DEFINING A DISCIPLINE

Archival Research and Practice in the Twenty-First Century

Essays in Honor of Richard J. Cox

Edited by Jeannette A. Bastian
& Elizabeth Yakel

SOCIETY OF
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Where There's a Will

On Heir Property, African American Land Stories, and the Value of Oral Records in American Archives

Tonia Sutherland

Introduction

Twenty years ago, in 1998, archival scholar Richard J. Cox published an article titled "Archival Anchorites: Building Public Memory in the Era of the Culture Wars," in which he explored the role of cultural diversity in how archivists evaluate the value of records and develop policies around records retention. That same year, on the other side of the globe, *South African Archives Journal* published an article by archival scholar Segomotso Masegonyana Keakopa, "The Role of the Archivist in the Collection and Preservation of Oral Traditions," in which she stressed the importance of the archivist's role in collecting and preserving African oral traditions.[1] These two articles, that appeared in the archival studies literature at the same moment—albeit in vastly different contexts—reveal concomitant concerns about the need for archivists to liberate narratives, support accountability, and document and preserve subaltern histories and cultures. In "Archival Anchorites," Cox asserts that "although archivists constitute a small profession, their importance in preserving evidence of the past and hence their role in determining the nature of society's memory is substantial."[2] In her article, Keakopa echoes this sentiment, expressing deep concern

about the determinations of societal and historical memory made by postcolonial archivists in African nations who ignored the cultural, historical, and societal value of oral traditions—which they did not understand and of which they did not approve. She argues that "post-colonial archivist[s] . . . preserved an inaccurate heritage, one that largely ignored the oral traditions which formed the basis of African history."[3] Noting that archives, as cultural heritage repositories, "reflect the complexities of the societies they inhabit," Cox suggests that what should "galvanize the public is why certain records are deemed to be worthy of long term maintenance or preservation, and [others] are not."[4] Keakopa similarly asserts that decisions made by archivists are sometimes violently problematic:

> Archival holdings [do] not necessarily reflect [history] accurately . . . mainly because records were written by people whose culture was foreign and whose civilisations were different. Their perceptions of African societies were influenced by their own interests and norms, and their attitude towards African oral traditions generally unfavourable, mainly because they came to Africa with preconceived notions about black people and their way of life.[5]

Considered collectively, the compelling—and interrelated—arguments made by Cox and Keakopa are particularly applicable to discussions about African American history and records: slavery-era practices kept many enslaved Americans of African descent intentionally and functionally illiterate, leading African Americans to simultaneously revitalize, celebrate, and re-inscribe the oral traditions rooted in their ancestral African culture. As Keakopa notes, however, state-sponsored archival institutions lack systematic strategies to collect and preserve oral records, oral testimony, and oral traditions, and where such strategies do exist (such as in Keakopa's Botswana), they tend to do so "on the basis of individual interest and enthusiasm."[6]

Oral tradition, also called orality, is the first known—and most continuously widespread—mode of human communication. Oral traditions are the means by which societies without written records preserve memory, past, and identity. In addition to being a mode of communication, oral tradition is arguably a methodology indigenous to the African continent. As a form of scholarship, oral tradition is frequently used to study social groups that do not maintain written

records. In the context of African national archives, this methodology is particularly useful; in postcolonial African nations, the primary function of many archives was to preserve records inherited from colonial administrations. Because the records were created by people whose cultural norms and attitudes toward Africans were in direct conflict with Afrocentric norms and attitudes, these colonial records do not reflect an accurate or unbiased history of the nations or peoples concerned. Keakopa asserts that

> whereas oral traditions are particularly important in documenting those societies without written records, throwing light on historical, social, economic and cultural development, they also articulate the voices of those who are hidden in history giving the voiceless a voice in a fast-changing world. Included in this category would be the less-privileged, ethnic minorities and women, etc. Oral traditions explore crucial areas that are scarcely touched on by written records, and by so doing help to fill the gaps in the documented colonial records that today make up early African history and form the basis for most African archival collections.[7]

African Americans, whose histories are directly tied to this legacy of colonialism, also do not have a past free from colonial interpretations. Culturally, African American traditions evolved from African traditions and were similarly devalued by European settler colonialists in the Caribbean and the Americas. In the present-day United States, African American historical documentation and archival representation is inextricably tied to chattel slavery, Jim Crow, and other forms of racialized violence. What is at stake for African Americans in US archival repositories is historical knowledge free from the same colonial and white supremacist interpretations that deny any meaningful African American past outside the colonization of the African continent and enslavement on the American one. For African Americans to read their own history and identity against the grain of white, colonial, American archivy, alternate forms of epistemology are necessary.

