

The Ethics of Archiving "Murderabilia"

The Papers of Ted Kaczynski

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Abstract

This essay examines the ethical implications of the 1997 accession of the papers of Theodore Kaczynski by the Labadie Collection at the University of Michigan. The author seeks to analyze the actions of Assistant Curator Julie Herrada. Ethical issues such as sensitivity to the community, the archivist's duty in dealing with controversial collections, and the idea of "reactive advocacy" are discussed. Third party privacy rights and the archivist's ethical dilemmas in dealing with donors and restrictions are also analyzed. Ultimately, this essay shows that the case of the Kaczynski papers is extremely useful in highlighting some of the ethical issues that archivists deal with on a smaller scale every day.

To collect *only* the pleasant, the democratic, the pleasing records that document our past — the aspects of American life that make us all proud — would be so simple. However, this is not life — nor should it be — and these types of records do not give a complete picture of our culture and our history. These were the thoughts of Julie Herrada, the then Assistant Curator of the Labadie Collection at the University of Michigan, when she wrote to Ted Kaczynski in 1997 requesting all of his personal writings and materials that he had in his possession. The papers that Kaczynski eventually sent to Herrada were housed in the Labadie Collection, an archive that had long made it its mission to document the radical and social protest movements in American history, acquiring materials on antiwar, transgender, anarchist, and alternative sexuality movements (none of which would be considered mainstream). Concerns over controversial acquisitions, media interference, third-party privacy rights, and donor requests all played a significant part in Herrada's experience, and add an invaluable dimension as a case study to any further discussion of such issues.

The University of Michigan and the Ted Kaczynski Papers, 1997-1999

Ted Kaczynski was arrested in 1996 on charges of being the notorious "Unabomber" for two decades. During his violent campaign he mailed bombs to individuals involved in fields related to science, genetic engineering, forestry, airlines, and universities. Before his arrest in 1996, three people were killed and twenty-four were injured (Herrada, 2003-2004, p. 35). Kaczynski was captured in 1996, and after a long trial, pleaded guilty on January 22, 1998. He was sentenced to four life sentences plus 30 years in prison (D. Johnson, 1998). Kaczynski later tried to withdraw his guilty plea, arguing that he was coerced into the plea agreement, but his appeal was denied (Egelko, 2001).

So how did Julie Herrada come to acquire the unusual collection of correspondence that Kaczynski had in his jail cell in Colorado? Soon after Kaczynski's arrest, Herrada saw the potential for scholarly research that his radical writings might hold. In 1997 she wrote to Kaczynski's attorney and basically asked for *all* his writings (Dodge, 2005).

At the time she contacted him, Kaczynski was part of a media frenzy. His writings and crimes had garnered the public's continuing, morbid fascination. Herrada pointed out in an interview for *Library Journal* that her job involved keeping track of events followed in the radical press and collecting new materials accordingly (*Library Journal*, 2002). Noting the increasing interest of the radical and anarchist press in his writings, she indicated that she could not ignore the opportunity.

Four months after writing to Kaczynski's attorney (Judy Clarke), she received word that he was interested and wanted information on the library and its mission. Soon after, Kaczynski sent all the correspondence that he had written and received since his arrest (Herrada, 2003-2004, p. 38). After that, papers started arriving every 6 to 8 weeks (K. Johnson, 2001). Kaczynski sent the correspondence before any deed of gift was signed — he was only allowed to keep a small portion of letters in his cell, and fearing their destruction, sent them to Herrada (Herrada, 2003-2004, p. 38).

The first ethical issue in this acquisition was the validity of the acquisition itself. Herrada's accession of this collection was directly in line with the Society of American Archivists' Code of Ethics' statements on collecting policies (as it existed at the time). According to Section III of the Code (Collecting Policies), "acquisitions should be made in accordance with a written policy statement... and consistent with the mission of the archives" (The Society of American Archivists, 1992, Section III). The collection must be within the collecting scope, and not acquired for any other reason. While Kaczynski was obviously a well-known and controversial figure, it was not his fame or the potential media attention that the institution would garner that interested Herrada. Rather, as Herrada consistently points out, it was never his crimes that interested her in his writings: "I was interested in the papers not because he killed people. It was his writing on social protest" (K. Johnson, 2001).

