

## INTRODUCTION

Senator Robert B. Morgan's background, ideas, and public career personify values that are historically significant both in North Carolina and in the United States at large. In a world that is increasingly urban and technological, Morgan's rural background, his belief in the basic institutions of justice, individual rights, federalism, fiscal responsibility, and defense illustrate his strong stance as an advocate of traditional American ideals. Trained as a lawyer and having served in public office constantly for thirty years, he has also gained insight into the history and culture of the United States by observation and by wide reading.

Throughout his career he has championed education. He worked for years as a Trustee to turn his alma mata East Carolina Teachers College into the prestigious East Carolina University. He continues this interest in education and culture by serving as a Regent at the Smithsonian Institution.

I can vouch for his ability as a historian. He has a firm grasp of facts, dates, issues, and generalizations. Not only is he a good historian, but he is also partial to historians. It is his interest in scholarship and in the resources that are essential to it that brings him before you today. Senator Morgan.

Senator Robert Morgan  
Society for History in the Federal Government  
Forrestal Building  
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### THE ROLE OF THE NATIONAL ARCHIVES

It gives me a great deal of pleasure to be here for your conference. Although your society is young, I am impressed with the way that you have set out to form a strong organization. I understand that your concerns are quite different from those of academic historians who are obsessed with tenure and teaching loads. On the issue of making the National Archives a strong and viable organization, however, all historians, indeed, all Americans, can concur.

A month ago I addressed the 150th anniversary of the North Carolina Baptist State Convention. This venerable organization has had an interesting history. It survived the debate over slavery, the trials of the Civil War and Reconstruction, and even had some nasty floor rights over evolution in the 1920s. Throughout that history, Baptists have been open to debate and reason, and I find it refreshing that this is our tradition.

I talked to my fellow Baptists about the separation of church and state. After reviewing the persecution of dissenting sects throughout history, I reminded them that separation is not only one of the cornerstones of our government but also a key to Baptist belief. I also pointed out to them challenges that have come along in recent years. There are groups, primarily those who rely on direct mail campaigns and the television media, that are very close to merging the issues of religion with the matters of the state.

By the same token, today I want to talk to you about my concerns that the records of our government could be a victim of politics.

Without documentary records, there can be no history. You deal with records every day, using your analytical skills to make sense out of vast amounts of material. I am sure that many of you would argue that there are too many records today, that the bureaucratic paper explosion that came with the New Deal has made it almost impossible for a historian ever to read the entire documentation that surrounds any major issue. At the same time, in all seriousness, we must be careful that all of the important documentation of the past is preserved.

There are historical examples of what happens when a country loses sight of history. Hitler distorted the German

past to capitalize upon the prejudices and vanity of the German people. In Russia, the official history changes to justify government policy with every new wind that blows. Russian historians have always had a difficult time justifying the government's expansionist border policy. I am sure that the Afghan invasion will furnish a new challenge. It will be interesting to read how they get around the issue of imperialism. In this case, Henry Ford's observation is valid--history, at least Soviet history, is bunk.

There are not just historical examples of distortion, but there are literary ones as well. George Orwell in 1984 warned about how government policy can be mixed with what goes under the name of history to justify official policy.

In short, whether we are dealing with historical precedent or literary speculation, there are grave warnings about losing sight of objectivity as we interpret the past. Before we get smug about our clean hands, let me remind you that the history of the United States has also reflected certain trends or moods in government. The "Consensus" school of history that was popular in the 1950s and early 1960s, according to some writers, smoothed out the rough edges of conflict and minimized any radicalism. Historians allegedly buckled under to McCarthyism, and they ignored radical movements.

This hit too close to home in my case. In the South, we have a fondness, if not reverence, for the Populist Movement, for in the 1890s farmers and their allies took a hard look at their problems and advocated some pretty radical solutions. They did all of this through the proper political channels. I find it strange that these men of common sense are labeled by Consensus historians as anti-Semetic and irrational. I am pleased that revisionists are setting the record straight.

Of course, I think that any two people who read through the same documentation will see that material differently. In my profession, the law, there are always two sides to every case. In most instances, lawyers can justify their position. There will always be disagreements about the past--and about innocence and guilt.

Having said that, I want to discuss with you a deeper question--the preservation of the records of the past. Disagreement is welcomed, but without the documentation to consult, the basis for opinions is gone. And once documents are destroyed, there is no way to re-create them.

Several months ago, it came to my attention that there was a plan underway to transfer some of the records from the

National Archives to regional records centers. A closer examination of this issue led me to see that this would greatly inconvenience historians, for the concept of record groups has an integrity that enables researchers to find the material that they need. If some of these records were moved, it would mean that historians would have to crisscross the country to find the material that they needed.

Naturally, I opposed this decision by the General Services Administration, and I expressed my concern to Admiral Freeman. The more I examined this issue, the more I became convinced that there was a problem with the connection between the General Services Administration and the National Archives. Indeed, I have not yet found anyone ready to take credit for the idea to move these records. Admiral Freeman insists that he got the idea from the Archives administrators, and they throw the ball back into his court. Well, who is in charge of the Archives?

This problem of moving the records proved to be just one of many issues that besets the Archives. After talking to oversight committee staffers in the House of Representatives and their counterparts in the Senate, I became convinced that Archives administrators were either unable or unwilling to explain their problems.

For example, the Archives Trust Fund has been mishandled. When Archives personnel attempted to explain this, their answers were obscure and, according to committee personnel, misleading. The infamous fire at the Suitland Records Center provided another example of the Archives not having a firm grasp on its policy. The problem of dispersal of records, then, was but one more in the long line of decisions made by the Archives or the GSA that defied explanation.

