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An Ethical Query That Dare Not Speak Its Name: Archival Privacy and Access to Queer Erotica

1. Introduction

Information professionals such as archivists grapple with vexing ethical challenges related to equitable information access and (re)use, collection development and the acquisition of materials, censorship, privacy, copyright, intellectual property and copyright, net neutrality, diversity and inclusivity, digital content, internet filtering, user-created content, technology, and social justice (Floridi, 2010; Garner, 2018; Rubin & Froehlich, 2017). They do so while juggling potentially conflicting obligations, responsibilities, and loyalties to themselves, to their institutions, to their donors, to other scholars such as historians, to their professional associations, and to their profession. Negotiating this tension has become an ever more complex and an ever more urgent responsibility.

This research focuses on a specific case from the early 1990s in which claims regarding three of these issues—equitable access,¹ personal privacy,² and social justice³—collided. At issue was access to a cache of queer erotica deposited at the Society for Preservation of New England Antiquities (SPNEA) that belonged to Thomas Codman, a member of an august Boston family. Featuring archivists, activists, historians, and SPNEA administrators, this study relies upon a theoretical framework comprising small worlds and normative behavior. This framework helps trace and clarify processes of social change, especially cooperation and conflict, among small worlds.

2. Problem statement

Both daily practice and broader social accountability in the information professions depends upon ethics (Danielson, 2010; Rubin & Froehlich, 2017). Paradoxically, research on the ethics of access in terms of equity and in terms of privacy remains both underdeveloped and fragmented.

Current literature suggests four gaps. First, previous work minimizes the archival user's perspective. Practitioners have written most of the existing archival literature on privacy and they consider the ethics of access largely from that point of view. Relying heavily on anecdotal evidence, this work concentrates rather monolithically on the administration of restrictions at particular repositories and the challenges of so doing. Further, it glosses over the fact that inequitable access or unduly burdensome privacy restrictions may further skew the historical record toward white, Anglo-Saxon, Protestant, upper-class men (WASPs), thus continuing to rob numerous marginalized populations of their own histories. Second, it fails to engage with the increasing importance of social justice work and power in archivy and in LIS more generally. Social justice has vital implications for the ethics of access and the roles and responsibilities as well as the agency of archivists. Third, it neglects the practical challenges of following professional

codes of ethics designed explicitly to help navigate ethical dilemmas. Fourth and perhaps most important, it slights theoretical exploration and explanation.

Intervening on these fronts, this study addresses the following research questions: how do archivists negotiate challenges concerning the ethics of information access and personal privacy regarding sensitive materials? More specifically, how do theories concerning small worlds and normative behavior help clarify conflicting positions among stakeholders in such situations? Further, how do codes of ethics inform decision-making? Finally, how do such ethical challenges illuminate the nature and extent of archivists' power and its implications for social justice work?

3. Methodology

This qualitative study brings together historical and case study research methods. Qualitative research presupposes the social construction of reality; interpretivist, contextual, and descriptive, it seeks understanding instead of generalizability, focuses on processes as well as results, respects participants' perspectives, and hinges on inductive analysis (Gorman, Clayton, Shep, Clayton, 2005; Westbrook, 1994).

Iteratively probing processes, behaviors, situations, and events, historical research both documents the past and suggests possibilities for the future. It employs documents, oral records, artifacts, photographs, quantitative records, or a combination. The researcher establishes evidential authenticity and demonstrates trustworthiness (Appleby, 2007; Appleby, Hunt, & Jacob, 1995; Barzun & Graff, 1992; Powell & Connaway, 2004; Shep, 2005; Shera, 1952).

Case studies facilitate in-depth, holistic, and exploratory research, description, interpretation, and evaluation, the examination of contemporary events and of lived experience, analytical generalization, and hypothesis generation (Choemprayong & Wildemuth, 2009; Schwandt & Gates, 2018; Yin, 2009). Some cases demand scrutiny of the general and the specific, range from the past to the present, use extant archival and secondary sources and create new ones, and pursue both specific and general knowledge—hence a historical case study approach is fruitful (Amenta, 2009; Widdersheim, 2018). The Codman case addressed in this article was purposefully chosen for its information richness, i.e. what may be learned from it (Pickard & Childs, 2013).

This study is anchored in documentary and oral history evidence. Stable and fixed, documents contain names, references, and details of many events in many settings over extended times periods. They may provide a more accurate representation of a phenomenon than self-reports and may provide evidence unavailable in other forms. Documents show limitations, however. The investigator cannot control the documents' circumstances of creation, their scope, or their survival. Additionally, documents may fall prey to intentional and unintentional error or manipulation (Hodder, 2000; Y. S. Lincoln & Guba, 1985; Wildemuth, 2009; Yin, 2009). Therefore, oral history may not only supplement written documentary evidence, but also provide correctives and counternarratives. All the same, oral history faces limits, too. Memory is never unalloyed; the interview situation may condition what is said and how and individuals' reminiscences may not be representative (Grele, 2006; Shep, 2005).

Seeking evidentiary triangulation in service of trustworthiness, this study rests on primary and secondary sources both published and unpublished. These were gleaned through multiple

strategies: the author's tacit knowledge, article and book browsing and citation chaining indebted to Bates's (1989) berrypicking, database searching,⁴ and in the case of the oral histories, purposive sampling⁵ (Flick, 2017; Pickard & Childs, 2013).

4. Literature review

4.1 Small worlds, normative behavior, and information access

Building upon scholarship on world-view (Cressey, 2008; Goffman, 1959), reference groups (Shibutani, 1955), small life worlds (Luckmann, 1970), and social worlds (Strauss, 1978), Chatman (1991) promulgated the concept of small worlds. The latter constitute "social environments where individuals live and work, bound together by shared interests and expectations, information needs and behaviors, and often economic status and geographic proximity" (Burnett et al., 2008, p. 57). They share, that is, a cultural space and a social reality (Chatman, 1991). Normative—i.e. predictable and situationally appropriate—behavior guides these individuals' information practices (Chatman, 2000).

Like librarianship, archivry draws much of its collective cohesiveness from normative authority founded on professionals' common training and process(es) of specialization, their knowledge base, and standards and codes promulgated by professional associations. Under this mantle, normative behavior embraces social norms, worldviews, social types, and information behaviors (Burnett, Besant, & Chatman et al., 2001; Burnett, Jaeger, & Thompson, 2008; Chatman, 2000; Jaeger & Thompson, 2004).

First, social norms imbue members of small worlds with an understanding of appropriate behaviors. Second, worldviews constitute collective perceptions held by a social world's members of what is important and confer a sense of belonging. Third, social types represent the absolute definitions given to people in a social world. Based on predictable behavior, each social type interacts with others in ways that stimulate or impede the sharing and use of information. Fourth, information behavior springs from the ways in which people encounter, seek, manage, give, share, use, and avoid information in their everyday lives (Bates, 2010; Case, 2007; Fisher & Julien, 2009). More specifically, the normative behavior of a given social world imprints its members' stance on information *access* (Burnett et al., 2008).

