

Research Articles

The Ethics of Access

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Abstract: The principle of providing equal access to archival resources is enshrined in various guidelines and codes of ethics for archival practices. The professional archivist has the responsibility to balance the conflicting interests of heirs, donors, collectors, researchers, and home institutions. An examination of the access problems associated with the restricted papers of Franklin D. Roosevelt, Ludwig Wittgenstein, and Sigmund Freud, and recently opened files on Ferdinand Marcos and Kurt Waldheim reveals the difficulties inherent in implementing such a deceptively simple principle. Several hypothetical situations are posed to demonstrate the practical difficulties of implementing the concept of equal access to open collections.

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PROVIDING FAIR ACCESS TO archives may appear to be a fundamentally simple operation, until one examines specific cases. The principle of equal access to archives is implicit in the Society of American Archivists (SAA) code of ethics and explicit in the joint SAA and American Library Association (ALA) guidelines on access. Archivists who adhere to the principle in theory frequently cannot apply it consistently in practice for a wide variety of legal, ethical, and pragmatic reasons; the ethics of access is a thorny problem. This discussion is intended to highlight important ethical considerations of access, not to supply solutions.

Professional ethics for archivists requires balancing the conflicting interests of the relationships unique to the occupation. The needs of donors and collectors do not always coincide with those of researchers. Also, the administration of the repository and its parent institution operate at times under certain constraints that conflict with the professional code of the archival staff. When the archivist sets policy standards, such disparate interests must be taken into consideration. Many of the elements of this balancing act are familiar to archivists: 1) delicate negotiations, often with curmudgeonly donors who may have difficulty relinquishing control over their papers; 2) excessively long or inequitable restrictions on papers and the attendant problems of selective access; 3) overly zealous researchers who use any means, honorable or otherwise, to gain access to legitimately privileged papers; 4) archivists who, as employees, disagree with institutional policies; and 5) competitive scholars who battle over intellectual property and academic turf.

Archivists can inadvertently get caught in the crossfire. They may wittingly or unwittingly have custody of documents that could damage the reputation of a profession, an institution, or a political career. Papers are preserved so that they may be used. In the case of sensitive materials, the question is who is allowed to see what. In

SAA's basic manual on law, Gary M. Peterson and Trudy Huskamp Peterson emphasize the increasing importance of the issue: "Today access is surely the greatest legal problem faced by archivists. . . ."¹

Several conflicting trends are responsible for this increasing problem. One is the simple proliferation of information. Due to the sheer volume of paper being generated, searches for specific documents become complicated and time consuming. The consistency of reference assistance, which can significantly reduce searching time and the attendant expense, becomes an access question. Ironically, the accelerating production of large, cumbersome modern collections is accompanied by a clear demand from both the media and the public for greater and more timely access to information. These trends are further complicated by a renewed awareness of security and privacy considerations.

Typically, the situation most likely to generate difficulties and bad publicity is the evident inequity of selective access. This imbalance was central to the frequently cited Francis Lowenheim case at the Franklin D. Roosevelt Presidential Library at Hyde Park.² The historian Lowenheim accused the Library's staff of withholding documents so that it could publish them first. An indication of the ferocity of intellectual disputes is that the American Historical Association published a book-length examination of the charges and countercharges.

¹Gary M. Peterson and Trudy Huskamp Peterson, *Archives & Manuscripts: Law* (Chicago: Society of American Archivists, 1985), 38. The Society of American Archivists' code of ethics, currently under revision, can be found in the *American Archivist* 43 (Summer 1980): 414-418.

²*Final Report of the Joint AHA-OAH Ad Hoc Committee to Investigate the Charges against the Franklin D. Roosevelt Library and Related Matters* (Washington: American Historical Association, 1970). See also Alonzo L. Hamby and Edward Weldon, *Access to Papers of Recent Public Figures: The New Harmony Conference* (Bloomington, Indiana: Organization of American Historians, 1977).

The report concluded that although the Library had acted within its legal rights, it had not completely fulfilled its responsibilities to researchers to publicize the exact scope and nature of its publication projects. Hence the historians perceived the issue more as an ethical than as a legal problem.