Many organizations throughout the United States record oral history interviews to document individual experiences for future generations. Presidential libraries, for example, have long collected oral histories, and the National Archives's first attempt to document its

own history through oral interviews began as early as 1969. However, although institutions like the National Archives and the Society of American Archivists have a long record of strong oral history programs, oral history is not the same as oral tradition, and the two do not produce the same kind of documentary record. Oral histories follow specific guidelines and rules that stand counter to the narrative and mnemonic memory devices used in oral tradition. The overwhelming majority of oral history projects in the United States reflect similar goals: to codify institutional memory, to document specific historical moments and movements, and/or to gather individual histories. For example, the National Archives History Office was specifically created in 2013 to collect the historical experiences, insights, and perspectives of current and former staff members in an attempt to help the agency understand its culture, work practices, decision-making processes, historical actions, and events.[8] Oral histories do not serve a mandate to maintain the cultural and communicative narratives inherent in oral traditions or produce records that remain in their original oral format; rather, they are meant to produce fixed responses to predetermined questions. While oral histories are extraordinarily valuable tools for documenting history, it is also true that archivists in the United States remain uncomfortable with record formats that do not easily lend themselves to archival fixity. Embodied experiences such as live performances, rituals, festivals, and oral traditions that produce embodied records remain outside the archival corpus, and so, too, do the communities and cultural practices they represent.

In "Archival Anchorites," Cox suggests several possible avenues for archivists interested in creating what we might now call more inclusive or representative archives: pursue the meaning in the evidence found in records, trying to stay out of debates; seek to gather records that document myriad social groups and viewpoints; serve as passive recipients of records from those wishing to donate to archival repositories; focus on the "crucial aspects" of society; and, finally, *create new spaces where the archival memory of the marginalized can be protected* (emphasis mine).[9] In her article, Keakopa argues that "[o]ral traditions . . . can contribute to the writing of an African history free from distorted colonial interpretation" and that "research based both on oral memory and documentary evidence helps in reevaluating secondary sources and brings a fresh approach to the writing of . . .

history."[10] Cox argues for the creation of new spaces while Keakopa's argument suggests that oral traditions have the power to facilitate the emergence of a richer and more accurate picture of African—and, by extension, African American—history. In this essay, I use land stories and heir property in the southeastern United States as a case study to argue that developing a liberatory vision for an African American future pivots on creating new spaces for the inclusion of oral records, oral testimony, and oral traditions in the American archival corpus.

Heir Property

Typically involving landowners who died intestate—or, without a written will—the term *heir property* refers to the informal succession of inherited land and real estate.[11] In cases in which there is a written will to serve as documentary evidence, land rights issues are relatively uncomplicated; when a landowner dies intestate, however, the state decides who inherits the land. In 2007, the US Department of Agriculture (USDA) estimated that by 1910 African American land ownership reached its peak of about 15 million acres. USDA reports suggest that land ownership continually decreased after 1910, declining to 2.3 million acres by 1992—an even grimmer estimate than that of the Uniform Law Commission.[12] Because of the significant impact heir property has on land loss—and because of the significant impact land loss has on African American wealth—African American land loss prevention organizations consider heir property one of the most pressing ongoing concerns for African American communities in the American South. African American land ownership and retention is of particular importance because for generations of African Americans, especially in the rural South, land ownership has symbolized a step toward racial equality and self-sufficiency. Reversing the land loss trend remains an important objective for African American families and communities.

Heir property divisions follow a simple—but often confusing—fractional interest real estate formula in which each party's percentage of ownership represents a fraction of the value of the property. For example, if a deceased property owner had three descendant heirs, each would inherit one-third of the property. If those three descendant heirs produced a total of six additional descendant heirs, each of the nine descendent heirs would be entitled to an equal portion (one-

ninth) of the property. With the addition of each descendant heir, the amount of land belonging to each individual fractional owner decreases. Frequently, with tenuous relationships to written records and so many in-common custodians of the land, government records are difficult to keep track of and maintain—which also leads to property loss. For example, it is difficult to uphold state records requirements for property taxes, birth and death records, marriage licenses, and zoning change records when land is held in common by multiple members of multiple generations and passed by verbal bequeath.

