

ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS MINUTES  
MEETING # 34  
JANUARY 28, 2008  
THE NATIONAL ARCHIVES  
ARCHIVIST BOARDROOM

MINUTES

The meeting opened at 9:45.

Members of the Committee in attendance: Nancy Erickson, Chair (Secretary of the Senate); Lorraine Miller, Co-Chair (Clerk of the House); Allen Weinstein (Archivist of the United States); Richard Baker (Historian, U.S. Senate); Robert Remini (Historian, U.S. House of Representatives); Terry Birdwhistell (Associate Dean of Special Collections and Digital Programs and Co-Director, Wendell H. Ford Public Policy Research Center, University of Kentucky); Joseph Cooper (Department of Political Science, Johns Hopkins University); Bernard Forrester (Archivist and Coordinator, Special Collections, Robert J. Terry Library, Texas Southern University); Guy Rocha (Nevada State Archivist, Nevada State Library and Archives); Sheryl Vogt (Director, Richard B. Russell Library for Political Research and Studies)

**I. Chair's Opening Remarks - Nancy Erickson**

The Secretary of the Senate, Nancy Erickson, welcomed all returning committee members, and welcomed Dr. Joseph Cooper from Johns Hopkins University, the new appointee of Speaker Nancy Pelosi. Erickson mentioned that Cooper is returning to the committee, having served as an appointee from the House Democratic Leaders from 1995 to 2006, making him the committee's longest-serving appointed member.

Erickson said that in 1962, Georgia Senator Richard Russell had this to say about Cooper's recently completed Harvard University dissertation entitled, *The Previous Question: Its Standing as a Precedent for Cloture in the Senate of the United States*: "Dr. Cooper's thesis is a notable contribution to the history of the Senate and to an understanding of its rules. I feel it should be made available to all of the members of the Senate, as well as students and others interested in the history of this great parliamentary institution." Erickson noted that forty-six years later

Cooper is still contributing to an understanding of Congress, and she expressed gratitude that he was again serving on the committee.

Erickson also noted the retirements of two individuals in the Office of the Secretary who have been real leaders in the care of the Senate as an institution.

Greg Harness, the Senate Librarian, has been a faithful public servant for thirty-two years. His knowledge of the legislative process, his knowledge and love of history, has benefited many legislative researchers. He has aided countless staff members. Seven years ago, Harness oversaw the move of the Senate Library from its home in the Capitol, where it had been located since 1871, to the Senate Russell Office Building. He oversaw the transition of the library from an ink-on-paper bookroom to a state-of-the-art electronic research facility. Erickson believes Harness's greatest legacy, though, will be the staff he has built over the years. Harness calls them "search strategy experts" who provide information in a prompt, accurate, and non-partisan manner.

In addition, Cheri Allen retired after three decades of public service. She has spent the last nine years in the Office of the Secretary, Erickson said, managing content on our website, [www.senate.gov](http://www.senate.gov), which has educated millions of people about the United States Senate.

Erickson noted that it was her privilege to bring their public service to the committee's attention, and said how much they will miss Harness and Allen's public service in the Office of the Secretary.

## **II. Recognition of Co-Chair – Lorraine Miller, Clerk of the House**

Erickson recognized Lorraine Miller, Clerk of the House. Erickson said that she and the Clerk have always been close partners, but have worked inseparably since October to implement the "Honest Leadership Open Government Act." Staffers have worked tirelessly to implement this law, which requires, for example, lobbyists to register by electronic filing four times a year. It also will require reports of political contributions twice a year. This act will increase

transparency, and Erickson expressed her and Miller's gratitude for the hard work of their staffs to get this new system up-and-running.

Miller thanked Erickson and said it was a pleasure to see everyone. Miller noted this was the second meeting she has attended, and said she was in agreement with Erickson on their collaborative working relationship. She thought it to be historic.

Miller then welcomed Cooper, noting that she had processed appointments for three House Speakers and his name was one with which she was quite familiar. She then welcomed her appointee, Bernard Forrester from Texas Southern University.

Miller reported that the end of the first session of the 110th Congress was an exceptionally busy time for the Clerk's office. Processing was underway for 2,373 House hearings alone, a 57 percent increase over the total number of hearings from 2006. There were more votes cast, and more hearings held than in the two sessions of the 109th Congress.

The Office of History and Preservation (OHP) also committed to providing more archival outreach to members about their records. Miller said she would have Robin Reeder, the House Archivist, later give a report about these efforts.

### **III. Recognition of the Archivist of the United States – Allen Weinstein**

Miller then thanked Allen Weinstein, Archivist of the United States, for hosting the meeting and providing the beautiful meeting room. She noted that on a visit last year, it was absolutely wonderful to see everything that the National Archives does.

Weinstein thanked all of the Archives' friends on the Hill, Democratic and Republican, House and Senate, because the National Archives received from Congress the largest budgetary appropriation ever in its history: \$411 million dollars. He said the money would be well spent and that this milestone would not have happened without everyone's support.

Weinstein said it has been a year of miracles in one respect for the Archives. Ross Perot, who owned and had displayed the Magna Carta at the Archives for a number of years, decided to sell it. At an auction at Sotheby's, it was bought by another Washingtonian, David Rubenstein of the Carlyle Group. He proceeded to loan it back to the Archives for exhibition beginning in March 2008.

Weinstein noted that the Archives continues to have a very large number of members of both the House and Senate, both Democratic and Republican, and their spouses as visitors. He said he hoped the people in the leadership of the House and Senate will visit and see the documents. Weinstein distributed a copy of a NARA Notice to committee members about the status of the Electronic Records Archives at the National Archives.

