

**Society of American Archivists
Council Meeting
August 10, 2009
Austin, Texas**

**Discussion Item: Feedback on SAA's Advocacy Agenda
(Compiled by SAA Staff)**

BACKGROUND

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.

DISCUSSION

This report is a compilation of comments received from the SAA membership as of August 1, 2009. It is likely that additional comments will be received during the annual meeting. Discussion of the Advocacy Agenda is also on the August 15 Council meeting agenda.

To: SAA Headquarters / 6/24/09

I applaud this effort, and the process suggested makes good sense. Just a few quick (perhaps too quick) initial reactions to the May 31 draft. I realize it is the white papers and other drafts that will be the real drivers of action.

1. The language on the need for a comprehensive historical record may put too much stress on the records of "the" government relative to other documentation. It doesn't mention the actions of other governments or non government organizations. The wording that we seek a "reasonably complete" record confuses more than it clarifies. I know the wording here is tricky, but this draft needs sharpening.
2. Ditto for the next statement. Its not just governments that records help hold accountable. Will readers understand what is meant by "extraordinary funding" for "unusual opportunities."
3. I hope that when we address the need for "strong institutional stewardship" we won't confine ourselves to advocacy for increased funding for programs that provide funds to archives beyond the Federal agencies. Stewardship of the federal records that the advocacy agenda emphasizes highly is impacted especially by the policies and practices of the National Archives. And those of the Library of Congress, and some other programs have broad impact and influence as well. The policies and practices (and the performance) of those agencies affect many other archives, intergovernmental records, etc.
4. Overall, there seems to be a certain ambivalence, or at least ambiguity, about whether it is exclusively the Federal government we are addressing in these statements, and what flows from them, or whether we have some broader audience to address and some broader points we want to make.

Finally, this is a terrific initiative, and will bear fruit. But the most influential advocacy that the profession can encourage and help strengthen is the day to day advocacy that can be done more effectively by individual archivists within their own settings for their own archives. We could do much more there in the way of continuing education, even though that is not where the demand is from the membership.

To: Sue Hodson / 7/6/09

A bit of SAA Council business: the draft advocacy agenda. I absolutely agree with all of the items on the agenda, but not with the priority ordering of them. The last item, "the public's need for a strong institutional stewardship of the American historical record," needs to float up a position or two. I am seeing my membership (29 institutions across the five Northwest states) really struggle to have the resources that they need. With positions going unfilled, other resources drained, and an atmosphere that makes innovation

difficult just as we need to innovate even more, our colleagues need more support than ever to advocate for their programs and get the resources that they need. In general, this list focuses a great deal on government-funded entities; we need to state better support for non-government-funded entities like state and county historical societies. The support for PAHR and NHPRC is great, but what about support for NEH and IMLS, agencies that also offer significant funding in support of archives of all types?

It's great to see a strong advocacy agenda put forward, and I continue to be quite pleased with SAA's forward motion on advocacy matters, so long as those efforts can also effectively look beyond government matters and records to encompass the whole of our documentary heritage task.

To: SAA Headquarters / 7/8/09

Thank you very much for considering SAA members' thoughts and comments on the Draft Advocacy Agenda. I truly appreciate this – it makes me feel that the organization is truly a democratic organization – that represents its members. I'd like to comment on the Draft Advocacy Agenda:

It seems specifically lacking any mention of SAA taking a stance on anything having to do with civil rights issues. There is a strong collective of members – myself amongst them – who feel that it's essential that SAA does indeed support and advocate for member civil rights. Rand Jimerson has “branded” the activist-archivist model in much of his writing (and many others join him in that). I think in order for SAA to be fully representative of its members – as I note above – the Advocacy Agenda must include a measure for SAA to support and advocate for member civil rights – fully, and vocally.

To: Government Affairs Working Group members / 7/9/09

I find myself wondering if the SAA is not strong enough in their position of the Public's Right to Personal Privacy in terms of how a deceased individual's information affects those still living. Privacy rights of family members should be mentioned in this board framing of the issue.

One additional comment is that I feel the above issue should be a lower priority for the SAA than the Public's Need for Strong Institutional Stewardship of the American Historical Record.

