BE IMPLEMENTED?
- WHAT OF “INFORMATION-BASED COMPLIANCE”? NOTE THE IMPLICATIONS OF SARBANES-OXLEY ON CORPORATE REPORTING.
- NEED CONCEPT OF “ARCHIVES OF GOVERNANCE” IN THE PLACE OF “GOVERNMENT ARCHIVES” [IAN WILSON]; FORMER EMBRACES LOCI OF POWER, FROM GOVERNMENT TO CORPORATIONS TO NGOs AND VOLUNTARY ORGANIZATION