



Testimony  
of  
GENE RUSSIANOFF  
Senior Attorney  
NEW YORK PUBLIC INTEREST RESEARCH GROUP, INC.  
before the  
NEW YORK CITY COUNCIL GOVERNMENTAL OPERATIONS COMMITTEE  
hearing on  
MAYORAL ARCHIVES  
February 26, 2003

NYPIRG supports the approach of Intro 102-A, which seeks to insure that city records of archival and historic interest are kept under city control and custody.

The legislation requires the Commissioner of the Department of Records and Information Services to ensure that the records of any city officer or agency retained for historical or research purposes be delivered directly to the Municipal Archives.

The bill allows the commissioner to transfer the records outside the Municipal Archives under extraordinary circumstances. But the transfer may not be to for-profit or non-profit entities unless specified in the law, such as the City University of New York, the State University of New York or the New York Public Library.

In addition, no agreement for such a transfer “shall be entered into during the term of office of any elected official of the city with regard to whose records such agreement applies.”

The legislation is not retroactive, which NYPIRG regrets. But if Intro 102-A had been in effect in December 2001, it would have prevented then Mayor Rudolph Giuliani from spiriting away his mayoral records to a non-profit he effectively controls.

The 2001 contract was a product of self-dealing and conflict of interest. Indeed, there is a cloud over these mayoral records that will never go away. Since they were taken out of public custody to a private warehouse without an inventory, the public will never know if public records were removed or destroyed.

Intro 102-A does create a new Archival Oversight Board with authority to “oversee and review” “appraisal, organization, processing or archiving of city records” wherever such records should be located and from any past Administrations. NYPIRG looks to the members of the new Board to carefully monitor access to the Giuliani Administration’s papers.

**For more information, contact: Gene Russianoff (212) 349-6460**