To: Frank Boles, Peter Gottlieb / 7/13/09

I am writing to express a few concerns and comments regarding the draft SAA Advocacy Agenda for 2009-2010, as posted on the SAA website. I write as a SAA member, not in my official capacity as chair of CEPC, although that perspective may influence my ideas. My prior experience as SAA president, and my more recent research and writing for the book "Archives Power: Memory, Accountability, and Social Justice," also provide background for my concerns.

1. Under the first item, the public's right to information, I would suggest including a mention of accountability for public officials as one significant obligation requiring citizens to have access to information in government documents. This may be implied in the statement, but I think it should be emphasized here as a major factor requiring citizens' oversight of government officials and their actions.

2. Under the second item, regarding timely use of information, I would encourage a stronger statement in the opening paragraph about the need to reduce the current length of copyright protections. The recent emphasis on protecting the interests of musicians and artists, or more accurately the commercial interests and corporations seeking to profit from their creations, has led to a dangerous over-emphasis on closing off public access and use of important information. This concern should be strongly stated in the paragraph explaining this broad principle of timely use of information.

3. Also under the second item, the specific link to information about copyright should contain a stronger statement supporting the reduction of limits on fair use of information (in the paragraph about Section 108 Revisions). Instead of a generic statement supporting "the recommendations of the Section 108 Study Group," I think SAA should spell out what some of those recommendations actually are. Give this some teeth.

4. One item that is missing, or at least not clearly spelled out, is whistle blower protection. This is an issue that I have written about in "Archives Power," and I think it is important for SAA to join other groups in support of stronger federal and state protections for legitimate whistle blowers, particularly those seeking to expose wrongdoing relating to recordkeeping and accountability issues, or any concerns relating to public access to information, document destruction, or improper secrecy and classification of public records, or improper records destruction or failure to comply with private sector regulatory requirements. The Heiner affair in Australia is once again gaining public media attention, as one example of whistle blowing performed in support of proper recordkeeping.

As for priorities, I think the current listing indicates my own priority listing, although I think whistle blower protection would be my fourth priority, after access to information, timely use (copyright), and personal privacy concerns.

I am sending a copy of this message to Kate Theimer, chair of the Issues and Advocacy Roundtable. Please pass my comments along to whoever is compiling such comments on this issue. And feel free to circulate or publicize this as you see fit.

To: SAA Headquarters / 7/20/09

I wish to express my considerable appreciation for the efforts of the Government Affairs Working Group to draft an advocacy agenda for the Society. This is a long overdue initiative that I have longed to see since my service in establishing a municipal archives twenty years ago. Recently, during the time that I served on Council, I pushed to elevate

the idea along with colleagues as we then felt it was the Society's most salient strategic planning goal. The time has finally arrived to move on this agenda, and I congratulate the Working Group on advancing a document that provides a concise outline of where we can start and what our guiding principles should be. This moves us from a place of reaction to a pro-active definition of where the profession must be situated in promoting a healthy democratic culture.

I offer the following comments as a way of broadening the message. Thank you for this opportunity to comment and thank you for this fine start.

I. Comment on point #4

“The Public’s Need for a Comprehensive, Comprehensible American Historical Record”

This title is inelegantly stated and is not strongly supported by the paragraph that follows. The paired concepts of comprehensive and comprehensible compete for attention and struggle for a meaning accessible to our audience. Statements of need often beg the question of precisely whose needs are being met and precisely what those needs are – which is not a fruitful path for a statement of purpose. In advocating for what is a kind of information policy for the nation, it is perhaps useful to appeal to society's (current and long term) interests, not what SAA thinks society needs at any point in time. (I would argue that this is how it will be perceived.)

The explanatory paragraph is much better than the heading and gets pretty much to the heart of the matter. I suggest, however, that the explanatory text should pay some lip service to the elephant in the room in terms of the society-wide conversion to electronic record keeping and the challenge this technological transition poses to the capture of authentic and comprehensive records. For a title, I would urge the committee to consider something along the lines of: “The Public’s Interest in Public Accountability and a Trustworthy Historical Record.” There are many variations on this that could speak to the purpose of naming more exactly what it is that we want to accomplish for the public good.

