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In Digital Age, Federal Files Blip Into Oblivion

By **ROBERT PEAR**

WASHINGTON — Countless federal records are being lost to posterity because federal employees, grappling with a staggering growth in electronic records, do not regularly preserve the documents they create on government computers, send by e-mail and post on the Web.

Federal agencies have rushed to embrace the Internet and new information technology, but their record-keeping efforts lag far behind. Moreover, federal investigators have found widespread violations of federal record-keeping requirements.

Many federal officials admit to a haphazard approach to preserving e-mail and other electronic records of their work. Indeed, many say they are unsure what materials they are supposed to preserve.

This confusion is causing alarm among historians, archivists, librarians, Congressional investigators and watchdog groups that want to trace the decision-making process and hold federal officials accountable. With the imminent change in administrations, the concern about lost records has become more acute.

"We expect to see the wholesale disappearance of materials on federal agency Web sites," said Mary Alice Baish, the Washington representative of the American Association of Law Libraries, whose members are heavy users of government records. "When new officials take office, they have new programs and policies, and they want to make a fresh start."

Richard Pearce-Moses, a former president of the Society of American Archivists, said, "My biggest worry is that even with the best and brightest minds working on this problem, the risks are so great that we may lose significant portions of our history."

The Web site of the Environmental Protection Agency lists more than 50 "broken links" that once connected readers to documents on depletion of the ozone layer of the atmosphere.

At least 20 documents have been removed from the Web site of the United States Commission on Civil Rights. They include a draft report highly critical of the civil rights policies of the Bush administration.

Problems in the White House e-mail system have been well publicized in court cases and Congressional hearings. Officials at other federal agencies acknowledge that their record-keeping systems are not much more advanced or reliable.

Businesses and state and local governments face similar problems, on a smaller scale.

"We are overwhelmed by the challenge of preserving digital information," said Robert P. Spindler, the chief archivist at the [Arizona State University](#) Libraries.

For the federal government, the challenge of preserving records grows each month, as employees create billions of e-mail messages. E-mail often replaces telephone conversations and meetings that would not have been recorded in the past.

In an effort to save money, federal agencies are publishing fewer reports on paper and posting more on the Web. Increasingly, federal officials use blogs, podcasts and videos to announce and defend their policies. Growing numbers of federal employees do government business outside the office on personal computers, using portable "flash drives" and e-mail services like [Google](#) Gmail and [Microsoft](#) Hotmail.

In the past, clerks put most important government records in central agency files. But record-keeping has become decentralized, and the government has fewer clerical employees. Federal employees say they store many official records on desktop computers, so the records are not managed in a consistent way.

"The Achilles' heel of record-keeping is people," said Jason R. Baron, the director of litigation at the [National Archives](#). "We used to have secretaries. Now each of us with a desktop computer is his or her own record-keeper. That creates some very difficult problems."

Experts worry that items preserved in digital form may not be readily accessible in the future because the equipment and software needed to read them will become obsolete.

"All of us have stored personal memories or favorite music on eight-track tapes, floppy disks or 8-millimeter film," said Allen Weinstein, the archivist of the United States. "In many cases, these technologies are now relics, and we have no way to access the stored information. Imagine this problem multiplied millions and millions of times. That's

what the federal government is facing."

The National Archives is in the early stages of creating a permanent electronic record-keeping system, seeking help from the San Diego Supercomputer Center at the University of California, and from some of the nation's best computer scientists.

The electronic archive is behind schedule and over budget. But officials say they hope that the project, being developed with Lockheed Martin, will be able to take in huge quantities of White House records when President Bush leaves office in January.

Kenneth Thibodeau, director of the electronic records archives program at the National Archives, said that 32 million White House e-mail messages had been preserved as records of the Clinton administration. He expects to receive hundreds of millions from the Bush White House.

Disputes over White House records occurred at the end of the last three administrations, and federal officials are bracing for more of litigation in January.

Courts have imposed severe penalties on companies that failed to provide electronic records sought in litigation, and the government is subject to similar penalties. A federal district judge found the Environmental Protection Agency in contempt of court for destroying certain electronic records at the end of the Clinton administration.

Warnings about the possible loss of electronic records come from many quarters.

In a recent report, the Government Accountability Office, an investigative arm of Congress, described widespread violations of federal record-keeping requirements. At several large agencies, the report said, "e-mail records of senior officials were not consistently preserved." Some officials keep tens of thousands of messages in their e-mail accounts, where they "cannot be efficiently searched," and are not accessible to others.

The inspector general of the National Aeronautics and Space Administration found similar problems. He surveyed 40 top officials and found that 93 percent of them were violating federal requirements for preserving e-mail correspondence.

He reported that NASA might lose some of its "institutional memory" and might have already lost records needed to protect the legal and financial rights of the government.

The same federal laws apply to electronic and paper records, defined as materials — in any form — that document government activities, policies or decisions. A formal

schedule defines how long each type of record must be kept. In general, records cannot be deleted or destroyed without prior authority from the National Archives, which permanently preserves records judged to be of historical value.

Melanie Sloan, executive director of Citizens for Responsibility and Ethics in Washington, a watchdog group, said: "Agency employees do not understand their record-keeping obligations. At the most basic level, many agency employees do not even understand what a federal record is, much less how it must be preserved."

In interviews, employees agreed.

"I don't have a very good understanding of what the rules are — what we are supposed to keep and what we don't have to keep," said Christina Pearson, an assistant secretary of health and human services. "We are trying to clarify how our policies apply to new electronic media like Web sites and e-mail."

At federal agencies, the most common method of preserving important e-mail messages and attachments is to print them on paper and store them in paper files. Officials confirmed this at the Labor Department, the Transportation Department and the Justice Department.

Thomas A. Scully, former administrator of the Centers for [Medicare] and [Medicaid] Services, had job discussions with prospective employers while he was a federal official in 2003. When questions were raised about the propriety of those discussions, he tried to find some of his old e-mail messages. But he said: "They were gone. I could not find anything. I was told that all my e-mails had been deleted."

When President [Bill Clinton] left office, the National Archives preserved snapshots of agency Web sites as they existed on or just before Jan. 20, 2001. The Archives decided recently that it would not take such snapshots at the end of the Bush administration. "Most Web records do not warrant permanent retention," because they do not have "long-term historical value," the Archives said.

Many historians disagree. Several university libraries and the Internet Archive, a nonprofit digital library based in San Francisco, are starting to do what the federal government refuses to do: copy government Web sites, so they remain available after Mr. Bush leaves office.

Alarmed at the possible loss of White House e-mail messages, the House passed a bill in July that would require agencies to preserve more electronic records. The vote was 286

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to 137. Republican opponents said the requirements would be onerous and costly. Mr. Bush has threatened to veto the bill, saying it could "interfere with a president's ability to carry out his or her constitutional and statutory responsibilities."