Archivists have an ethical responsibility to document the past as defined by their collecting scope. They should not let their own personal condemnation of an individual's actions influence their recognition of a historically valuable or pertinent collection. No argument can be made that these materials did not fit within the Labadie Collection's scope. After all, it is considered to be one of the most comprehensive collections of anarchist and radical history in the world (Herrada, 2003-2004, p. 36). Many social radicals view Kaczynski's ideas as a smaller part of a larger radical movement called "green anarchism," an anti-technology theory and movement. His theories and actions were widely discussed among radicals and anarchists (Herrada, 2003-2004, pp. 35-37). The controversial nature of such an acquisition makes the justification of its "fit" all the more necessary, with a collecting policy being crucial for justifying acquisition (Metzmeier, 1997, p. 30).

Controversy, the Media, and the Role of the Archivist

Not many archivists are thrown into the middle of media storms. Herrada experienced firsthand the challenges presented to an archival institution after acquiring a controversial, contemporary collection. Archivists usually respond to hostility concerning controversial acquisitions with arguments of the importance of documenting *all* of society or providing access to scholars or both. Herrada is no exception: “I don’t condone [his] behavior, but I feel I have a responsibility to researchers in the future so they have access to that kind of material... I think people have a right to know there are dissenting views. I can’t make the judgment whether or not to provide access to controversial or unpopular ideas” (*Library Journal*, 2002).

The scenario was more complicated than this, however, as Herrada soon discovered. Controversial acquisitions are inherently infused with a variety of ethical concerns. Some parallels can be made to other such acquisitions, most notably the accession of KKK materials at the Clarke Historical Library at Central Michigan University. Frank Boles discusses his experience with this acquisition in the 1990s. He was presented with a similar situation of media interest, issues of sensitivity, and an unexpected need to explain to society not only the worth of such an acquisition, but the significance of archives in general (Boles, 1994). Just as one prosecutor argued that Kaczynski’s materials shouldn’t be considered of value, as he was “nothing but a serial murderer” (Archivalia, 2007), critics of the CHL accession argued that the KKK materials were irrelevant, because their creators were “just a bunch of bigots” (Boles, 1994, p. 54). The general public often does not understand an archives’ reason for collecting materials from individuals considered evil, seeing such acquisitions as a legitimization of their practices (Boles, 1994, p. 54). What is the archivist’s ethical responsibility in responding to such criticisms? The University of Michigan had very little precedent for dealing with the controversy and media attention that came about with the accession of high profile collections, so Herrada was left to use her instincts and her repository’s mission statement (Herrada, 2003-2004).

One important ethical necessity is to respond to the criticism with an appropriate mixture of sensitivity and explanation — and a clarification that documenting such histories is not to legitimate or condone them, but to record them with the same equality as any other historical event in the United States. The issue of sensitivity to the community is acute in Herrada’s case because of its contemporary nature. Some of the victims of Kaczynski’s attacks still lived in the Ann Arbor area. The accession had the potential to make the library appear insensitive to the recent tragedies (Herrada, 2003-2004, p. 39). Herrada’s acquisition garnered national and local criticism. While very few individuals took personal offense, they misunderstood her reasons for the accession and resented the additional attention it provided Kaczynski. Victims, family of victims, attorneys involved in his prosecution, and even media personalities felt

that the preservation of his materials would increase his celebrity status—which was absolutely true (Blumberg, 2005). Many argued that the coverage surrounding this collection held the potential to re-victimize his victims. One media personality said that the University of Michigan was “glorifying” him (Herrada, 2003-2004, p. 43). This is an ethical dilemma unavoidable in the acquisition of living, notorious figures, and due to the lack of any guidance in the SAA’s Code of Ethics, must be dealt with on a case-by-case basis— usually through collaboration with colleagues and knowledge gained by experience.

Sensitivity is crucial, but should not interfere with the archival mission. As one archivist comments, “being sensitive to such feelings should not preclude professional responsibility to fairness, objectivity, and intellectual freedom, all fostered through collecting comprehensive, well-rounded collections” (Lamoree, 1995, p. 150). Archivists have the ethical responsibility to protect their collections from political or outside pressure. Their mission statement and collecting policy must be considered first and foremost, well ahead of the media or other individuals’ attempts to interfere with such objectives (Hurley, 2005).