Information access involves physical, intellectual, and social aspects. Physical access depends upon information being locatable and available, intellectual access upon understanding information once physically obtained, and social access upon a small world's definition of appropriate and legitimate information, which may spark conflict with other small worlds. Social may prove as important as—or more important than—physical or intellectual access (Burnett et al., 2008).

Chatman and her various colleagues developed these theories from populations such as university janitors (Chatman, 1991), virtual communities and feminist bookselling (Burnett et al., 2001), e-government information (Jaeger & Thompson, 2004), post-9/11 government information policy (Jaeger & Burnett, 2005), the redesign of San Francisco Public Library, book banning in the 1951 Ruth Brown case, and information policy in the George W. Bush administration (Burnett et al., 2008), and the Live Music Archive of archive.org (Burnett, 2009). But scholars have yet to

explore small worlds and normative behavior in the context of archives, ethics, or sensitive materials, much less all three together.

4.2 Codes of ethics

Codes of ethics help define and clarify the normative behavior of professionals in particular small worlds. They raise awareness of and provide a guide and a context for negotiating claims that stem from conflicting interests (Buchanan & Henderson, 2009; Harris, 2007; Horn, 1989; M. M. Smith, 1997). Additionally, they help advance claims for professional status (Cox, 2008).

But codes of ethics display drawbacks. First, they are arduous to propagate as well as to update. Second, few stakeholders are involved in crafting a given code and the resulting code reflects necessary compromises among them (Rubin & Froehlich, 2017). What is more, those who develop a given code are neither necessarily representative of the group to which the code applies nor democratically elected, weakening any claim of the code to universality. Third, codes tend not to offer sufficient guidance for practice, and they tend to overestimate professionals' decision-making autonomy (Dingwall, 2004; Froehlich, 1992; Hoff-Wilson, 1983). Finally, bereft of regulatory and enforcement powers, codes fall short in monitoring, much less enforcing, particular directives (Buchanan & Henderson, 2009; Cox, 2008). Winter (1988) even questions the relevance of such codes to professional work.

4.3 Archival power and social justice

Scholars agree that archives qua information exert power over historical scholarship, collective memory, and national, group, and individual identity. As tools for hegemony or for resistance, archives can marginalize, constitute, legitimate, or privilege oppressed social groups (Appleby et al., 1995; Harris, 2002; Jimerson, 2006a, 2007; Manoff, 2004; Schwartz & Cook, 2002; Wallace, 2017).

Similarly, scholars suggest that information professionals such as archivists wield considerable power in their daily small worlds, namely through appraisal and selection, description, preservation, and use (Buchanan & Henderson, 2009; Greene, 2009; Schwartz & Cook, 2002). With this recognition, archivists' exercise of power demands transparency, debate, and accountability (Harris, 2002; Jimerson, 2006a, 2007).

Just as they explore power, so too do scholars such as Jimerson (2013) and Wallace (2017) probe social justice work, which they contend yields more equitable and variegated societal documentation. In this view, archivists bear a moral as well as a professional responsibility to seek out, preserve, and make accessible records by and focusing on marginalized peoples (Greene, 2009; Harris, 2002; Jimerson, 2007). Archivists, claim Duff et al. (2013), must counter systematic privilege and oppression by facilitating these groups' participation, recognition, representation, and rights-seeking.

A researcher's fight for access to queer erotica at the Society for the Preservation of New England Antiquities triggered a conflict among small worlds and their inhabitants' normative

behaviors. It involved thorny questions concerning codes of ethics, power, and social justice. These small worlds collided over privacy.

4.4 Privacy and the ethics of archival access

4.4.1 Modernizing archives, modernizing history

Bridging social and legal, economic and technological, cultural and philosophical discourses, the concept of privacy is elastic, relational, historically shifting, and profoundly contextual (Buchanan & Henderson, 2009; DeCew, 2015; Kemp & Moore, 2007; Lusky, 1972; MacNeil, 2005; Magi, 2011; Peterson, 1992; Prosser, 2005; Wacks, 2010). Privacy protection involves individual autonomy, namely the right to make certain decisions untrammelled by government interference and to keep certain personal information free from public scrutiny or unauthorized use (Hodson, 2005; MacNeil, 1992; *Privacy*, n.d.; Warren & Brandeis, 1890).

Tension between a person's right to privacy and the public's right to know harkens to the foundation of modern historical scholarship. The violation of privacy—and thus ethical dilemmas arising therefrom—inheres in archival and historical work: documents used by researchers (secondary use) were created for another purpose (primary use) (Danielson, 2010; Hoff-Wilson, 1983).

American historians' dependence upon the normative authority of written archival documents as evidence developed symbiotically with so-called scientific history in the mid-nineteenth century. Indebted to German methods, the scientific approach foregrounded objectivity, rationality, empiricism, and truth; it eschewed orality and memory. Nearly all white males, historians and archivists shared a worldview: they effectively agreed upon educational methods (most archivists formally studied history), the nature of evidence, the foci of scholarship (prominent institutions, actors, and events), the fundamentals of interpretation, and outputs (monographs and journal articles) (Bemis, 1939; Blouin & Rosenberg, 2011; Des Jardins, 2003; Jimerson, 2009; Novick, 1988; Posner, 1957; B. G. Smith, 2001; Tyrrell, 2005; White, 2008).

Steeped in bourgeois Victorian values, American historians both "gentleman" amateur and professional enshrined a monolithic upper-class New England, white, Anglo-Saxon, Protestant (WASP), and heteronormative perspective in their small world. At the same time, paradoxically, they fêted their work as secular, factual, objective, scientific, professional, and rooted in documents (Jimerson, 2009; Novick, 1988).⁶ In a textbook (published in 1897) that dominated pre-World War II professional historical training, Langlois & Seignobos (1904) wrote tartly, "For there is no substitute for documents: no documents, no history."

Whereas some scholars focused on public and government archives, others turned to information deposited in historical societies and libraries (Gilliland-Swetland, 1991). The WASPs who established these repositories or donated their materials allowed only certain researchers access. At these elites' behest, archivists administered restrictions; inequitable access prevailed. This tacit covenant based on donors, archivists, and scholars' common understanding of normative behavior kept the tension between privacy and disclosure in abeyance (Geselbracht, 1986).⁷

Though access restrictions emerged as a concern in the 1920s, most historiography still concentrated on the distant past. Donors and their associates, archivists, and historians thus dealt with restrictions in manuscript repositories informally. Restrictions potentially included the donor's or her or his representative's right to approve each user's application for access or the imposition of fixed temporal restrictions on access (Geselbracht, 1986).⁸ Embodying social norms concerning seemliness, restrictions minimized the possibility of public scandal (Danielson, 1989). In short, the normative behaviors prevailing in these three small worlds (donor, archivist, and researcher) aligned not only regarding social access to information, but also in what constituted legitimate output (i.e. scholarship).

