Burn, Destroy, Suppress: Queer Archival Privacy, Ken Duckett, and Archival Banditry

Emma R. Johansen

Luddy School of Informatics, Computing and Engineering, Indiana University

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Professor Lydia Spotts

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In May 1933, Dr. Magnus Hirschfeld saw his archive burn. He saw his publications, patient records, and sexology studies torched by Nazi student groups at a news broadcast in a Parisian cinema only a few days after arriving as an exile. He was supposed to be on a world tour with his two life partners, but none of them would ever return to Germany. Dr. Hirschfeld would die of a heart attack in Nice, France two years later at 67 years old. His lover and employed archivist Karl Giese would end his life in Czechoslovakia in 1938 at 39. His second lover, Hong Kong-born medical student Li Shiu Tong, would travel with what was left of Hirshfeld's diaries and manuscripts for the rest of his life before dying in a Canadian hospital in 1993 at the age of 86 (Marhoefer 2022). After Tong's death, his family threw many of these priceless artifacts - the few originals left from the first *Institut für Sexualwissenschaft* - in the garbage bin. A neighbor had noticed a few relics: a German passport from the 1930s, some of Tong's unpublished manuscript, and Dr. Magnus Hirschfeld's death mask. These objects, among others, were saved from the trash heap. However, the very last remnants of the Institute for Sexual Science, the first sexology institute in the world, that lived proudly on the streets of Berlin from 1899 to 1933, now lay waste somewhere in the Delta Landfill. An incredibly small percentage of the Institute for Sexual Science evaded the book burnings of Nazi Germany, and an even smaller amount evaded the Vancouver Delta Landfill sixty years later (Marhoefer, 181). For the majority of Western history, there has only been two ways to end a queer archive: the fire or the landfill.

When faced with a rising fascist administration, blatant government censorship, and calls for historical revisionism, archivists must act as the safeguards to historical evidence by any means necessary. Since archival science was first posited as its own field by Sir Hilary Jenkinson in the 1920s and popularized in America through Schellenberg in the 1950s, archival practice has become more democratic in scope and liberal in methodology. Archival management and concerns of recordkeeping are no longer reserved solely for monarchs, governments, and religious leaders. Archives are now a tool for the common man: a means of identity formation, social justice advocacy, and political activism. For many archivists and historians, this modernized purpose trumps privacy concerns, friendly donor-relationships, and legal ramifications. In desperate times of political turmoil, I'm inclined to agree. By analyzing the actions of Ken Duckett and the writings of Verne Harris through the lens of queer archivy, I call upon archivists to embrace a new methodology to resist political corruption: archival banditry.

For all archivists, the tightrope between serving underrepresented communities and obeying state and federal anti-DEI policies is a delicate, yet increasingly-familiar balance. Before the second Trump administration, most private historical institutions only had to worry about the opinions of board members and legacy donors when curating exhibits, publishing digital content, and planning events. Now, many archives, libraries, and museums are facing government censorship over their collections, exhibit content, and community programs for BIPOC and LGBTQ demographics in particular. When archivists are pushed to break the government's rules, and consider the role of an archivist to be more than a puppet for glorified histories, you get a legal battle like that of Ken Duckett.

Ken Duckett, as Pyatt (2015) argues, took possibly every means necessary to preserve the love letters between President Warren G. Harding and his mistress, Carrie Phillips. Despite being employed at the Ohio Historical Society, which received funding from the Republican-led state government, he hid illegally donated materials in a corner of the stacks, secretly microfilmed them, and sent copies across the country as a fail-safe. Months later, he would be caught in a legal battle with Harding's family, who were suing him for defamation and sided with the Harding Memorial Foundation (another potential donor that Duckett was corresponding with for more Harding materials) that wanted the materials suppressed for the sake of the president's legacy. Quoting Duckett: "I have heard the words 'burn, destroy and suppress' so many times since I acquired the papers, that I am determined that extraordinary precautions must be taken to ensure their preservation and use by historians" (Pyatt, 5). Duckett had even used a technicality in court to obfuscate how many copies of microfilm there were (intentionally not including the original negative in the count of copies), and had managed to burn bridges with descendents, donors, his supervisors, the state government, and more. The Duckett Case Study is the delicate web archivists must weave to please legacy donors and government entities while serving the public's best interest. For non-profit organizations, the money from foundations, charities, corporations, and wealthy families keep the lights on - but sometimes donor-overreach impacts more of archival work than the name on top of the library door. How can one speak truth to power if power is your top legacy donor?

However, it is precisely because of the archivist's unique role in memory work, the direct influence we have on the historical record, which ethically binds us to serve the public good, even when it goes against legal, social, and professional norms. Greene (2009) argues that archivists must understand and "work within the reality" that our selection, appraisal, and description processes do as much to create the documents we preserve as the actions of the original authors (Greene, 25). Both Poole (2020) and Greene discuss the role of the "activist archivist," a term that could be contextualized as a precursor to archival banditry. Greene (2009) summarizes the balance between access and activism versus privacy best: "Access is perhaps most crucial when it applies to public records and is a core component of our value of democracy…Archivists should, whenever the value of access bumps up against the need for privacy, err on the side of access" (Greene, 35). Poole tackles these themes in an explicitly queer context, arguing, "Inequitable access and undue privacy restrictions may further marginalize the history of populations underrepresented due, for example, to their unjustly stigmatized sexual preferences" (Poole, 9). Furthermore, to be an activist-archivist, and be aware of the direct impact archivists have on the historical record and social justice movements, is to only theoretically apply the praxis of archival banditry (Harris). Being an activist-archivist is the theory, being an archives bandit is the practice.

