

The Archival Program of Wisconsin¹

By CLIFFORD L. LORD

*State Historical Society
of Wisconsin*

WISCONSIN enters its second century of statehood with a new and long overdue public records act.² Passed by the 1947 Legislature, it gives the state a modern, stream-lined archival program, which earlier this month completed its first full year of operation. It comes as the culmination, for the time being at least, of over forty years of spasmodic interest and agitation.

The problem of public records is obviously older than the state itself, originating in one sense in the beginnings of French administration, and in another — more germane to this discussion — in the establishment of American courts and counties in the early years of the 19th century, yet it was not until the first decade of the present century that the problem began to attract any serious attention. In 1905, in the series of studies of state records sponsored by the Public Archives Commission of the American Historical Association, the late Carl Russell Fish, assisted by a young man named Solon J. Buck, prepared the survey of the Wisconsin archives. These investigators found that, contrary to popular impression, the fire which had destroyed the state capitol in 1904 had not occasioned any substantial loss of important records, but had introduced a further element of confusion in already malorganized files. Coupled with the lack of method which at times had characterized the handling of earlier records and the frequent changes of filing classifications, this made it, Fish admitted, "difficult to follow the administrative history continuously." He added, in terms all too familiar, that "the road would often seem blind without the assistance of some old clerk who relies on memory rather than method."³

Fish at the time was a member of the board of the State Historical Society, which just four years before the fire, had moved

¹ Paper read at the twelfth annual meeting of the Society of American Archivists, Raleigh, N. C., October 29, 1948.

² 1947 *Wisconsin Statutes*, ch. 44.08, 44.09.

³ Fish, C. R., "Report on the Public Archives of Wisconsin," American Historical Association, *Annual Report*, 1905, 1:378.

from the capitol to its present building on the lower campus of the University of Wisconsin. It is neither surprising to find him suggesting the Society as a logical archives depository for the state nor to note that organization, under the leadership of its scholarly superintendent, Reuben Gold Thwaites, furthering the campaign for an archival program under the supervision of the Society.⁴ Ensuing discussion bore quick fruit in the passage by the 1907 Legislature of a rather curious records act, modelled on the contemporary law of Kansas. Permissive rather than mandatory, this act simply allowed the head of any state department or agency to place any or all of his non-current records with the Society. The Society was given no authority to sort out or destroy any portion of these records, but was obligated, in one of those classically split infinitives characteristic of so much American law, "to carefully catalog" and index them.⁵ Fortunately for the Society, in view of its perpetual space problem, few departments took advantage of this unrestricted opportunity to rid themselves of their non-current records. Collections were received from the Treasury Department, together with the Civil War records of the Adjutant General's Office, and a number of smaller groupings, but in general the Society's open-handed and potentially disastrous generosity was not imposed upon.

In addition, the Legislature from time to time passed laws permitting the automatic destruction of some eighty-five types of records after a specified retention period of from one to fifty years. Some of these records, while no longer of administrative use to the department of origin, were of definite historical value. Some agencies lacked authority to destroy any records. Others had all too broad authority. Still others at practically every session introduced bills to allow them to destroy specific blocks of records. It is no reflection on the Legislature to note that its members had neither the time nor the professional training to consider anything but the administrative value of these records, which presumably was at an end. Despite the public hearings required by law on all Wisconsin bills, the Legislature usually had nothing but the word of the department concerned as to the value of the records or the advisability of their destruction. The public records situation therefore deteriorated rapidly. Fish had found the archives reasonably intact in 1905. They were no longer so a generation later.

After the initial flurry of the first decade of the present century,

⁴ Wisconsin Historical Society, *Proceedings*, 1906, 36-38; 1907, 38-39.

⁵ *Wisconsin Laws of 1907*, ch. 88.

interest in an effective records program waned until the later days of the Historical Records Survey. The promising negotiations and planning initiated in response to the facts of archival life uncovered by the Survey were unfortunately interrupted by a change of state administration and the later advent of the Second World War.

Three factors contributed materially to the formulation of the 1947 legislation. The first was the concern of the director of the State Bureau of Purchases over the waste of office space and filing equipment involved in housing vast quantities of state records, many of which could be assumed to be of little value. At the very least, such records could be microfilmed and the originals destroyed with substantial savings of space and equipment. The second was the concern of the State Historical Society over its responsibilities for state records, implied as well as specified, under existing legislation. The third, and most influential, was the concern of the late Governor, Walter S. Goodland, over the condition of the public records as evidenced by the fifty-year old loss of the state's original copy of its own constitution, a matter which was forcibly called to his attention by the approach of the state's centennial. He called for a modern archives program in his address opening the centennial observance of the Society in October 1946 and followed this in January with a suggestion to the Legislature that the situation receive careful study. The following month he called on the Society to formulate a records program, and on receipt of the Society's proposals convened a meeting of interested departmental heads. From this session emerged the bill which subsequently passed both houses of the Legislature with but one dissenting vote as part of the administration's legislative program.