II. Comment on point #5

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

The records found in our nation’s 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 both sufficient support for ongoing operations and opportunities (such as grants) for extraordinary funding to enable archives to preserve for the public unusual documentary opportunities.

This entry is the only one that I found to be weak and undeveloped; it is also lower than it should be as a priority of the Society. There is a very strong emphasis, understandably, in the previous four points on the records of government. Here we have the opportunity to advocate for the records of the nation and that point is fairly lost. We must be very careful not to allow the perception that the interest of our Government Affairs body is with the records of government only.

I urge the Working Group to give this piece a good deal more attention. Ideally, this document will be an advocacy agenda for the profession *and* for the dues-paying members of the Society. One expects that it will guide future budgetary commitments, the use of the Society's human resources, and its communications to members. This point should be, therefore, an opportunity to reach beyond government to the many institutional and cultural agency archives of the American people – places that many of us care about as we do the records of government. The tile seems to suggest this, but the explanatory text is weak and returns too quickly to the goal of “hold[ing] government officials accountable for their actions.” I just do not believe that holding government officials accountable is what we are talking about here. This is about maintaining an open society, a vibrant civic dialogue, a pluralistic civic culture, and a democracy of many voices that are not dominated or marginalized by official, governmental information flows. The historical record is a very important piece of that broader social and public accountability that is so much in the news today. Non-governmental archives are an essential component of a recursive cultural conversation that reminds us of the many ways in which we practice and reinforce our democratic ethos.

As a secondary point, I think it is not appropriate to mix requests for funding for ongoing operations (“Funding should include both sufficient support for ongoing operations and...”) with an advocacy argument about expanding current or future funding sources (e.g., NHPRC, NEH, IMLS, PAHR) for programs that are either focused on rejuvenating their operational legs or providing leverage for innovative programs that will help the whole archival enterprise. I would further suggest that we are not in the business of “preserving...unusual opportunities,” which should be replaced with “pursue...extraordinary documentary opportunities” or “preserve...extraordinary documentary resources”

With these points in mind, I offer the following suggestions, which I realize are not what the Working Group may want at all, but which best resolve my difficulties with the existing text in a way that the Group in its accumulated wisdom may incorporate into their thinking as they see their way through the many comments they receive.

The Public's Interest in Strong Institutional Stewardship of the American Historical Record

American civil life is at the heart of its democratic participation and culture. The records found in our nation's institutional archives contribute to a more open and pluralistic society where they 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.. Because of the importance of these functions, archival institutions throughout American society and at all levels of government must be

adequately funded. Funding should include sufficient support both to renew and invigorate undervalued operations and to maximize innovative and transformative projects that will enable archives to preserve extraordinary documentary resources for the public.

III. Comment on priority order

The suggestion is made in the call for comment that the current list is in a priority order. If so, I would highly recommend that the order be changed so that the priorities be listed as follows (using the current order): 1 (Equitable Access), 4 (Accountability and a comprehensive Record), 5 (Institutional Stewardship), 2 (Timely and Reasonable Use), 3 (Privacy). This reflects my sense of what is urgent for our profession and the areas where we can actually have the most effect.

To: SAA Headquarters / 7/24/09

While I find all of these worthwhile measures to pursue, I think the last measure listed, Federal Legislative Authorization and Funding, is the most important. Without restoring funding to previous levels and also increasing it, archivists won't be able to fully meet the demands of the the above measures.

I also think the SAA should advocate for increased professionalism/ stronger identity for archivists. Many employers require the MLIS degree but I do not feel the ALA is the representative organization for archivists. The SAA should fill this role both in terms of supporting members but also in representing archivists to the public and the taxpayers. How can the public ask their senators and representatives to support increased funding for archives when many Americans wouldn't be able to explain what an archivist does? If there is a broader understanding about what archives and archivists are, this may also help underrepresented groups decide to donate collections to institutions that otherwise seemed not to care about their part of the historical record.

To: SAA Headquarters / 7/25/09

Do we advocate anything in regards to professional integrity, as in upholding the Code of Ethics or some sort of disciplinary actions for unethical archivists (stealing from collections and selling the records online, for example)?

I think it is great that the "The Public's Need for Strong Institutional Stewardship of the American Historical Record" was included. It is important for legislators and resource providers to know the importance of archives in society, and that this importance is wasted if proper levels of funding are not provided.