Throughout the United States, but particularly in the Southeast and Hawaii, heir property is commonly passed from generation to generation by verbal bequeath and without written legal paperwork. In South Carolina alone, there are at least seven counties representing a minimum 47,000 acres of heir property, and, per South Carolina law, an oral will is not analogous to a written will. Rather, Last Will and Testament documents must be drafted by an attorney, signed, and witnessed to be considered a legal record. Verbal bequeaths, or oral wills, are not legally enforceable in the United States—in no small part because there is no system, through design or contrivance, for oral testimony, oral records, or oral documents in the US documentary universe.

There are other concerns to consider. For example, banks and other financial institutions require collateral for mortgages; without a systemic recognition of the oral records that prove the nature of land ownership or custodianship, tenants-in-common are frequently determined to not be legal owners of the entire property and therefore cannot transfer property titles or get loans for home improvements. This means that even though heirs as in-common owners are required by law to pay property taxes, they retain no equity in the property they own. It also means that without a written deed, heir property owners are unable to access government assistance or relief. In Houston and other areas of Texas, African American heir property owners faced difficulty when trying to access federal recovery funds in the months and years following hurricanes Ike and Dolly in 2008.[13] Survivors of Hurricane Katrina in New Orleans were faced with similar concerns in 2005.

Heir property generates other problems for African American property owners. Developers eager to capitalize on attractive or profitable properties have been known to purchase a single share of fractional ownership—becoming the newest "member" of the family—and then attempt to force a sale. Because heir property typically sells quickly and for less than market value, these sales rob African Americans of what is sometimes their only source of inherited wealth. This is particularly true in urban areas (heir property holdings are not always large rural or agricultural land parcels). It can be especially difficult to establish heir property titles in cities, where small, single-family parcels cannot be physically divided.

In Alabama, based on laws of intestate succession, all owners hold a fractional interest in a whole estate. If the land remains undivided, all owners get equal access to the entire property. Because land varies geographically throughout a parcel, it cannot be assumed that each acre is equal in value. However, oral testimony and oral records can frequently account for these discrepancies. A land custodian or property owner telling an oral "land story" gives many cues and clues about divisions of property, such as tree lines, bodies of water, building structures, and so on. These oral traditions endure in African American communities, despite being systematically devalued, both as cultural expressions and as legitimate documentary sources.

In African American communities, heir property succession stems from the Reconstruction era, when African Americans first gained property rights in the United States. At that time, African American families did not create written wills to establish formal ownership or stewardship of property for future generations, primarily because they were denied access to, did not trust, or could not afford to use the legal system. Compounding the problem, the legacies of slavery and Jim Crow impacted literacy among African Americans in the southeastern United States, prompting a continuing reliance on oral traditions. As recently as 2003, the National Assessment of Adult Literacy (NAAL) indicated that document literacy rates for African Americans across the United States were significantly behind those of their white counterparts.[14] Because African Americans are historically, culturally, and societally bound to orality and oral records, it can be argued that American archivists, in the interest of creating more inclusive and representative archives, should and must develop the political

will—the motive force that generates political action—to (1) design mechanisms to appraise, preserve, and provide access to these records; (2) adopt advocacy measures encouraging the amendment of state and federal records laws to include oral testimony and oral records; and (3) create new spaces, as Cox suggests in "Archival Anchorites," where the historical memory of African Americans can be protected.

To be clear, this redress does not require reinventing the proverbial wheel. On the contrary, examples of these practices already exist in other nations; these existing practices can be amended and adopted for American archives. In 1998, Segomotso Masegonyana Keakopa, in her writing about African archives and oral traditions, noted that oral tradition had already been identified as one method through which the precolonial African past could be accessed and the postcolonial African record corrected. In practical terms, this shift toward the oral specifically involved the establishment of new archival institutions as well as a commitment to the continuous collection of oral traditions. These long-extant practices can and should be embraced by American archivy—it is time for archivists to engage thinking that identifies as part of the archival mandate an obligation to preserve and maintain oral testimony, oral records, oral documents, and other oral traditions.