Miller introduced House Archivist Reeder to speak briefly about their outreach program and the status of the Peter Rodino Papers. She added that there were copies of the Rodino letters for the committee members so that they could actually see the documents. Miller also acknowledged the chief of the Office of History and Preservation, Farar Elliott.

Reeder noted that since the last meeting, they had been working on expanding outreach to both committees and members regarding their records and papers. She said at their annual Clerk's forum, usually held in January or February, all committees are invited to attend to get a basic overview of what records they should be sending to OHP. Reeder said that letters of invitation are usually sent only to the full committee chairman, but this year letters were also sent to the chairman of subcommittees and to committee and subcommittee ranking members. She reported that 45 people had attended the forum from 15 different committees, and one of the important topics discussed was electronic records. To follow up, she worked with the Center for Legislative Archives to create an online survey to ask committee staff about the types of records being captured.

Reeder said that in terms of members' papers, she always sent letters to members leaving the House, and to new members who are offered information and assistance on records management.

The letter specified what OHP could offer. Reeder added that OHP was exploring new avenues to get members more involved and informed.

Reeder said the Clerk's Office learned from the National Archives about some Nixon/Rodino letters that were being prepared to be sold on the market. The letters had been brought to the attention of the Archives by a few dealers who had learned about them. They were two letters from President Nixon to Judiciary Committee Chairman Rodino concerning the committee's subpoenas served on Nixon during the Watergate investigation. After negotiations with the attorney for the unidentified seller, they got the letters returned to House custody in October. Reeder hopes that with their continual outreach, they will be able to avoid situations where committee chairmen's official records get mixed in with their personal papers.

Richard Hunt, Director of the Center for Legislative Archives, stated the two Nixon/Rodino letters are the most recent additions to the Legislative Treasure Vault. Recent visitors to the Vault have been the first to see the documents. These documents speak to the present as well in their assertion of executive privilege. Weinstein invited the committee members to come to the Legislative Treasure Vault after the meeting.

Miller said that her staff has been trying to get members to think early about how they are going to archive their papers. She used to try to manage some of the Speaker's paperwork. The Speaker's chief of staff called one day and said they were going to have a meeting just to talk about archiving her papers. Miller said this was a great example for the rest of the membership, and she believes some progress is being made on this front.

#### **IV. Approval of the Minutes of the Last Meeting**

Next, the committee approved the minutes from the June 25, 2007 meeting as written.

Erickson asked Cooper to introduce himself and make any comments to his colleagues.

Cooper has been at Hopkins since 1991. He came initially as Provost and then retired, becoming a professor once again. He has been on the committee since 1995. Through all those years, he

had been very impressed with the committee's leadership – the Secretary of the Senate, Clerk of the House, and the Archivist – and he was duly impressed by the people who are in charge of the meeting. Cooper also expressed his appreciation that his committee colleagues have been such competent people in charge of such important functions for scholars and for the public. He values the service and the leadership of the committee.

## **V. Follow-up discussion of Committee goals**

The committee turned its attention to the committee's goals through the end of 2008 and the issue of the gift tax. Following the last meeting, Erickson had a meeting with Senate Archivist Karen Paul, Senate Historian Dick Baker, and Legal Counsel Morgan Frankel to discuss the gift tax issue. She concluded that it is a very complicated issue, but that they should not give up hope. She has had informal conversations with some Senate Democratic leadership staff. They indicated that there was a real possibility that in 2009 the Senate Finance Committee might look at a major reform of the estate tax. Erickson said that this is probably the best chance to address the gift tax issue and its impact on members' donations to research repositories.

Erickson's goal in the coming year is to work with Baker and Paul to educate the Senate Finance Committee staff about this issue and hopefully work with some of the staff members who are charged with archiving their member's papers. She said that ideally they can find a member on the Senate Finance Committee who would help champion this cause. She also learned that in 2004, Senator Bob Graham apparently had expressed interest in this issue as he was preparing to retire. Unfortunately, he was unable to finish the cause. Erickson reassured Guy Rocha, who initially raised this issue, that work on the gift tax will continue in the coming year.

Miller agreed with Erickson. She noted they had a meeting with the House Ways and Means Committee staff about the gift tax. Janice Mays, the committee's majority chief of staff, said it would take much cooperation between the House and Senate, but Mays made a commitment to them that the committee would work on it, and would join the effort.

Rocha expressed his appreciation for follow-up on this issue. He looked forward to seeing something happen, perhaps in the 2009 meetings.

Cooper said that it is important to have the support of the members, especially after their initial election. It is also important to make it as easy as possible for Senators and Representatives to arrange for their papers to be donated to a repository. He thought an important part of an outreach plan would be member orientation sessions, insofar as you can get them to come. Members have a lot on their mind, and archiving is not foremost, perhaps, until they are ready to retire. By then it is a little late. The trick is to make it easy for members to handle this responsibility. Therefore, a process and guidelines are needed, as well as the orientation sessions, so that members get a sense of not having to reinvent the wheel every time, and also not being deluged in too much detail from the very beginning. Cooper noted that it is easier said than done, but he thinks the Secretary and Clerk can play a constructive role and develop a process that is relatively simple and straightforward. Then, it can be presented to members with follow-up guidelines, and orientation sessions.

Erickson said she thought that led nicely into the next subject concerning archival research and orientation to the Senate and House communities.

