Archival Ethics: Responsible Deaccessioning

Introduction

Archives have many reasons for disposing of items in their possession. Deaccessioning of materials from an archive must support the institution by developing a stronger collection and not be pursued when disposal might jeopardize an institution’s reputation. This action must be taken with careful policies and even then with extreme caution. This essay will examine some of the benefits and pitfalls involved when items are removed from collections. This topic is relevant to all archivists since nearly all archives contain material that would benefit from re-appraisal and deaccession.

Collecting institutions use a variety of terms to describe removal of materials from their holdings. The words disposal and deaccessioning are sometimes used interchangeably, though there are important distinctions. Disposal is the physical act of removing or discarding; while deaccessioning is more specific to removing material that has already been accessioned or legally transferred and accepted. Both activities are potentially wrought with negative issues. Return or disposal through weeding or transfer of unwanted materials prior to accessioning will alleviate many problems.

The Society of American Archivists (SAA) adopted their fourth version of the *Code of Ethics for Archivists* in January 2012; it is intended to be used in conjunction with the SAA *Core Values Statement* which was revised in May 2011.¹ For many years, the profession had looked to “The Archivists Code” created by the National Archives in 1955.² It was not until 1980 that the SAA formally adopted its first ethical code, which was revised in 1992 and 2005.³ The SAA *Core Values Statement* refers to deaccessioning only once at the end of a paragraph addressing Responsible Custody: “In certain situations, archivists recognize the need to deaccession materials so that resources can be strategically applied to the most essential or useful materials.”⁴ More guidance is needed from the SAA in the case of removing material from collections, including a strong position against returning deaccessioned materials to donors.

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Literature Review

The sources in this section on the subject of deaccessioning in archives provide a variety of approaches which can guide re-appraisal decisions, if undertaken with due diligence for legal issues as well as public perception. The first writing is an overview by Elena Danielson, followed by one extreme of systematically re-evaluating holdings by Leonard Rapport and the opposite position which suggests decisions of the past are best left unquestioned by Karen Benedict. The fourth article by Laura Uglean Jackson and D. Claudia Thompson, takes the reader through a successful, well documented program of deaccessioning, and finally, the fifth article by Michael Doylen is more of a how-to guide on selling collections with low monetary values on eBay. The examination of literature included several contemporary works which were supplanted by the Leonard Rapport and Karen Benedict journal articles which still resonate today with equally strong positions on the subject of deaccessioning archives.

The first and most highly recommended of the materials examined for this essay is Elena Danielson’s book *The Ethical Archivist*. It is an outstanding text for anyone with a career in archives or entering the profession. The book emphasizes the importance of following sound policies in support of institutional mission. Her chapter titled “The Ethics of Disposal” (pages 88-119), draws heavily on lessons learned by museums through deaccessioning fiascos. She states: “The emphasis in this chapter is on the more philosophical concerns surrounding the disposal of documents; it is not a “how to” guide.” She identifies and explains “Deaccessioning to maintain a collecting policy” and “Deaccessioning to raise funds” as the two primary reasons for removing archives (page 91).

Danielson offers an interesting analysis of the two major tendencies in archivists to be pragmatists or idealists when it comes to maintaining a collecting policy and successfully argues there should be a middle ground (pages 91-97). In her discussion, pragmatists are generally associated with larger institutions that must apply a systematic approach to controlling the size of collections. She points out a downside, that these efforts to weed collections require careful planning and are very time consuming. In contrast, idealists are associated with smaller and usually rare collections such as manuscript archives (pages 92-93). They are identified as those who defend retaining archives in perpetuity and rarely deaccessioning unless there is a unique reason to consider the option.

Next, Danielson delves into the various issues of “selling deaccessioned cultural materials” (page 98). She warns against selling collections for the sole purpose of revenue generation. This is where she points out many of the lessons that can be learned through the experiences of museums. She concedes that “Weeding, disposal, and deaccessioning can be done in an ethical manner as an integrated collection management strategy, and in fact need to be done to prevent bloated, unfocused, and ultimately unusable collections.” A clear mission statement and procedures should be in place prior to deaccessioning and destruction of materials must be fully justified by a written policy (page 101). Due diligence will lead to credibility while maintaining the institution’s reputation.

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5 Danielson, Elena S., *The Ethical Archivist*, 89.