Herrada responded by emphasizing the significance of documenting all of society and the fact that the collection fell squarely within their collecting scope (Herrada, 2003-2004, pp. 43-45). More than ever, outreach was crucial in educating the public about the ethical responsibility of the archivist to “preserve the record, however odious” (Adkins, 2007). What emerged from this situation was the realization that the general public really had no idea why an archive would want records associated with such evil. Claims of historical value often do not satisfy people, and the public generally shows little interest in trying to understand the reasons for such acquisitions (Boles, 1994, pp. 58-59). This is a significant problem in the archival community, one that requires advocacy and education; Boles asserts that “unless a substantial minority of the general population understand and appreciate the need for archives ... to possess controversial material, the archivist’s ability to collect such material will be compromised” (Boles, 1994, pp. 58-59).

Reactive Advocacy

Herrada notes her fear of the loss of unpopular records, stating “institutions documenting local history should be collecting materials relevant to their communities, especially if they are controversial. These materials may otherwise be destroyed out of shame, embarrassment, fear or misunderstanding” (Herrada, 2003-2004, p. 43). Herrada’s acquisition presented the unique opportunity for “reactive archival advocacy.” Much has been discussed in archival literature about promoting an archive’s functions in society, or showcasing particular collections or exhibits; but what about taking a controversial situation rife with negative publicity, and using it to educate the public on the significance and function of archives? This education could provide the plat-

form for a successful acquisition, and the presence of future collections of a similar nature (Boles, 1994, pp. 59-64). Herrada even believes that situations like what she faced, while tense and potentially dangerous, increase awareness of archives; so “a little controversy” is not always a bad thing (Herrada, 2003-2004, p. 45). Such opportunities provide a good platform for advocating for archival significance.

Creating an argument that the general public believes and appreciates is the greatest challenge and allows a potentially negative situation to be turned into a positive one. But how to handle potential reactive advocacy is not always clear-cut — and whatever route is chosen has the potential to cause further chaos. First, neutrality should be emphasized (Lamoree, 1995, p. 150). The accessioning of this collection had nothing to do with Kaczynski’s crimes, but rather with his radical theories. Herrada acknowledged his evil, but she did not assert that she wanted to document this evil for any type of accountability. The Labadie Collection strictly documents radical movements, and that is why Kaczynski’s papers are housed there. In some ways, this may have been less satisfactory to the public. It was a current tragedy, and looking objectively at intellectual contributions of a serial murderer is difficult for the public, and nearly impossible for victims. An archivist must show the ethical necessity of documenting controversial, sometimes evil figures in society by pointing to the risk of, as Herrada states, “whitewashing social history” (Herrada, 2003 -2004, p. 45). Otherwise controversial figures may suffer the same fate that minorities and other victims of “hidden histories” have suffered in the past — voicelessness in records, and subsequent lack of historical documentation.

The media provides an interesting sidelight in this narrative. Newspapers obviously focus on the headlines that will sell their stories (Goerler, 1999). When they got wind of this collection, it was not Kaczynski’s radical writings or correspondence they were interested in, but the fact that the University of Michigan was giving research credit to the writings of a serial killer. They could not look past this fact and understand Herrada’s motives for accessioning the collection. Despite the fact that the media was unhelpful in this situation — in fact, Herrada found them unprofessional and distrusted their motives — many archives can use them to their advantage (Herrada, 2003-2004, p. 42).

The SAA’s Code of Ethics, in any of its variations then and now, does not specifically address the issues of controversial collections, media involvement in archives, or public advocacy. However its references to the functions and uses of archives, as well as their relationships with donors, the public, and responsibilities for documenting society, speak volumes (The Society of American Archivists, 2008 and 1992). Herrada and her colleagues might have considered utilizing the code in response to criticism after the acquisition. One of the purposes of the code in existence then was “to educate people who have some contact with archives, such as donors of material, dealers, researchers, and administrators” (The Society of American Archivists, 1992, Section I). When the public learns that such a code exists, and that it informs decisions based on “moral and legal responsibilities” and not simply to increase an institution’s fame and prestige

(The Society of American Archivists, 1992,1), it can begin to trust and understand actions that before were unfathomable. Herrada was following both her own mission statement and the Code of Ethics urging archivists to “make available documentary materials of long-term value that have lasting value to the organization or public that the archivist serves” (The Society of American Archivists, 1992, Section II). The code is (and was) useful to the public in that it gives an explanation of the basic functions of archives— which provides an understanding of how they sometimes accept unpopular acquisitions.