Erickson said that she was proud of the progress made on the Senate side, and that she appreciates Senate Archivist Karen Paul's hard work on this effort. First of all, she wanted to touch on Senator Craig Thomas's passing away after a brief battle with cancer, and Senator John Barrasso, who was appointed by the Governor of Wyoming and sworn in this year. Senator Barrasso hired Senator Thomas's chief of staff, Sean Whitman, to work for him. Whitman was asked by a bi-partisan gathering of chiefs of staff, who get together for breakfast every couple of months, to talk about his experience as a staffer who had to close down an office suddenly – as well as getting hired by the new member to oversee the transition in the office.

Erickson said Whitman called her the night before to let her know that he was going to make a real pitch to his colleagues about the importance of archiving. Whitman could not emphasize how important it was to have a process in place to archive papers, and fortunately that had been done in Senator Thomas's office. Whitman felt that they were in good shape to get those papers

to a repository. He made a pitch to his colleagues to designate someone on their staff as the point person for archiving papers.

Second, Erickson reported on a new initiative offering a series of brown bag lunches for Senate staff who are dealing with archiving their member papers. It was an eye-opener for staff. Many who attended these brown bag lunches had no one on their staff designated to archive papers. This has been a real wakeup call.

Erickson said she saw Nan Mosher, and that she knew that there were others in this room who were involved. Mosher had recently attended the National Archives' Modern Archives Institute, and had also previously attended when she served as Senate Republican Leader McConnell's administrative director. To Senator McConnell's credit, he hired Mosher to work full-time on archiving his papers and to make sure that they were in good shape to send to his repository. Mosher is a real leader on the Senate side for archivists handling personal papers.

Erickson said the purpose of the brown bag lunches were to bring in experienced people, such as Mosher and Alan Haeberle. Haeberle has spent a good part of his career archiving members' papers. It is important for young people who are working for new senators, or for senators who haven't given a great deal of thought to this, to learn from people like Mosher and Haeberle in order to avoid recreating the wheel when it comes to members archiving their papers.

Erickson also noted that staff thought it would be helpful to set-up a Senate listserve on congressional archiving. Listserves are being developed, and she credited Catherine Nagle in Senator Jack Reed's office and Kristen Gentile from Senator Robert Casey's office, who have been leaders on this front. They encourage people to join this electronic listserve. And, in addition, Paul had done an excellent job of encouraging people to attend the National Archives Institute, a two-week crash course on archiving. Paul told her on Friday that they have three Senate offices who signed up for the next institute, including staff from Senator James Inhofe's office, Senator Claire McCaskill's office, who is a freshman member, and from Senator Hillary Clinton's office, who I am sure has a big interest in getting her papers in order. Erickson is proud



of this effort and looks forward to having more and more Senate staff involved in the archival listserv.

Erickson said that in December, a bi-partisan group of Senate chiefs of staff were invited to the National Archives to have a tour, and to see some of the Senate documents in the Legislative Treasure Vault. It was a great opportunity to make a pitch about the importance of archiving and designating someone from the staff to be an archivist. One conclusion the brown bag lunch series with staff underscored is that leadership must be aware and involved. Until these chiefs of staff realize how important it is to have someone full-time on their staff working on archiving efforts, we are probably not going to have a lot of success. So it was a great opportunity for these staff leaders to see these precious Senate documents that have been preserved by former clerks and staff who worked hard to preserve them and get them into the safe keeping of the Archives.

Weinstein wanted to add a few things. First, he said that the current Modern Archives Institute was to begin that week. It was the 100th institute, and he hoped that everyone at the meeting would encourage staff to be more involved. Perhaps a few sessions that were directly focused on the issues of congressional staff and archiving members' papers could be added, and he recommended to those who run the institute that they take this into account for the next institute. He also suggested holding a special institute as an experiment to see if enough interest among congressional staff existed to have their own institute on the Hill. This alternative would better address issues specific to congressional materials. For example, if a member gets gravely ill in the middle of a session, what happens when suddenly everything else is dropped? Are you really going to focus on archiving? Maybe not, but perhaps if there were some efforts beforehand, the preparations and transition might be easier. He said that the Secretary and he should discuss this further at a different time.

Erickson agreed with Weinstein and said that was one of the points that Sean Whitman made, that they had established a process to archive and designate a repository for Senator Thomas's records. In addition, the surviving spouses are burdened with estate tax issues that relate to those members' papers, so that is another incentive to become informed on this issue. She thought that former Senator Paul Wellstone's staff would say the same thing. Erickson acknowledged that

Mosher was nodding her head when Weinstein was saying that there should be targeted session on issues that our Senate and House archivists would be concerned about. Erickson believed it would be a great addition to the institute, and that it would be greatly appreciated.

Miller said the Clerk's Office manages the office and staff whenever a member leaves unexpectedly and until a successor is elected. One of their major issues has always been what to do with the member's papers because 99 percent of them haven't thought about it. Miller said that Reeder actually comes in and advises the staff on what to keep. Most members haven't even designated a repository for their records. That is why we are trying to be proactive with our outreach efforts. In the cloakroom one day, talking to Mr. Rangel, she asked whether he had decided what to do with his papers. "You have been here a number of years," she said, "and it might be good for you to think about what you want to do with your papers." He said, "OK, we'll think about it." He stopped her the other day and asked, "Is that woman [Reeder] coming around to see me?" Miller instructed Reeder to go see him soon.

Miller said that Marty Meehan, a member who retired in July, was very prepared and was a model on archival preparation. He had hired an archivist to help get his papers together. That was highly unusual. Archiving usually gets put on the bottom of the pile, but when they need it, they want you to stop everything to help.

House Historian Robert Remini said that he had a bad experience with a national figure, who knew about saving his papers and decided to give them to a university. The university took the papers and put them in the basement, where later there was a flood. It is very important that members learn not only to preserve papers, but when they go to the designated recipient that the institution knows how to take care of documents in ways that benefit the history of this country.

