Agenda Item 1-IV.A.

Society of American Archivists
Council Meeting
August 12 – 13, 2013
New Orleans, Louisiana

Infrastructure to Support SAA's Advocacy Efforts
(Prepared by Nancy Beaumont)

BACKGROUND

The SAA Government Affairs Working Group was created in August 2008 with the following description (also at http://saa.archivists.org/4DCGI/committees/SAAWG-GA.html?Action=Show_Comm_Detail&CommCode=SAA**WG-GA&):

Official Charge:

"Government affairs" issues encompass areas of legislation and rule-making by federal and state government that have direct impact on archives and manuscript repositories, from the taxation of authors' works to the Health Insurance Portability and Accountability Act, from protection and preservation of Executive Office of the President email messages to declassification, from treatment of state and local executive office records as public to libel in oral histories. Government affairs issues are complex, and understanding, analyzing, and reacting appropriately to them requires a special expertise. They often demand a quick response, as, for example, when SAA is asked to join in litigation or respond to draft legislation.

I. Purpose

The Working Group's purpose is to provide timely expertise and advice to the SAA Council. The Working Group responds to requests for assistance from the President (acting on behalf of the Council) or the Executive Director, tracks government affairs issues of concern (or potential concern) to archivists, and drafts for the Council approval responses or position statements as needed. Although the Working Group's purview is broad, its overarching priority is issues relating to the preservation of and access to government records. This priority takes precedence when there are competing issues demanding attention, and it should be pursued persistently when other issues do not demand immediate attention.

II. Working Group Selection, Size, and Length of Term:

The size of the Working Group is not fixed. In response to requests from the Working Group, the Council adjusts membership according to the availability of expertise and the anticipated workload of the group. The President, on behalf of the Council and with the recommendation of the Working Group, makes new appointments. Terms of service on the Working Group are three years, with the opportunity for an unlimited number of successive terms.

III. Duties and Responsibilities

The Working Group has the following duties and responsibilities:

- Develop an advocacy agenda for Council approval.

- Respond in a timely fashion to requests from the President (acting on behalf of Council) or the Executive Director for background information and recommendations on matters relating to government affairs.
- Track legislative and regulatory issues that could be of concern to archivists in order that the Society may respond in a knowledgeable manner.
- Prepare drafts, for Executive Committee or the Council's approval, of position papers, statements, and other documents relating to government affairs issues that may benefit archives and archivists.
- Contribute to the education of SAA members and staff in relation to government affairs issues.
- Bring to the Council's attention areas in which collaboration with other organizations may advance the Society's government affairs interests and, under Council direction or with its approval, cooperate with such organizations in furthering SAA's interests.

IV. Reporting

The Working Group works closely with the President, its Council Liaison, and the Executive Director in order to ensure that it is responsive to the Council's needs and is working in coordination with the staff office. In certain cases, when time is of the essence, Working Group communications with the President and Executive Director may be discussed and acted upon solely by the Executive Committee.

Approved by the SAA Council: August 25, 2008

The Government Affairs Working Group drafted the original Advocacy Agenda that was considered by the Council at its May 31 – June 2, 2009, meeting, after which it was published for member comment (http://www2.archivists.org/news/2009/member-comments-sought-on-draft-advocacy-agenda):

Member Comments Sought on Draft Advocacy Agenda

Among SAA's highest priorities is to advocate for issues on behalf of archives and archivists. In August 2008 the Council approved formation of a Government Affairs Working Group and charged that group to begin its work by developing an Advocacy Agenda for Council approval. Development and ongoing review and refinement of an Advocacy Agenda provides the Society with a means to organize its advocacy efforts, make conscious decisions about its priorities, frame its messages, work proactively on key issues, and respond quickly and effectively to policymaker and media inquiries.