Even in cases without grounds for legal action, the ethical dimension of access policies requires careful attention. An examination of several disputes over the papers of public figures highlights the dynamics of the competing demands for openness and privacy: 1) demands for access to restricted collections, 2) the consequences of opening sensitive material, and 3) quandaries posed by equal intellectual access to open collections.

Access to Restricted Collections

Restricted or selective access has been a fundamental issue in a number of recent cases: the much publicized problems in the Sigmund Freud Archives,³ the convoluted and much litigated access controversies surrounding the Richard Nixon presidential papers,⁴ the access to records about Kurt Waldheim's early career,⁵ and damaging documents about the military record of Ferdinand Marcos.⁶ The list is long. These cases came to public notoriety and thus became administrative traumas, because journalists and scholars actively worked to gain access to previously restricted information. The trend is clear: a strong and growing de-

mand that as much information as possible be available to the general public upon request. This is coming into conflict with standard archival procedures that were formulated to accommodate the sensitivities of donors.

In past eras, lengthy restrictions were commonplace, not only to prevent outright scandals from becoming public, but also to accommodate Victorian notions of propriety. The view that a woman's name should appear in print only at birth, marriage, and death led to the restriction of some very ordinary papers. Donors frequently controlled access to these private materials after they were deposited. An authorized biographer typically would receive permission, while an unauthorized one would not. Inevitably, the traditions of privacy and the modern demand for candor will, on occasion, collide.

The classic solution to the inequity of selective access is a simple dual approach. On the one hand, maintain scrupulously equal access and promote the most open possible availability of resources, even to the point of persuading skeptical donors of the advisability of such a policy. On the other hand, any portion of the collection that is restricted as a condition of donation should be closed to all readers and a clear end date to the restriction should be stipulated to facilitate eventual availability of the complete record. This approach to equal and open access is embodied in the "ALA-SAA Joint Statement on Access to Original Research Materials in Libraries, Archives, and Manuscript Repositories."⁷ The lesson

³Janet Malcolm, "Annals of Scholarship: Trouble in the Archives," *The New Yorker*, 5 December 1983, 59-152, and 12 December 1983, 60-119, published together as *In the Freud Archives* (New York: Knopf, 1984).

⁴"Nixon Papers Controversy," *SAA Newsletter*, July 1986, 3, 5.

⁵Robert Edwin Herzstein, *Waldheim: The Missing Years* (New York: Arbor House, 1988).

⁶Alfred W. McCoy, "The Myth of Marcos: Manufacturing History," *Kent Quarterly* 5 (Spring 1986): 7-16. The story was picked up by the popular American press, see James S. Kunen and Jane Sims Podesta, "A Historian Rewrites History by Stripping Bare the War Record of Philippine President Marcos," *People*, 10 February 1986, 98-99.

⁷Peterson and Peterson, *Archives and Manuscripts: Law*, 98. Key provisions of the statement include the following: 1) "It is the responsibility of a library, archives, or manuscript repository to make available original research materials in its possession on equal terms of access," 2) "A repository should not deny access to materials to any person or persons, nor grant privileged or exclusive use of materials to any person or persons, nor conceal the existence of any body of material from any researcher unless required to do so

learned over the past twenty years was clear: papers not opened graciously would be exposed to unfavorable publicity and eventually be opened under pressure. The favored solution solves an old set of problems, but may create some new ones.

First let us examine the assertion of a right to information, or freedom of information. It is a particularly attractive tendency in many ways, as it fits into the scheme of a democratic society with a free press. However deeply felt, this entitlement to information is historically very new. Neither the Ten Commandments nor the Bill of Rights contain it. Geographically and culturally, the presumption of this right is stronger in North America (and to a lesser degree in Western Europe) than elsewhere, although its appeal is spreading. The official ALA code of ethics, adopted in 1981, premises its tenets on the importance of a "free flow of information and ideas."⁸ A serious internal inconsistency in this code of ethics is that the firm assertion of the right to information is followed by an equally adamant assertion of the privacy of library circulation records. (For example, no professor should be told which students are actually looking at the assigned reading; no investigator should be told who reads up on methods for making bombs.) In other words, the librarians' code of ethics advocates making accessible information belonging to others, but not their own private information. Aside from this exception, the librarians' code clearly fosters ready access to sources. In a conflict of interest between the researcher's right to know and the right of others to privacy, an open advocacy of the free flow of information puts librarians and like-minded archivists squarely on the side of the researcher.