I think that "The Public's Need for a Comprehensive, Comprehensive American Historical Record" is the most important issue on the list because equality of access and right to timely use of information is derived from reasons archives exist in the first place. Maybe this should be closer to the top of the list and expanded.

Is the Advocacy Agenda fleeting rhetoric like the Code of Ethics, or is it something that will be enforceable, as in using this statement to secure better funding for archives and livable wages for archivists? I say that because there has been discussion on the list serve regarding this and the unionization of archivists. In other words, how will this statement achieve different results as opposed to what other SAA statements have done in the past?

To: SAA Headquarters / 7/30/09

1) Priority of agenda items

The instructions for reviewing this document provided on the SAA site indicated that the order in which these are presented reflects the priority they are to be given. If that's true, then I strongly recommend moving the last topic on this list ("The Public's Need for Strong Institutional Stewardship of the American Historical Record") to the very top. Or, as I said when I wrote about this on the ArchivesNext blog: **put the money first**. This is not because I don't think the other issues are important, but because I think there are probably many other organizations which will also be active on those issues. I think SAA is one of a smaller number of organizations who will be lobbying for archives funding. And right now, our profession desperately needs that funding.

I am finding the exercise of prioritizing the rest of the topics a bit difficult—in part because of the issues I raise below. My instinct, however, would be to rate the issues that have the most impact on the work of the most SAA members (as the funding one clearly does) the highest. This would mean that the one about intellectual property would also rank high. You have on the agenda many worthwhile issues related to openness of and availability of government records, and while I agree that they should be there, I hope that SAA devotes equal, if not more energy into advocacy efforts that have a more direct impact on the membership—like funding and copyright issues.

2) Wording of agenda items

First item: I think you are over-stating it when you say that citizens have a right to know "the thoughts of their government leaders." We have a right to know about their actions and to the records created by them in course of their official business. I suggest you re-word this one.

Also, in light of the recent difficulties shared publicly by researcher Anthony Clark, I think this is also an opportunity to reiterate SAA's belief that the holdings of the National Archives—including Presidential records and records created by NARA officials—should be made accessible to the public with no unnecessary delay. Stating this clearly would further support SAA's advocacy on behalf of additional funding for NARA to conduct declassification and processing, as well as supporting advocacy on behalf of improving how NARA provides access to the records it holds.

Second item: I concur with the comments submitted by Rand Jimerson:

“Under the second item, regarding timely use of information, I would encourage a stronger statement in the opening paragraph about the need to reduce the current length of copyright protections. The recent emphasis on protecting the interests of musicians and artists, or more accurately the commercial interests and corporations seeking to profit from their creations, has led to a dangerous over-emphasis on closing off public access and use of important information. This concern should be strongly stated in the paragraph explaining this broad principle of timely use of information.

Also under the second item, the specific link to information about copyright should contain a stronger statement supporting the reduction of limits on fair use of information (in the paragraph about Section 108 Revisions). Instead of a generic statement supporting “the recommendations of the Section 108 Study Group,” I think SAA should spell out what some of those recommendations actually are. Give this some teeth.”

Third item: I have no specific comments about this topic, but I also think it is worded very vaguely. Are you talking about the Patriot Act here? “Greater public purpose” seems, again, extremely vague—is there something other than national security that could trump personal privacy? Do you also want to mention the responsibility of the government to safeguard our privacy through effective records management and information security?

Fourth item: I am not sure I understand what this item is trying to say. I believe you are saying that appropriate documentation of official actions needs to be created, and that all records created by the government (including the White House) need to be safely managed and preserved. You seem to also be talking about this in regard to “other aspects of society” and I am not sure where that thread is going. Are you talking about legislation regarding corporate recordkeeping? I encourage you to revise this to make its purpose clear and give some indication of what the outcomes would be.

Fifth item: This paragraph refers to funding “at all levels of government and throughout society” but there is no reference in the bulleted items to advocating for funding at the state or local level or in “other aspects of society.” What is SAA’s policy regarding lobbying or advocating for funding below the Federal level? Is this considered out of scope?