The new act establishes a permanent Committee on Public Records, consisting of the attorney-general, the state auditor, and the director of the State Historical Society, or their designated representatives. These three men are charged with safeguarding the interests of the state — legal, financial, and historical — in its public records. The Committee is placed by law under the State Historical Society, which is designated as the official depository for the state archives. To this committee the Legislature has delegated full authority to pass on *all* requests for the destruction of public records. To it every state department or agency must apply for permission to destroy or otherwise dispose of any public records. Through it the archival agency participates in — indeed directs — the destruction of non-current records of little value as soon as they have served their administrative function. Public records are very

broadly defined by the act as "all records, documents, correspondence, original papers, files, manuscripts or other materials bearing upon the activities and functions of the department or agency or its officers or employees."

The initiative in starting proceedings for the destruction or disposition of non-current records lies entirely with the department of origin. The head of that department must file with the Committee on Public Records an application in duplicate listing the number and type of records he wishes to be rid of, certifying that the records are no longer of administrative value to the department and may, in his judgment, be disposed of. Without this certification and the accompanying inventory, combined for efficiency on a single one-page records disposal form, the Committee has no power to act. This policy of depriving the Committee of the initiative was deliberately adopted to obviate any possible friction with other departments over what might appear to them to be an unwarranted interference with intra-departmental affairs. It should not weaken or unduly delay the assembling of a comprehensive state archives collection.

Once this certification is received from the department of origin, however, the powers of the Committee are unlimited — except that it must protect the state's legal, financial, and historical interests. It can approve the immediate destruction of the records. It can permit the originating agency to microfilm and then destroy the originals. It can order the applicant to retain the records until completion of an audit or a pending court case. It can order one disposition for one part of the records covered by an application, another for other parts. It can direct the department to transfer the really valuable records to the State Historical Society for permanent preservation. In practice, upon receipt of certification, the records involved are inspected and evaluated by the Society's archivist, Mr. Jesse Boell, or his assistant. The Committee meets about once a month, having seen the applications in advance, hears the archivist's report and recommendations, and takes action. No records are ordered destroyed without the unanimous approval of the Committee. If any member of the Committee feels that the records have permanent value, be it legal, financial, or historical, or that they should be held temporarily for legal or financial reasons, or that they should be more closely inspected, the Committee orders their retention either temporarily or permanently. Both copies of the records disposal form are signed by all three Committee members. One is put in the permanent Committee records.

The other is returned to the department as its authorization to do whatever the Committee has directed.⁶

This relatively simple procedure produces a number of interesting by-products. Not only does the archival body participate directly in the destruction of records of little value, but through the preliminary screening by the Society's archivist and the final screening by the Committee, it is possible to separate important from unimportant material prior to its transfer to the permanent state archives, thus substantially reducing by advance elimination this part of the potential workload of the Society's archives division. By putting the archivist in direct personal touch with the departmental records administrators, it introduces the possibility of suggesting more effective records management, thus reducing the accumulation of archives at the source. That this aspect is no pipe dream has already been amply proved in practice, which may be taken as at least tentative proof of the wisdom of not inserting in the law the right or duty to undertake such "interference." The Committee's effectiveness in records management is enhanced by the fact that the state auditor is legally responsible for proposing to the departments more economical and efficient methods of keeping their fiscal records. With the state auditor already on the Committee on Public Records, close, informal, and effective liaison on fiscal records administration is an almost inevitable result. Finally, the interest of the present state administration in efficient records keeping and in solving space difficulties of the various departments by records elimination has been instrumental in making the work of the archivist in this field effective. The system is informal, but it promises to work well.

The wisdom of putting the archives under an existing historical agency, already amply demonstrated elsewhere, has not been questioned in Wisconsin. With only one agency in this field, the possibility of disputes between a public records group and the state historical agency over what records should be saved and what destroyed is eliminated. In a state which, like most others, permits its chief officials to clear their offices of most records when their terms expire, no controversy can arise between the archives and the Historical Society as to which are public and which are private and which belong to which institution. Public and private papers of the Wisconsin public servant can be catalogued and indexed according

⁶ For detail on inventory work sheets, registers of job dispositions, and Kardex control files, see *Annual Report of the Committee on Public Records, 1947-48*, Wisconsin State Historical Society mscpt., pp. 8-9, prepared by J. E. Boell.

to the same system and ultimately housed in the same building — to the obvious convenience alike of the official, the public, and the scholar.