Well into the postwar period, such genteel agreements among archivists, donors, and historians persisted. The conclusions of the American Historical Association's Ad Hoc Committee on Manuscripts (comprised of three historians and three archivists) reflected this normative behavior. First, it recommended refusing access to those users who seemed "irresponsible," namely non-scholars who might make mischief. The Committee warned, "Part of a sentence or paragraph from a confidential letter...if lifted out of context, spread on the front page of a yellow journal or quoted in false context at one of our more lurid public hearings, not only causes sober scholars to shudder, but may...cause prospective donors of valuable papers to decline to become actual donors. And scholarship thereafter will suffer" (Cochran, Beale, Brand, Mowry, & Smith, 1951, p. 236). The casual or non-academic user, in other words, represented an unwelcome social type and an interloper in mainstream archivists' small world. Second, the Committee discouraged donor restrictions, but admitted they were sometimes necessary, lest donors withhold material altogether.

Displaying views aligning with those of the Committee, the Clements Library's Peckham (1956a) similarly insisted upon archivists' right to exclude prospective users whose efforts seemed desultory. Also akin to the Committee, Peckham (1956b) suggested that "scandalous" or "obscene" materials potentially demanded restriction to safeguard the repository's reputation. Neither researchers nor archivists favored restrictions, he conceded, but the alternative to accepting them was not getting a potentially valuable collection at all. Any restrictions, he prognosticated, would be removed over time.

Like Peckham, the Library of Congress's Mearns (1965) and Preston (1965) of the Huntington Library applauded judicious restrictions. Mearns, like the Committee, believed that restrictions would help prevent prospective donors from bowdlerizing, withholding, or destroying materials. Also mimicking the Committee as well as Peckham, Preston favored only traditional scholarly use of materials, scorning the "idly curious" and the "sensation seeker" (p. 368). She advised libraries to implement their own restrictions; these would shield those named in materials from embarrassment. As her prescription concerned only living donors, she presumably agreed with Peckham: restrictions would be removed over time.

Notwithstanding the sentiments of those such as Peckham, Mearns, and Preston, a number of repositories liberalized their stance on access in the 1950s and 1960s, though few propagated formal policies (Hodson, 1993; Mason, 1977). This seemed the exception, however. Addressing

repository-imposed access stipulations, historian Jordan (1968) wrote, “I resent the custom...of having to explain in detail to a director just why I want to examine certain sources, what I intend to do with them, and how I am going to utilize them” (p. 62). Commenting on donor-imposed restrictions, historian Burns (1970) noted, “Overly protective families of great men squirrel away their records or release them to private societies with rigid restrictions on their availability and use. (‘Kill the widow’ is urged by one noted historian as the first step in writing biography)” (p. 2).

In contrast to Burns, archivists such as Brooks (1969) underlined archivists’ idealism regarding access; they wanted to open collections but rarely had untrammelled freedom of choice in their decisions. At the same time, Brooks fell back on traditional normative behavior. The user might have to acquire a donor’s imprimatur or show particular qualifications. She might have to accept the closing of papers for a specific period. She might even have to acquiesce to other stipulations such as the completion of a biographical project by a donor-anointed writer. These time-honored practices all seemed reasonable to Brooks.

Despite the weight of tradition, the 1960s ascent of the “new” social history—ushered in by the increasing demographic diversity of historians and archivists (though white, heteronormative men continued to hold the reins of power); the increasing heterogeneity of historical topics, many of which pivoted around race/ethnicity, gender and sexuality, and class; new technology such as microfilm that democratized the availability of primary sources; and archivists’ increasing interest in collecting and encouraging the use of a more diverse array of public and private records, especially of a contemporary nature—suggested further challenges to the normative behavior of historians and archivists alike. It brought the tension between access and privacy into high relief (Appleby, 2007; Appleby et al., 1995; Hinding, 1985; Hoff-Wilson, 1983; Novick, 1988; Palmer, 2012).⁹

4.4.2 *Queering archives, queering history*

Archivists traditionally differentiated between the public and private lives of those named in personal papers; legitimate access comprised only the former (Hamby, 1977).¹⁰ Among newly prominent scholarly topics, therefore, gender and sexuality proved a particularly controversial issue. Due in no small measure to the medical profession’s pathologizing certain forms of sexuality, scholarship on queer people remained condemnatory until after the mid-1960s (Loftin, 2015; Shorter, 1997). Often activists themselves, historians seeking to empower queer people faced daunting obstacles in locating, much less accessing, salient sources. They refused to draw the line between the personal and the political. Family members of queer people and some queer people themselves destroyed collections for fear of discrimination, violation of privacy, or both (Brown, 2011; Freedman, 1998).

Following the New York City Police Department’s 1969 raid on the Stonewall Inn, however, a mass grassroots gay liberation movement gained momentum. As part of this small world, activists created and ran archives as well as other community institutions. These archives helped the queer community surmount its past invisibility, develop political strategies, cultivate

communal pride, and (re)claim their history (Marston, 1998; Maynard, 1991; Novak, 2004; Stone & Cantrell, 2015).

In concert with the opening of scholarship to more diverse users and more recent historical topics, a new cohort of archivists infiltrated the staid small world of the Society of American Archivists (SAA). Stimulated by the social changes of the decade, they aggressively challenged the conservative worldview and normative behavior of many of their colleagues, instead foregrounding participatory egalitarianism (Caldera & Neal, 2014; Kahn et al., 1975; Quinn, 1977a, 1987). A new small world, that of the *activist-archivist*, emerged in the SAA to unsettle further those archivists and donors accustomed to restricting access. One of those archivists, the University of Minnesota's Hinding, reflected, "human beings have ethical and emotional needs which are as much a part of their institutional lives as intellectual and professional needs." Such needs, she continued, are "ignored or denied only at great cost to institutions and the individuals in them" (Kahn et al., 1975, p. 158).

Historians such as Zinn (1977) and Warner Jr. (1977) meanwhile encouraged archivists not only to recognize their agency and the immanently political nature of their daily work, but also both to document and to facilitate research on the masses ("ordinary people") as well as elites. Such exhortations stoked interest in activism, deliberate, sustained individual and collective actions to promote the common good (Horn, 1977; Motley, 1984; Quinn, 1977b; Stiverson, 1977).