One last ethical issue specific to controversial acquisitions is the archivist’s treatment of donors. Herrada did not condone Kaczynski’s actions, and obviously recognizes the pain he had caused to numerous individuals. However, Kaczynski had the ethical right to obtain (just as Herrada had the ethical responsibility to give) fair treatment. The Code of Ethics states that archivists have the responsibility to inform donors about processes and procedures regarding use and restrictions, as well as to follow all agreements made (The Society of American Archivists, 1992, Sections IV and VIII). Herrada characterized the correspondence between archivist and donor in this situation as “candid, explanatory, direct and unambiguous” (Herrada, 2003-2004, p. 38). She emphasizes that she treated him the same way she would treat any other donor. Although there is not a lot of discussion on the treatment of controversial donors, the Code of Ethics and common sense recommends equitable dealing (Herrada, 2003-2004). This professionalism and fairness is evident in all of the procedures Herrada had to subsequently implement (discussed below). Even though Kaczynski was a convicted serial killer, his wishes and restrictions had to be enforced the same as any other donor’s. In other words, Herrada had the ethical imperative to make sure that he understood the implications of his donation just as any other donor would (Greene, 1993, pp. 36-37).

Third Party Privacy and Donor Restrictions

Kaczynski had no interest in maintaining his own privacy in the collection he donated to the University of Michigan. The collection held nothing concerning his criminal activity, or contained any defamatory information not already known to the public. Kaczynski is an interesting case in this way; although he was a “celebrity” and perhaps most vulnerable to further invasion in his privacy as the most easily identifiable person in the collection (Hodson, 1991, p. 115), it was not his own confidentiality he was concerned about. Rather, he feared for the collection’s misuse and the third-party privacy issues that went along with it (Herrada, 2003-2004, p. 38).

It took a long time to reach a deed of gift agreement, because Kaczynski was extremely apprehensive about possible exploitation by the media and invasion of his correspondents’ privacy. He tried to impose unreasonable access and time restrictions on the collection. A deed of gift was finally signed on July 10, 1999, but getting there was not easy. Kaczynski wanted to restrict his collection to use only by “serious scholars,”

with the intent of keeping out journalists. The Deed of Gift Policy for the University of Michigan did not allow for donors to pick and choose those who could access their materials. Equal access was required, and discrimination not allowed (Herrada, 2003-2004, pp. 38-39). “Selective access” should not be condoned no matter how much a donor insists—it is an issue that should never be conceded to by the archive (Hodson, 2004, p. 198). The SAA Code of Ethics asserts that “reservation for exclusive use” should be avoided when possible (The Society of American Archivists, 1992, Section VIII).

Herrada had to look at his request from an ethical standpoint — granting use to some individuals, and denying it to others based solely on arbitrary feelings of the donor interferes with individuals’ freedom of access to public collections. Although Kaczynski’s fears may have been well founded, he sought to grant access based on “personal, political... or other biases or prejudices” (Hodson, 1991, p. 109). The Code of Ethics emphasizes the fact that restrictions had to be applied equitably, without discrimination (The Society of American Archivists, 1992, Section VIII).

Once such matters were made clear to Kaczynski, his next attempt was to restrict the collection until 2020 (with the exception of those letters that were unsigned or from the media). Although the Code of Ethics and the university’s policy did not specifically prohibit it, the Labadie Collection usually tries to dissuade donors from imposing unreasonable restrictions. Herrada claimed that Kaczynski “tested their boundaries” in this respect, and although her institution’s policy did not stipulate particular lengths that are unreasonable (or reasonable), she felt ethically obligated not to close the collection unless she understood his reasoning (Herrada, 2003-2004, pp. 38-39). So why was Kaczynski so set on imposing long restrictions and choosing who could view his materials? His relationship with the media was strained. He distrusted their motives, and hated their involvement in his trial (Herrada, 2003-2004, pp. 38-39).