The Committee has unanimously eschewed the establishment of schedules authorizing the automatic destruction of records such as are being widely adopted in the Federal Government. Having full power over the destruction of records, the Committee is conscious that it is in a position of considerable responsibility, having been delegated a power formerly the exclusive prerogative of the Legislature. It is quite aware of the delicate fact that it may unwittingly authorize the destruction of certain documents which may someday be needed in a court action yet unborn, or the discovery of an embezzlement still unsuspected. It is keenly aware that its embarrassment in such a situation would be considerably more poignant had it delegated its powers of destruction to still another agency, the one which would be most interested in eliminating any such incriminating documentation. Instead, by recent action it now requires the department of origin to answer certain questions on the records disposal form. Has authority previously been received from the Committee to destroy material of this type? If so, when and under what code number? Has there been any change whatever in the content of this type of record since the last authorization from the Committee? Do the files involved contain any letters of complaint or other material directly bearing on any possible financial or legal controversy? Obviously, this system is not fool-proof, but the answers to these queries — particularly the last — appearing over the signature of the head of the department, would be presumptive evidence of the Committee's having acted in good faith, and would place the primary responsibility where it clearly belongs, with the head of the originating agency. At the same time this procedure facilitates the work of the Committee in much the same manner, if not to quite the same degree, as would schedules.

The present law has several weaknesses. One possible flaw is that it does not make it either crime or misdemeanor for an official or public employee to destroy public records without the consent of the Committee. A flagrant violation would presumably facilitate amendment of the law in this respect.

Another is that the repeal of earlier statutes governing the destruction of records, implied by passage of the new law, has been held by the attorney-general to be inoperative in those cases where the Legislature had previously fixed a definite retention period.⁷

⁷ Wisconsin, Attorney-General, *Opinion*, June 8, 1948.

Consequently, it is now necessary for the archivist to check each disposal application for existing legislation on retention periods, and for the Committee in many instances to order records of little or no historical interest preserved for the specified period, even though the department of origin has already certified that they are no longer of administrative utility. A bill for the specific repeal of this conflicting and obsolete legislation is being prepared for the 1949 Legislature so that the Committee shall have in fact the unlimited discretion with which the Legislature intended to endow it.⁸

Still another weakness is that it applies only to state records. To date, the omission of county or municipal records has been deliberate, and reflects the desire of the Society, already manifest in the provisions for screening the records prior to their transfer to the archives, to avoid biting off more than it can chew. The sponsors of the present act saw no point in taking on the vast additional responsibilities for such records until the state records have been put in order. This extended jurisdiction must come eventually, but not for some years. Meanwhile, however, the archivist has been in consultation on an informal basis with both county and municipal groups on records problems, looking, among other things, toward reviving the pre-war program sponsored by the Historical Records Survey in this state for the establishment of regional fire-proof depositories for records of these categories.⁹

Perfectionists among us may regret our failure to write into the law specifications as to the type of ink, ribbons, and paper which must be used if public records are to survive to the ripest possible age. We were deeply concerned with the practical matter of getting a workable law established, and — cowards that we were — deliberately shunned restrictions which unquestionably would have jeopardized the passage of the act.

Despite these flaws in the law — none of which has yet proved serious — the Committee in its first full year of operation has passed on one hundred and sixty-five departmental requests, authorized the destruction of 8,707 cubic feet of records, which if retained would have filled approximately 1,450 four-drawer, letter-size filing cabinets, occupying approximately 12,000 square feet of

⁸ This legislation has since been enacted as part of Chap. 52, *Laws of 1949*.

⁹ Chap. 52, *Laws of 1949*, also permits the establishment of local or regional depositories for such records under the direction of a county or local historical society, a county historian, a public library, public museum or similar agency. Title to such records is vested in the State Historical Society; custody is given the local or regional depository.

floor space. It has ordered the retention of 2,313 cubic feet, a retention ratio of approximately twenty-one percent.¹⁰ In assessing these figures, it must be remembered that the Committee was acting only on records which were certified to be no longer of administrative value.

