



January 6, 2010

Carrie Russell
Director, Program on Public Access to Information
Office for Information Technology Policy
American Library Association
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Dear Ms. Russell:

The Society of American Archivists (SAA) appreciates the opportunity to comment on the sixth draft of the American Library Association's statement of principles on "Librarianship and Traditional Cultural Expressions: Nurturing Understanding and Respect." We have asked several units within our organization to review the draft and have received responses from most. This letter summarizes those responses and highlights particularly the commonalities among them. Our specific issues with the draft are outlined in the attached document.

We commend ALA's Office of Information Technology Policy, and the groups that have discussed and prepared the sixth draft statement, for your work on the complex issue(s) of cultural property and its stewardship. We recognize that you invited individual archivists, including Mark Greene and Bill Maher, to attend the November 2008 meeting about the document (then-SAA President Frank Boles participated in Greene's place) and that Jennifer O'Neal (head of the archives at the Museum of the American Indian) assisted in writing this draft.

ALA's draft statement deals with matters of deep professional concern to archivists – matters similar to those that SAA has been discussing for several years in relation to the "Protocols for Native American Archival Materials" (which were themselves developed in part with support from ALA's Office of Diversity). In fact, the "cultural expressions" on which the current draft focuses include original unpublished materials, whose stewardship requires archivists' knowledge and expertise. The document proposes treatment of this material that would significantly affect relationships among archivists, their donors and users, and other key constituencies of archives. Both the "Protocols" and your current draft

raise substantive questions about professional practice for all archivists.

Consequently, a major concern that we have with the "Traditional Cultural Expressions" document is that the drafting process did not include a more systematic and formal involvement by the Society of American Archivists. As the largest professional organization of archivists, SAA itself must participate in formulating guidelines and policies that apply to archival practices. Because we have not had a voice *as an organization* in the preparation of a statement that deals so directly with archives, we cannot endorse it. We do look for an opportunity to lend SAA's expertise to further development of the TCE document.

SAA requests that ALA incorporate a new process when developing its next draft involving joint work with SAA representatives and perhaps also with the museum community. The charge to a new drafting group would include extensive consultation with the diversity and Native American subgroups within both ALA and SAA, and explicit consultation with the museum community (perhaps through our Joint Committee on Archives, Libraries and Museums, or CALM).

If ALA declines our request for substantive collaboration, we would ask that you revise the document to make it clear that the principles in it do not apply to archives, manuscript collections, and other repositories of unpublished primary source material. In other words, the draft principles apply only to published materials found in libraries.

Sincerely,



Peter Gottlieb
SAA President, 2009-2010

Encl.

cc: Camila A. Alire, President, ALA
Keith Michael Fiels, Executive Director, ALA
Emily Sheketoff, Executive Director, ALA Washington Office
Nancy Beaumont, Executive Director, SAA

**SOCIETY OF AMERICAN ARCHIVISTS
COMMENTS ADDRESSING SPECIFIC CONCERNS WITH
“LIBRARIANSHIP AND TRADITIONAL CULTURAL EXPRESSIONS:
NURTURING UNDERSTANDING AND RESPECT”**

(Submitted January 6, 2010)

- All responses from SAA component groups to the sixth draft of ALA’s statement “Librarianship and Traditional Cultural Expressions: Nurturing Understanding and Respect” note that many key terms and concepts, such as “expressions,” “culture,” and “traditional,” remain vague and undefined. Lack of specificity and necessary distinctions in these terms makes it difficult to understand the draft’s conceptual framework and policy implications. For example, the term “indigenous” clearly includes Native Americans, but “traditional” and “cultural” could refer to other ancient peoples and to many contemporary communities. Such ambiguity makes it difficult (if not impossible) to explain the basis for any special treatment accorded to the cultural expressions of a particular group.
- The references to professional groups, repositories, authors of “expressions,” and “expressions” themselves are unclear. The draft lacks historical context that is needed to clarify these terms. The introduction should explain to whom the statement is addressed.
- The draft includes guidance that would lead archives and other repositories to override professional ethics by barring or limiting access to collections even when not required to do so by statute or by donor agreements. In this context we are concerned with the statement that, “[l]ibraries may discover that in some instances providing secondary resources about the materials rather than providing direct access to the materials is the best course given the concerns of indigenous communities.” (p. 1) Such a proposal requires extended discussion and study among several professions before it could be accepted in any form.
- We are similarly concerned with the statement that, “[l]ibraries that hold private or sacred knowledge may prefer to return those materials to the indigenous communities rather than establish internal guidelines that restrict access based on cultural status, gender, age, and other factors.”(p.3) This suggests choices that are both too limited and inappropriate to the archival and library obligation for free and equal access to collections.
- The draft is at odds with archival ethics and best practices when it enjoins repositories, “to make every effort to educate their patrons on the ethical use of documentary materials that reflect traditional knowledge and traditional cultural expressions” (p. 3) and “to make every effort to ensure appropriate use of materials.” (p. 4) These recommendations inappropriately place archivists between users and the documents that they use.