Herrada was able to cite the guidelines present in the Code of Ethics in her dealings with Kaczynski. Section IV states that “archivists [should] discourage unreasonable restrictions on access or use, but may accept, as a condition of acquisition clearly stated restrictions ... and may occasionally suggest such restrictions to protect privacy” (The Society of American Archivists, 1992, Section IV). Herrada considered both the Code of Ethics, and Kaczynski’s own concerns. She found the ethical standards on which she based her decisions (both the SAA’s Code and the University of Michigan’s policies) very helpful in her dealings with Kaczynski — despite the fact that the SAA in particular offered arguably ambiguous guidelines to apply on a case-by-case basis. The code was perhaps most helpful in her conveyance of her reasoning to Kaczynski (Herrada, 2003-2004, pp. 39-41). As was noted, the Code of Ethics is in existence not only to guide archivists in their daily decisions, but to inform the public on the role, rules, and policies that archives should be governed by (The Society of American Archivists, 1992, Section II).

Much has been written on the archives of celebrities, and how the ethical concerns of privacy differ for them. However, when considering the case of a celebrity’s papers, it is

the third parties present in their materials that are usually the biggest concern. Often archivists consider the “celebrity” to be the best source for deciding whose privacy in the collection should be protected (Hodson, 2004, pp. 195-197). Although there are legal issues in the invasion of privacy of third parties, it was the ethical rights that Herrada was concerned with. Celebrities (such as Kaczynski) have very few reasonable privacy rights. However, those people with whom Kaczynski corresponded, whether or not they retain a legal right to privacy, had the ethical right to maintain a reasonable degree of confidentiality as enabled by the archivist. This being said, deciding upon a course of protection of privacy (or merely determining what might be embarrassing to individuals) was no easy task. However, it was reasonably clear to Herrada that those who corresponded with a serial murderer might not want their identity revealed to the media (Behrnd-Klodt, 2005, p. 59). In this case, Kaczynski’s own insistence to protect their privacy, combined with the common sense that most individuals would not want such correspondence revealed, made the decision somewhat easier (Hodson, 1991, p. 111).

At first, Kaczynski outlined a scenario in which a classification system based on access levels was created. This was not acceptable to Herrada, so she decided that she would have to review the correspondence to determine the necessary restrictions (Herrada, 2003-2004, p. 39). After the deed of gift was signed, and she began to process the letters, Herrada realized that Kaczynski’s concerns were valid. The letters were extremely personal. She points out that “coupled with the media’s attraction to the story, [she] sensed a dangerous mixture” (Herrada, 2003-2004, p. 40). More than 700 people wrote to him from everywhere — about everything. The most mundane to the most intimate stories and events were relayed. Some wrote about philosophy or the environment (topics he was associated with), while others wrote about depression or their family. Herrada notes that the variation in correspondents was staggering: “housewives, academics, teenagers, grandmothers, secretaries, anarchists, journalists, scientists, survivalists, writers, artists, mental health professionals, college students, teachers, and environmental activists, in addition to many women who were interested in initiating romantic involvement” (Herrada, 2003-2004, p. 40). Some signed their letters, others did not. But regardless, these individuals had no idea where their correspondence had found its final resting place. Herrada recounts the difficult decision: “the people never imagined their letters would end up in the archives of a public institution. This is what I was grappling with. I even lost sleep over it... I was now in the difficult position of being responsible for people’s privacy, at the same time making a professional pledge not only to care for these materials but to make them available to the public” (Herrada, 2003-2004, pp. 40-41).

Herrada was dealing with the traditional struggle of access versus privacy.

One of the most difficult ethical decisions archivists deal with is maintaining this balance (Schwarz, 2005, p. 82). Herrada found herself, “an advocate and a protector of both sides of a complex and sensitive issue” (Gaudette, 2004, pp. 21-25). And, although the Code of Ethics acknowledges that access to materials is important, it

also recognizes that some of the material may be sensitive, and that the privacy of the creators and those who were the subject of the materials needs to be respected (The Society of American Archivists, 1992, Sections VII and VIII). The Code emphasizes the sensitivity of materials dealing with third parties: “archivists respect the privacy of individuals who created, or are the subjects of, documentary materials ... especially those who had no voice in the disposition of the materials” (The Society of American Archivists, 1992, Section VII).