Sheryl Vogt pointed out that she appreciated the steps that Miller was taking, because while a member may make a decision or commitment to donate papers, repositories can still run into stonewalls by the staff who want to protect the members. It can be very difficult sometimes to get past that and to get the kind of records needed for the archives. The efforts of the Secretary and Clerk really can help pave the way for repositories working with those staff members to get

a good record for that office. It helps repositories to be more effective with the kind of work they are doing.

Forrester asked if there was coordination between the Center for Legislative Archives, the House Speaker, Clerk, and the Secretary of the Senate on these issues.

Richard Hunt observed that the Center has no jurisdiction over members' personal papers. The Center only takes official committee records. The Center works with Reeder and Paul on a daily basis with committee records. Recently, House and Senate staff invited the Center's archivists to become involved early in the archiving process. As a result, the Center is getting in on the ground floor on electronic record archiving. When Cooper says "make it easy," the Center is taking that approach with electronic records. Committee staff are not going to have to go through some other routine or some other thought process to archive electronic records. It results from the natural work flow of the office and the creation and storing of documents. The technology may allow us to get a higher and richer yield in records in years ahead. There is a long way to go, and a lot of problems to solve before the issue is resolved, but the trends are encouraging.

Paul suggested adding a specific session about congressional papers to the NARA Modern Archives Institute. She thought the people who have taken the institute recently could be polled to see what might be dropped from the curriculum because she is aware that the syllabus is fairly full.

The Institute's great value is that it brings people from all kinds of institutions together. A young person who goes to that institute and realizes that archiving is a universal activity and has great value in our society. She noted that she was still in favor of the two-week institute because you come out a changed person. She took the course in 1972 and always looks back at it as a turning point in her life because you get a perspective that is not possible with a one- or two-day class.

The Archivist concurred.

Erickson informed the committee that she was going to turn to Paul shortly, who has much more to share with us on archiving efforts, but that she wanted to mention the efforts taken to close Senator Trent Lott's office when he resigned on the last day of the session. It is quite a process to shut down a Senate office, especially for someone who had served as long as Senator Lott. We were in a meeting room with a table about this long, with people from the Senate Sergeant-at-Arms Office, who coordinate the physical closing of the office – the phone equipment, the computers – and with folks from the Senate Rules Committee, who are cracking the whip because they have so many days to close the office and move to a site in the Russell courtyard. We have folks from the Architect of the Capitol's office, who have a vested interest in the space. The Secretary of the Senate has a seat at that table because those staff employees for the next sixty days are employees of the Secretary of the Senate, which gives us an opportunity to work with them on remaining issues on the archival front. She was proud that Paul was at that table, who had already been in close contact with Barbara Turner, Senator Lott's Administrative Manager. They are in good shape on the archival front and have designated a repository where boxes are being shipped. Erickson gave the floor to Paul.

Paul reported on the pending transfer of in-house and internet broadcast of committee hearings to the Center. Working with the Rules Committee and through the Secretary's office, Paul established a procedure to begin moving those recordings to the Archives, where they are very much anticipated. Many researchers these days want visual materials for their projects, and because these hearings were broadcast, they are open records. The committee hearings of the 108th Congress are the first to be transferred and will be sent to the Archives this coming week. The access will be similar to the access that currently exists for floor proceedings; in other words, by Senate rule anyone can have access but there is a prohibition on using them for political campaign purposes.

Paul commented on the Next Generation Finding Aids issue. In an effort to assist with the project, her office started scanning paper copies of Senate committee transfer sheets. They are scanning these into OnBase, a document management system that is supported within the Senate. With OnBase, the information can be easily transported out of the system. Paul is giving disks with PDF's of the transfer sheets to the Center. Although it is not clear how the scanned sheets

will be used, in the long term the detailed box listings may be incorporated into the Next Generation Finding Aids.

Paul said that the next two things she wanted to bring to the attention of the committee was a resolution and a chronology. By way of background, in 2005, the John Brademas Center for the Study of Congress held a seminar at New York University. Baker had something else come up and she was asked to take his place on a panel. The two topics of the panel were the history of the Presidential Records Act, and the question of establishing a policy for the preservation of members' papers. To prepare, she read all of the Public Documents Commission reports and subsequent publications, and she was surprised to conclude that over 30 years a working policy had evolved by tradition. She concluded that it would be a wonderful thing to have it in writing. Consequently, Baker, Reeder, and she crafted a draft resolution stating a policy.

She urged everyone to take a moment to look through the chronology, so that it would become obvious that there is one thing missing: a sense of the body resolution that members preserve their papers. We have had a lot of good ideas about DVD's and members talking to each other about their papers, but they will not listen if they are not at the point that they need to listen. She and Reeder cannot think of any one thing that would more forcefully say to a newly-elected member that his or her papers are important: it is in writing that it is the sense of this body that you preserve your papers. Paul wanted to bring this to the committee's attention to get support.

Remini asked about unofficial, private papers such as letters and correspondence, because they can be important too.

Paul agreed.

Remini asked if the policy covered unofficial papers.

Paul explained that it didn't the way it was written. She stated that it was open for discussion, but she wasn't sure the body would be willing to address unofficial papers.

Dick Baker remarked that tradition, practice, and experience determine what are official papers. Any papers that are created at the expense of the federal government, in other words, any salary that was paid for congressional staff to process or to write letters on behalf of the member, would be considered within the realm of papers of members. If a member was to write another member a note, we consider that a fulfillment of his responsibilities, and an official paper. If it has to do with a vacation property that is being purchased in Lake Tahoe, then we would not consider that member's official papers.