Per [X]’s comments, I agree “it’s not just governments that records help hold accountable”—certainly records can help hold corporations and individuals accountable as well. And now that [X] has pointed it out, I’m not sure I do understand what you mean by “extraordinary funding” for “unusual documentary opportunities.”

I am quite sure that it is NARA’s “Electronic Records Archives” program, not “Archive.”

It appears based on this document that SAA will focus on advocating for funding in areas or programs that have already been identified (PAHR, NHPRC, etc.). What about seeking out opportunities to incorporate funding for archives into funding for other initiatives, such as education? I have no expertise in this area, but I would like to think that those lobbying on behalf of SAA would be opportunistic about finding ways to locate more

sources of funding for archives in addition to the programs that already exist. This may be unrealistic, but I thought it was worth mentioning.

3) Suggestions for additional agenda items:

I support [X]'s suggestion of including whistle blower protection among the issues SAA supports.

Another issue that I think should be added is a statement which would allow SAA to support the Employment Non-Discrimination Act (H.R. 3017), which would prohibit employment discrimination on the basis of sexual orientation or gender identity. I suggest that this could be added as the last item on the Advocacy Agenda. I would not expect SAA to commit much (if any) time to lobbying in support of this agenda item, but I think it's an important one to consider, nevertheless. Many of SAA's gay, lesbian, and transgender members work in states in which they can be fired because of their sexual orientation or gender identity. In my opinion it's important for SAA to publicly state that we support the rights of all our archivist colleagues to be free from workplace discrimination. This may be a largely symbolic addition, but I think it's important. In crafting this topic, you will want to expand it to make it applicable to all the categories identified in SAA's Equal Opportunity/Non-Discrimination Policy ("discrimination on the grounds of age, color, creed, disability, family relationship, gender identity/expression, individual life style, marital status, national origin, race, religion, sex, sexual orientation, or veteran status").

Thank you for the opportunity to comment and please let me know if I can provide any additional information or clarification.

To: SAA Council / From: Intellectual Property Working Group / 7/31/09

Members of SAA Council:

On behalf of SAA Council's Working Group on Intellectual Property, I am submitting our comments on the draft Advocacy Agenda for SAA. We thank you for this opportunity to comment and we look forward to working with you in those areas where our knowledge and expertise can be of assistance.

Sincerely,

Heather Briston

Chair, SAA Council's Working Group on Intellectual Property

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

- 1) Issues to be addressed Copyright in addition to Orphaned Works and Section 108
 - Copyright extension monitoring – including extension in duration, scope, etc.
 - Keeping a close watch on the legislative activities to further extend copyright, both within the US, and internationally. Generally, if copyright

protection is changed at either the international level or regional level, e.g. the EU, the US is then under pressure to extend copyright protection to match these laws. Note that a very active monitoring program is an essential component of advocacy in matters involving legislation, governmental, and NGO policy.

- Increase awareness within SAA that copyright extension issues are ones that the archival community will need to mobilize around, sustain a position, and gather coalition partners.
 - Early strategy: Immediately find and cultivate potential coalition partners in the historical, scholarly, and other interested communities
 - Cultivate collaboration with international colleagues to work through international professional associations (e.g., ICA and IFLA) to raise awareness of global copyright issues for archivists at the WIPO table.
- Digital Millennium Copyright Act
 - In the increasingly technologically dependent world, many of the user and preservation rights associated with copyright have become harder to exercise because of the technological controls enforced by the DMCA. Unfortunately, because of the long tail of the copyright life cycle, the deleterious impact of legal regulations on access systems has not yet appeared as a convincing problem to policy makers. So that archivists do not find that all of their preservation options are closed off by DMCA controls, it is important that we find ways to make the case to the Copyright Office as it performs its regularly mandated review of the impact of the DMCA.
 - Note: This is not an issue on which we've been able to get a lot of traction in the past to participate in the Copyright Office's call for exceptions. SAA Council and its relevant constituent groups including, but not limited to, the IPWG need to find a way to galvanize membership to secure the case examples needed to make the case for the ways in which Title 17, Chapter 12 provisions render it extraordinarily difficult to secure a reliable and complete historical record in the 21st century.
- Copyright protection for pre-1972 sound recordings

In regards to the framing of the issue of copyright, it is important that any SAA references to the term of copyright have the correct statement of its current term, i.e. 70 years rather than 75 years.