Capitalizing on and reinforcing this momentum, SAA's Committee for the 1970s came together, led by Wayne State University's Philip Mason. Advocating for more demographically diverse SAA leaders, it urged the organization to pursue racial justice, equal employment opportunity, and equitable archival access (Mason, 1972). On the heels of the committee's efforts, Archivists for Change (ACT) was launched in 1971; the Committee on the Status of Women and the Women's Caucus gelled the following year and brought second-wave feminism into the organization (Poole, 2018). SAA even passed an anti-discrimination resolution in 1973 that mentioned "life style," albeit without defining the term, as a protected category. The organization also faced criticism over its overwhelmingly white membership (Poole, 2017).

Both activist-archivists and historians such as Zinn and Warner contested the normative behavior of those in other small worlds. They pressured mainstream archivists to relinquish their traditional gatekeeping role (Danielson, 2010; Hodson, 1993; Mason, 1977; Pugh, 2017). Such pressure compelled archivists working in private and public repositories to weigh privacy rights against the access requests of researchers. The interests of various small world constituencies — donors and their associates, historians, other users, and archivists themselves—often conflicted (Hamby, 1977; Reed, 1977).

Few repositories formulated access policies until at least the mid-1970s, however; archivists still wrangled such matters ad hoc (Stewart, 1974). A 1976 joint conference of historians and archivists characterized privacy and access difficulties as more controversial than ever given the explosion of interest in "contemporary" history, history in which many of the principals named in documents were still alive (Hamby & Weldon, 1977). Normative consensus on documents as the fundament of historiography remained; consensus on privacy and access restrictions did not.

First, in terms of privacy, attendees expressed uncertainty about the type and content of materials that could prove reputationally injurious. They agreed, though, that death made moot claims to privacy. By contrast, in line with traditional normative behavior, archivists still treated items such as love letters, especially those dealing with peccadilloes such as extramarital affairs, discreetly (Mason, 1977).

Second, attendees discussed access restrictions. Of the archivist's plight, the University of Virginia's Berkeley (1977) noted dryly, "He negotiates to reduce these restrictions to the minimum that the donor will permit, and he accepts the donor's decision reluctantly knowing that...he will probably be abused for having accepted the papers with any restrictions at all" (p. 59). Applying any restrictions to documents added another challenge, but Reed (1977) could offer no more concrete verdict than to say such decisions remained a matter of individual judgment.

Such concerns about more liberal and equitable access encouraged dialogue about ethics. Both the American Association of Museums (AAM) and the SAA, the professional associations most relevant to SPNEA, acted on this front in the late 1970s.¹¹ AAM (1978) failed even to mention privacy. Although the code vouchsafed the public "reasonable" and "nondiscriminatory" access to information, it sanctioned restriction under the auspices of the collection's physical integrity or the user's scholarly or educational purpose (p. 14).

SAA's code stated: "Archivists usually discourage donors from imposing conditions on gifts or restricting access to collections, but they are aware of sensitive material and do, when necessary, recommend that donors make provision for protecting the privacy and other rights of the donors themselves, their families, their correspondents, and associates" (Society of American Archivists, 1980, p. 416). If donors failed to make such provisions, however, the code instructed archivists to determine whether access constituted an invasion of privacy and act accordingly, with the key codicil that privacy concerned only living persons. Finally, in an important break with longstanding normative behavior, the code enjoined archivists to apply any justified restrictions equitably.

Like archivists, historians deliberated codes of ethics, namely their profession's lack of one. In this spirit, Flaherty (1980) advocated for consciousness-raising and standards development. Hoff-Wilson (1983), however, thought codes of ethics hopelessly reactive. Appealing to pragmatism over aspiration, she recommended that codes address legal, not moral, issues.¹²

Despite vocal but scattered calls for activism, most archivists remained leery of promoting queer rights in their daily duties; the normative subscription to professional neutrality died hard. Well into the 1980s, many archivists consigned surviving materials to effective oblivion whether from ignorance or intentionality (Brown, 2011). Gender equality remained invisible in the professional literature as well; the first mention of homosexuality in *The American Archivist*, the profession's leading journal, occurred only in 1980 (Glover, 1980). At last, in 1984 Archie Motley of the Chicago Historical Society exhorted archivists to combat discrimination based on sexual preference.

Following Motley, some activist-archivists amped up their challenges to traditional normative information behavior. At the 1986 SAA annual meeting, for example, the Georgia

Department of History and Archives' Knowlton (1987) lambasted archivists' callousness. "Even when the documents of gays do arrive at the archives," she charged, "the semiconscious archivist will studiously avoid looking at them as homosexual papers, will deny that such records are in the archives, or will claim that it is impossible to help researchers looking for either the documents of the gay movement or for clues to illuminate the lives of our gay sisters and brothers" (p. 17).¹³ Invoking privacy concerns was one stratagem.

Despite efforts to sequester or suppress such materials, however, by the late 1980s a handful of mainstream repositories were documenting the queer community; possibilities for scholarship thus proliferated (Caldera, 2013; Marston, 1998; Maynard, 1991). Given the paucity of conventional written documents, moreover, some archivists accessioned nontraditional records such as pornography (Barriault, 2009; Stone & Cantrell, 2015). But continued prejudice meant that people would remain protective of their deceased relatives' and correspondents' reputations.¹⁴

Understandably, donors and their associates named in archival materials wanted to open collections that would burnish their reputation, but to suppress sensitive information (Danielson, 2010; Schwarz, 2005). The Hoover Institution's Danielson (1989) warned presciently that donors' inherent caution regarding papers disclosing indiscretions would only increase. Both scholars and the public seemed ever more determined to see what they believed the unvarnished truth.

Along these lines, as the Huntington Library's Hodson (1991) related, archivists who stumbled upon sensitive information faced an ethical dilemma: at once protecting privacy, abjuring access restrictions, and avoiding legal action. Echoing Reed (1977), she admitted of no rules. Difficulty also potentially arose from negative media coverage charging archivists with inequitable access. In some cases, such publicity had pried open collections (Danielson, 1989; Schwarz, 2005), as a 1991 fracas over access to the Dead Sea Scrolls indicated (Hodson, 1993).

Although in some cases, donor-imposed restrictions could cause furors, so too could cases in which donors failed to restrict access to—or to make their wishes known regarding—sensitive information before they died. In such cases, archivists faced another dilemma. On one hand, archival norms as epitomized by the SAA Code of Ethics suggested that privacy rights lapsed with the death of the individual, but on the other, archivists often honored "reasonable" restrictions requested by donors' descendants (Hodson, 1991). But this position pointed to still another series of fraught questions. First, who qualified as a descendant? Second, what was reasonable in an ethical as opposed to a legal sense?

The clash of small worlds over Thomas Codman's queer erotica testified to increased interest in queer history, to increasingly aggressive queer activism, and to continued recalcitrance regarding access to sensitive materials.