Remini asserted that could be very important.

Baker said that we want to start with the larger problem of official papers, and we don't want the effort to be sidetracked by secondary issues. We want to keep our eye on the primary problem.

Remini stated that when he has spoken to members of the House, he's asked them to take a tape recorder with them, and at the end of the day record what they did, what they saw, or what they understood was happening. It is easy to do and that way an ongoing history of the performance of a member of the House can be preserved and can later be typed out. Remini asked whether the recording was official.

Baker answered that the experience has been that if a member wants that to be part of his or her papers, it will be. If a member does not want it to be, no matter all the resolutions in the world, nothing is going to compel that member to turn it over.

Remini noted that we should encourage them to turn it over.

Cooper asked about the forms of communication. He asked if we were interested in more than just emails. Are we not interested in electronic forms of communication?

Weinstein answered that for members under 40, you've got to be interested in emails. You have got to be interested in blogs. There is a broader sense of what a public paper is today.

Cooper said that he didn't think members had that sense.

Paul asserted that you can't call them "records," because then you get into calling them public records. "Papers" is really a euphemism, in terms of archival speak. All of the guidelines that we give out include things like diaries, regardless of what form they are in, and personal correspondence. In terms of a resolution, you really want to avoid going down the path that happened 30 years ago when people started splitting hairs and getting into arguments about what is included and what isn't. By using "papers," you are leaving it up to the members to determine for themselves. But that is not to say you don't work very hard to encourage members to save everything that they are creating in terms of diaries and other information.

Weinstein asserted that he didn't think this resolution had any heart. But he did think it would do more good if we changed "official papers" to "papers relevant to official duties." And also, there ought to be an emphasis on the paragraph that declares: "whereas resources are available to the Secretary of the Senate and the Clerk of the House, to assist Senators and Members to manage and preserve their papers." This is very important.

Weinstein stated that earlier today he passed a copy of the memo that he sent around to employees of NARA on the Electronic Records Archives. If you look down to the paragraph second from the bottom, on the ERA program management office, you discover something called a "Tiger Team," made up of NARA engineers and other staff. It is designed to provide independent verification and validation of the enterprise. Tiger Teams are project management-focused teams intended to respond to specific technical implementation problems.

Applying the concept here, Weinstein suggested that if we could guarantee, not to every member because we don't have the resources for that, but when a Trent Lott, Tom Daschle, or other leadership folks retire, or people who played influential roles in Congress are getting set to retire, maybe a time has come to provide them with some extra reinforcement from the outside that will encourage them to move forward. Weinstein thought the attraction of helping leaders would spread the message and there will be other members who will want to buy into this process.

That's really what the resolution is designed to try to do, to encourage people to buy into the process of caring about their archives.

Cooper wondered if sometimes we emphasize too much what we can do for members, rather than listening to them telling us what they think the problems are, and what the solutions would be. He hoped that there would be an emphasis on saying: members and staff really run this operation, tell us what problems you see other than being pressed for time. Also, what can we do to alleviate those problems, and use the very smart people who work in the House and Senate, and especially the ones you can line up as allies, as a source of information coming back to us. He believes that you could float this question: "Is this language good usage or not?" We should get input from them on what they know, and not just see ourselves as providing input to them on what we know.

Erickson said that Cooper made a good point, and this was the reason for creating the archival discussion groups on the Senate side. She believes strongly that the best educators are people's colleagues, and members will respond when they see other Senate offices who have made that investment of resources in hiring an archivist. The discussions that we've had in the brown bag lunches have not just been us talking to them, but them talking to each other. She agreed strongly with Cooper's point that we need to listen, and she hopes that we are going to see some progress on the Senate front because of these informal discussions that we are having among staff.

Weinstein inserted that they would face some very simple problems. For example, a member decides to retire and twenty-five people have already announced for his seat. They will all want to look at his papers right away, because they can't deal with the issues of the district without seeing the papers. Do we establish a rule, turn to the FOIA, to look for ways of modeling what we do? If we don't establish procedures of that sort, then we are really not addressing the problem.

Birdwhistell spoke in support of this resolution. He said that the overall need for it is readily apparent to those of us out in the field trying to capture these collections. Any written and positive statement in general terms that reinforces to members of the House and Senate the



importance of doing this would be helpful to us. He thought the issues that follow are continuing issues that we are already dealing with. Overall, any kind of positive statement like this can be very helpful.

Weinstein agreed to support the resolution as long the issues they were talking about were not brushed aside.

Miller said she took the liberty of taking the resolution and running it by the House Administration Committee chair, Robert Brady from Philadelphia. And he got back to her late Friday and he said, "You know, I like this." And he said, "What I don't want to do is put it on the unanimous consent calendar because there won't be any discussion of it on the floor." He wants to try to put a little more meat into it so that there is a real discussion about it on the floor, and so it resonates with all the members. Otherwise, it will just be a piece of paper that gets passed and she will sign it and then nothing will be accomplished. If we can couple the discussion with the Speaker and the leaders coming down and making floor statements, then we have something going here. Otherwise it is just another bill that has been passed that members will not necessarily pay attention to. This would be a stretch to get members to talk about archiving, but if ten offices have closed, it is something that is on their minds. They are cognizant of it, if we can reinforce this resolution.

Rocha supported the resolution, adding that they should include something about the definition of "papers" not being exclusive, but alerting people about what papers could include. We in the profession understand what papers are, but in law and resolutions we are trying to alert people who are going to address these issues. This is what we mean by "papers," and then you can say they are not limited to papers exclusively. They know it could be an email or audio tapes. These things could all be considered papers. The definition should show that it is inclusive of many things.

