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ACCESS: THE COMPANY vs. THE SCHOLAR

Eddie Hedlin

"Freedom of Information," "Disclosure Statements," "Government In The Sunshine," and "The People's Right to Know" are all catchwords of today's society. The consumer movement gave impetus, and the Watergate scandal gave national support, to a virtual flood of judicial decisions and government legislation designed to provide greater access of information on matters affecting our daily lives. Entire agencies of government now exist for the precise purpose of insuring the availability and accuracy of information and of guaranteeing "the people's right to know."

Examples of this trend abound, even in areas where "Let the Buyer Beware" has traditionally been an accepted philosophy. Take automobile sales, for instance. Today all new cars must carry notice of the EPA gasoline mileage rate. Used cars must have accurate speedometer readings, or at least the dealer cannot be the person who turns back the speedometer. Even government is more accountable. Agencies as secretive as the CIA must open their files to inquiring citizens. Credit data firms must reveal their information to individuals about whom they maintain data. In other words, whether one thinks the disclosure movement has gone too far or not far enough, there can be no doubt that the last few years have seen a virtual revolution in access to what was once considered confidential information.

Has this movement affected the accessibility of archival records maintained by businesses? Have scholars today been able to examine records once kept in locked vaults? Has a new day dawned in which the business community and the academic community view each other with open and friendly regard? Alas, it appears that no visible impact from the disclosure movement has affected the archives of individual companies. While business provides more information about its current operations and intents than ever before, there is little reflection of such a trend in many company archives. The purpose of this paper is to examine the reasons for this situation and to suggest the positions of the three parties involved--the scholar, the company, and the archivist.

Eddie Hedlin, until recently Corporate Archivist for the Wells Fargo Bank, is now State and Local Grants Coordinator for the National Historic Publications and Records Commission. This article is a revision of a paper presented at the 1978 annual meeting of the Society of American Archivists in Nashville, Tennessee. For GEORGIA ARCHIVE's review of Ms. Hedlin's most recent publication, Business Archives: An Introduction, see p. 43.

I begin with an assumption that the three parties under discussion act primarily out of self-interest. Scholars, for instance, have made the pursuit of information a full-time occupation. They therefore require access to information in order to achieve their goals. If access is granted, if they acquire knowledge, and if this knowledge is presented in an appropriate fashion, then they are rewarded. The nature of the reward depends on the nature of the goal--it might be a book, an article in a scholarly journal, an improved letter or a new course topic; it might well be a Ph.D; and for undergraduates especially, it is likely to be a passing grade in a class. But access to information is the first requisite in achieving the objective and therefore becomes a vital necessity. Scholars are quite naturally frustrated by barriers placed in the way of such pursuits.

I remember my own dismay when, as a graduate student, I undertook research at the National Archives and learned that the State Department records I intended to use were closed. My dissertation topic, while interesting, did not involve a major or sensitive area of diplomacy. Moreover, I could have easily assured government officials that whatever information I did use in the dissertation would not be read by more than five people over the next 50 years. This graduate effort would earn for me a degree and would otherwise simply clutter the stacks of the research library. The State Department's attitude, I felt, was unwarranted.

Although certainly more intent on a wide readership, most scholars react the same way I did when access to information is denied them. Moreover, while only a few categories of records in the National Archives are closed to public scrutiny, the reverse is often true in a business situation. Almost all companies will open some records classifications, but a large percentage of them retain the right to restrict outside access to much if not all of their holdings. The sheer volume of closed materials implied by this policy raises the frustration level of scholars and at the same time raises questions. Why keep all these materials, one might ask, if they are not to be used for research? Does the company understand the reason for establishing an archives?

A second problem faced by scholars dealing with business archives is the inconsistency with which access standards are applied. Records which are closed for one researcher are open for another. There can be a number of reasons for such policies, not the least of which is a degree of suspicion about one person or topic versus a different person or research topic. For instance, if a graduate student in the Chicago area wishes to do a study on discrimination against blacks by large retail operations during the 1940's, it is unlikely that Sears Roebuck will permit access to pertinent records in its archives. Similarly, attempts to gain entry into bank archives in order to analyze patterns of loan approval and disapprovals, such as redlining policies, are likely to receive a less than supportive response from the bank. On the other hand, if a social historian is

examining the corporate contributions policies of major businesses in a given city, and the company whose records he seeks has long prided itself on generous donations to charity, it is much more likely that he will get access to the necessary company records.

Special relationships can help in gaining access to archives, just as it does in other situations. Knowing the president or a member of senior management--or better yet, being related to a high ranking officer--will help. Prominence in business circles is helpful, and hitting it off with the executive in a supervisory position over the archives can make quite a difference. Of course, being hired by the company itself to write a book or article will open all previously closed doors. Outsiders do gain access to business archives, but not as frequently, as easily, or as predictably as to most other types of archival repositories.