The ALA code of ethics represents a strong trend and, in the long run, probably a very healthy one. Archivists mediating between donors and readers will have to cope with the consequences of this direction for a long time, for the problems are much more sensitive for archivists administering unpublished papers than for librarians handling printed material. Explaining to donors the growing demand by researchers for unsanitized information is not an easy task. The discretion and tact that prevented the press from photographing Franklin D. Roosevelt in his wheelchair are no longer operative in our society. The expectation of a free flow of ideas and candid information is so powerful that certain biographers will now forgo the use of private papers if the trustees place limitations on them.

One example is the biography of Ludwig Wittgenstein, one of the half-dozen most influential philosophers of this century. Many of Wittgenstein's papers are under the personal control of close family associates. This arrangement follows a pattern typical for the personal papers of many recent public figures. In 1973 the American philosopher William Bartley published a significant biography of Wittgenstein using information from a wide variety of sources.⁹ The biographer did not, however, consult the trustees of Wittgenstein's papers, because they staunchly covered up any public notice of Wittgenstein's sexual orientation, which Bartley contends was clearly homosexual. Despite the intense discomfort that the revelations caused the trustees of the papers, it must be emphasized that very few, if any, students of modern philosophy would find the disclosure offensive or even particularly relevant. With a little empathy, it is easy to understand the conflicting po-

by law, donor, or purchase stipulations," and 3) "Repositories are committed to preserving manuscript and archival materials and to making them available for research as soon as possible." It is a daunting agenda.

⁸*American Libraries* 13 (October 1982): 595.

⁹William W. Bartley, *Wittgenstein* (La Salle, Illinois: Open Court, 1973). A revised edition was published in 1985.

sitions of the Wittgenstein family and the philosophers studying his life. The differences between family trustees and scholars are conditioned by the radically divergent requirements of the private and public spheres. Bartley, as a very modern biographer following the current belief in the right to know and the right to candor, preferred to tell the unbowdlerized story, even at the risk of alienating valuable contacts and losing access to their tightly restricted papers.

Lawyers rightly caution archivists about privacy and confidentiality laws. Staff members very commonly respond to such legal advice by screening papers and withdrawing on their own authority any letters or documents that reveal potentially embarrassing personal information, such as references to homosexuality or similarly controversial behavior. In such an environment, the staff must be very realistic about the bad publicity engendered by prudish restrictions in the modern era. Biographers who learn that basic information about the lives of their subjects has been removed from their primary source material will feel cheated, and not without justification.

Objecting to this new candor draws more attention to the original embarrassment and is simply counterproductive. The trustees of the Wittgenstein papers objected strenuously to Bartley's disclosures and published reviews of the book that accused the biographer of obscenity. In response, the second, revised edition expanded on the subject, further distressing the family. Missing from this story is the professional archivist who, if present, could have mediated between the family and the researcher for the release of portions of the papers. Archivists who wish to retain a passive, traditional role as mere keepers of records may in practice become mediators quite inadvertently.

The natural tendency of donors to restrict papers that reveal personal foibles will be an increasing source of difficulty as the

public and the scholarly community assert a right to know the whole truth. If the revelation about the personal life of a well-regarded philosopher caused difficulties, the repercussions from papers that could potentially discredit a well-compensated profession are even more serious, as was the case with the administration of the Sigmund Freud Archives. The participants in the story are almost emblematic in the clarity with which they represent their points of view. This well-publicized case is an extreme example of the types of problems archivists face on a regular basis.¹⁰

The main players include an heir, who guards the flame of her father's reputation as a genius; a collector, whose personal stake in the collection begins to obscure the need for a complete, open historical record; an archivist, whose sense of ethics is at odds with his organization's policy; and an aggressively inquisitive researcher. The papers themselves fall into three categories: 1) personal property in the heir's possession, 2) papers physically at the Library of Congress, but under the collector's control, and 3) additional papers owned by the Library of Congress and administered by its professional archivists.