Remini asked why it would help to distinguish "records" from "papers."

Rocha explained that "records" is a term we would want to avoid.

Paul added that they would want to avoid the terminology because one would be implying “public records.”

Remini concluded that if it is relevant to the “official duties” then it is public.

Paul agreed and said she liked the phrase “relevant to official duties.”

Remini added that he would like to include “records” because he said it is an amorphous term that could include telephone conversations, anything electronic, diaries, memoirs, correspondence, etc.

Hunt noted that a larger challenge was that in the past, official committee records have sometimes wandered off with personal papers. He said extreme efforts had been taken to get some of those records back to the Center and into the custody of the Clerk and Secretary, so we certainly don’t want to confuse the issue between records and papers anymore than it currently is.

Cooper said that we don’t want to create political problems. There is a narrow line here of doing something that is really a matter of unanimous support and maybe a little more detailed than this, but not going over a line that will create too many questions in the minds of members. That discussion in the end could be destructive rather than productive.

Weinstein added that has been shown by what has happened with presidential papers. Neither the current president nor the previous one used email, and there is a reason they do not use email. They don’t want them to become public records. So the question, is will we learn more at the end of the day or less? What is the best balance?

Cooper agreed this was an important element.

Rocha suggested being informative but not so definitive for the sake of understanding without getting yourself tied up in the confusion.

Paul said that she understood the desire to be more specific, but having worked with as many offices as she has, both on the committee side and the members, she thinks that becoming too specific in this resolution would be a red flag. She said that it could become a point to rally around to not pass the resolution. She thinks that keeping it plain vanilla in the most unobtrusive way is the best way to go. She said this because she and Reeder deal with the splitting of hairs all the time, and there are so many issues that can come up that she thinks what we want is a resolution that says we all agree on preserving these records.

Paul added that in the records management advice that we give, we really do go into detail. That is where that information is given. People do not agree with us at all times. What gets saved and what does not is always a point of negotiation. This kind of resolution, which will be new to the House and Senate, codifies a tradition that has begun and has flourished over the past couple of decades. She advised not to refine the resolution any more than it is. All you need to do is go back and read the publications from the 1970s to see how easy it is for people to start having divergent opinions. She is hesitant about not putting the resolution on the consent calendar, because she thinks what we want is for new members to see that this is something that this body does. You are elected to Congress and we want you to be proud and to realize the significance of your records.

She noted that at Association of Centers for the Study of Congress (ACSC) meetings we have had retiring members attend and say, “if they had only known.” To have something in writing will help, especially in the orientation process, because people believe what they see in writing more than what they hear. It is critical. It ranks right up there with the Senate resolution that was passed in 1980 for committee records, which has had an effect, if you look at the growth in the volume of holdings reflected in the Center’s statistics in the annual report. This resolution will have the same effect for members preserving their papers.

Weinstein moved that the resolution be passed with the change discussed earlier – not “official” papers, but “papers relating to their official duties.”

Vogt said remove the word “official” from the last line and make it “papers as part of their duties.”

Rocha asked whether the 1980 resolution dealing with committee records was on the consent calendar or did that have any discussion? How did it pass?

Baker said that it was done by unanimous consent.

Cooper said he agreed with what Miller said about talking to the people who are actually going to do this. He was prepared to vote for the resolution however we change it, but he thought we should give the Secretary of the Senate and the Clerk of the House some discretion as to how to proceed.

Remini said that he thought it was unrealistic to think that there would not be a discussion or disagreement about whatever it is that you write. The tamer you try to make it, the less effective it will be. You should come right at them and say it is important: “You are a member of Congress. You are now part of American History. Everything you do, everything you produce, tells something about how this country has evolved and is evolving. You need to preserve those documents. You need to see to it that they are turned over.” The more aggressive you are, the more discussion, and the more publicity about the need to preserve their records and papers.

Baker said that this was designed to open the door to that kind of discussion rather than put the whole discussion in the resolution. You open the door to people like Reeder and Paul and the people in this room who have made their careers about dealing with these issues. They will bring the specific message to the specific member at the specific time. You could add on here and it will never pass.

Miller said that they had to give this careful consideration because you have to consider our members. There is some hesitancy about emails. People are very reluctant to offer up a lot. It may be official business, but they are very reluctant to give up information if they don't have to. So we want some discretion. In the offices that we help close, a lot of members will say they don't want certain papers in their official records, even though it may pertain to their official business. But if it is personally related, they are very antsy about it. She thought that we did want to open it up and give them the opportunity to say this is very important. The devil is in the details and that is how you approach them.

Cooper added that members are not academics or archivists. They have lots of concerns as politicians. They have to be worried about their careers, and that will come into any future discussions. He thought the notion that this was an opening document was a correct notion. The question is how do we do it so it is most effective. Obviously what we can accomplish this time is limited, but we do not want it to be like a resolution for "national chrysanthemum day," which the House passes in the hundreds.

Remini said that he was speaking as a historian. He was concerned about the history of this institution and how best to find out what really happened. Archivists need to and will preserve the official records. As a historian he would like to hope that members would be conscious that they are creating history and that it is essential that we know what their legacy is, what parts they have played. Some of them have played very important roles, which you never know in the beginning.

Rocha added that he is an archivist and a historian and he thinks what he recognizes and what he has heard in this discussion is that they were in need of an entrée. He was convinced and yielded to Paul in terms of references to email as a red flag, and that what they want is for the resolution to empower them to get into a negotiation with the members.

