

# ACCESS TO PAPERS OF GERMAN POLITICIANS AT THE BUNDESARCHIV

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Researchers interested in the history of the Johnson administration go to the Lyndon B. Johnson Library in Austin, Texas. Scholars interested in the history of Kurt Georg Kiesinger's chancellorship have to go to several archives: the Bundesarchiv (Federal Archives), the Archiv für Christlich-Demokratische Politik in St. Augustin, and finally the Hauptstaatsarchiv in Stuttgart. Gathering source material on leading German politicians is no straightforward affair. In this article, I try to explain how this situation came about, where the papers of Germany's most influential politicians are held, and how access to them is regulated.

"Parliamentary democracy is based on the trust of the people . . . . Trust cannot be established without transparency, which allows us to follow or to retrace what happens in the political sphere." This principle, articulated in 1975 by the Federal Republic's Constitutional Court, was a milestone on the path from a formerly authoritarian state with administrative secrecy to the modern rule of law with freely accessible information from the public sector. Freedom of information in the Federal Republic began with archival legislation in the mid-1980s. The preservation of papers no longer needed by public agencies became a legally defined task for archival repositories. At the same time, citizens gained the right to access those public records. Access is limited by a thirty-year rule, which may be reduced in exceptional cases, i.e., for a given academic research project. The federal and state archival laws promoted a transparency in administrative work that was not restricted to parliamentary investigations, financial oversight agencies, or the courts; every citizen was now entitled to review government activity.

Access to information from the public sector requires that the records be managed adequately by the agencies then duly transferred to the archives. The 1996 federal procedural code therefore stipulates that any governmental transaction has to be clear and traceable in the files. Memos containing notes about meetings, telephone calls, or the relevant content of related files must be used to capture what is not evident in the files. Guidelines for records management ensure that government activities are able to be reconstructed before the records are finally transferred to the Bundesarchiv.

In theory, everything is well-organized and regulated. In reality, however, the rules are not always applied in a consistent manner. Some files arising from the center of political decision making remain personal and do not find their way into the records management systems. Furthermore, files that are thus kept out of the central registries are rarely transferred to the Bundesarchiv.

The files of top politicians generally contain a mixture of public records and political papers. Government ministers often have several functions: they are members of the cabinet and may also hold leadership positions in their political party. Both functions are coordinated by their personal offices. However, that does not mean that the public records managed by the registry office therefore contain the political papers. Instead, in most cases, the official documents remain in the files of the official's personal office. Thus, diverse collections of documents come into being, containing public records, personal notes about administrative affairs, papers about the same affairs in political contexts, constituency papers, and agendas and minutes from board meetings. In general, these files do not go to the registry office, where they would be attached to the relevant agency records. Therefore, some public records are not transferred to the Bundesarchiv as they should be according to the law.

Obviously, all politicians tend to consider their official records their private property and feel entitled to take them away when they leave office. They do not think of this as unlawful. The practice is not new, nor is criticism of it. In the summer of 1932, the German government tried to find a solution to the problem of the personal records of leading politicians. Following a suggestion from the Foreign Office, the chancellery planned to oblige all members of the government to separate all documents concerning official duties from their private correspondence and to transfer the former to the official records of their agency or to hand them over to the Reichsarchiv, as the Bundesarchiv was then called.

This laudable initiative never materialized. The bad habit persisted. The first chancellor of the Federal Republic, Konrad Adenauer, was not so particular about the separation of official and political records. The Konrad Adenauer Collection in Rhöndorf contains some public records. To this day, the transfer of material from ministerial offices to the archives of the party foundations, or—worse—to the unbreakable secrecy of a political retiree's private apartment, is still a rather normal occurrence.

The Bundesarchiv has urged the government to pass clear regulations on the handling of records in order to prevent the splitting up of archives and to ensure that files are actually transferred to it. On July 11, 2001, the

cabinet did decide on guidelines which uphold well-established principles of records management and also clearly articulate what should be self-evident but is all too often not respected: documents may not be removed from files. For the first time, cabinet guidelines included a special section on the records of higher officials. They described in detail which papers may be kept in personal files and which must be given to the registry. For instance, leaders may not take for their personal files any records produced in the course of their duties for the federal government, irrespective of the form of the record. Leaders' personal papers may only contain copies of official documents, no originals. It is stated very clearly that party records do not belong with the public records and vice versa.