At its May 31–June 2 meeting the Council adopted the following motion:

THAT the "Advocacy Agenda 2009-2010 (version 053109)," as drafted by the Government Affairs Working Group and revised by the Council, be adopted as a working document that will be distributed to the SAA membership from June to August 2009 for comment and refinement; and

THAT a revision incorporating member comment be reviewed by the SAA Council at its August 10, 2009, meeting; and

THAT the Government Affairs Working Group develop a series of issue briefs, beginning with those Advocacy Agenda issues that are of the highest priority for member, policymaker, and public awareness, and submit those briefs for Council or Executive Committee review and comment as they are completed, with a goal of completing an issue brief for each issue identified in the Advocacy Agenda by the time of the May 2010 Council meeting.

> The intent of the agenda itself will be to provide a simple statement on a given issue, which will serve as the basis for a much broader discussion of the issue via a discussion paper, white paper, or such other document as provides the details that may be needed by various interested audiences (such as members, policymakers, and the media) to have a full understanding of the issue and SAA's stance on it. (For an example, see the National Humanities Alliance's "Issues at a Glance" on its website at www.nhalliance.org.) The SAA staff will develop a more robust "Advocacy" Web page that highlights the Agenda, with appropriate links to discussion papers, calls for action, other organizations' agendas, and additional information.
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> The agenda is intended to be an evolving and changeable document that is updated as needed, and at least annually. To ensure that the Advocacy Agenda represents broad interests, the Council stressed the importance of soliciting member comment.
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> Members are invited to submit comments about the draft Advocacy Agenda to any member of the Council or via saahq@archivists.org by July 31, 2009. Some questions to consider:
> Most importantly, are the correct types of issues addressed? What's missing? Are the issues in appropriate priority order?
>
> Do you agree with the approach to framing of the broad issues? Do you agree with the approach to framing of the specific issues? (In each case the Government Affairs Working Group would draft an "SAA supports" statement along with an issue brief. As appropriate, a "Call to Action" statement would also be developed—and updated as needed—to stimulate action by SAA members and other networks.

Member comments were compiled and presented to the Council at its August 10, 2009, meeting as Agenda Item III.C. Feedback on SAA's Advocacy Agenda. GAWG did not submit to the Council an Advocacy Agenda revision incorporating member comment.

In March 2012 then-SAA President Gregor Trinkaus-Randall initiated a Council conversation about moving ahead with the Advocacy Agenda. He charged Council members Thomas Frusciano, Donna McCrea, and Dennis Meissner to draft an action item about the Advocacy Agenda based on GAWG's original draft, member feedback, and online Council discussion in 2012. The Council adopted a revised Advocacy Agenda at its June 2012 meeting (attached and at: http://www2.archivists.org/initiatives/saa-advocacy-agenda).

In May 2013 the Council adopted a Strategic Plan that includes the following:

> **GOAL 1: ADVOCATING FOR ARCHIVISTS AND ARCHIVES**
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> **Society values the vital role of archivists and archives.**
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> **SAA will**
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> **1.1.** Provide leadership in promoting the value of archives and archivists to institutions, communities, and society.
> **1.2.** Educate and influence decision makers about the importance of archives and archivists.
> **1.3.** Provide leadership in ensuring the completeness, diversity, and accessibility of the historical record.
> **1.4.** Strengthen the ability of those who manage and use archival material to articulate the value of archives.

DISCUSSION

The Government Affairs Working Group was created after years of SAA engagement in a variety of "government affairs" issues (see below for a sampling of headlines from our website):