It should be noted here that access policies vary greatly from company to company. There are indeed some business archives that make most of their material available to any serious researcher. They are the exception, however, for large categories of business records are closed to the outside scholar. From the researcher's viewpoint, then, the attitude of business is narrow, even illogical; it most certainly works against the scholar's interests. The traditional hostility of gown for town is undoubtedly reinforced by this perception of narrowness on the part of the business world. In fact, the release of negative information from a business archives would almost certainly be less damaging than the denunciations from academia regarding the secretive and uncooperative attitude of American business.

But what is the company's viewpoint? How do businessmen identify their best interests with the denial of access to information which, if opened, would result in increased publicity for the company, would heighten visibility at no expense, and would gain the approval of academia? Surely these ends are well worth attaining, especially at what at first glance appears to be virtually no cost whatsoever. This however, is not the perception of most business people.

To begin to understand this situation, one must first understand that a company almost never creates an archives with the primary notion that it will be a boon to scholars. While scholarship is usually given as one reason, and while almost all business archives allow outside researchers some access, the real selling point for most business archives is their internal usefulness. The archives of Wells Fargo, for instance, serves as a resource for such varied areas of the Bank as credit card administration, personnel, retail banking, public relations, marketing, and the legal department.

Special emphasis should be given to the Legal Department because it does in fact reflect the impact of the consumer movement. Consumers are suing or bringing legal action against large corporations in unprecedented numbers. Huge sums are at stake, often in the hundreds of millions, and it behooves the corporation to provide itself with the best legal services available. But obtaining these services requires a huge expenditure, and expenditures cut into profits. Therefore, whenever the archives can locate information that would otherwise require research by expensive legal counsel, it is performing a service in two ways. In-house research cuts down on legal costs, and archival staff members tend to locate more information more quickly than someone who is unfamiliar with company records.

Other business archives, such as Walt Disney, Eli Lilly, International Harvester, or Coca Cola, provide services for many areas of the respective organizations. In other words, an archives provides a necessary service to the business and is funded primarily for that reason. The major concern of company officials, then, is with the quality of service provided internally.

A second factor is that of risk. Businessmen avoid unnecessary chances. They are in business to make a profit, and if risks are necessary to pursue that goal, then they will assume risks. But most business people try to avoid pitfalls and problems. Given this perspective, it would appear to be in the best interests of a company to refuse access to its records unless absolutely sure that no harm will result. The dangers of unrestricted access seem totally out of proportion to the gains that might be made.

If scholar Smith uses company records and ultimately publishes a creditable monograph in which the company is mentioned in a neutral or favorable light, there is some benefit accruing to the company. If, however, Smith speaks harshly or negatively of the company, and a journalist seeking a lively story picks up this information, and it appears in the local paper, and the wire services see it, and UPI carries it nationwide, and Walter Cronkite ends up including this information on the CBS Evening News, then a tremendous amount of damage has been done. This scenario may sound unlikely, but in fact it can and does occur, and some company officials have no trouble imagining it in connection with their own archives.

The third factor contributing significantly to a closure policy on archival records is the opinion of the Legal Department--those same people that business archives serve so well. My experience may not be typical, but frequently when I request a legal opinion from our lawyers regarding access to archival records, the response is to warn against it. Board minutes, for instance, are considered highly sensitive since they often show up in litigation. Financial records, even those that are general in nature but are useful for scholarly research, are considered inappropriate for external use. Routine correspondence or office files are viewed in the same light. It seems that by releasing unnecessary information the archives can

create legal difficulties under the category of "potential harm to the company," and so archives personnel are encouraged to exercise extreme caution.

The Legal Department, in giving this advice, is making certain assumptions about the role of the archivist. Clearly, it expects archives personnel to judge the topics and motives of researchers. The notion that records should be opened or closed on the basis of a defined policy is foreign. The archivist is expected to administer a policy of unequal access.

To be fair, I should add that time mitigates the restrictions somewhat and that records more than 30 years old tend to be much more accessible than more current ones. But there have been several occasions in my company when age did not increase the accessibility of records for scholars, and I presume th's to be true for other business archives as well.

There can be no question, then, that in a business archives the company has the right, and considers it prudent to exercise the right, to evaluate the worthiness of the researcher, the topic, and the proposed manner in which the material will be used. There are no laws compelling a business to open its archival holdings to outsiders, and from the company's point of view there is little sense in doing so if any risk is involved.

So where does that leave the archivist? As a trained professional who believes that records are to be saved in order to be used, who sees scholarly research as a positive endeavor, and who in all probability has done a good bit of it himself or herself, a business archivist naturally feels caught between the policies of the company and the implied standards of the profession. Is there a dilemma here? If so, is there a solution?