The revision made to the code in 1992 reflected changing ideas about the necessity of privacy in archival collections, and an increased concern that archivists should pay close attention to the rights of third parties. The archival community used to prioritize access to research materials above all else. This began to change in the 1990s, as archivists were encouraged to balance this priority with third party privacy rights. The ethical code’s guidelines on the subject were ambiguous at best, and difficult to apply in a standardized way. Many archivists have to come up with “creative solutions” (“Ethical Perspectives,” 2005, p. 62-64). In other words, archivists and manuscript curators have to use the Code of Ethics, along with their institutions’ policies, to “weigh the need for openness and the need to respect privacy rights to determine whether the release of records or information from records would constitute an invasion of privacy” (The Society of American Archivists, 1992, Section VII).

Herrada’s first instinct was to close the collection for a long time. She recognized the problem in revealing the correspondents’ identities, noting that she had never before in her career dealt with a contemporary collection so diverse and personal (Herrada, 2003-2004, p. 41). Time restrictions on blind donors in correspondence collections are common, useful, and often very easy to implement (Hodson, 1991, pp. 108-109). Although they discussed the idea of closing the collection until the time of all the correspondents’ deaths, this would have been unfeasible (since some of them were extremely young) and could have violated the non-closure policy. In considering the situation, Herrada looked at the potential research value of indicating the correspondents’ names, and realized that revealing their names would have only been valuable to the media, not researchers, and thus had the potential to seriously damage the authors for no ethical purpose (Herrada, 2003-2004, p. 41). Ultimately, it was decided to black out the authors’ names and any identifying information on all individuals except for famous persons, media figures, or Kaczynski himself (Herrada, 2003-2004, pp. 41-42). Although some archivists suggest analyzing whether specific people would be embarrassed by the content of the information, the number of correspondents coupled with the difficulty in tracking them down (and the compounded messiness this might have caused) would have made this too difficult or tedious a feat (Hodson, 1991, p. 116). Rather, Herrada had to assume that most people thrown in the limelight for corresponding with a serial killer would be embarrassed.

The issue of respecting individual privacy is inextricably intertwined with the public’s trust in the archival community. The conscious decision to sacrifice individuals’ privacy for the goal of research or documenting a subject thoroughly compromises,

as Heather MacNeil points out, the public's faith in the "integrity of the institution" (quoted in Gaudette, 2004, pp. 28-29). Actions such as these knowingly exploit the privacy of people who have no idea that their letters are in a public place (Gaudette, 2004, pp. 28-29). One advantage that Herrada had was a good working relationship with Kaczynski. When donors have an active role in making decisions regarding restrictions and privacy, "they may feel less threatened by it" (Greene, 1993, p. 36). Working with the donor's requests and respecting his or her wishes is usually considered the most ethical approach to protecting the privacy of third parties. Although Herrada used her own judgment to determine what type of privacy measures to take, completely ignoring the donor's wishes and administering one's own personal judgment calls can create an ethically messy situation. Because there were no hard and fast rules (and still are not) to govern the issues of access and privacy, often the donor is best suited to making such decisions (Greene, 1993, pp. 36-38). Additionally, respecting donor wishes follows the Code of Ethics' direction to always "observe faithfully all agreements" made with them (The Society of American Archivists, 1992, Section IV).

The Effect of the Kaczynski Acquisition on the Wider Archival Community

From this acquisition, Herrada gained experience in collecting controversial acquisitions, becoming somewhat of an expert on the topic, as well as a proponent for it. She urges that an institution that documents local history should be collecting records that fall within its scope, "*especially* if they are controversial" (Herrada, 2003-2004, p. 43). She recognizes their potential destruction in the face of the public's misunderstanding of their historical value, and urges archivists to look at the situation from an ethical standpoint: "If we, as keepers of history, collect and protect only what is appealing, socially acceptable, or politically correct, we are hardly doing our jobs... We might be appalled and bewildered by some of the events of our era, but we have the resources, the social values, the context, and the perspective to thoroughly document them" (Herrada, 2003-2004, p. 44). A comparison was actually made between the collecting of materials related to underrepresented groups (like minorities) and those related to controversial or unpopular figures. Both involve the necessity of utilizing proper ethics.