November 2001: SAA Responds to Executive Order 13233 on Presidential Papers
November 2001: Call to Action on Executive Order 13233
December 2001: SAA President Steve Hensen's editorial, "The President's Papers Are the People's Business," published in the Washington Post, Sunday, December 16, 2001
January 2002: SAA Response to NARA Advance Notice on Proposed Rulemaking on Electronic Records
February 2002: Statement Before NY City Council's Committee on Government Operations on the Matter of Rudolph Giuliani's Mayoral Records
September 2002: Comments by SAA on NARA's "Proposal for a Redesign of Federal Records Management"
March 2003: Bush Issues New Secrecy Executive Order
April 2003: Statement on Iraqi Archives
January 2004: Archivists Challenge DC Mayor to Fund Municipal Archives Cleanup
March 2004: US Supreme Court Asked to Reject Government Claim That It May Conduct the Public's Business in Secret
June 2004: Statement on US Supreme Court Ruling Regarding Cheney Energy Task Force Case
July 2004: SAA Provides Statement for Record at Weinstein Hearing
February 2005: Guidelines for Preparing a Letter to Congress on the NHPRC Issue
June 2005: House Appropriations Committee Restores NHPRC Funding; Next Step Is Senate!
April 2006: SAA Submits Testimony on NHPRC Funding
April 2006: Letter to U.S. Archivist Allen Weinstein Regarding Reclassification of Records
September 2006: Statement Deplores Destruction of Palestinian Cultural Property
November 2006: Letter to Congress Regarding Smithsonian/Showtime Agreement
April 2007: NHPRC Funding Zeroed Out for FY2008; Take Action Now to Save NHPRC!
October 2007: Tell Senator Bunning to Stop Blocking the Presidential Records Bill
November 2007: SAA Urges Congress to Reconsider "HIPSA" Provisions
April 2008: SAA/ACA Joint Statement on Iraqi Records
August 2008: Open Government Act Passes Congress; SAA Calls for Cleanup

When I joined the staff in July 2003, there were discussions about relocating the SAA office to Washington or hiring a lobbyist or lobbying firm to advocate on behalf of archives issues. I suggested that SAA could not truly consider the need for these options unless and until it had laid out its own "advocacy agenda" – that is, defined the issues that are most important to SAA and American archivists. Only then could the Society determine to what extent a paid Washington "presence" would be able to make a difference on those issues. Some of SAA's needs for a "presence" were met when the National Coalition for History hired Lee White as its executive director and SAA gained a seat on the Policy Board in 2006. SAA currently pays $10,000 per year in dues to NCH. Lee has been very responsive to (a limited set of) archives issues.

For perhaps a variety of reasons, the Government Affairs Working Group has gotten off to a slow start. Reasons may include:

- Unlike the scope of issues dealt with by the Intellectual Property Working Group on whose description the GAWG charge was based, the scope of "government affairs" issues is extremely broad.

- Whereas there certainly are government affairs "experts" within the archives profession, these individuals tend to be rare and among the busiest and least available of our members. Further, general interest in political advocacy and even considerable skill in its implementation does not equate to expertise on a particular issue.
- There has been a proliferation of smaller groups that have taken on specific charges within the government affairs sphere (e.g., the Joint Task Force on the Partnership for the American Historical Record and, more recently, the Joint CoSA/NAGARA/SAA Issues and Awareness working group.) No one is really clear (largely because focused discussions haven't occurred) about what the relationship(s) may or should be between and among these groups.
- Although "advocacy" has long been a concern for SAA, the Society has seemed to be reluctant to focus on it in relation to other priorities—beyond the oft-repeated appeal to members to "Save NHPRC!" Staff tasks have been diverted to governance and administrative matters, leaving Advocacy as a lower priority *de facto*. My involvement with the National Coalition for History Policy Board has brought SAA to the table with collaborating organizations, but has not resulted in further development of our Advocacy Agenda.
- There has perhaps been a blurring of lines between Advocacy and Public Awareness (Relations), to the detriment of both efforts. That is, we have focused in some years on Public Awareness efforts such as American Archives Month and *I Found It In The Archives!*, but not on proactive public policy.

To its credit, the Government Affairs Working Group has been responsive to requests from the SAA president and executive director to express an opinion, draft a call for action on NHPRC funding, draft or comment on a letter responding to a situation (e.g., when the Georgia Archives was threatened), or draft a paper on a given topic related to public policy (e.g., most recently—and not related to government affairs issues *per se*—the Boston College/IRA Oral History matter). Unfortunately the group has not been available to draft issue briefs to "put meat on the bones" of the Advocacy Agenda. With updated issue briefs, SAA would be more able to respond "nimbly" as situations arise.