African American Land Stories

The way the story was given to me was that Sallie lived on The Ridge. Sallie and her brother lived together, and they owned slaves. During the war, Sallie's brother wanted to help Southerners, so he and his slave traveled on horseback to Virginia, where Sallie's brother was killed. Luckily, the slave made it back to The Ridge and told Sallie what had happened to her brother. There was great concern that the Yankees would come and do whatever they wanted with the land, and so Sallie decided she would divide the property herself and give the land to all of her slaves. After a while, Sallie moved to the next town over and got married, but her slaves kept her name and the land that she had given them.

Macon County, Alabama, is home to many black land stories. It is home to the stories of enslaved African Americans brought to clear and settle colonial Alabama and their freedmen descendants. It is also home to Tuskegee University and the storied black churches where unsuspecting men were duped into enrolling in the infamous United States Public Health Syphilis study. These stories exist at a crossroads,

intersecting with the ancestral land stories of the Mvskokie peoples. Before European encroachment and the forcible removal from their ancestral land, the Muscogee tribe spanned the southeastern United States. The Muscogee people constructed large ceremonial complexes of earthen pyramids along the rivers of this region and later built expansive towns within these same broad valleys that now lie in the states of Alabama, Georgia, Florida, and South Carolina.[15] In what is now southeast Macon County, Alabama, the Muscogee established a footpath along a long, narrow, raised strip of land. This land ridge footpath, simply known as "The Ridge," now exists in a stretch of Alabama land known colloquially as the Black Belt. Coveted by European settlers, this 50-mile-wide strip of rich, fertile, dark-soil stretches across south-central Alabama, beginning in Macon County and ending at the Alabama/Mississippi border. After the Indian Removal Act of 1830 forced or coerced the relocation of Indigenous peoples in the Southeast, colonial European settlers arrived in the region in large numbers, bringing with them (or importing via the slave trade) enslaved Africans. As a result of this textured past, the Black Belt conjures a long and layered history of the Indigenous tribes, enslaved African Americans, colonial planters and traders, and their many descendants who have inhabited the land. So named in part as an homage to the rich blackness of the topsoil, and in part as a reference to the enslaved African Americans who toiled there, Alabama's Black Belt is a collective *Lieux de Mémoire*—a rich site of collective memory.[16]

The land story of Sallie and the enslaved people of The Ridge is an heir property land story shared with me by Aisha, whose ancestors inherited Sallie's land.[17] Aisha shared the land story of Sallie Who Lived on The Ridge in the storytelling spirit of an oral tradition, incorporating repetition, building, and mnemonic techniques. Aisha's land story, given by oral testimony, is the only existing record of Aisha's family homestead, its history, and what will hopefully be its future. Aisha is next in line to be the steward of Sallie's land, which has remained in the custody of her family since just after the Civil War. Stewardship of the land has been passed much like the story—through oral records, oral testimony, and oral traditions. As I have already suggested, while in various countries around the world orality and oral traditions are essential aspects of intangible cultural heritage

in which gesture and ritual repetition are imbued with deep cultural meaning and relevance, engaging with embodied memory practices in the United States continues to present sociocultural, political, and policy problems. The Western epistemologies that form the basis for these problems privilege the material authority of written texts over the validity of the speech-acts embodied in oral documents. It is undeniable that this privileging of the written text (alongside the privileging of colonial narratives) has had disproportionately devastating consequences for African American communities around issues of family, community, property, and inherited wealth.

Land, particularly homeland, is linked to identity formation as a site of memory. For African Americans, land stories often reflect long-term generational investments in the land by people both previously enslaved and who were early tenants of the land throughout the first half of the twentieth century. I would like to argue that when a person's relationship with a site of memory changes—an unbidden change in the stewardship or proprietorship of heir property, for example—ontological and epistemological understandings of self can be disrupted. This disruption often results in what Maria Yellow Horse Brave Heart calls "historical trauma." Defined as a cumulative emotional and psychological wounding, over the life span and across generations, and emanating from massive group trauma experiences, historical trauma is also a form of transgenerational trauma.[18] In the United States this suffering refers to the experiences of particular groups of people and their descendants, including Holocaust survivors, Japanese American survivors of WWII internment camps, Indigenous peoples whose land, languages, and cultures have been colonized, and enslaved African Americans.