The first figure is Anna Freud, who died in 1982 in the midst of the controversy. As Sigmund Freud's daughter, she could be expected to be very protective of her famous father's memory and her family's honor. Since she was also a leading member of the psychoanalytic profession herself, one who saw patients and contributed to the literature, her role as guardian of Freud's legacy was intensified. Like any inheritance, the papers were her personal property and subject to her total control. Some of Freud's papers were deposited in the privately controlled Sigmund Freud Ar-

¹⁰In addition to Janet Malcolm's book, another source on the controversy is Jeffrey Moussaieff Masson, *The Assault on Truth: Freud's Suppression of the Seduction Theory* (New York: Farrar, 1984).

chives; others were saved in her cupboard in the Freud home in England, with the understanding that the papers would pass into the control of the Archives upon her death. She showed the papers only to those she trusted, as any heir might. It is to her credit that she preserved even compromising materials.

The second figure of importance is Dr. Kurt R. Eissler, a cultured Viennese and a practicing psychoanalyst. He was responsible for initiating the effort to preserve the original documentation of Freud's life. He spent more than forty years accumulating from various sources the Sigmund Freud collection that he deposited at the Library of Congress with certain restrictions. He worked closely with Anna Freud, both on theoretical questions of their discipline and on the preservation of Freud's entire legacy—papers, psychoanalytic practice, and the archival collecting project. In order to acquire the papers, he made various commitments to his sources. He placed a complicated schedule of restrictions on different categories of the papers (some of which were to be closed until the year 2150) that researchers considered excessive. Eissler's protectiveness is not an unusual trait in collectors, who may develop a greater sense of personal ownership than the heirs, especially if the materials were assembled at great personal risk or expense.

Jeffrey Moussaieff Masson was Kurt Eissler's designated successor. In this capacity he gained access to the restricted papers both in the Library of Congress and in Anna Freud's home. In the original papers, Masson found what he considered evidence of malpractice on Freud's part, material that had been deliberately withheld from the published record. Masson behaved not like an heir to a tradition or even like a docile employee, but rather, like a modern researcher. He publicized his findings from his privileged access to the original sources. Eissler ultimately fired Masson for discussing negative aspects of Freud's early

career. The adverse publicity that followed Janet Malcolm's witty exposure of the case in the *New Yorker* forced Eissler to resign as secretary (in effect, head) of the Sigmund Freud Archives.

Peter Swales is a self-taught Freud expert. Like other researchers, Swales chafed under the restrictions placed by Eissler and Anna Freud on the papers. He blithely ordered copies of correspondence from the Library of Congress. While Eissler considered the correspondence closed, the staff understood the papers to be open and provided Swales with copies. Swales also requested copies from Anna Freud, who turned him down. Undeterred, he asked a more respected colleague to submit the request and pass them on to him. Anna Freud provided copies for the decoy and Swales got what he wanted. The possibility of such decoys raises questions about the advisability of any form of selective access. Both Masson and Swales believe that the papers belong to history, which they deem to have more legitimate claims than the heirs or collectors.

In 1986 Harold P. Blum, who replaced Eissler as head of the Sigmund Freud Archives, published a letter in the *New York Review of Books* in which he promised, "All papers and documents under the ownership of the Sigmund Freud Archives which are in the process of publication or have already been published will be open to all scholars on the basis of equal access." The key term here is "equal access." Blum went on to promise, "It is the intention of The Archives to release all letters and documents from restrictions, as soon as possible, consistent with legal and ethical standards and obligations," thus demonstrating a sensitivity to the twin demands for equal access and openness.¹¹

Perhaps only practicing archivists can

¹¹Harold P. Blum to the Editors of the *New York Review of Books*, 17 July 1986, 52.

appreciate how much work would be required to implement such a policy. The material in Blum's control (housed at the Library of Congress) had been assembled by Eissler, who, in order to collect material, had made promises of lengthy restrictions to a variety of donors, some of whom were no longer alive. Reconciling the public demand for openness with legal requirements is a very tedious task. As a result of the letter published by Blum, the Library of Congress Manuscripts Division was flooded with inquiries to see the newly open Freud Archives. In actual fact, only one set of correspondence under Blum's control had been opened under the new policy in 1986, correspondence between Edward Silberstein and Freud.