Rocha called the question and asked to hear the language that was being considered.

Paul said that the change comes in the first paragraph “whereas the papers relevant to duties of the U.S. Senators, Members, delegates...” Did I get that right? The word “official” is struck; “papers” is kept, but modified by “relevant to the duties of.”

Erickson asked if there was a motion to incorporate that language.

Cooper so moved.

Weinstein seconded the motion.

Motion passed.

Erickson said that she had a meeting on new member orientation and would like input on how we can meet their needs during orientation. One of the thoughts that came from that meeting is that we need to spread out the information that members are given. They are bombarded with so much information in the first three days. She wanted to give some thought as to when we should hit them hard with archiving information. She thought that the Senate and House resolutions will go a long way towards speaking to the tradition of these two bodies that we highly value these committee and personal member records.

Weinstein noted that there were three other paragraphs where the phrase “official duties” would be used. He also noted that he assumed they would be changed as well.

Erickson replied yes.

## **VI. Annual Report of the Center for Legislative Archives – Richard Hunt**

Erickson asked Hunt to report on the Center for Legislative Archives.

Hunt thanked the committee. He noted that it had a very stimulating conversation on a number of important fronts.

He began by introducing two newcomers. The first was Ted Clark. He said that they had talked for many years about hiring someone at the National Archives, in the Modern Records division, to serve as the IT Specialist for House and Senate records, and legislative branch records. Ted Clark was the person selected. The great thing about Ted is that he is well known on the Hill since he served on members' and committee staffs in both the House and Senate. In an early meeting with Reeder on the "House Task Force on Electronic Records," and with Paul on the Senate side, Ted has already proven to be a great resource to the House and Senate. Hunt predicted that one day Clark will transfer to the Center for Legislative Archives and serve on that staff. Hunt noted that his boss was attending the meeting, so he should be aware of what his plans were.

For now though, Clark is in the Electronic Records and Special Media Division, working for our good friend Bob Spangler, where he is learning about archiving electronic records from the National Archives perspective. Once Clark is up to speed, he would be transferred to the Center and available to the House and Senate at a moment's call.

Hunt continued with his report, noting something that he was particularly proud of, and one of the things that keeps him young (besides his kids), which is the incredible interns that we have come to the Center. We have had somewhere between 80 to 90 interns in the last 8 to 10 years, and we have one here at the meeting. Her name is Claire Jaenisch, who is from Augustana College.

Erickson noted that the school is in Sioux Falls, South Dakota, and is referred to as the Harvard of the Prairie!

Hunt noted that they are so happy to help these young people on their way, and you see from the report that we have actually had an impact on many of their career choices – both academically and professionally.

He continued, promising not to bore the committee with the details of the Annual Report, which shows the scale and scope of our operations at the Center, but he wanted to call attention to our

statistics that show we have nearly a half of a billion pages in our holdings, and we delivered over one million pages back to House and Senate committees to do their business. It demonstrates that even though we are down the street from the Capitol, we are very much a part of your world and take those responsibilities very seriously.

He focused on some of the challenges and highlights from the past year. In front of you is the exhibit catalog for the soon-to-open “Running for Office: Cartoons of Clifford Berryman.” The Berryman collection is part of the U.S. Senate collection, which was donated to the Senate and sent to the Center. There are approximately 2,500 original pen-and-ink drawings covering most of the first half of the twentieth century. Berryman was a preeminent Washington cartoonist. The exhibit will be opening in the Lawrence F. O’Brien Gallery on February 8, 2008. This visual collection is an outstanding vehicle for education about the political process. The exhibit was curated by Jessie Kratz and Martha Grove, who deserve all the credit for putting this wonderful exhibit together.

He also wanted to highlight our electronic records assistance provided to committees. For the first time, we have met with committees and members’ offices to help them deal with electronic records issues. Executive branch agencies are compelled to schedule their electronic records by the end of 2009. So he thought the House and Senate should be encouraged to follow something like that timeline on electronic records. This is a government-wide challenge and under Clark, Paul, and Reeder, we are making some good progress on that front.

One of the great challenges for our staff is the mounting responsibility to provide labor-intensive services, such as screening modern records. There are some extraordinary collections of records that are passing the 20-, 30-, and 50-year access rules and are opening. We are very excited to be able to provide these records to researchers, but that requires a page-by-page review by experienced archival staff. Every bit of good news comes with a down-side, and he supposed that the pressure on the staff is the down-side.

And in the same vein, you will notice that the 9/11 Commission records are scheduled to be open in January, 2009. So we have a full-court press on to prepare for that event. Twenty percent of



our archival staff, and more resources from Michael Kurtz's office, are reviewing and preparing the unclassified records from the Commission so they can be opened, and we are encouraging and working with the equity agencies to review and declassify as many of the classified records as they can by January. We anticipate there will be quite a media and public interest in that opening in January 2009.

He also mentioned the survey of their undescribed open records. You see that we have 30,000 cubic feet of records that we are just beginning to get a handle on. Through the good work of Tom Eisinger, one of our staff members who worked in the past for the Senate, who has created a database, we now have intellectual control over those records. Our goal is to make this information accessible to researchers in a user friendly format on the web, but it is going to take some consultation with my friends here at the table, and more importantly with the description experts at the National Archives as to what format these web-based findings aids will take. We would like to receive your guidance and help on this effort.

Lastly, he mentioned the new, reconfigured "History of Congress" unit, which is about the Tariff of Abominations. He noted that he wrote many of these chapters years ago, and decided that as good as they were, they were not accessible enough to the audience we were targeting, which is teachers of history and civics in high school and middle school. So we reconceived and redesigned the publication, and we seek your guidance and feedback. We are actively beginning the fund raising campaign to publish the educational resource later this year.