5. The Society for the Preservation of New England Antiquities (SPNEA) and the Thomas Newbold Codman collection

The late nineteenth century inaugurated a period of colonial revivalism. This place-based nostalgia, triggered by a widespread sense of rupture with the past and a need to profit from its lessons, fed into a powerful movement for preservation of historic sites, which until that point had been neglected, transformed, or destroyed. Preservationists melded history, tradition, myth,

memory, nostalgia, and even mystique (Kammen, 1993). This admixture was evident in the establishment of the Society for the Preservation of New England Antiquities (SPNEA).

Founded in 1910 as a private society, albeit with a public mission, SPNEA constituted the United States' first regional historic preservation organization. SPNEA's efforts, claimed its inaugural newsletter, "should appeal to members of all historical, antiquarian, and patriotic societies, as well as to persons bound to New England by ties of residence, ancestry, or association" (SPNEA, 1910, p. 7). Founding member George Francis Dow wrote, "The antiquities of Egypt, Greece, and Rome have been excavated and preserved in our art museums; but it is the antiquities of our own people that this Society seeks to preserve" (Dow, 1925, p. 556).

Men such as Dow embraced a worldview in which preservation of material culture helped safeguard their class's status and its social norms (Lindgren, 1995). Members of this small world employed history as a moral prophylactic against unprecedented industrialization, urbanization, and immigration (M. Wallace, 1981). Their information behavior memorialized a romanticized, even imagined, past. In service of this agenda, SPNEA preserved dozens of historic buildings, including the Codman Estate (built around 1735).

The property included materials from Thomas Newbold Codman (1868-1963), an 1890 graduate of the Massachusetts Institute of Technology who managed the family fortune after his father's 1904 death. Codman saved not only his letters, but also postcards, telegrams, records of events, World War I propaganda leaflets, account, address, and appointment books, and an extensive collection of queer erotica. Upon his 1963 death, the estate passed to his sister, Dorothy Codman, who died in 1968. She bequeathed the property and the family's artifacts and archives, to SPNEA. At the time, SPNEA lacked a collections management policy. Staff apparently restricted access to the erotica soon after assuming custody, but the materials were shown to at least one staff member and possibly to several researchers subsequently.

This sequestration of sensitive materials aligned with social norms, codified in legal and political strictures. When SPNEA took over the materials in 1968, for example, sodomy remained illegal in Massachusetts and employment discrimination against queer people was legal in the Bay State. Until 1972, moreover, the American Psychiatric Association branded homosexuality pathological. Though professional norms were evolving, restriction of access and inequitable access remained common.

Though the Codman material lay effectively dormant for two decades, in 1992 a graduate student, John H. Engstrom, sought access to Codman's queer erotica as part of research for his master's thesis. When cataloging the contents of the Codman estate as a SPNEA intern in 1989, Engstrom (1992) had stumbled upon homoerotic postcards: "Brittle and sepia-faded, they depicted naked Mediterranean youths in classical poses, playing on pan-pies, etc." He called this discovery "one of those rare experiences that make history worth the trouble."

Engstrom had learned of further Codman queer erotica from two co-workers. He learned not only of a capacious trove of homoerotic photos, but also memoirs of Codman's personal gay experiences that had been secreted in SPNEA's library in Boston. He similarly claimed to have been told that other scholars had been allowed to see the collection. "Here was an obscure

contemporary of Eakins, Virginia Woolf, E.M. Forster and many other members of the international gay culture of the day,” he enthused, proposing that a study of Thomas Codman would enrich understanding of the history of sexuality, especially the modern social construction of homosexuality (Engstrom, 1992).

Engstrom requested access to the photographs and writings, but SPNEA’s Lorna Condon, he (1992) wrote, “seemed taken aback, and...said that the collection was ‘restricted’ without being able to explain the nature of the restriction.” Thomas Codman’s will, as Engstrom learned, did not include restrictions on the personal effects he bequeathed to SPNEA. Engstrom particularly resented SPNEA’s apparent granting of preferential access to scholars before him.

Engstrom then pressed the issue with curator Martha Pike, who followed standard professional protocol. As SPNEA lacked an access policy, the matter rested in the hands of non-archivists—the Collections Committee of SPNEA’s Board of Trustees. They seriously considered the matter, Pike (1992a) wrote Engstrom, but decided in favor of privacy. Even though Dorothy Codman died without heirs, Pike (1992b) pointed both to living members of the extended family and to community and donor relations.¹⁵ The committee closed the Codman collection until 2013, 50 years after Codman’s death. Traditional normative behavior vis-à-vis social access to information prevailed among SPNEA’s Board in their capacity as donor proxies.

An undeterred Engstrom contacted Martin Duberman, founder in 1991 of the Center for Lesbian and Gay Studies (CLAGS) at the City University of New York. Engstrom ascribed SPNEA’s stonewalling not only to fear of adverse public relations, but to homophobia and discrimination culminating in inequitable access. Linking the case to larger social issues and to the affective and emotional dimensions of queer history, he (1992) declared indignantly:

Pike’s letter...did not address the question of whether the suppression of knowledge of Codman’s homosexuality and homosexual art might not ‘bring pain’ to members of the gay community, who by this decision are being (surprise, surprise) denied a potentially significant piece of history. Nor did the letter broach the question of just what kind of friendship is it, what kind of family is it, in which one party may not reveal his homosexuality for fear of inflicting ‘pain’ on the other.

The exchanges among Engstrom, Pike, and Duberman illumined conflicting understandings of normative behavior by different social types—activist archivists and historians, the members of the Boston bourgeoisie comprising the Board of Trustees, and SPNEA’s professional archivists—inhabiting different small worlds and adhering to different worldviews.

Encouraged by Duberman, Engstrom turned to the SAA’s activist Lesbian and Gay Archives Roundtable (LAGAR). Organized in the fall of 1989, LAGAR pursued social justice by raising the visibility of queer issues, archives, and archivists, by convening those invested in queer archival materials, by liaising between SAA and community-based queer archives, and by pooling information with other queer professional groups (Wheeler, 1989). But as a roundtable, they lacked

any official SAA mandate, let alone an external one; they could marshal only the power of persuasion.¹⁶

Pike sought to placate LAGAR co-chair Scott Bartley. SPNEA's concern, she explained, related to still-living Codman extended family members (Bartley, 1993). On one hand, LAGAR members applauded SPNEA for not discarding the materials given their sensitive nature. On the other, they contested that Codman's choice not to restrict access to the materials in his will—much less to destroy them—indicated that he did not fear being outed (Bartley, 1992; Novak, 2018). According to normative archival practice, including SAA's Code of Ethics, privacy rights died with the individual. SPNEA therefore lacked grounds to close the collection, LAGAR members reasoned (Bartley, 1993).