James Lowry (2021), in an interview with Verne Harris, states, "Archivists work for a projected future, and it seems to have taken us a long time to realize and embrace the fact that we work for the present in important ways." Verne Harris was the archivist for Nelson Mandela and

the author to coin the term ‘archival banditry’ out of the ways the injustices of the past haunt archivists. Harris defines archival banditry as “premised on the conviction that the call of justice is the most important one sounding in the ears of human beings.” Banditry is “anathema to most professional codes of conduct”” but, to Harris, is not about lawlessness - but about following the law of justice before all other laws (Lowry). Harris argues that even if it means cutting corners, bending the rules, and breaking the law, archivists are intuitively called to preserve that which information can benefit all people and communities, past, present, and future. To Harris (2015), “self-reflective banditry” is a key component in bringing justice to archival work, and acknowledging the responsibility of truth-telling laid before archivists (Harris, 25). Archivists might already be bandits without realizing it. Archival banditry, like Hentonnen’s argument of the records continuum model, takes works out of their original contexts through a powerful conviction towards justice. Harris exemplifies the process of archival banditry in the story of cartoonist Zapiro and the work he created while imprisoned in apartheid South Africa. Many of those politically satirical comics would evade the watchful gaze of prison guards and later display on museum walls, once removed from its “lawful home” (a highly surveilled prison cell) to “re-establish its materiality” and existence in a way that liberated the work, the creator, and the message inside (Harris, 16). Zapiro’s prison notebooks were deemed “worthy as archive” in the same way Harding’s letters were (Harris, 16). And the rich, complicated provenance behind these artifacts - the story underneath the story - could no longer be separated from the item itself.

To President Warren G. Harding’s descendants, as well as The Harding Memorial Foundation, the preservation of Harding's love letters was a major breach of privacy. To the Ohio Historical Society, Duckett’s actions were illegal, secretive, and grossly against proper protocol. However, today, because of Duckett’s work, these letters are fully accessible online to the public, for free, through the Library of Congress. It can be argued that if Duckett had not argued the importance of these letters in court, these records would have been burned or trashed. However, could there have been a way for these materials to have been donated *legally?* Carrin Phillips left behind debt and claims but didn’t appoint any executor of her estate. That topic should have been another legal battle entirely, but Duckett’s quest to preserve these records - unattached to any official estate - became cannon fodder for the prosecution. However, even when faced with legal ramifications, Duckett thought of the access of *potential* users - a sentiment now shared by the SAA Core Values Statement and Code of Ethics (Society of American Archivists, 2012).

I’m glad the Society of American Archivists recognizes that an archivist’s first patron is the public. Our preservation of materials should depend on their historical significance and their potential importance to future researchers, even if it goes against the wishes of donors and supervisors. For too long, the remnants of old archivy - focused on the wishes of the powerful and wealthy - has influenced archivists and historical institutions in interpretation, appraisal processes, and restricted access practices. In trying to preserve the letters, Duckett had to violate the policies of his employing institution and used a linguistic technicality to be truthful with the

court in his deposition—reporting only the "copies," and not the "original" negative (Pyatt, 7). It was precisely his supervisor's concern of continued funding from a Republican-led Ohio legislature that led to Duckett's secrecy and borderline-perjury. The impact of state politics in archives, universities, and historical societies - institutions that should be beacons of truth, places of intellectual freedom, and outspoken critics of the powerful - is still felt today.

On April 25th, 2025, at one o'clock in the morning, the Indiana house and senate passed a state budget that put several public services, cultural institutions, and universities under siege. My workplace, the Indiana Historical Society, is just one of the many libraries, archives, historical societies, and museums on the state and federal chopping block. I especially worry about the Kinsey Institute at IU-Bloomington, one of the nation's oldest archives of sexual science and research. When Gov. Mike Braun assumes his new power as Chair of IU's Board of Trustees, given to him through the newly passed state budget, he will have much more sway over IU's research projects and departmental funding. The Kinsey Institute has already been threatened with a separation from IU and various defunding efforts in the state legislature. I fear that the Institute's repository will be dumped like garbage, just like the New College of Florida's collection of DEI-related books last August. The moral obligations archivist's carry, even when faced with institutional and even legal ramifications, is inherently political and deserves revisiting as our field is being hit with budget cut after budget cut.

What did Dr. Magnus Hirschfeld feel, seeing his entire life's work go up in flames, sitting in the Parisian theater that day? Did he worry about the fate of his colleagues, his family, and his friends - many of whom would be sent to concentration camps in the following months? Did he anticipate such a rapid disintegration of his archive, as Hitler had only been announced Chancellor of Germany not even four months prior? When he first left for his world tour in November of 1930, did he anticipate that three years later, he would not have a home to return to? The Institute for Sexual Science was not just his workplace, he and Karl Grier lived there. And when you burn an archive, seize its building, or toss away artifacts as if they're just collections of paper and meaningless photographs, aren't you always destroying a home? If an archive is the only home for untold, marginalized histories, then archivists must become armed security. If archives serve as the first line of defense for truth and democracy, especially in the face of fascism and historical revisionism, then archivists must become outlaws. If archives are threatened by fascist policies, government censorship, and legal barriers to access for *all* users - present and future - then archivists must become bandits.

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