In recent years, many of our advocacy efforts have been by-the-book calls for action from our grassroots members to engage with Congress in support of NHPRC funding or have resulted from our partnership with OpenTheGovernment.org or the National Coalition for History (and related groups) in adding our signature to a letter advocating a position. These actions have been guided by the "high-level" aspects of the Advocacy Agenda and have not required consultation with GAWG. With the exception of the Partnership for the American Historical Record (PAHR), rarely has SAA engaged in proactive advocacy.

Embedded in SAA's Issues and Advocacy Roundtable request for Council action on "Recommendations for Action When Archives Documenting Underrepresented or Alternative Communities Are Threatened" (0113-IV-F-IARTRecommend at http://www2.archivists.org/groups/saa-council/issues-and-advocacy-roundtable-recommendations-for-action-when-archives-documenti) was an expression of impatience that SAA does not have an advocacy infrastructure that is able to respond quickly and consistently.

With the recent addition of several new members to the Government Affairs Working Group and development of a comprehensive agenda for the GAWG meeting on Wednesday, August 14, it appears that the group is reinvigorated. Nevertheless, the Council should consider whether a "reinvention" of the group might further stimulate progress. In the interest of becoming more nimble and fostering a culture of experimentation, it may well be time to "experiment" to find an infrastructure that will improve SAA's advocacy efforts.

DISCUSSION QUESTIONS FOR THE COUNCIL:

1. Given the Council's adoption of the Advocacy Agenda and Goal 1 of the Strategic Plan 2013 – 2018, should SAA revamp the Government Affairs Working Group into a more traditional standing committee "to provide ongoing oversight and guidance on, and perform specified tasks related to, functional areas of importance to the Society's programs and members"[1] and to increase its accountability and visibility?

2. If so:

   A. Should the committee be given a name that broadens its scope beyond "government affairs" issues, such as Public Policy Committee? Or Public Policy Coordinating Committee? Or Public Policy and Advocacy Committee?

   B. Should membership on the committee be broadened to include representatives from the Issues and Advocacy Roundtable and other component groups as appropriate (such as the Intellectual Property Working Group or the Privacy and Confidentiality Roundtable), some members who have experience with public policy issues, and some members who would like to gain experience on public policy issues by doing research and drafting materials?

   C. What mechanism might best allow the committee to coordinate (with CoSA and NAGARA, for example) on such joint issues as the Partnership for the American Historical Record (PAHR).

3. Should SAA create a second standing committee whose charge would be to work on the other aspects of Goal 1 related to building public awareness of archivists and archives (eg, American Archives Month, media relations)? If so:

   A. Should the committee be named the Public Relations Committee? Or Public Awareness Committee?

   B. Should we create a "built-in" overlap with the Public Policy group to ensure that messages directed to various publics (from policy makers to resource allocators to knowledgeable users to general users) are coordinated and consistent?

[1] Definition of a "standing committee" per SAA's Governance Manual, Section VII. Committees and Boards.

Attachment

Society of American Archivists Advocacy Agenda (2012 – 2013)

Because archival records ensure the protection of citizens' rights, the accountability of organizations and governments, and the accessibility of historical information, the Society of American Archivists (SAA) believes that the archival profession must take an active role in advocating for the public policies and resources necessary to ensure that these records are preserved and made accessible. This Advocacy Agenda identifies a limited set of broad priorities that serves to guide the Society's advocacy efforts in the public policy and legislative arenas. Requests for SAA's commitment to a specific advocacy issue will be more vigorously pursued if that issue fits within these priorities.

The Public's Right to Equal and Equitable Access to Government Information

American citizens have a right to know the actions and intentions of their government and its leaders. Government officials at all levels should assume that the public has the right of access to documents prepared by a government official or entity, including communications between government officials or entities. To ensure access, government officials have an obligation to preserve such records properly until they are appropriately reviewed, appraised, and declassified when appropriate. This preservation requirement applies to all records, regardless of format

Presidential Records Act (PRA) Reform: SAA supports all efforts to strengthen the PRA to ensure that it 1) is enforceable with regard to both the President and the Vice President, 2) adequately encompasses both electronic and paper records and communications, and 3) cannot be altered by executive order. SAA will join legal actions directed to ensuring proper and thorough application of the PRA, advocate for pertinent legislation, and suggest alterations to both court filings and proposed legislation in pursuit of our goals. [Issue Brief Pending]