Bartley (1992) also reminded Pike of the burgeoning scholarly demand for primary sources on queer people. What was more, he suggested, obviating access ensured historical inaccuracy. Bartley suggested that SPNEA could exercise veto power on any publications, close access to materials related to living persons, or insist on pseudonyms.¹⁷ These recommendations accommodated institutional and researcher needs alike. Brent Sverdloff (2017), Bartley's successor as co-chair, called LAGAR's effort "a nice balance of the ACT-UP era of in-your-face activism with... 'Let's abide by the rules of archival process.'"

Trying to reconcile the normative behaviors of differing small worlds, Pike solicited advice from archivists at peer institutions. "Seems that lots of institutions are grappling with the privacy vs. access issue!" she (1992b) exclaimed to Bartley. To Pike's point, scholars and professional organizations addressed the issue in the early 1990s, though ultimately, they retreated to familiar indecision. In 1992, the Lesbian Herstory Archives's activist archivist Schwartz (2005) claimed that protecting the reputation of individuals, the welfare of the institution, or both might justify restriction or closure. Yet she waffled, stressing that full access to deceased people's materials likely augured scant harm and much good.

The Minnesota Historical Society's Greene (1993) likewise equivocated. On one hand, he affirmed the primacy of access, burdening donors with responsibility for restricting access. But a policy burdening the donor potentially fell short if the donor was a relative or friend of the creator and knew little about the collection's contents, he admitted. In these cases, Greene recommended the imposition of supplemental restrictions, namely closure of the collection until the deaths of all those involved, a quite conservative position.

In 1992, meanwhile, SAA amended its 1980 code of ethics. Archivists, the revised code stated, "weigh the need for openness and the need to respect privacy rights to determine whether the release of records or information from records would constitute an invasion of privacy." It also underlined the imperative of equitable access—or when necessary, equitable restrictions. Like its predecessor, however, the code was merely aspirational, lacking both legal and practical authority (Duranti, 1993).¹⁸ A refurbished American Association of Museums (renamed the American Alliance of Museums) code was scarcely more lucid; collection access was at once "permitted and regulated" (American Alliance of Museums, 2000). Its developers failed to acknowledge that these

two provisions might come to loggerheads. These codes provided scant guidance for action when the norms of small worlds collided.

Against the backdrop of this broader professional ferment, Sverdloff (1992) subsequently jotted to Bartley, “I’m delighted to see that they are pursuing this matter seriously although...I’m a bit put off by [Pike’s] half-hearted and non-committal tone.” He confessed, “I’m not familiar with the protocol of crusty Bostonian institutions and would like to assume that Ms. Pike’s genteel style is nothing more than a layer of rhetoric to make the issue more palatable to the [Collections Committee], and that beneath it all burns the fiery spirit of a true ally.” For the queer archival community, normative behavior meant the personal was political.

Not all archivists framed the issue like LAGAR, however. Both the Massachusetts Historical Society and American Antiquarian Society recommended as few restrictions as possible, but the former’s staff felt SPNEA handled the issue responsibly and the latter’s staff appreciated SPNEA’s concern about surviving family members (Condon, 2018). Normative behavior at these two institutions mirrored that at SPNEA.

Pike also sought advice from LAGAR’s Mary Bowling, who in the late 1980s had guided the New York Public Library’s accessioning of materials donated by the International Gay Information Center (IGIC). The institution’s access policies governed the IGIC materials; NYPL actively guarded living people’s privacy but determined that privacy ended with death. What was more, privacy rights did not transfer to relatives. The library abhorred censorship and favored access, Bowling (1992) explained, and it subscribed to an ecumenical perspective on human sexuality. As important, she reported no adverse reactions from donors, survivors, trustees, or the public. She like Bartley hoped SPNEA could both assuage SPNEA’s apprehensions and open the materials.

In retrospect, Bowling (2017) discerned “a deeply repressive, conservative streak” among “a bunch of old fuddy-duddies in Boston who may have been afraid of their own sexuality.” LAGAR’s Stephen Novak again stressed the disjuncture between small worlds’ normative behaviors: “I just found the whole thing absurd.” “Many organizations by this point are actually trumpeting the fact that they have lesbian and gay material in their collection,” he noted, “and here [SPNEA was], clutching their pearls and getting all excited that somebody may see a semi-naked man in some *carte-de-visite* from the 1890s” (Novak, 2018).

Engstrom’s aggressive lobbying led only to further frustration, however. Pike (1992a) reiterated to him that perceived donor ramifications likely precluded policy change. The support of tradition-steeped peer institutions such as the Massachusetts Historical Society and the American Antiquarian Society likely shored up SPNEA’s resolve. Unpersuaded the committee remained. They “stonewalled” LAGAR, said Bartley (2017). LAGAR had scant leverage, Novak (2018) remembered. “What were we going to do, apart from embarrassing them? They didn’t seem to mind being embarrassed.”

Between 1992 and 1997, SPNEA denied two other researchers’ requests for access. Engstrom meanwhile desisted. In 1998, he completed his master’s thesis on poisoning. Small worlds remained incompatible; the controversy evanesced.

In the years following the SPNEA case, an ever-increasing number of mainstream archives collected and cataloged queer materials; collaborations between mainstream and queer archives and history projects became increasingly common (Brown, 2011). Unsurprisingly, though, the tension between privacy and access to sensitive materials persisted in the 2000s, as SAA's code of ethics revisions indicated. In 2005, it again skirted the issue, proclaiming only, "Archivists protect the privacy rights of donors and individuals or groups who are the subject of records." It reiterated, too, the importance of providing equitable access to materials.

In 2012, SAA developed a "Statement of Core Values" and appended it to its code of ethics. The combined statement was more elaborate but no more useful in practice than its previous efforts. The statement returned to prolixity: archivists "establish procedures and policies to protect the interests of the donors, individuals, groups, and institutions whose public and private lives and activities are recorded in their holdings. As appropriate, archivists place access restrictions on collections to ensure that privacy and confidentiality are maintained, particularly for individuals and groups who have no voice or role in collections' creation, retention, or public use." This vague statement offered archivists no more of a viable roadmap than had its predecessors.

Apropos of repository policy development, there remained few guidelines and little agreement. According to practitioners such as Hodson (2005), repositories clung to a familiar, problematic position. They tended to rely on donors to identify any sensitive materials. If donors neglected to do so, responsibility for implementing restrictions remained with archivists, who rarely imposed restrictions on their own initiative. Others rehashed familiar calls for balancing the concerns of donors, creators, researchers, and third parties. Jimerson (2006b) insisted both that archivists follow donors' wishes regarding restrictions and that archivists provide access on equal, open, and fair basis. Private archives bore no legal obligation to open their collections, he noted, and "at times the institution's needs will dictate actions that donors, researchers, or other parties might find unsatisfactory" (p. 91). By contrast, Greene (2009) cautioned that institutional discretion often bled into censorship or curtailment of access. Intellectual stalemate persisted in the literature regarding access and privacy, just as it did regarding the appropriate place of social justice work in archivy (Boles, 2020; Caswell, 2013; George, 2020; Greene, 2013a, 2013b, 2015; Inefuku, 2020; Jimerson, 2013; Ramirez, 2015; Stuchel, 2020).