Addition to “The Public’s Right to Equal and Equitable Access to Information”

Public access to Federally-funded research

- Advocate for requirements to archive the research results and data of funded research in addition to what is currently required in the PubMed deposit of the final reports of research funded under the NIH.

We strongly urge that the response in this section is broadened to include more than just government archives. The SAA/RBMS statement speaks to the need to have equal access to archival information.

Addition to “The Public’s Right to Personal Privacy”

We urge the change of wording in this section so that the role of the archivist is one of “respecting” privacy rather than “protecting” privacy.

- Advocate for legislative or regulatory provisions to clarify that HIPPA provisions should not apply historically

The IPWG would also like to state that the advocacy agenda needs prioritization, both amongst the broad goals and within the individual advocacy issues. This prioritization is especially important if the Society is considering advocacy at the level of testimony, or other in-person advocacy which will require scarce resources to effect. In addition, the key to advocacy is to get out in front of an issue, rather than react from behind. To that end, prioritizing our advocacy activities, while at the same time identifying or creating units within the Society that would have a natural interest and inclination towards active advocacy is strongly encouraged.

To: SAA Council and Staff / 7/31/09

First of all, I would like to offer my general support towards SAA's efforts at forming this agenda and moving towards greater public advocacy.

As a minor point, I would suggest that future drafts number the points, in order to facilitate comments on prioritization.

I probably join some of my other colleagues in indicating a wish to place the FUNDING priority topmost ("The Public’s Need for Strong Institutional Stewardship of the American Historical Record"). An unfunded mandate is a toothless mandate. I would also like the language to more clearly support both funding for government efforts (at varying levels of government) and support, as necessary, for other entities involved in the archival endeavor.

I would also like to suggest an addition to the agenda: Support for the Employee Non-Discrimination Act (H.R. 3017), which would protect archivists and others from unfair firing due to such factors as sexual orientation or gender identity.

After this, I rank the issues as follows:

2. The Public's Need for a Comprehensive, Comprehensible American Historical Record
3. The Public's Right to Personal Privacy
4. The Public's Right to Equal and Equitable Access to Information
5. [Support for the Employee Non-Discrimination Act (H.R. 3017)]
6. The Public's Right to Timely and Reasonable Use of Information [includes Copyright and Orphan Works]

To: SAA Headquarters / 7/31/09

I am extremely disappointed by this draft because it fails to address one of the key needs of an advocacy agenda, and that is setting difficult priorities. What the draft represents, to a great extent, is a laundry list of all the motherhood and apple-pie goals of archivists. The trouble is that I can't think of many advocacy issues brought before SAA in the past decade that would NOT be covered by this draft document. (And the one exception that comes to mind, the Adam's Mark discrimination issue, had to be addressed because of the Society's commitment to diversity.) Moreover, this draft does not (or seems not to) prioritize among the broad goals. If SAA is presented with a call to address a state's decision to eliminate funding for the state's archives and a call to advocate for an "until death" amendment to HIPPA, which takes priority? Nor is there any sense of priority within any of these broad goals: do we care more about NHPRC or PAHR; do we care more about a state eliminating its archives or a US cabinet officer rendering secret the minutes of a meeting?

While it is relatively easy for SAA to "advocate" for many things at once if advocacy means simply signing on to another organization's petition, it is much more difficult for the Society to engage in legitimate advocacy on its own. Where do we find advocates? If we don't happen to have advocates located where we need them, where do we find funds to bring an advocate in? We were lucky Tom Connors was willing to actively advocate on behalf of SAA in the Guiliani records case, but what if he wasn't there? This begs the question of whether the Society should have been putting scarce advocacy resources into a state situation rather than focusing on national matters, particularly since there were many other states with similar laws on their books allowing public officials to alienate public records. It's not that any of SAA's past advocacy efforts have been "wrong," it is that we need some effective guidance to make difficult choices as more and more issues are brought to the Society's attention.