The answer is "yes and no" to both questions. There is a dilemma, but it is not unique to business archivists. Virtually every repository in the country has some closed materials, and often they are closed or restricted by order of the donor. For instance, one public repository had a perfectly innocuous set of papers that could be used only by permission of the donor. The staff knew there were no sensitive or confidential materials in the collection, but properly honored the donor's terms. The donor, then, could arbitrarily decide who would or would not gain access to his papers. Is this very different from the situation of a business archivist who refuses scholars access or fails to offer equal access to the records of the company itself? I think not. What about this policy in relation to other institutional archives? The Vatican archives, or the archives of the Mormon Church, or the records of almost any religious denomination are frequently closed to some extent, especially to non-members. This is accepted in our society much more readily than closed business archives, and yet the underlying philosophy is the same. The right to privacy is

considered a fundamental freedom and that includes the right to restrict access to private records, or make them available on a selective basis only.

Part of the archivist's professional obligation is to encourage as much access as possible. But before access comes another important archival responsibility, acquisition. There will be no records to make available at any time if the archivist does not collect them. But in order to acquire those holdings that are potentially the most useful, namely those reflecting decision-making processes, the archivist must have the trust of company officials. This trust is a foundation for the building of a business archives within a company. It is an absolute necessity and cannot be overemphasized.

So the role of the archivist in a business situation must take into account the development of cooperative and trusting relationships throughout the organization. It must also take into account the nature of the records themselves. Wells Fargo's archives, for instance, contains much material about individual banking affairs, and reflects the account relationships of its customers. Those records must be handled very carefully in order to protect the privacy of the individual. Even if the records are older, a number of questions concerning access arise. Does the bank still handle the estate of a deceased person, for instance, or do younger generations of the family continue to maintain accounts? Will the right of customers to confidentiality in their personal finances be abrogated by access to a bank's financial records, even if the records are more than thirty years old? These types of business records just do not lend themselves easily to an open, unrestricted posture.

Excessive caution is often unwise, and on occasion the attitude of business cannot be justified. But a scholar seeking access to business records and concerned only with the particular research project he or she has undertaken often fails to see the ramifications of the request from the perspective of the company. The archivist maintaining a historical collection within a business must recognize this perspective and deal with it accordingly. If access can be obtained for scholars, well and good. But if it cannot, there is little to be gained from berating superiors. There are higher priorities that should concern the business archivist. He must proceed on the premise that the identification, accession and preservation of historically valuable materials now is of greater importance than the availability of any given set of materials to any given individual. It is better to have a closed company archives now, and hope for eventual access, than to have no archives at all.

These conclusions, however, carry with them their own set of perils and pitfalls, and bring into question a whole range of current issues. The SAA has recently issued a working statement regarding basic guidelines for archival certification. One of these guidelines requires a substantial portion of a repository's records to be open to the public. Could most business archives qualify? And if by "open" the principal of equal access is intended, what additional problems does this create? I doubt seriously that equal access exists in any business archives that is under the direct control and supervision of the business itself.

What about finding aids? It is not uncommon to deny outside researchers total access to aids. Some institutions have one index or catalog available to the researcher and a second, more detailed one for staff use. In this manner the very existence of confidential materials is kept from the researcher. As a service unit within a private corporation, and completely funded by that corporation, the archives has every legal right to deny access. Still, one must ask whether there are professional standards for archivists that oppose the very actions demanded by institutional requirements.

In short, there are some provocative questions facing business archivists during this time of self-evaluation within the profession, and it comes at a time when corporate America seems to be interested in creating in-house archives to an unprecedented degree. Are business archivists members of a profession first and employees of a particular firm second? Or do they owe primary allegiance to those who pay their salaries, fund their operation, and whose records, after all, they are charged with preserving? Are there basic obligations to researchers that archivists cannot meet in a corporate environment?

The other two parties in this question stand firmly on well-defined territory. The historian Alonzo Homby stated at the New Harmony Conference that he and other professional historians had a "moral claim" to the records of public figures, including business leaders. Companies, however, stand firmly on their legal right to hold as confidential the overwhelming bulk of their records, including those in the archives. It is business archivists--caught in the middle--who, I fear, are standing on quicksand.

Ultimately, of course, the conflict is insoluble. Nonetheless, it seems necessary for us to recognize this problem and at least establish a framework for dealing with it. To return to the opening theme, we live in an era of disclosure. As the pressure builds for increased access to information, so also will the pressure build for increased scholarly access to business archives. Unfortunately, there is little hope that corporate America will adopt or accept new, open access policies in the near future. It is time, however, to take a

closer look at the question of access to business archives and develop a rational policy to deal with it. Business archivists must define standards for access by outside researchers, must encourage their adoption within the archival profession and the business world, and--when faced with criticism--must be ready to defend it to the scholar and the company.

NOTE

¹ Alonzo L. Hamby and Edward Weldon, eds., Access to the Papers of Recent Public Figures: The New Harmony Conference (Bloomington: Organization of American Historians, 1977), p. 15.