Meanwhile rebaptized as Historic New England (HNE), SPNEA opened the Thomas Codman queer erotica for research as planned in 2013; three scholars accessed it between then and 2018. The institution now boasts 123,000 objects and 1.5 million archival items; it administers 36 buildings in five states. It approved a Collections Management Policy shortly after the Codman imbroglio. Updated in 2017, the policy reserves to the institution capacious discretion: "Certain kinds of information, such as appraised value and donor identification, may be considered privileged and therefore withheld" (p. 13). More propitious, recent HNE programs such as "Aestheticism and Oscar Wilde's Newport," "A Celebration of Pride and History at Beauport," and "Beacon Hill History through the LGBT Lens" show that normative behavior in small worlds does indeed change.

Written in 1979 and never updated, the Codman finding aid still omits mention of the queer erotica. It describes only “a large collection of explicit visual material, including lithographs, limericks, cartoons, photographs, and a 1797 edition of the Marquis de Sade’s *Justine*, which Tom carefully hid in a hollowed-out account book” (*Papers of Thomas Newbold Codman (1868-1963)*, n.d.). Neither WorldCat nor Lavender Legacies include the Thomas Codman papers at all, so they remain, so to speak, in the closet.

6. Discussion

The SPNEA controversy first illuminates the vexing challenges that information professionals such as archivists face in mediating demands for information access and contrary demands for personal privacy. They may look to their own experiences or the normative behavior prevailing at their institution, they may consult professionals at peer institutions, and they may look to relevant professional associations. The SPNEA case suggests that all three may prove problematic, even irrelevant.

Second, the case indicates that theories concerning small worlds, normative behavior, and social access clarify conflicting perspectives in ethical dilemmas. Guided by social norms, members of different small worlds have legitimate interests promoting or preventing access to information. In this case, information seeming emancipatory to the queer community appeared scurrilous to an elite private institution’s Board of Trustees. The latter clearly did not see social justice as part of their antiquarian mission or mandate; the concept was likely quite foreign to them. The trustees held the power to impose their worldview on the institution they governed, however, and SPNEA’s archivists had no professional recourse even had they wanted to embrace a social justice worldview.

Third, professional associations offer scant guidance outside of their codes of ethics. While perhaps the hallmark of professional status, such codes do not usually provide a roadmap for resolving issues of power and privilege. More insidious, they may camouflage oppressive practices, thus permitting an abdication of social responsibility and even morality writ large (D. A. Wallace, 2010, 2017). Conceptualizing professional ethics is not tantamount to practicing them, moreover, and in practice, ethical codes’ language may support both sides in a dispute, rendering them effectively useless (Cox, 2008). Those implicated in debates over privacy and access may be unaware of salient codes, for that matter; in the SPNEA case, no evidence suggests that staff members or other interested parties such as LAGAR consulted, much less employed, relevant codes.

Fourth, despite the power ascribed to archives and archivists by many scholars, situations arise in which archivists *lack* power, agency, and autonomy, especially by dint of institutional or political structures or stipulations. Archivists work in small worlds; their normative behavior may not jibe with that of other stakeholders and their autonomy and agency may be circumscribed when in contact or conflict with other small worlds. Notably, archivists may lack the authority to make access decisions in cases involving sensitive personal information. Hence a measure of archival humility may be necessary. Indeed, Pike and her colleagues likely had little if any autonomy to act

in the SPNEA matter (Bowling, 2017). What is more, interest groups such as LAGAR and for that matter, SAA and AAM, hold no power but that of persuasion.

The lack of professional organizations' and interest groups' sanctioning power aside, SPNEA was a private institution, not meaningfully accountable to the public. Its governing structure ensured, too, that its trustees would have final, peremptory say on matters such as access. The advancement of scholarship and social justice work arguably suffered as a result.

6.1 Recommendations for practice

The SPNEA incident suggests five recommendations for archival practice. First, repositories must have current, specific, and formal access and privacy policies that staff apply equitably. Second, they must ensure equitable access and document it. Third, staff members must take responsibility for familiarity with salient codes of ethics to inform their decisions and professional associations must do their part to raise awareness of said codes. Fourth, finding aids must state repository holdings and enumerate any restrictions; they should specify, moreover, why such restrictions are necessary and who determined them. Last, there must be transparency between any Board(s) and the public; to facilitate this, archivists must educate Board members about the key issues at stake in sensitive situations.

6.2 Directions for future research

Future research might explore five questions. First, do archivists or other information professionals themselves feel they bear responsibility for a social justice orientation, as numerous scholars insist? Second, are codes of ethics more practically useful to information professionals than they were a quarter-century ago? Third, how might scholars shed light on other archives-related ethical dilemmas through small world/normative behavior frameworks? Fourth, notwithstanding the hue and cry over possible privacy loss, what are the actual consequences of it? Are there examples of the purported chilling effect that untoward access exerts on prospective donors? Are such possible consequences outweighed by social justice benefits? Fifth, how should non-profit, tax-exempt information institutions be held accountable vis-à-vis transparency and by whom? Should repositories have certain obligations in terms of open collections if public funds or tax-exempt status contribute to their solvency?

6.3 Limitations

Certain limitations inhere in this study's methodological approach. First, this case was purposefully chosen for its information richness. Second, as explained in section three, neither documentary nor oral history evidence is unimpeachable. Finally, case studies are only theoretically generalizable; the small worlds and normative behavior framework may not prove ubiquitously applicable.

7. Conclusion

This study suggests new, fruitful ways to explore the ethics of access, namely in terms of privacy. It also points to four conclusions. First, the theoretical lens provided by small worlds and normative behavior helps clarify the complexity of ethical problems and delineates the legitimate conflicting perspectives of various small worlds. Second, inequitable access and undue privacy restrictions may further marginalize the history of populations underrepresented due, for example, to their unjustly stigmatized sexual preferences. Third, while archivists may seek actively to effect social justice in their work, they may find their agency and their autonomy constrained by members of other small worlds who define social justice differently or who even dismiss it as a legitimate area of archival work. Finally, codes of ethics demand scrutiny not only for traditional materials, but also for new types and formats of materials and in new information environments.