In addition to the papers in Anna Freud's home and those assembled by the cautious Eissler, a third category of Freud papers exists. The Library of Congress itself acquired additional Freud papers, which were handled in accordance with SAA guidelines and never restricted. The media, however, did not make any fine distinctions between sets of papers, and the staff of the Manuscripts Division felt that the inaccurate publicity had an adverse effect on the Library's reputation.¹²

Access to Open Collections

Restricting the Wittgenstein and Freud papers may have caused sleepless nights for the papers' trustees; but, as other cases demonstrate, opening collections has its own attendant problems. The consequences range from the trivial to serious political controversies.

In recent years, two heads of state have had their careers seriously jeopardized by the release of previously restricted docu-

ments relating to their World War II careers. For many years President Ferdinand Marcos of the Philippines had drawn heavily for moral authority on the story of his heroic exploits in the resistance against the Japanese occupation of the Philippines. Use of that story during his 1986 presidential election campaign was undermined by the opening, two years earlier, by the U.S. Army of the forty-year-old records of a U.S. Army investigating commission that had evaluated the claims of Philippine veterans for benefits in the immediate postwar period. Historian Alfred McCoy spent seven months sifting through the six hundred boxes in the Modern Military Branch, U.S. National Archives, and found the army's official account of Marcos's wartime activities to be much at variance with the myth cultivated over the years. Publication of the recently released information during the Filipino election campaign may have contributed to Marcos's defeat.¹³

The commission's files presented two kinds of access problem that typify modern records. First, the legal restrictions had to be lifted by the U.S. Army in order for the records to be made available to the public. Second, locating the Marcos file within the mass of unprocessed records required a generous travel budget and a commitment of time that most scholars cannot afford. From the researcher's point of view, not much difference exists between the legal restrictions and the difficult physical access, because the result, or lack of result, is the same.

Kurt Waldheim, past Secretary General of the United Nations and current President of Austria, has also come under attack for his wartime record. The United Nations was

¹²"History of Science: Psychoanalytic Collections," *Library of Congress Acquisitions, Manuscript Division*, 1985, (Washington: Library of Congress, 1987), 27-31.

¹³McCoy, "The Myth of Marcos"; Ellen C. Galardo, "Baclagon on Maharlika: Only Wanted to Make FM Happy," *Philippine Daily Inquirer* (Manila), 1 February 1986, and Edilberto de Jesus, "Macoy vs. McCoy: Election Special," *Veritas* (Manila), 5 February 1986.

subjected to intense pressure to open files of the United Nations War Crimes Commission that originally were available only for governments to view on a confidential basis. An international group of historians was allowed to use these files for its report on this sensitive case. Robert Herzstein found related evidence in the voluminous microfilms of captured German documents in the National Archives, materials that had been open to the public for decades, but were cumbersome to use.¹⁴

It is sobering to think that access policies set by archivists can influence the political fate of heads of state. While the repercussions are rarely as dramatic as in the Marcos and Waldheim cases, concern about the release of restricted files is often justified.

The lessons to be learned from these cases are threefold: 1) public opinion is solidly on the side of the principle of open and equal access, at least in the United States; 2) achieving this ideal is more complex than the public recognizes; and 3) the archivist plays a key role in mediating these conflicting interests. The SAA took a direct stand on this professional role. In discussing access to presidential materials that have been restricted under the claim of executive privilege, the July 1986 *SAA Newsletter* states: "The Society believes that archivists are uniquely qualified to balance competing demands for open access and for protection of confidential information."¹⁵ In other words, archivists are not only subject to ethical standards, but are also cast in the role of arbiters of ethical considerations. Archivists are to be put in the position of

carefully mediating disputes in order to avoid the ultimate threat: the destruction of embarrassing but historically important documentation.

Given, then, the undeniable tendency toward greater candor and wider access, and given the role of the archivist as arbiter in disputes over open information versus confidentiality, what are the obstacles that inhibit the development of clear standards for access policy? One obvious hindrance is backlash. As traditionally protected sensibilities are violated and as the technical ability to capture data is enhanced, people with privileged access to private information, especially about public figures, will naturally become more cautious. One symptom of this backlash in society in general is an increase in the withholding of what was once public information, such as the withholding of telephone numbers and addresses from publication in standard telephone books. This renewed sense of privacy may endanger the preservation of historical documentation. One public figure was quoted as saying that his career would not have been ruined if he had only been bold enough to destroy certain taped telephone conversations. Faced with the loss of the protection that privileged access provides, owners of the papers are tempted to destroy the evidence, just as the heroine did in the short story, "The Aspern Papers," written a century ago by Henry James.¹⁶ If restrictions cannot be maintained, fewer compromising papers will be preserved.