Such is the case with the descendants of the once-enslaved people who still inhabit The Ridge in Macon County, Alabama. For many to whom the land stories of this region belong, the historical trauma is complex, layered, and multifold. African American descendants of enslaved people made their home on appropriated sacred Muscogee ancestral land, which was then deeded—typically without the legal documents required by the systems devised and sustained by European colonizers and enslavers—to the once-enslaved people who had toiled the land and for whom the land is linked to the historical trauma of human ownership. It bears stating directly that in the United States,

enslaved people were considered property and, as such, could not themselves own property. Once free, African Americans were legally authorized to exist politically and economically; one of the ways this new freedom was expressed was through acts of ownership. Owning things was a means by which to prove one's existence, to work against the notion that a person could have so little economic control as to effectively disappear.[19]

Valuing the Oral

Archival scholars have long argued that archives—explicitly included among Pierre Nora's *lieux de mémoire* (sites of memory)—are sites of power, identity, and collective memory.[20] However, as Terry Cook writes, "memory is notoriously selective—in individuals, in societies, and, yes, in archives."[21] Referencing legislation, official mission and mandate statements, annual reports, and positions taken by senior archives officials, Cook argues that archivists have the power to assign value to memory, deciding what is and is not "worth remembering." Archivists and lawmakers, Cook suggests, "continually refer to the archival role in preserving the 'collective memory' of nations, peoples, institutions, movements, and individuals; or they refer to appraising, selecting, acquiring, and then preserving records of 'significance,' or of 'value,' or of 'importance' which, put another way, means preserving those [deemed] worth remembering, worth memorializing."[22] The assignation of cultural value and worth, as it falls to the archivist, is central to both Cox's argument in "Archival Anchorites," that archivists might create new spaces where the historical memory of African Americans and other marginalized people can be protected, and to my argument here about the need for archivists to increase oral literacy and establish archival mandates to document and maintain oral records, oral testimony, and oral traditions.

The oral traditions utilized in Indigenous and African American land stories that act as primary documents and historical records related to heir property, as well as the heir property itself as a physical site of collective memory—as exemplified in the heir property land story of Sallie and The Ridge—stand in sharp contrast to the current limitations of American archivy. There are, however, archival scholars whose work is useful to consider in making an argument for orality in archives. Archival scholars Jeannette Bastian and Eric Ketelaar

have both identified the limitations of traditional archival formats and emphasized the need to transcend those limits. Building on Bastian's work, I have argued that the evidentiary properties of records supersede their format and, more specifically, that the evidentiary properties of records supersede their need to be text-based.[23] Similarly, archival scholar Margaret Hedstrom has argued that archives should be "sources for the potential discovery or recovery of memories [or sites of memory] that have been lost."[24] These arguments, taken collectively, are critical to expanding archival thinking, theory, and practice to account for oral records—such as African American land stories—in United States archivy, and by extension, the people for whom those land stories are both primary source documents and vital historical records.

Standing in sharp contrast to US archival practice, as early as 1947, Marguerite Verdat, a Senegalese paleographer and archivist, began collecting oral traditions, deeming it essential "to save elements of history that are menaced with disappearance before having been written down."[25] The Cultural Archives of Senegal continued Verdat's mission to document Senegalese ethnic oral cultures. Methodologically, this was accomplished by representative data being collected and recorded by specialists who knew the language and culture of the ethnic group. As Saliou Mbaye wrote in the *American Archivist* in 1990:

> In general, for each month in the field it takes three months for the cataloging and transcription of the recorded data. Each tape is transcribed and eventually translated into French. Each inquiry is cataloged in the following way:
>
> - the name of the ethnic group
> - the heading (scenes of planting, healing, baptism, etc.)
> - the subject covered (history, religion, art, education, etc.)
> - the genre (myths, legends, stories)
> - the date of the document
> - an indication of the place
> - the group to which the document belongs
> - the title of the document
> - the type of recording device[26]

Mbaye's description of process is simple, elegant, and straightforward. It is not that it is not possible to develop policies and procedures for oral records, oral testimony, and other oral traditions; rather, many archivists in the United States lack the political will to conceptualize and enact more inclusive and representative archival practices; to create space for marginalized voices in archival institutions by developing or adopting new archival practices; or to develop and codify practices that serve more than the dominant historical, social, and cultural needs of a white, Western society.