Use remains the ultimate end of archival work (Millar, 2010; O'Toole & Cox, 2006), but sensitive information preserved by institutions catering to public audiences remains an intractable problem. First, much queer material likely remains secreted in mainstream archives, thus depriving scholars, activists, and other users of valuable resources whether for historical or community identity work. Second, the tension between privacy and the right to know will become only more acute due to the ever-increasing importance and amount of digitized and born-digital information such as email, audio-visual materials, and social media content. Finally, given the multiple stakeholder groups inevitably involved, not only defining the scope of but also justifying the undertaking of social justice work in archives adds still another challenge.

In the future, small worlds will invariably collide; normative behavior will invariably be tested. Archivists, historians, donors and their associates—all must prepare themselves professionally, intellectually, and most of all, ethically.

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¹ “Permission to locate and retrieve information for use (consultation or reference) within legally established restrictions of privacy, confidentiality, and security clearance” (*Access*, n.d.).

² “The quality or state of being free from public scrutiny” or “The quality or state of having one’s personal information or activities protected from unauthorized use by another” (*Privacy*, n.d.).

³ “A socially assembled context-specific praxis that can be promoted and advocated in concrete settings of struggle characterized by unequal power within social and political relationships that manifest injustice” (D. A. Wallace, 2017, p. 274).

⁴ Subject keyword searches using, e.g., *archiv**, *ethics*, *access*, and *privacy* in JSTOR, ProQuest, Project Muse, Library and Information Science and Technology Abstracts (LISTA), and Library Literature and Information Science.

⁵ The author contacted every living person named in the available primary sources. Some were willing to conduct oral histories; some were not.

⁶ Indicators of professionalization included Johns Hopkins University offering the first graduate seminar in History in 1880 and the founding of the American Historical Association in 1884. Herbert Baxter Adams led both efforts. All the same, the amateur presence in historical practice remained vital. Three-quarters of original AHA members, for example, were amateurs. Archivists did not establish their own professional association until 1936, with the Society of American Archivists.

⁷ The so-called Progressive historians (e.g. Frederick Jackson Turner, Charles Beard, Carl Becker, James Harvey Robinson) of the late nineteenth and early twentieth century and their “New History” centered on social and economic life and did so in a presentist and often didactic vein. Risking charges of undue specialization, their work evinced faith in secular progress and showed a new apprehension of the United States’ diversity. Hence, they made strides to include women’s history, African American history, urban history, and labor history. Despite their rhetoric, Progressives and their successors in the interwar and post-World War II periods, up to and including the New Left, vastly if understandably exaggerated their separation from their scientific predecessors. The New Left’s emphasis on non-elitist history increased the number of topics examined, but that stress on inclusiveness dated at least from the New History (Novick, 1988; Tyrrell, 2005).

⁸ The practice of archivists reviewing users’ research notes to ensure propriety, however laborious, was common; the requirement for users to present letters of introduction (e.g. from academic supervisors) to go admittance to repositories was well-nigh universal.

⁹ Burns (1970) also characterized restrictions on government records as “absurd overkill” (p. 2). In arguing overall for liberal access, he opined, “we need to know much more about specific recent events that antecede, influence or at least might help explain our baffling predicaments of today” (p. 42). Historian Schlesinger, Jr. (1972) stated, “The functioning of democracy requires some rough but rational balance between secrecy and disclosure, between official control of information and public need for it” (p. 38).

¹⁰ As Mason (1977) thundered, “We have no right to know about a person’s sexual escapades or family problems unless there is clear evidence that they affected the conduct of public business in some significant way” (p. 22).

¹¹ In 1955, the National Archives first broached ethics in the profession in its “Archivist’s Code.” Apropos of access, it enjoined, “The archivist should endeavor to promote access to records to the fullest extent consistent with the public interest, but he should carefully observe any established

policies restricting the use of records” (p. 307). This was the archival profession’s last word on the matter of ethics for a quarter of a century.

¹² Standards proved scarcely more useful than codes of ethics. In 1987, for example, the Rare Books and Manuscript Section (RBMS) of the Association of College and Research Libraries (ACRL) issued standards that stipulated: “Rare book, manuscript, and special collections librarians shall respect the privacy of individuals who created or are the subject of records and papers, especially those who had no voice in the disposition of the materials” (“Standards for Ethical Conduct for Rare Book, Manuscript, and Special Collections Librarians,” 1987, pp. 134–135).

¹³ Either leaving material uncatalogued or miscataloguing it was another way to obviate access (Jordan, 1968).

¹⁴ Other scholars joined the access restrictions conversation in the mid-1980s. Examining fourteen state archives, State Archivist of Pennsylvania Baumann (1986) deemed confidentiality and restricted access “a special challenge in a modern, pluralistic society” (p. 350). State archivists tackled access issues largely as they arose, i.e. reactively, and tended to consult colleagues or in rare cases, existing policy, for guidance. The National Archives’s Geselbracht (1986), too, bemoaned archivists’ general ignorance of access issues. Both scholars called for policy development and consensus.

Weinberg (1990) discussed Temple University’s Urban Archives Center, which held case files constituting “an invaluable social history of the nation’s most neglected population” (p. 123). The Center had developed an access policy, opening records older than 72 years, but stipulated that access to more recent records required the approval of the depositor or her representative. Weinberg recommended that archives modify their policies as the demographics of the communities they document shifted. Other articles also underlined the need for policy development (Becker, 1993; Robbin, 1986; Wilsted, 1993).

¹⁵ Presumably SPNEA feared a “chilling effect” on potential donors if the institution opened the Codman collection and inadvertently subjected the Codman descendants to embarrassment.

¹⁶ Surprisingly, Engstrom did not reach out to the American Library Association’s Gay and Lesbian Task Force, the nation’s oldest queer interest group.

¹⁷ Curators of the controversial psychologist Stanley Milgram’s papers at Yale University adopted a strategy like one proposed by Bartley/LAGAR. Because Milgram’s subjects signed release forms but did not give their consent to future scholarly use of data and could be identified through the data, archivists protected individual privacy by sanitizing the transcripts made from the audio files, i.e. blocking out individual names. Given the resources necessary to do so, they put the cost of sanitizing on the first researcher to request the material. The only risk—unrealized at the time of publication—was that the audio files would deteriorate while waiting to be requested for use (Kaplan, 1996).

¹⁸ The subsequent American Library Association/Society of American Archivists Joint Statement on Access of 1994 also foregrounded equitable access. “A repository should not deny access to materials to any researcher, nor grant privileged or exclusive use of materials to any researcher, nor conceal the existence of any body of material from any researcher, unless required to do so by statutory authority, institutional mandate, or donor or purchase stipulation” (“ALA/SAA Joint Statement on Access: Guidelines for Access to Original Research Materials,” 1994, p. 8). The statement enjoined repositories periodically to reevaluate restricted material and remove restrictions as soon as possible.