Just as individuals are responding to a candid society with a renewed sense of privacy, so too are institutions showing a

¹⁴"U.N. May Open Files on Nazis," *New York Times*, 9 July 1987. Previously confidential files were used to compile "Der Bericht der internationalen Historikerkommission," *Profil* (Vienna), 15 February 1988; Robert Herzstein and Martin Mendelssohn, (Papers delivered at the Fifty-second Annual Meeting of the Society of American Archivists, Atlanta, Georgia, 30 September 1988).

¹⁵"Nixon Papers Controversy," *SAA Newsletter*, July 1986, 5.

¹⁶Henry James, *The Aspern Papers* (London: Macmillan, 1888). In the story, a tenacious biographer of the long dead poet Jeffrey Aspern pursues letters his subject wrote to a woman, now elderly and reclusive. Despite prodigious patience and cunning, the researcher is finally thwarted when the woman's niece and heir burns the papers. She assures him it took her a long time, because there were so many letters by Aspern.

heightened awareness of security. Information once readily available to every government documents librarian with a knack for using an index suddenly is no longer available; budget cuts are blamed, but other factors may well be at work. Bureaucracies have become increasingly sensitive to leaks of information. A certain defensiveness must be expected in a society without accepted standards of privacy for individuals or security for organizations.

Equal Intellectual Access

In addition to the pressures of this renewed sense of privacy and the problems of proliferating information, the concept of equal and open access is also challenged by the elusive rights of ownership of intellectual property. Given the exigencies of modern research, simply locating significant documentation among the vast files available, as McCoy and Herzstein did, is a creative task and scholarly achievement. Establishing the true identity of an initial scribbled as a signature is an intellectual achievement. Assimilating the literature to the extent that one can evaluate the importance of documents is a labor-intensive proposition. These acts create what can be termed intellectual property, which scholars do not achieve easily and do not give away lightly; yet, no legal protection as such exists for these discoveries. Archivists are in a position to learn about these discoveries directly from the scholars they are helping. Does equal access demand that the archivist pass on this information to the next person working on the same subject?

The SAA code of ethics provides a fastidious solution: "Archivists endeavor to inform users of parallel research by others using the same materials, and, if the individuals concerned agree, supply each name to the other party."¹⁷ In actual practice, it

is awkward to approach or write each individual in confidence and then to bring them together if both sides agree, especially if one side is more amenable to the idea than the other.

The following four hypothetical situations test the limitations of the ideal of equal access to intellectual property. Even when no scandal or sensitive information is at stake, equality is an elusive ideal. These examples were shown to several historians, students, and archivists, who were asked to evaluate them. Like most academicians, they all agreed with the twin goals of equal and open access. The questions were not circulated in a way that would admit statistically valid results. Nonetheless the responses are of interest because of their remarkable lack of consensus regarding standards of professional behavior.

In the first situation, an undergraduate student writing a term paper on a particular topic and a preeminent authority writing a book on the same subject come to the archives reading room at the same time. They both have access to the same voluminous papers in accordance with accepted archival practice, but do they both deserve the same reference assistance and the same amount of staff time? Should certain categories of researchers receive preferential treatment? Predictably, the students felt that equal time was consistent with democratic tradition, while the professional historians suggested sending the undergraduate to look at the published material before attempting to use archival material. A teaching historian felt that the student required more time than the experienced authority. The archivists recognized the difficulty of providing strictly equal time. Archivists appreciate serious scholars who acknowledge the assistance they receive in their publications. There are strong and valid incentives for devoting extra hours to help eminent scholars locate relevant materials. Political realities also play a role: many archives are

¹⁷*American Archivist* 43 (Summer 1980): 414.

under pressure to provide favored treatment for some categories of patrons and benefactors over others.