And what about issues not brought to our attention by the *Times* or *OpenTheGovernment.org*? How do we (can we) get ahead of those bombshells before some blogger or list poster excoriates SAA for ignoring the problem? A document that narrowed the Society's advocacy priorities should also identify how we begin to learn about issues before they reach a stage where advocacy may be fruitless. That is, it is always more effective to grab a Congressional staffer's ear on something before the Representative has already heard from every other lobbying group. How do we manage

to do this? We only have a fighting chance if we truly narrow our advocacy priorities and at the same time identify (or create) units within the Society that would have a natural interest in and possible inclination toward active participation in an advocacy effort.

Having said all this, I think the Copyright section of the draft document provides the closest model of a set of specific goals and a group to monitor/advocate for them. The identification of NHPRC and PAHR also provide some specificity, though PAHR already has an advocacy group NHPRC never has had. The rest of the verbiage in the draft provides no concrete advocacy goals. How are we going to ensure “The Public’s Right to Equal and Equitable Access to Government Information”? There are certainly specific issues being provided by the new administration, as well as older issues such as more efficient processing of records by NARA. What are the key privacy issues in mid-2009 or on the horizon for 2010? What are we going to select as our priorities and how are we going to effectively advocate for them? We need more than platitudes about SAA’s commitment to access to government information; we need specifics, resources, timelines, and volunteers.

[Strikethrough = deleted item, underline = addition, highlight and italics = comment]

The Society of American Archivists has developed this Advocacy Agenda to ~~ensure that attention is given to those issues that affect or support the critical role that archives and archivists fulfill in ensuring the preservation of an authentic American historical record and making it broadly accessible to the public.~~ identify a small set of broad priorities to guide SAA’s limited advocacy resources. In general, requests for Society advocacy commitment for a specific issue will be more vigorously pursued if that issue fits within these broad priorities.

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

America’s citizens have a right to know the actions of their government and the thoughts of their government leaders. **Government at all levels *[Do we have the resources to worry about levels below the national?]*** should assume that the public has the right to any document prepared by or communications between government officials. The public’s right to access government records is dependent upon government official’s obligation to properly preserve such records until reviewed and appraised by the National Archives and Records Administration or respective state or county archives. This preservation requirement applies to electronic records no less than to paper records; moreover, it must be clear that records created by government officials, whether or not transmitted using private email or textmail accounts, remain public records and must be preserved for public inspection.

Although in some instances national security, privacy legislation, or another intervening factor may make it necessary to withhold information from the public temporarily, it should be the obligation of all officials to declassify or otherwise release embargoed documents as quickly as possible.

[Link to specific legislative items or current issues, such as declassification of federal records.]

Copyright: The Public’s Right to Timely and Reasonable Use of Information

In 1790, America’s first copyright act made published works freely available for public use after a maximum of 28 years. Today works do not enter the public domain until 75 70 years after the death of the author. This dramatic extension of copyright protection contradicts the Founders’ intent. A more appropriate balance must be struck between the right of authors to benefit personally from the fruits of their labor for a limited time and the right of the public to make use of material freely for the greater benefit of society. Updating copyright and intellectual property laws to meet the challenges of the networked environment has been a key focus for Congress, the courts, and state legislatures for several years.

[Link to specific legislative items or current issues, such as orphan works and Section 108 copyright revisions. For example:

~~**Copyright:** Updating copyright and intellectual property laws to meet the challenges of the networked environment has been a key focus for Congress, the courts, and state legislatures for several years.~~

Orphan Works: Many archival repositories hold literary and other manuscripts that may fall under the category of “orphan works,” defined as those whose owners are difficult or even impossible to locate. SAA ~~supports current efforts by the U.S. Copyright Office to address this issue~~ endorses the guidelines developed by members of SAA’s Intellectual Property Working Group and others, supported by OCLC, at <http://www.archivists.org/standards/OWBP-V4.pdf>.

- Section 108 Revisions: The Section 108 Study Group has provided recommendations on how to revise the copyright law to ensure an appropriate balance among the interests of creators and other copyright holders, archives, and libraries in a manner that best serves the national interest. SAA supports the recommendations of the Section 108 Study Group.
- Sound Recordings: SAA supports efforts by the Association of Recorded Sound Archives to bring sound recordings into the language and protection of Section 108. *[This should await comment/revision by SAA IPWG.]*
- Copyright extension monitoring – including extension in duration, scope, etc.
 - Keeping a close watch on the legislative activities to further extend copyright, both within the US, and internationally. Generally, if copyright protection is changed at either the international level or regional level, e.g. the EU, the US is then under pressure to extend copyright protection to match these laws. Note that a very active monitoring program is an essential component of advocacy in matters involving legislation, governmental, and NGO policy.