Up to this point I have carefully avoided the question of what the Society does with the records passed on to its archives by the Committee. The unhappy fact is that the Society at present has no room in its building for these records. This is due partly to the fact that the Society has — on a temporary basis — housed in its building the general library of the University of Wisconsin for the last forty years, and both institutions have far outgrown the quarters allotted to each at the beginning of the present century. Indeed, a recent survey by a special Legislative committee came to the distressing conclusion that the Society now has, in its library, museum and archival collections, more than enough material to fill the entire present building even if the University library no longer occupied some forty percent of the total floor space.¹¹ But a new library is still said to enjoy its twenty-five year-old top priority in University building plans, and the Society is actively trying to win an early and high priority on the state building program for a substantial addition to its present plant. It has been both reassuring and alarming to find that back in 1914, when the physical capacity of our building was identical with that of today, one of my predecessors, Milo M. Quaife, was already urging the erection of a separate building to house our rapidly growing newspaper and public documents collections and to care for the state archives.¹² Our prospects of securing larger quarters should have improved in the intervening thirty-four years, though the same threat of international involvements which ultimately helped scuttle Quaife's program menaces ours today. Limited emergency storage facilities have been secured in the attic of one University building and the basements of the capitol and state office building, but the pressing lack of space continues. Yet this may prove to be a well-disguised blessing, as it unquestionably serves to deter other state agencies from pressing the Committee on Public Records to service an undigestable quantity of material which would involve it in the difficulties which

¹⁰ *Annual Report of the Committee on Public Records, 1947-48*, State Historical Society of Wisconsin msct., p. 5.

¹¹ Report of the Special Joint Committee to Investigate the Feasibility of Expanding the Facilities of the State Historical Society, October 9, 1948, in *Report of the Legislative Council*, vol. 1, pp. 43ff., (1948).

¹² Wisconsin Historical Society, *Proceedings*, 1914, p. 52-58.

have beset one or two of our sister agencies in the past. In the interim, until space for the archives becomes available, a definite effort is being made to have our archivists arrange and the departments of origin box the permanently valuable records in such a manner that when the time comes to transfer them to the State Historical Society, the move can be effected with a minimum of further physical work.

The long experience of the Society in handling historical manuscripts has been urged by Thwaites and each of his successors for over four decades as good and sufficient reason for entrusting the state archives to the Society. Our experience in this field stems back to the days of Lyman Copeland Draper, the peripatetic, indefatigable, and highly successful collector of the documentation of the conquest of the trans-Alleghany west. The papers gathered by Draper, now being microfilmed, constitute one of the noted collections of manuscripts in the country. His work has been carried on by his successors, until the collections of the manuscript section today number well over 800,000 items, plus 3,844 bound volumes and 96 microfilm reels.¹³ Each collection of papers as it is accessioned is carefully checked, cleaned, repaired, and arranged — usually in chronological order. A brief summary or inventory sheet is then prepared in duplicate. One copy is filed with the collection; the other is filed with the section's controls. Each collection is shelved according to its date of receipt, there being, in our opinion, no equally satisfactory method of caring for the constant expansion of this department. Each collection is catalogued by subjects, donor, and major author, with notation of date of receipt as an accurate key to its shelf location. Each catalog card refers the researcher to the proper inventory sheet for other prominent names appearing in the collection. The inventory sheets thus become an all important and much appreciated supplement to the card catalog, reducing the size of the catalog and giving the user more data than ordinarily would be possible on cards alone. The manuscripts are filed flat in dust proof manuscript boxes which are shelved horizontally. While there are arguments in favor of vertical filing with which this audience is all too familiar, the effective way in which previously folded documents flatten themselves under horizontal filing conditions is to us adequate argument for this method of filing. The public records collections, when space is available for their proper

¹³ For the most recent catalog of these collections, see Smith, Alice E., ed., *Guide to the Manuscripts of the Wisconsin Historical Society*, Madison, 1944. Miss Smith, formerly head of the manuscript section, is now director of research for the Society.

housing, will be catalogued, inventoried, and shelved in similar fashion.

So long as the archives continue to be the under-privileged third of our tripartite institution — at least in terms of housing — and the public records collections are boxed in dead storage, inaccessible to state officials, the public, or the scholar, there is little that can be done in restoring or servicing them. For the happier days ahead a reference service is assured, a series of calendars projected, and reproduction of at least some of the more important records contemplated. Meanwhile, we have a modest but going organization, screening every proposal for the destruction of public records, sorting and destroying records prior to transfer to the state archives, and taking a helpful hand in the state's problems of record administration.

W. J. BARROW

Document Restorer

STATE LIBRARY BUILDING
RICHMOND 19, VA.