As white American archivists have failed to act—in striking contrast to both the processes employed by the Senegalese Cultural Archives and the archival practices described by Keakopa in "The Role of the Archivist in the Collection and Preservation of Oral Traditions"—on behalf of African American traditions and thereby also on behalf of authentic African American histories, it is also worth noting the cultural and racial overlay endemic to principles of whiteness in American archival theory and practice. Writing in 1998, Richard Harvey-Brown and Beth Davis-Brown argued that archival work has inherent political motivations and ramifications. I have also argued, in other writings, that archivists enact a dangerous and violent *archival amnesty* when they extend white supremacist attitudes and behaviors into the present by failing to collect, preserve, and make available materials that document the lived experiences of—and the human rights abuses that have been enacted against—marginalized peoples.[27] These two arguments—taken alongside Cox's argument in "Archival Anchorites"—that "the pioneering Southern state archives were part of the effort to reestablish a Southern white hegemony, requiring the reinvention of the past among other things"—speak to specific concerns about the legacy of archives and archival practice in the American South and the broader refusal of many American archivists to document and preserve anything other than the history of white supremacy, including an authentic African American cultural heritage, one not solely viewed through the lenses of colonialism and chattel slavery.[28] Developing archival theory and practice around oral and other embodied records is one way to amend the historical record and allow for richer, more robust African American narratives to emerge.

Conclusion

Records that account for the nuanced and complex African American land stories; evidence of historical traumas; evidence of rights of ownership, stewardship, or custodianship; and representations of cultural beliefs have fallen into the gaps and vagaries of American archivy. Although Cox advances the idea in "Archival Anchorites" that some "militant multiculturalists argue that their cultures and their contributions should always be treated as equal or superior influences on society, even when historically that might not be the case," I contend that our contemporary understandings of history warrant challenge—particularly those that emerged from the ultimately hegemonic voices of colonial empires.[29] I further maintain that decolonial interpretations of history are not comprised of a singular, stagnant reading of the past but rather multiple and ever-evolving ones. These aspirational quests for alternative narratives demand methods of historical investigation both independent of history books and relevant to African American cultural contexts.

Cox argues that "members of racial, ethnic, religious, or cultural minorities understand that records documenting their past must be preserved and available for use"; I would extend this argument to suggest that members of these communities also know best which records—as well as which record *formats*—should be preserved and made available.[30] Although archivists might continue to resist the need to expand archival thinking and practice to include oral records, oral testimony, and oral tradition, there are certainly other archival interventions for heir property cases that currently do not exist. Existing record types—such as family artifacts, photographs, census records, land surveys, and diaries that reflect the history of the property and/or the history of the people that have lived on the land—could also bolster African American legal standing in heir property cases.

Toward this end, it is noteworthy that in "Archival Anchorites," Cox eventually turns to documentation strategy, calling on records creators, custodians, and users to collaboratively identify what should be documented and which records would best suit those documentation purposes. While versions of documentation strategy have been employed with varying levels of success in North American archivy, a strong case can be—and has been—made by practicing

African American archivists, community archivists, and community engagement scholars that communities should be empowered to take the lead in directing documentation efforts. For African American land stories and other oral records, this means looking to African American communities as experts in their own right.

Some archivists have argued that the kind of archival practice for which I am advocating here—archival practice that is community engaged, decolonial, inclusive, and Afrocentric in every process from appraisal to access, and informed by every theory from provenance to archival custody—falls outside the purview of American archivy. Many archivists still argue that archives can and should be neutral and uncontroversial. Indeed, quoting Edward W. Said's 1994 book, *Representations of the Intellectual,* Cox notes in "Archival Anchorites" that archivists tend to think about appraisal as a simple aspect of professionalism:

> something you do for a living, between the hours of nine and five with one eye on the clock, and another cocked at what is considered to be proper, professional behaviour—not rocking the boat, not straying outside the accepted paradigms or limits, making yourself marketable and above all presentable, hence uncontroversial and unpolitical and "objective."[31]