Hunt invited everyone to stay after the meeting for a legislative vault tour.

## **VII. Other current issues and new business**

Paul commented about the Next Generation Finding Aids project. It has been a concern of mine, and she was sure of Reeder's also, that what we are doing fits in the best way possible with what your branch is doing. As we are talking about web-based finding aids, she wondered if it would be a good idea to have a task force to look at the possibilities before going down the road. She wondered if it would be good to look at what the University of Maryland is doing, what the

Library of Congress is doing, just to get a better idea of what the universe of possibilities are before we start something.

Hunt added that he thought that was wise advice. He didn't have any preconceived notion of what it should look like or what platforms or systems should be utilized, so he thought that it was appropriate to look at what other institutions are doing. He also added that we wanted to do this collaboratively.

Paul suggested that maybe the ACSC could be involved because some of those institutions have pretty good platforms.

Erickson supported Paul's suggestion and said Paul and Reeder could work on the follow-up together.

Forrester added that in his experience dealing with the Jordan Papers, he learned that congressional collections are far different from other collections. So you may want to think about bringing someone in from the American Library Association or Library of Congress, because there probably should be some kind of standardization of finding aids.

Erickson stated that there was one last business matter. We have the Architect of the Capitol's curator here, Barbara Wolanin. If you could tell the committee about the book you have been working on to get published. She has worked hard on this for several months and it is in the final stages.

Wolanin said that it is the annotated addition of Glen Brown's *History of the Capitol*. It was first published in 1900 and 1903. Her goal was to get it out for the centennial anniversary of the original publication, but did not quite make it. Advanced copies have been distributed, and hopefully this week copies will be provided to all the congressional officers. We had help with the introductory chapter and footnotes by Dr. William Bushong, who did his dissertation on Glenn Brown and is now the White House Historian. He wrote the context for Glenn Brown's original text, and original images were scanned. Brown used many drawings from the Architect

of the Capitol's collection. Brown was interesting because he was one of the people behind the McMillan Commission and the planning of the city of Washington; he helped create the Mall and helped shape the city and the architectural profession. All members of Congress will receive a copy of the publication.

Erickson said they were grateful for her hard work on this beautiful publication and added one last order of business. Our normal pattern for meetings for this group has been to meet in June and December, although there is no firm requirement to do so. Our statute provides that the committee shall meet semi-annually or at the call of the majority of its members. She continued that she had a selfish proposal to make. During the month of December, she and Miller would be quite busy with orientation plans for new members. They would also be working with the joint inaugural committee staff getting ready for the Presidential Inauguration in January. She proposed that we have the committee meet during the month of September instead of December to accommodate what we anticipate will be a very hectic time on Capitol Hill. She asked to entertain the motion.

Weinstein moved for the motion.

Forrester seconded the motion.

Motion was approved.

Baker noted that this change will put the committee on track for having September and May meetings, which should make travel easier for our out-of-town guests.

Rocha asked for a report on the Capitol Visitor Center.

Erickson said that the CVC was moving forward. Construction has been substantially completed. They are now working on the "punch list" of construction items. The Fire Marshall has a rather rigorous nine-month schedule of fire and life safety testing. The plan is that we will be ready for visitors in November of 2008. We have hired an executive director, Terrie Rouse. Rouse has

been a dynamic force in moving operational issues to the forefront for the House Administration and Senate Rules Committees to consider. She recently hired a deputy, and I am told we have someone to run the CVC restaurant and gift shops. They have also hired a marketing director. She believed they were turning a page on the CVC, and she was hopeful that at the September meeting that we can do a tour and see the orientation film, which gives her goose bumps every time she sees it. She and Miller will be anxious to take you to the CVC and show the exhibit area and the film.

Rocha said that he looked forward to a premier.

Erickson noted that they recently had a tour of the *Newseum*. It is a fabulous facility and they have had their own challenges. Their costs have gone up, and when you make a comparison of the investment we have made in the CVC with the *Newseum*, we realize that they are on comparable terms. The CVC is a facility that will last the ages, and for the first time will give the public the opportunity to learn about the House and Senate.

Remini announced that the Office of the House Historian now has a certified archivist on staff, who is Michael Cronin.

Cronin was recognized, and he noted that he asked a very senior House member who was departing last year, what he was doing with his personal papers; and the member said they were going to the city dump. The conversation earlier focusing on members' papers was timely.

Weinstein drew laughter when he observed that Cronin should develop a relationship with the sanitation department as well.

Erickson said that her office had recently sent a letter to all 100 chiefs of staff, with a copy of the Advisory Committee on the Records of Congress report, and flagged the section on the recommendation that each office have an archivist on staff as another way to reinforce how seriously we take this issue.

Erickson said how much she had enjoyed the discussion at the meeting.

Alan Haeberle updated the committee on the “Guide to Managing Congressional Papers,” which is being written under a NHPRC grant. The draft has been written and last week two reviewers for the Society of American Archivists have gone over it and gave it good reviews with a strong recommendation to publish.

Remini asked when it would be published.

Haeberle said he didn’t think it would be ready by the September meeting, but within the year.

Forrester added a point of observation as a rookie member of this committee. He was very proud to be part of this group. He did not realize the importance of this group at his first meeting, but now that he has seen Hunt’s report, and the other reports, he was struck by the magnitude of the challenges that we face. He feels proud to be a part of this group.

Erickson entertained a motion to adjourn.

Motion was moved and seconded. Meeting adjourned at 11:25.