- o Increase awareness within SAA that copyright extension issues are ones that the archival community will need to mobilize around, sustain a position, and gather coalition partners.
 - § Early strategy: Immediately find and cultivate potential coalition partners in the historical, scholarly, and other interested communities
 - § Cultivate collaboration with international colleagues to work through international professional associations (e.g., ICA and IFLA) to raise awareness of global copyright issues for archivists at the WIPO table.
- Digital Millennium Copyright Act
 - o In the increasingly technologically dependent world, many of the user and preservation rights associated with copyright have become harder to exercise because of the technological controls enforced by the DMCA. Unfortunately, because of the long tail of the copyright life cycle, the deleterious impact of legal regulations on access systems have not yet appeared as a convincing problem to policy makers. So that archivists do not find that all of their preservation options are closed off by DMCA controls, it is important that we find ways to make the case to the Copyright Office as it performs its regularly mandated review of the impact of the DMCA.
 - § Note: This is not an issue on which we've been able to get a lot of traction in the past to participate in the Copyright Office's call for exceptions. SAA Council and its relevant constituent groups including, but not limited to, the IPWG need to find a way to galvanize membership to secure the case examples needed to make the case for the ways in which Title 17, Chapter 12 provisions render it extraordinarily difficult to secure a reliable and complete historical record in the 21st century.

The Public's Need for a Comprehensive, Comprehensible American Historical Record

The actions of the government and people of this country cannot be documented accurately unless an authentic record is preserved of the critical individuals, events, and actions taken over time. To hold government accountable and to provide evidence of the diverse and complicated elements of the human experience, it is essential that concerted efforts are undertaken to preserve and make accessible a credible and reasonably complete historical account of government and other aspects of society.

[Link to specific legislative items or current issues.] *[Redundant of what follows.]*

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

The records found in our nation's 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 both sufficient support for ongoing operations *[Does this mean SAA is going to actively lobby states to adequately fund state historical societies and public university repositories?]* and opportunities (such as grants) for extraordinary funding to enable archives to preserve for the public unusual documentary opportunities.

[Link to specific legislative items or current issues regarding federal legislative authorization and funding, such as NHPRC, PAHR, NDIP, NARA's Electronic Records Archive, Save America's Treasures. For example:

Federal Legislative Authorization and Funding: The National Endowment for the Humanities, the National Historical Publications and Records Commission (NHPRC), the Institute for Museum and Library Services (IMLS), other federal agencies, and the proposed Preserving America's Historical Record Act (PAHR) are sources of special funding for archives that support innovative, and often collaborative, projects that help to establish best practices that can be fostered throughout the archives community. SAA supports funding at the fully authorized level for NHPRC and IMLS, and adoption and funding of PAHR.

~~*NHPRC:* SAA supports reauthorization of NHPRC by the 111th Congress with 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.~~

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~~*PAHR:* The Preserving America's Historical Record Act (H.R. 2256) would create a federally funded formula grant program to provide essential resources to support and enhance the ability 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.]~~

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

A person's right to privacy in certain information—for example, records mandated by government, lawyer-client records, medical records—has historically been balanced against the public's right to information. Increasingly, businesses have required individuals to provide sensitive information such as social security numbers, yet laws protecting dissemination of such information have been inadequate. Certain categories of personal information should be protected during an individual's lifetime in appropriate ways but also subject to release to serve a greater public purpose. Thus SAA supports amending FERPA and HIPPA to make public access to records possible after the death of the subjects, and will continue to support release of grand jury records when historically

appropriate. *[As originally drafted, this section promoted protecting all “private” information in all records, including manuscript collections. I vehemently oppose any suggestion that SAA is going to lobby to close access to all 20th-century manuscript collections to ensure complete privacy for the creators and subjects.]*

[Link to specific legislative items or current issues.]