Cox goes on to argue, however, that "since nearly every major political and other controversy surfacing . . . somehow relates to records, it would be difficult for the archivist not to be controversial, even though we rarely hear from archivists in the highly visible debates involving records as crucial evidence or as contested evidence. Given that the archivists often make the final determination that something will or will not be saved . . . how can the archivist shy away from controversy?"[32]

Without controversy, chance, courage, and experimentation, archivists would never have prevented the destruction of records during World War II. Likewise, archivists in Cambodia, El Salvador, and South Africa would not have documented war crimes and other human rights abuses, and that documentation would never have led to transitional or restorative justice. And in that vein, the Protocols for Native American Archival Materials would never have been developed. It is not a matter of the ability of archivists to innovate and

design new systems, policies, protocols, and practices—it is a matter of will. Rather than asking a minority ethnic group in the United States to alter cultural modes of communication to end the practice of oral wills, might the expert archival community not exert the considerable political will it has already demonstrated, this time in service of a community that has already sacrificed tremendously at the hands of an oppressive dominant culture? As rich sites of collective memory, archives might also serve with intentionality as models for other *lieux de mémoire* as archival outreach often includes community workshops and resource sharing initiatives, many of which could incorporate similar techniques to capture oral records as the Senegalese Cultural Archives has done for decades.

Cox's final note in "Archival Anchorites" is a fitting end here: the assertion that archivists need to engage in broader discussions of how public memory is constructed, whose memory is included, and how that memory is culturally situated:

> Ordinary records can become extraordinary symbols when they are moved to the archives . . . What should be deemed important . . . is the evidence these archives provide for all of us to understand our past and present.[33]

Notes

Author's Note: I am grateful to Dr. Allison Upshaw, who, along with Dr. Richard J. Cox, served as inspiration for this work.

[1] Segomotso Masegonyana Keakopa, "The Role of the Archivist in the Collection and Preservation of Oral Traditions," *S. A. Archives Journal* 40, (June 1998): 87.

[2] Richard J. Cox, "Archival Anchorites: Building Public Memory in the Era of the Culture Wars," *Multicultural Review* 7, no. 2 (June 1, 1998): 53.

[3] Keakopa, "Role of the Archivist," 98.

[4] Cox, "Archival Anchorites," 52.

[5] Keakopa, "Role of the Archivist," 98.

[6] Keakopa, "Role of the Archivist," 98.

[7] Keakopa, "Role of the Archivist," 98.

[8] Jessie Kratz, "Building on a Tradition of Oral History," *Prologue Magazine* 48, no. 2 (2016), https://www.archives.gov/publications/prologue/2016/summer/historian-oral.html, captured at https://perma.cc/2CGP-ZJBE.

[9] Cox, "Archival Anchorites," 59.

[10] Keakopa, "Role of the Archivist."

[11] *Heirs' property* is land that is held "in common" by a group of people. A family, for example, might inherit heir property via informal succession. Because there are multiple owners, they are considered tenants-in-common of a piece of heirs' property. Tenants-in-common are especially vulnerable: any individual tenant can force a partition or property sale, and too frequently real estate speculators acquire a small share of heirs' property in order to file a partition action and force a sale. Using this tactic, an investor might acquire the entire parcel of land for a price well below its fair market value—and deplete a family's inherited wealth in the process.,

[12] National Archives and Records Administration, "Heir Property," *Federal Register,* January 10, 2007, https://www.federalregister.gov/documents/2007/01/10/E6-22102/heir-property, captured at https://perma.cc/H2DT-ELE5.

[13] Sarah Breitenbach, "Heirs Property Challenges Families, States," Pew Charitable Trust, *Stateline*, July 15, 2015, http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2015/07/15/heirs-property-challenges-families-states, captured at https://perma.cc/7HZP-KA29.

[14] U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, "1992 National Adult Literacy Survey," June 2000, https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=199909, captured at https://perma.cc/7D6P-S8GN; U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, "2003 National Assessment of Adult Literacy," March 2007, https://nces.ed.gov/naal/pdf/2007464.pdf, captured at https://perma.cc/HCW9-9EVC.

[15] The Muscogee (Creek) Nation, "Muscogee (Creek) Nation History," 2016, http://www.mcn-nsn.gov/culturehistory/, captured at https://perma.cc/2DAH-8XX3.