I am aware that the National Archives is in a difficult position, relying as it does on the GSA for money and for supervision. But could this explain all of the problems there? I think not. The fact is that for years the Archives has existed in a twilight zone, in part hobbled by the GSA and in part hobbled by its own poor management.

The fact is, the Archivist of the United States has statutory duties to perform. As codified in Title 44 of the United States Code, the Archivist, under the administrative direction of the General Services Administration, has overall responsibility for the management and disposal of governmental records.

The following categories of records must be preserved:

1. Those that contain "documentation of the organization, functions, policies, decisions, procedures, operations, and essential transactions of an agency."
2. Those having "sufficient historical or other value to warrant their continued preservation."
3. Those which are necessary to protect the financial and legal rights of persons directly affected by an agency's activities.
4. Those which have sufficient "administrative, legal, research, or other value to warrant their further preservation."

The Archivist must set up guidelines to manage this task. The different agencies prepare lists and schedules and determine which records are most important and which can be disposed of. I will not go into the details of this mandate. Essentially, the Archivist decides which records of every agency must be kept and which can be disposed of, and the law binds him to this duty.

Some of you may be familiar with the U.S. District Court opinion filed January 10, 1980, American Friends Service Committee, et al. v. William H. Webster, et al. This case cuts to the very core of what I see wrong with the present organization of the National Archives.

Users, or potential users, of FBI records under the Freedom of Information Act, filed this case to prevent the FBI from destroying any more of their field records. According to the law, which I just mentioned, the Archivist was supposed to review the records of the FBI and make decisions regarding their disposal. Judge Harold H. Green ruled that: "The evidence before the Court shows that the Archivist and those under his supervision have failed for a period of over thirty years adequately to carry out these statutory and regulatory responsibilities with respect to the records of the Federal Bureau of Investigation."

He continued, "During that entire period, neither in connection with the approval of the various plans and schedules nor during the interim years did a single employee of the Archives see a single FBI file."

Why did the Archivist not perform his duty? Judge Greene observed again that the Archivist relied on the FBI to make the decisions, and the Archives concurred by, as he said, "remote control." But the real reason that the Archives did not do their duty, he concluded, was that "the FBI, in accordance with the policies established by its then Director J. Edgar Hoover, was not in the habit of granting to anyone outside the FBI access to its files; that the employees of

the Archives were aware of this policy; and that in view of what they regarded as the futility of making access demands they did not even attempt to conduct personal inspections of the FBI's records."

The Archivist not only reneged on his duty, but he failed to examine the schedules and allowed the FBI to ignore the retention plans required of them. It took seven years for the FBI to return a form requested by the Archives, and then it was incomplete.

"The reality of the situation," Greene concluded, "is that between 1946 and 1976, a period of thirty years, when the FBI was experiencing an unparalleled growth in personnel and importance, it was operating its records retention and disposal programs without the archival supervision and guidance required by law."

I am even more upset that the Archives is still stalling on carrying out their duty.

The Archivist was also unsuccessful in recovering the records that Henry Kissinger took with him when he left office.

Two appeals from the Archivist failed--Kissinger refused to comply with the first request and did not even answer the second. In the recent decision handed down on March 3, 1980, by Justice Rehnquist, Henry A. Kissinger v. Reporters Committee for Freedom of the Press, et al., the Supreme Court ruled that Kissinger did not have to comply with the Freedom of Information Act.

I honestly do not know the reason that the Archives has been so ineffective in handling the records that it is by statute mandated to preserve. I do know that there are problems both because of the connection with the GSA and problems in the management of the Archives.

I have had broad support for my stand to prevent records from being dispersed to the regional centers, and few letters that I have received in response to this question fail to argue for an independent Archives. Various studies done by historians and archivists have concluded that the Archives should be an independent agency.

Considering the problems that I have outlined, and I have only scratched the surface, I must agree that some action needs to be taken to make the Archives effective. In the near future,

I plan to introduce a bill that will give the Archives independence. I am fully aware that this bill will be opposed and probably delayed.

Indeed, because of the political conventions this year plus a heavy legislative schedule, I do not expect that this bill will make much progress this year. Moreover, I want to give the new Archivist, if one is ever found, time to address these problems. I do not want this bill to be a challenge either to the GSA or to the Archives. Rather, I want to cooperate with both in order that ultimately we can have an effective Archives.

As you know, sometimes a proposed bill can be effective even if it is not passed. In this case, I expect that there will be hearings on this matter, and I expect also that this will reveal some of the faults with the Archives. The problems must be exposed, and there must be correction.

Few challenges are so dangerous to our freedom as to have our records mismanaged. None of us would like to see important records disappear. In the Kissinger case, his records are preserved and will be in the Library of Congress,

but he could just as easily have destroyed his phone tapes and notes. He did not ask agency people to evaluate his records or archivists to make judgments on them. He asked his personal lawyer for an opinion and then took the records.

The conflict between the GSA and the Archives may come down to the way records managers and archivists perceive the records of the past. Records managers see so much paper that has to be stored, serviced, or destroyed. To them, archivists are too mindful of keeping material that they see as non-essential. Archivists, on the other hand, come down on the side of carefully evaluating material, writing finding aids, and helping researchers to find the material needed for research. Such care takes time and of course money.

In recent months, I have heard that the role of archivists in the regional centers has been curtailed. The GSA, which I am sure is trying to bring order to its house, has insisted that the finances in the regional areas be controlled by professional GSA administrators. While this may well save some money, it creates a problem, for the role of the archivist is minimized. I have not been able to find a satisfactory explanation of what is going on in this area, but I wanted to mention it as another problem that may have to be examined thoroughly.