A series of case studies illustrate potential ramifications over destruction of records. Danielson presents seven examples (pages 102-117). They show the broad range of issues that can arise whether warranted, such as the purposeful destruction of official government records in South Africa which would have provided evidence of human rights abuse to misunderstood disposal of materials from a private repository. She concludes the chapter with twenty thought provoking questions for evaluating disposal decisions (pages 118-119).

Leonard Rapport’s provocative article “No Grandfather Clause: Reappraising Accessioned Records” is an example of what Elena Danielson identifies as the pragmatist in archives. He states emphatically “The records are to serve the citizenry, not the reverse.” His reasoned approach to revisiting public records based on an established schedule such as every 20 to 30 years would ferret out materials that never should have been accepted in the first place.

Re-examination of material already accepted into collections is controversial to many in the profession. Rather than establishing criteria for deaccessioning, Rapport proposes the opposite, that everything being retained must be justified. His examples of why materials already accepted should be scrutinized are the initial appraisal may have been flawed or the accession was processed without appraisal. He argues that present standards will be applied re-appraisal of accessioned records. Rapport acknowledges that this makes the retention of archival material subject to different standards over time. Though deemed outrageous by many in the profession, this article makes strong arguments for re-evaluating archival holdings. It is helpful to balance this view with the response article by Karen Benedict.

Karen Benedict represents the idealist as described in Danielson’s book. Benedict’s “Invitation to a Bonfire: Reappraisal and Deaccessioning of Records as Collection Management Tools in an Archives – A Reply to Leonard Rapport” appeared in the same journal as Rapport’s article three years earlier. She takes the position that “reappraisal and deaccessioning of archival records is an inappropriate tool for collections management.” She laments the permanence of a decision for destruction of document. She points out that reappraisal is a value judgment against one’s predecessors.

In opposition to Rapport’s recommendations, Benedict states “It is a-historical and anti-intellectual to determine that, because a group of records has not been used within a limited period of time, those records are valueless and should be disposed of by the institution holding them.” She argues on page 48 that “Initial sound appraisal standards will eliminate the need for a large-scale program of reappraisal and deaccessioning in an institution.” Foremost, she is an idealist.

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advocate for preserving records for future researchers. She takes a strong position against Rapport’s thesis; however, she does concede the limited need for re-appraisal and deaccessioning of archival material.

Laura Uglean Jackson and D. Claudia Thompson wrote “But You Promised: A Case Study of Deaccessioning at the American Heritage Center, University of Wyoming” in 2010. Their approach outlines appropriate actions to pursue in deaccessioning collections from archives. The steps are carefully conceived and supported with examples from the American Heritage Center’s collecting policy, deaccession evaluation form, and deaccession worksheet. This is an excellent place to start if an institution is considering a deaccessioning program.

Michael Doylen’s article “Experiments in Deaccessioning: Archives and On-line Auctions,” Advocates responsible deaccessioning that benefits the institution through performing due diligence that no restrictions exist and recommending transfer to a more appropriate collection whenever possible. Half of the article is essentially a case study of Milwaukee’s Golda Meir Library’s venture into selling deaccessioned material from the archives and special collections on eBay. Doylen explains why disposal is more complicated for public institutions than private and urges archives considering this method to balance costs against benefits.

Conclusions

Authors Leonard Rapport and Karen Benedict take the strongest positions on deaccessioning from archives. They present clearly articulated opposing arguments which grapple with the ethical issues. It is easy to agree with either writer, which leads to a middle ground. Neither position is wrong, as there will always be materials held in archives which probably shouldn’t be there and there will always be the risk of tossing materials that would have been critical to a future patron’s research. This moderate stance is presented in Elena Danielson’s book. The articles by Laura Uglean Jackson with D. Claudia Thompson and Michael Doylen are less theoretical with a focus on implementing a deaccessioning program.

There are many benefits to deaccessioning unwanted materials, if done properly. There will be increased storage for mission critical collections; potentially improved relations with peers, donors, and patrons if materials are transferred to a more appropriate institution; and the ability to focus resources on essential records to improve their utility through processing, access, and preservation.

A common thread whether the argument is made by a pragmatist or an idealist in archives is that the best disposal policy is a good appraisal policy. Fortunately, policies and best practices are evolving and there is an abundance of written guidelines and professional education available at present. This will guide current and future archivists to carefully appraise

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and select materials for acquisition. In theory, there will be far less material that is without informational value or evidential value entering archives.