[16] See Pierre Nora, "From *Lieux de Mémoire* to Realms of Memory," in *Realms of Memory: Rethinking the French Past* (New York: Columbia University Press, 1996), xvii. Heir property is, in many ways, a collective memory concern. In 1925, French sociologist Maurice Halbwachs argued that while individuals are memory-bearers, the collective (family, community, nation) decides what is of value to remember. Linked to collective memory and identity formation, *lieux de mémoire* (sites of memory) were popularized by French historian Pierre Nora, who argued that *lieux de mémoire* exist because there are no longer any settings in which memory is a real part of everyday experience.

[17] The name of the storyteller has been changed for privacy and other ethical reasons.

[18] See, for example, Maria Yellow Horse Brave Heart et al., "Historical Trauma Among Indigenous Peoples of the Americas: Concepts, Research, and Clinical Considerations," *Journal of Psychoactive Drugs* 43, no. 4 (October 2011): 282.

[19] In the United States, one cannot talk about the concepts of property and property rights without also talking about the historical and contemporary geopolitics of power, including colonialism and globalization. It is important to note here that while notions of land custodianship are aligned with Indigenous beliefs and practices, the idea of ownership must be cast in contrast to the Muscogee people's relationship

to the same land. To what extent African American heirs in the southeastern United States should feel bound to honor Indigenous cultural frameworks requires a much broader discussion than is possible here, but it would be tremendously irresponsible not to acknowledge and reinforce an Indigenous cultural standpoint and positionality in regards to these native ancestral homelands.

[20] Pierre Nora, "Between Memory and History: *Les Lieux de Mémoire*," *Representations Special Issue: Memory and Counter-Memory* 26 (Spring 1989): 7–24.

[21] Terry Cook, "Memory, Identity, Evidence, and Community: Four Shifting Archival Paradigms," *Archival Science* 13 (2013): 101.

[22] Cook, "Memory, Identity, Evidence, and Community," 101.

[23] Jeannette Bastian, "Reading Colonial Records Through an Archival Lens: The Provenance of Place, Space, and Creation," *Archival Science* 6, nos. 3–4 (2006): 267–284, and Eric Ketelaar, "Sharing: Collected Memories in Communities of Records," *Archives and Manuscripts* 33, no. 1 (2005): 44–61. See also Jeannette Bastian, "'Play Mas': Carnival in the Archives and the Archives in Carnival: Records and Community Identity in the US Virgin Islands," *Archival Science* 9 (2009): 113–125. I have also written about the need to develop more robust archival theory and practice for embodied records. See, for example, Tonia Sutherland, "From (Archival) Page to (Virtual) Stage: The Virtual Vaudeville Prototype," *American Archivist* 79 (Fall/Winter 2016): 392–416, and Tonia Sutherland, "Restaging the Record: Opportunities for Collaboration in Event-Based Archivy," in *Annual Review of Cultural Heritage Informatics,* ed. Samantha K. Hastings (Lanham, MD: Rowman and Littlefield, 2015), 17–38.

[24] Trond Jacobsen, Margaret L. Hedstrom, and Ricardo L. Punzalan, "Invoking 'Collective Memory': Mapping the Emergence of a Concept in Archival Science," *Archival Science* 13, no. 2–3 (June 1, 2013): 217–251.

[25] Saliou Mbaye, "Oral Records in Senegal," *American Archivist* 53 (Fall 1990): 568.

[26] Mbaye, "Oral Records in Senegal," 569.

[27] Tonia Sutherland, "Archival Amnesty: In Search of Black American Restorative and Transitional Justice," *Journal of Critical Library and Information Studies* 2 (2017).

[28] Cox, "Archival Anchorites," 54. Although I am specifically addressing archives in the American South here, it should be noted that this problem is pervasive throughout the United States.

[29] Cox, "Archival Anchorites," 55.

[30] Cox, "Archival Anchorites," 53.

[31] Edward Said, *Representations of the Intellectuals* (London: Vintage, 1994), 74, quoted in Cox, "Archival Anchorites," 56. https://www.academia.edu/15713641/Said_Edward_-_Representations_of_the_Intellectual

[32] Cox, "Archival Anchorites," 56.

[33] Cox, "Archival Anchorites," 60