In the past, however, the Bundesarchiv benefited from the tendency of leading politicians to create their own collections of personal papers. Along with these papers, the Bundesarchiv sometimes also received official documents which had not been passed along with the normal transfers. But that is not the only reason the Bundesarchiv tries to obtain collections of politicians' papers. Personal papers provide interesting supplements to the information in official records, such as the true motivations of various participants or behind-the-scenes struggles about alternatives.

The Bundesarchiv holds the personal papers of several presidents: Theodor Heuss, Heinrich Lübke, Walter Scheel, and Carl Carstens. It also has the papers of twenty government ministers, including the large collections of Rainer Barzel, Franz Blücher, Heinrich von Brentano, Josef Ertl, Lauritz Lauritzen, Alex Möller, and Karl Schiller. In addition, the Bundesarchiv contains the personal papers of several state secretaries and ministry department heads, which supplement the public records.

Many collections of papers from high officials in the former East German government and its ruling Socialist Unity Party (SED) came into the Bundesarchiv as part of the Foundation for the Archives of Parties and Mass Organizations of the GDR (SAPMO). These include the personal papers of the first leader of the SED and the first president of the GDR, Wilhelm Pieck; the general secretary of the SED, Walter Ulbricht, and his successor Erich Honecker; and the minister president Otto Grotewohl. In addition, there are the personal papers of many government ministers and influential members of the Politburo like Hager, Mittag, Norden, and Tisch. This enormous collection has grown larger still since reunification.

The Bundesarchiv prefers to obtain personal papers as donations from politicians. In some cases, property is also transferred in this manner. If, for whatever reason, the papers cannot be donated, the Bundesarchiv is sometimes in a position to negotiate a purchase. However, this often does not meet the expectations of the donors or their heirs. The

biggest obstacle is usually that politicians and heirs have difficulty relinquishing control of the papers. This problem can often be solved by transferring the papers to the Bundesarchiv for secure conservation and description with property rights reserved. In such cases, the Bundesarchiv tries to obtain a written agreement stipulating how property rights might be transferred to the Bundesarchiv at a later date—even thirty or forty years after the actual transfer. In certain cases, the Bundesarchiv has acquired sealed bundles of papers on the condition that they not be opened before the death of their author.

The ideal that an archive's preservation efforts are only justified if the materials are then accessible is not always adhered to when the personal papers of politicians are concerned. The safe preservation of the material has priority over immediate access. The Bundesarchiv desires first and foremost to prevent the destruction or dispersion of papers. It accepts that the papers may only be accessible after years or even decades. The variety of individual options for donors helps the Bundesarchiv in its mission to preserve material.

The special regulations for access are thus rather diverse. In most cases, the owners and their heirs allow access only with their consent. In other cases, access is unrestricted, but consent is necessary to publish any documents from the collection. Access to any German president's papers within the thirty-year period requires the consent of the president of the Bundesarchiv.

The Bundesarchiv thus participates in the competitive hunt for collections of personal papers. Competition between the Bundesarchiv, party archives, various state archives, and research institutes sometimes results in a collection being divided between two or more repositories. This is, of course, inconvenient for researchers. The Bundesarchiv has therefore created a register of all German-language collections of private papers as a service to the scholarly community. Together with 1,083 other institutions, the Bundesarchiv has built up a database which currently contains 25,575 descriptions of collections of private papers. It has been accessible via the Internet since 2002. With 10,000 visits per month, it is the most heavily used resource on our web server.

Regrettably, the Bundesarchiv does not have a coordinating or regulating function comparable to the control that the National Archives and Records Service has over presidential libraries in the United States. In my view, such an oversight function would be very desirable in order to guarantee the preservation and accessibility of papers of high-ranking politicians. The Bundesarchiv should be entrusted with this sort of control function, at least whenever new institutions are founded that receive governmental funding. The next best solution would be a structure anala-

gous to the American model of presidential libraries. From the professional point of view of an archivist, the best thing would be the appraisal, description, and preservation of politicians' papers in the context of the respective public records in the Bundesarchiv. This solution would ensure that both categories of papers—governmental and administrative files together with personal papers—could illuminate each other. Clearly, scholars would be the beneficiaries if all documents were in one place and transparently organized.