Taking the pragmatic view, all the best information will not prevent inappropriate material from being accepted whether unprocessed or simply accessioned without the required level of appraisal for proper stewardship. Much has improved with the implementation of professional ethics, but there will still be instances where a collection is being moved and must be accepted in haste to prevent its destruction or worse yet, politics are involved with the individual donor or department transferring items. Thus, there will always be a need for a mechanism to responsibly remove items from a collection when they are out of scope and don’t support the institution’s mission.

In contrast, the idealistic view of preserving everything worthwhile in perpetuity is a lofty goal worthy of aspiration. These archivists are the gatekeepers or protectors of collections. Idealists referred to by Danielson, take seriously their fiduciary responsibility to retain items held in public trust. They recognize that retaining as much as possible in its original order can be a treasure for researchers.

Only a very small amount of records created are deemed worthy of archiving. Hawaii’s State Archivist has estimated only around 3% of government records are retained as part of the historical record, everything else is slated for disposition on the General Records Schedule. It is important for government institutions to be very clear on what will and will not be saved. Failure to clearly delineate the retention and disposition of government records can become a legal liability. Large government institutions generally take the pragmatic approach due to the large volume of material they are tasked with maintaining for permanent record. However, this does not mean they are not idealists at heart.

For private businesses or materials that are purchased for non-profit collections, there are a few less problems. Primarily, it takes away some dangers, for example: having a donor balk at destruction of their family papers from an archive. However, businesses are not entirely off the hook as they can be bound by their bylaws or regulations that require retention of specific records.

Criteria for deaccessioning and methods of disposal should be delineated in a collections policy. Due diligence in establishing legal title prior to deaccessioning materials is essential. Without clear title through a signed deed of gift or donor agreement, the institution should not proceed. It is possible there are restrictions on the donation or that materials are loaned or on temporary deposit. Disposing of collections that are not clearly within the jurisdiction of the archives exposes the institution to legal risks and may quickly become a public or donor relations problem.

Examples of appropriate criteria for deaccessioning include:
- duplicate material;
- material has been replaced by a better example;
- materials were not legally acquired;
- record(s) determined to be fakes or forgeries;
- out of scope to the collecting policy and mission; or
- transfer to a more appropriate repository.
Disposal of materials prior to accessioning may be undertaken by an archivist through the initial appraisal for selection. It may be appropriate at this time to return unwanted collections to the donor. Once accessioned, collections proposed for deaccessioning should go through approval by the highest level of authority within the institution. Collections management guidelines should include steps to follow in the process of deaccessioning including completion of a worksheet documenting the reasons for deaccessioning, actions taken, how this is reflected in the records, and final disposition. Clearly, this requires more attention than accepting collections and will serve as a deterrent to accessioning material that may become a problem in the future.

With budget restrictions and diminishing resources, administrators and trustees may look to use collections as collateral on financial obligations or worse, to sell collections to fund operating costs. This is a violation of fiduciary responsibility and breach of public trust obligations. Selling collections for the sole purpose of raising funds must be avoided, unless the collections were donated specifically to be sold and then there are tax implications for the donor as this is considered “unrelated use” to the non-profit mission and keep arms-length from any monetary appraisal. In the case of donations, an archivist should advise the donor to seek tax advice from their accountant. Specifically for materials donated for resale, the donor will only be allowed to deduct the basis of the material at the time they acquired it, which is likely little to no value.

Returning collections to donors after they have been accessioned is an area that should be avoided. This is a slippery slope for collections, placing archivists in a weak position when others step forward requesting return of materials already donated. Clearly stating in a collections policy the criteria for deaccessioning and methods for disposal will alleviate the problem of family members attempting to have items returned. If materials are routinely returned after donation, the archive has set an unfortunate precedence. In high value collections there may be legal as well as tax implications for returning material to donors. The SAA should take a stronger position against this practice.

Final issues to consider before deaccessioning archival materials:
- establish clear title without restrictions before proceeding;
- ideally, permission to dispose of collections should be spelled out on a deed of gift;
- an established collections policy should clearly articulate the criteria for deaccessioning and acceptable methods of disposal;
- a deaccession worksheet should be utilized to retain a permanent record of actions taken; and finally,
- use caution, since deaccessioning can make an institution famous for the wrong reason.

By following a comprehensive collections policy that addresses deaccessioning and disposition of collections based on current professional standards, archivists can help to protect the reputation of their institution. Best practices ensure accountability and prevent negative financial or material donation impact by maintaining strong relations with donors and the public.