



Contents lists available at ScienceDirect

The Journal of Academic Librarianship

journal homepage: www.elsevier.com/locate/jacalib

Minding the Gaps: Interprofessional Communication and the Stewardship of Oral Histories With Sensitive Information



Krista White*

Digital Humanities Librarian, John Cotton Dana Library, Rutgers University – Newark, USA

Introduction

Subpoenas issued for the Boston College Belfast Project oral history collection in 2011 were a shock to the archival, library and oral history professions. The Police Service of Northern Ireland (PSNI), in partnership with the U.S. Department of State, issued the subpoenas for interviews from the Belfast Project, which they believed contained evidence related to the suspected murder of Jean McConville by Irish Republican Army operatives in 1972. The involvement of librarians, oral historians and a university archive in the case, with resulting harm to participants from the subpoenas, prompted the author to consider whether the principles of the Belmont Report were applicable as an ethical framework for thinking about each profession regarding library and archives materials that contain sensitive information. The author embarked upon a thought experiment applying the principles of *beneficence*, *respect for persons* and *justice* from the Belmont Report to the policy manuals of “Section B” of the [American Library Association \(ALA\) Policy Manual \(2013a\)](#), the “Principles and Best Practices” of the [Oral History Association \(OHA\) \(2009\)](#) and the “Core Values Statement and Code of Ethics” for the [Society of American Archivists \(SAA\) \(2012\)](#). These policies were chosen as representative of the professional associations of librarians (ALA), archivists (SAA) and oral historians (OHA). The goal of the analysis was to determine whether there might be discernable patterns in each policy manual that could provide clues about implicit, professional assumptions regarding ethical guidelines for stewarding materials with sensitive content. If so, it might be possible to bridge gaps in communication between professionals in each field to avoid incidents like those in the Belfast Project (BP).

Using a simple method with Microsoft Excel and paper printouts to code relevant policy manuals to perform a qualitative analysis, the author discovered gaps between the ethical emphases of the different professional organizations' policy manuals. The author suggests that awareness of these gaps may shed light on ways to improve communication when preserving, stewarding and making available oral history collections and other archival materials that contain potentially sensitive information. Utilizing common software such as Microsoft Excel and a hand-coding technique, the author also demonstrates how members from the library, archives and oral history communities

without training in digital humanities or software designed for text or qualitative analysis can perform similar exercises in investigations of their own.

The current study begins with background on the Belfast Project (BP) and the oral history profession's relationship in academic institutions to institutional review boards (IRBs). The author then presents a review of literature from library studies, archival studies and oral history about the relationship between oral histories and IRBs, as well as articles directly related to the BP case outside the previously mentioned literature. The author then provides the design, method, results and discussion for the analysis of the policy manuals of the American Library Association, Society of American Archivists and Oral History Association according to the Belmont Report principles of *beneficence*, *respect for persons* and *justice*. Finally, the results are applied to theorize about potential areas of miscommunication between the three professions. The author makes suggestions that may improve communication between these stakeholders in order to positively affect the stewardship of oral histories and other valuable collections with potentially sensitive information.

Background of the project

The Belfast Project

Legally and socially sensitive personal narratives in oral history collections such as the BP are often used as research by historians, anthropologists, sociologist and other scholars. The events leading up to the subpoenas at Boston College illuminated the ways in which librarians, oral historians and archivists may approach or understand issues of confidentiality and access to materials with sensitive information. The BP was designed to capture the stories of members and former members of the Irish Republican Army and the loyalist Ulster Defense Force in Ireland. The goal was to record for posterity the stories of those involved in what was commonly known as “The Troubles,” specifically those who were active from the 1960s until the Good Friday Agreement was signed in 1998. The project was sponsored by Boston College with the involvement of the Burns Librarian, Robert O'Neill. Others involved in the project included Tom Hachey, head of Boston College's Center for

* John Cotton Dana Library, Rutgers, The State University of New Jersey, 185 University Ave, Newark, NJ 07102, USA.
E-mail address: kwhite2@libraries.rutgers.edu.

Irish Programs, Ed Moloney, a journalist and an editor of the *Sunday Tribune* and Anthony McIntyre, a former IRA member turned historian, who headed the BP as director. The oral history interviews, meant to be kept in the strictest confidence until the death of each narrator, were smuggled out of Ireland to protect narrator's safety from other IRA members. They were housed at Boston College's Burns Library in a locked, archival room.

Moloney published *Voices from the Grave* based on the interviews of two deceased narrators from the BP archives in 2010. The following year, a documentary film was released based on Moloney's manuscript. These two, high profile publications and a newspaper interview with Dolours Price, a BP narrator who broke confidentiality on the archive, brought the BP to the attention of the Police Service of Northern Ireland (PSNI). Based on these sources, the PSNI believed that BP interviews contained information related to the murder of Jean McConville, and wanted to seize oral histories from the collection to gather evidence. On May 5, 2011, the first subpoena was issued to the Boston College Burns Library to obtain access to interviews conducted by former members of the Irish Republican Army (IRA). In response, the project's directors, Ed Moloney and Anthony McIntyre, along with O'Neill & the Boston College administration began battles to keep the oral histories of living narrators from being released, as interviewees had participated with the understanding that any interviews given would be held in strict confidence until after their deaths ([United States District Court for the District of Massachusetts, 2011a](#)). However, the informed consent process for the BP was flawed. Moloney and McIntyre, inadvertently, did not follow the OHA admonition to "take care to avoid making promises that cannot be met," in promising confidentiality to their interviewees. As trained journalists, they were perhaps relying on First Amendment protections that cover journalistic endeavors, but not scholarly ones. They allege that they were told that Boston College could protect the confidentiality of the interviews, a claim ambiguously supported in the evidence. In a letter dated May 2000, Robert O'Neill, then the Burns Librarian at Boston College, wrote to Ed Moloney,

"I cannot guarantee for example that we would be in a position to refuse to turn over documents on a court order without being held in contempt. *I am well aware of your own courageous stand on protecting sources, but I'm not sure librarians are accorded the same respect as journalists.* Nevertheless, the First Amendment to our Constitution is greatly cherished here, and I suspect the courts would look upon these interviews as privileged information. *But I am not an attorney*" ([United States District Court for the District of Massachusetts, 2011b](#)).