Freedom of Information Act: [Issue Brief Pending]

The Public's Need for Strong Institutional Stewardship of the American Historical Record

The records found in our archives contribute to a more open and pluralistic society. Records are used by citizens in the pursuit of public accountability, transparency, civil rights, protection of corporate rights and responsibilities, continuity of civil operations, and good governance. To hold government accountable and to provide evidence of the diverse and complex elements of the human experience, it is essential that concerted efforts are made to preserve and make accessible a comprehensive and trustworthy American historical record.

Closing of Archives: SAA recognizes that many institutions face fiscal pressure that may from time to time lead them to consider closing an archive or curtailing its basic activities. Nonetheless, the Society believes that an institution must assess both short- and long-term and direct and indirect costs of this action before making any decision in this regard. Archival experts should be consulted concerning the costs and consequences of any action. Deliberation should be particularly cautious if private or donated historical materials are involved or if the archive has been supported in any part by grants, public funding, or volunteer work. Such factors can create potential liability for the institution. A proposed closing also must be discussed with the users of the archive, both within and outside the institution. [Issue Brief Pending]

The Public's Right to Timely and Reasonable Use of Information

America's first copyright act (1790) sought to strike a balance between encouraging the creation of new works and granting monopolies over knowledge, learning, and expression. Over time, both the scope and duration of copyright monopolies have increased, to the detriment of learning and broad creative expression. A more appropriate balance must be struck between the right of authors to benefit from the fruits of their labors for a limited time and the need of the public to use freely material for the greater benefit of society.

Revisions of Section 108 of the Copyright Law: [Issue Brief Pending]

Orphan Works: "Orphan works" is a term used to describe the situation in which the owner of a copyrighted work cannot be identified and located by someone who wishes to make use of the work in a manner that requires permission of the copyright owner. Proposed orphan works legislation, such as the Orphan Works Act of 2008 (H.R. 5889) and the Shawn Bentley Orphan Works Act of 2008 (S.2913), would reduce penalties for infringement if an infringer "undertakes a diligent effort to locate the owner of the infringed copyright." [Issue Brief Pending]

The Public's Right to Personal Privacy in Certain Categories of Records

An individual's right to privacy with regard to certain information—for example, records mandated by government, attorney-client records, and medical records—historically has been weighed against the public's right to information. Personal privacy should be respected throughout an individual's lifetime in appropriate ways. Documents recording private information about living Americans should be disclosed involuntarily *only* when disclosure accomplishes a greater public purpose.

Health Insurance Portability and Accountability Act of 1996 (HIPAA): See 2010 letter from SAA President Helen Tibbo at: http://www2.archivists.org/sites/all/files/SAA_HIPAA_091310.pdf and link to STHC HIPAA Resources page at: http://www.library.vcu.edu/tml/speccoll/hipaa.html

The Public's Interest in Adequate Funding of Archives and Archival Programs

The records found in our archives ensure administrative continuity, help hold government officials accountable for their actions, and create documentary sources through which we come to understand our society. Because of the importance of these functions, archival institutions at all levels of government and throughout society must be adequately funded. Funding should include sufficient resources both to renew and invigorate undervalued operations and to support innovative and transformative projects that enable archives to preserve extraordinary documentary resources for the public.

National Historical Publications and Record Commission: SAA supports reauthorization of NHPRC by the 112th [113th] Congress at a funding level of $20 million. This funding level will ensure that the agency can adequately and appropriately support projects not only to preserve and make accessible nationally significant records, but also to serve as models of best practices for archives of all types. [Issue Brief Pending]

The Preserving the American Historical Record Act: This legislation would create a federally funded formula grant program to provide essential resources to support and enhance the capacity of state and local records sources to provide access to the "other half" of America's story—that is, those significant records that are kept by sources other than the federal government. SAA supports authorization and funding of PAHR at $50 million. [Issue Brief Pending]