

## Voice from the Vault

By Gregory Sanford

# **Karl Rove v. Erin Brockovich: Musings on Accountability and Why We Create Records**

Last month I shared some of my pleasure reading. I also do extensive professional reading in order to keep up with trends and possible models. Sometimes it all seems like too much. I subscribe to professional journals and newsletters; am on several listservs (MUNINET being but one); and receive various studies, reports and fact sheets from organizations such as the National Association of Government Archives and Records Administrators and my recently discovered favorite: NAID, The National Association for Information Destruction. There is no way to keep up with all this information.

One publication I always take time for is *Archivaria*, the journal of the Association of Canadian Archivists. It unfailingly has well written articles of interest. A recent issue (Number 55, Spring 2003, okay they are running a tad behind) is no exception.

The issue had two articles on whether stronger right to know laws lead governments to either not create, or to destroy, records. Anecdotal tales suggested that this is the case, but a preliminary analysis of selected Canadian agency and department records did not find any changes in record creation that could be linked to new freedom of information laws.

What the study suggested was that record creation is strongly embedded in government culture. One reason is that we create records of necessity; we need them to meet legal, regulatory or administrative requirements. We need records to move processes forward and as instruments of control in an increasingly complex organizational and service delivery environment. We also create records to overcome periodic organizational disruptions, such as changing administrations or staff turnover.

Accountability plays a role, though not always linked to higher constitutional mandates. Accountability may simply be the need to protect yourself by documenting that you did what was right, even if politically inexpedient. Finally there is the very human desire to leave a lasting record, to anchor a place in history.

The good news that stronger right to know laws do not curtail record creation is tempered by other findings. Record creation may remain unchanged, but barriers to access may be raised. A government function might be transferred to the private sector, which is not governed by freedom of information requirements. Excessive costs for copies, unwarranted extensions of response time, or over-broad interpretations of exemptions may be used to discourage access.

I have, alas, seen examples of all these responses in Vermont. I also see a changing context for how "accountability" is practiced. I recently wrote a paper for a panel on gubernatorial records convened at the annual meeting of the Society of American Archivists. The paper addressed aspects of our experience with Governor Dean's records during the presidential primaries.

I noted that accountability is increasingly practiced by surrogates, not citizens. Gov. Dean's primary opponents, not concerned citizens, came to the Archives. Their interest was in selectively using the records to de-rail his candidacy.

This was not a unique experience and I cautioned my colleagues not to be distracted by occasional tales of heroic citizens persisting in archival research to achieve a public good. In today's political climate we are more likely to be visited by Karl Rove than Erin Brockovich. This generates negative perceptions about records among public officials, a changing cultural context that may influence recordkeeping more than stronger freedom of information laws.

It is important that we, as public archivists, understand this changing context of "accountability" and focus on ways to re-enforce records as a valuable institutional resource.

The New England Archivists will be holding their Fall meeting at the University of Vermont on October 14-15. There are several sessions that may be of interest to municipal clerks, including one on how to use outreach to improve perceptions of records. There will also be an open discussion forum on government records chaired by the city clerk of Nashua, N.H.

For more information go to: <http://www.newenglandarchivists.org>