Dated some 8 months later than O'Neill's letter, the agreement signed by Ed Moloney to become the BP Director in January of 2001 clearly stated that "Each interviewee is to be given a contract *guaranteeing to the extent American law allows the conditions of the interview and the conditions of its deposit at the Burns Library, including terms of an embargo period if this becomes necessary*, as outlined herein" ([United States District Court for the District of Massachusetts, 2011c](#)). In the release forms signed by narrators, there was no mention made that confidentiality will only be honored "to the extent that American law allows" ([United States District Court for the District of Massachusetts, 2011d](#)). There was no IRB involved in the oversight of the project, and Boston College ([McMurtie, 2014](#); [Palys & Lowman, 2012](#)) and legal counsel were never consulted in the creation of the release forms signed by interviewees ([McMurtie, 2014](#); [Palys & Lowman, 2012](#); [Schrage, 2014](#)).

Human subjects research and oral history

At the time the BP was conceived in the year 2000, many institutions were beginning to insist that certain interview practices, including oral history, should be subject to Institutional Review Board (IRB) oversight. IRBs review research plans for federally funded projects according to the Department of Health and Human Services' Code of Federal Regulations, TITLE 45, PART 46 on the protection of human

subjects in research. The recommendations of the Belmont Report, ([National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979](#)) resulted in the creation of Title 45, Part 46 of the Code of Federal Regulations, known as "The Common Rule," ([National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 2009](#)) to insure the protection of human subjects in research from physical, mental, social, legal and economic harm. The Belmont Report was between 1974 and 1979 to investigate abuses of federal medical research like those in the Tuskegee experiments. In those experiments, African-American men suffering from syphilis were deceived and never offered medical treatment by the U.S. Public Health Service so that the government could study the progression of the disease. Oral historians - and other social sciences professionals who use interviews as a primary research tool - resisted the application of Institutional Review Boards (IRBs) to qualitative interview methods for years on the grounds that the dangers of medical trials were not comparable at all to the low-risk practice of conducting and recording interviews about historical events or personal experiences ([Gunsalus, 2004](#); [Lincoln & Tierney, 2004](#); [Gunsalus et al., 2005](#); [Shopes, 2012](#); [Schrage, 2010](#)). On January 19, 2017, the Department of Health and Human Services Office for Human Research Protections announced that Office for Human Research Protections (OHRP) at the Department of Health and Human Services no longer considers oral histories to be "research" for the purposes of the protection of human subjects ([Department of Health and Human Services Office for Human Research Protections, 2017](#)). Before the January 2017 ruling, IRBs at universities implement human subject research protocols according to the Common Rule and many required that oral histories go through the IRB process before researchers could conduct interviews. At the time of the BP, IRBs were not required for oral history projects at Boston College.

Human subjects research and the Belfast Project

Human subjects research requires application of the Belmont Report principles of *beneficence*, *respect for persons*, and *justice*. These principles aligned with the desire of the BP staff and administrators to protect interviewees. By sharing stories of their activities with the Irish Republican Army and the Ulster Defense Force, narrators in the BP oral history collection were, as the project director Anthony McIntyre repeatedly emphasized, putting themselves at risk. In 2016, as a result of the Boston College subpoenas, Ivor Bell, a former IRA member and interviewee in the BP, was arrested and charged in connection with the murder of Jean McConville. Even third parties mentioned in the interviews were negatively affected. In 2015, Gerry Adams, president of Sinn Féin, an Irish political party associated with the IRA, was questioned by police about the McConville murder but released. The confluence of libraries and social, political and legal harm resulting from an oral history project recommended the current analysis.

The role of archives and archivists in the Boston College case is less obvious, but significant. Literature from the archival and legal professions discuss the concept of "archival privilege" as a factor in the case (see "Literature about the Belfast Project" below). To keep BP oral histories out of the hands of the PSNI, Moloney asked the SAA to weigh in in favor of an "archival privilege" to protect sensitive materials as part of the legal defense against the subpoenas ([Moloney, 2013](#); [Society of American Archivists Government Affairs Working Group, 2013](#)).

McMurtie's essay pinpoints the clear miscommunication between O'Neill, Moloney and McIntyre. "In retrospect, that was my mistake," Mr. O'Neill says. "The contract unfortunately omitted the phrase 'to the extent American law allows'...." "If that phrase had been in the donor contract, that project would have been dead," Mr. Moloney says now. "There's no way myself, Anthony McIntyre, or any of the participants would have had anything to do with it...." ([McMurtie, 2014](#)). There's no doubt that administrators and participants of the project desired to protect all participants. Communication failures and assumptions about

Download English Version:

<https://daneshyari.com/en/article/4938938>

Download Persian Version:

<https://daneshyari.com/article/4938938>

[Daneshyari.com](https://daneshyari.com)