The second situation involves fees for copy services. Suppose a state university library with budget problems and a commercial publisher of coffee-table books both place orders for one hundred color slides. Should the library receive a discount or should both pay the same fees? Most repositories must charge for photocopies, photographs, and other special services just to cover their own expenses. While starving students and poorly financed research institutions make sacrifices to purchase these copies, commercial patrons may stand to make a substantial profit from certain items of a popular nature contained in archival repositories. Should non-profit and profit-making patrons pay the same fees for reproductions? Strict construction of the equal access principle would suggest a single fee scale, yet all but one of the respondents favored a two-tiered price scale that charges more to profit-making organizations, contradicting the avowed principle of equality. None of the respondents were associated with profit-making ventures. The person who opposed two-tiered pricing was an administrator aware of the difficulties of implementation.

The third situation, like the first, involves judging the quality of the researcher's scholarship. A hack editor asks the archives staff if they have a good manuscript for him to edit as a quick publication. As a matter of fact, the archives has a splendid manuscript that should be published with a sound introduction. Should the staff show the manuscript to the hack editor? Again, strict equality of access means each researcher should receive the same quality of help regardless of the archivist's evaluation of the researcher's abilities. Does the archivist, aware that the incompetent writer-editor could never find the manuscript without assistance, simply say, "The

card catalog is over there; let me know if I can help you"? Should the mediocre researchers receive the same clues as the brilliant ones? The notion of equality does not always extend to helping the incompetent. The respondents, while agreed on the issue of equality in general, were very uncomfortable with the idea of providing a hack editor with an easy publication that would not do justice to the original material or its author.

In all but exceptional cases, a manuscript will be published only once. If an edition is not done well the first time, an opportunity simply is lost. Intellectual property exerts ethical claims even when the legal rights are unencumbered. The respondents felt that the archival staff had an obligation to respect the integrity of the author of the fine manuscript and to prevent its contamination by a low talent. Taking this idea to its extreme, the archivist would have to operate as an intellectual matchmaker, pairing source materials with the most appropriate researcher in each case.

In the market of ideas, an archivist can occupy a position analogous to that of a trader with inside information and be faced with the attendant ethical conflicts of the insider. Once a value judgment is made, such as mentally labelling a researcher as a hack and thus less deserving of potentially invaluable assistance, the system is open to flagrant abuse. Charges of discrimination can badly damage a repository's reputation just as much as can neglecting the institution's principle benefactors.

The fourth example is a specialized instance of the previous one. A creative researcher discovers and correctly identifies an important letter by a famous person, shows the letter to the archives staff, and informs them of his or her intention to publish it in the appropriate scholarly journal. The staff then receives by mail a request from a reporter for copies of anything written by this same famous person. Does the

archivist send a copy of the letter recently identified by the serious scholar? The reporter could publish the letter in the press long before its discoverer could place it in a scholarly journal. Open and equal access could require providing copies of known documents to all who request them. One can make a case for providing equal time, equal prices, and open access for all readers; it is more difficult to justify giving away a discovery. Traditionally archivists have appreciated the rights of the more diligent scholars and protected their interests. If archival discoveries are not treated with discretion, patrons simply will not share the information they unearth until it is formally published. Putting researchers with similar interests in touch with each other, if both are amenable, would place the burden of disclosure on the interested party, which has certain advantages. Such delicate and time-consuming negotiations however, are not always possible given the exigencies of already overburdened work schedules.

In all four examples, the ideal of a free flow of information in an environment of strict equality is challenged by the claims of serious scholarship. Archivists with the most consistent ideals of open and equal access will on occasion be tempted to finesse specific situations and withhold information about a collection when quality is at stake. Publications are the coin of the

academic realm, and archival sources are the raw material for this currency. Archivists feel a legitimate ethical obligation to protect intellectual property rights. It should be noted that all of the hypothetical examples were set in an academically based repository, where institutional priorities tend to favor serious scholarly researchers. Similar tendencies could be observed in, for example, a business archives, but with corporate officials benefitting from the favored-user status.

Conclusion

The clash between inequitable restrictions on archival collections and the demands of a democratic society have led to greater openness; for example, there is growing agreement that archivists cannot be asked to protect the reputations of public figures indefinitely. Policies of equal and open access have solved a number of ethical problems while creating new dilemmas, the most evident side effect of which is the complicating of donor relations, as old privileges are lost. Less obvious, but more insidious in the long run, is the problem of scholars' claims to the archival materials they use. As concepts of archival ethics evolve, principles of professional conduct are needed to provide guidelines in these areas.