Herrada has received inquiries from other institutions facing similar situations, including a collection of Timothy McVeigh's fan mail and materials related to the Branch Davidians. Both of the contacts involved in these collections had comparable concerns to those she experienced with the Kaczynski papers. If nothing else, the contacts she has received since then from archivists dealing with similar situations shows an increased awareness in the archival (if not the general) community. People recognize the validity of accessioning the controversial collections of unpopular figures, and are

utilizing her experience with the Kaczynski papers to deal with issues specific to their situations (Herrada, 2003-2004, pp. 44-45).

Many view controversial acquisitions (especially of current figures) as complicated and not worthy of archivists' time and attention. Avoidance of such situations by archivists is common (Lamoree, 1995, pp. 149-150). Many seem to forget their ethical duty to be fair and professional in documentation and collection selections, simply because they are afraid of the negative publicity that may occur. One valid response to negative publicity is to argue for the documentation of evil in the face of the world forgetting it (Lamoree, 1995, p. 149-150). Herrada did not use this approach. It was not his "evil" she wished to document, but merely his radical writings. She utilized the necessary neutrality and highlighted the collection's historical significance without compromising her own or her institution's values. It was crucial that Herrada not appear to be sympathizing with Kaczynski or acting as a proponent of his ideas by accepting his collection, but merely documenting his contribution to the radical history of the United States. Again, reactive advocacy is key here.

Herrada's essay, although not overly cited in scholarly archival articles since its appearance, has definitely not been ignored. It has been the subject of student papers (Bodemer, 2005) and course readings assigned for understanding collection development and privacy rights and restrictions (Dominican University Graduate School of Library and Information Science, 2006). Her article has been frequently cited in the "zine" or "zinebrarianship" movement of late (in which Herrada herself is involved) — likely because of the Labadie Collection's contents, and its active collecting of these types of publications (Herrada, 1995).

Herrada's case study provides a platform for discussing third-party privacy rights in public and private manuscript collections. Her paper was included in the 2002 Privacy and Confidentiality Roundtable session on third-party privacy rights alongside other examples such as privacy rights in gay and lesbian archives and those of famous figures (The Society of American Archivists, 2007). Her experience has the potential to be utilized further. It is a unique case involving a controversial collection and figure, and extremely complicated privacy and ethical issues.

Impact and Aftermath at the Labadie Collection

Kaczynski's correspondence covers a diverse range of subjects, including philosophy, technology, and even mundane, everyday topics such as gardening. It holds great potential for a variety of scholarly research topics. And Herrada was right in projecting future use of the collection — scholars (and not just the media) were interested. A variety of professionals including lawyers, authors, and political theorists came to find meaning and research value in the collection (K. Johnson, 2001). The collection has been utilized by a wide array of individuals for diverse purposes, from students studying handwriting analysis to filmmakers and professors (J. Herrada, personal com-

munication, March 16, 2009). Not surprisingly, because of the contemporary nature of the collection, and Kaczynski's recent trial, access to the material was demanded almost immediately. Although the initial requests to view the materials were from the media, researchers and scholars came later (Herrada, 2003-2004, p. 42).

When questioned about the type of impact this acquisition has had on the Labadie Collection in general, Herrada claims that it has challenged the institution in positive ways. It has forced them to think more acutely about the inherently complex privacy issues in high-profile acquisitions. Additionally, it has clarified and solidified their institution's mission to document the radical history in the United States, and "facilitate scholarly research ... [to] enhance the educational process." Herrada also notes, although no other collections have been as controversial, it has helped to educate the staff about the processes and ethical issues unusual in such collections, and how they must be individually handled (J. Herrada, personal communication, March 16, 2009).

This essay urges all archivists and manuscript curators to consider the various elements in the case. Controversy, advocacy, sensitivity to the community, media involvement, donor restrictions and third party privacy issues all played a part in complicating an already difficult situation. The material of unpopular contemporary figures provides a unique platform for showcasing and emphasizing many of the ethical dilemmas archives face to a smaller degree every day. Frank Boles argues, "in a democratic society archivists must educate the population to and advocate the need for the fullest application of the profession's collective documentary mission. Unless this advocacy and education occur, archivists' ability to perform the profession's documentary mission will erode in areas surrounded by public controversy" (Boles, 1994, p. 59). It is through defending acquisitions like the Kaczynski Papers that a more representative documentation of society will take place.

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