

The Michigan Records Program

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MICHIGAN is beginning a program of establishing modern records management methods in public offices of State and local government. In this program the State Archivist occupies a critical position, since he is responsible for selecting from the great accumulations of paper that exist, those records having historical value. Under the recently adopted Michigan system, the Archivist is freed of administrative supervision over records birth control, the handling of semiactive records, and the disposition of valueless records. All such problems of office administration that have plagued the Archivist are now assigned to the Office Services Division of the Department of Administration.

The Michigan Historical Commission is, by law, charged with the administration and preservation of the public records of the state having historical value. One distinguishing feature of the law is its plenary nature. Any record of any public office in the State (except, of course, the Federal offices) come within the purview of the statute. No record can be legally destroyed until the Michigan Historical Commission has approved its destruction. In fact, the law is so strong that if the commission deems certain records to be of sufficient historical value, it can go to court and obtain an order forcing a reluctant official to give up such records.

Another distinguishing characteristic of the commission is its small budget. From the time of the commission's creation in 1913, its work progressed satisfactorily until the great depression. In the early 1930's the commission had to drop its Archivist and abandon a well-conceived archival program. At the same time, and especially in the 1940's, the members of the commission were very conscious of the need for new methods and facilities for handling public records. Numerous requests from various public agencies could not be met. Reports and recommendations of the commission went unheeded in the turmoil of the postwar years.

Then in 1949 the Michigan legislature, following the national pattern, established a committee on the reorganization of the State government. It was popularly called the "little Hoover committee" although it was by no means constituted like the national group. It

consisted of members from both houses of the legislature and a representative of the governor. Experts submitted recommendations known as "task force reports." Through the Kellogg Foundation funds were obtained to secure the services of Emmett J. Leahy and the National Records Management Council, for expert analysis of Michigan's records problem.

Mr. Leahy's methods are too well known to need detailing here. It should, however, be pointed out that his findings were based on pilot studies and consultations with the officers who were working in the various departments. Hence his recommendations came from the inside rather than from the outside, and they were practicable. The 1953 session of the legislature implemented the report by writing the recommendations into law, with the hearty support of the Michigan Historical Commission.

An important impetus to this legislation was a disastrous fire in the State Office Building. Nobody wants either credit or responsibility for that terrible loss. Nevertheless the fire made the legislature records-conscious, for it entirely destroyed two floors of a "fireproof" building. The fire was sustained by huge stacks of uncared-for records and waste paper jumbled together on the mezzanine (a sort of attic) floor, which the firemen could not reach. (It is sincerely, even devoutly, hoped that other States can learn from this bitter and costly experience.) This fire took place after the Leahy survey was made and before the legislature acted on the recommendation.

A primary if not a fundamental consideration in drafting and passing the legislation needed to establish a modern records management system in Michigan was to avoid the tag "political." Everybody involved in securing the passage of the measures was conscious of this necessity, and everybody involved is to be commended for securing the nonpolitical status of the legislation. It might be assumed that such an administrative reform would never be endangered by partisanship were it not for the experience of other States where politics have entered into records legislation.

In drafting records management legislation, three important general considerations had to be kept in mind:

1. A department of sufficient power and stature had to be designated to administer the program under an adequate statutory grant of authority.
2. Safeguards to protect the interests and responsibilities of the State agencies had to be provided.
3. Safeguards to protect the historical interests of the people of the State had to be established.

In short, the difficulty centered about the problem of writing the safeguards into the act in such a way that the effectiveness of the records management agency would not be crippled. Whether or not this has been done successfully remains to be seen, but it seems reasonable to believe that the legislation as enacted solves this particular problem. A review of the act itself will illustrate the basis for this belief.

The records management function was placed in the Department of Administration, the most powerful control agency in the State government. This means that the new agency will have the stature needed to secure the respect and cooperation of the other departments. Moreover the new agency was given very wide responsibility when its functions and duties were prescribed. The new office was given authority:

1. To analyze, develop, and coordinate the standards, procedures, and techniques of record making and record keeping.
2. To insure the maintenance and security of all records worth keeping, to establish safeguards against unauthorized disposition, and to recover any records that have been removed without authorization.
3. To establish and operate State records centers to service and protect all records that need to be kept for a time or permanently, but that need not be kept in office space.
4. To institute a training program for records personnel of other offices.
5. To provide microfilm service.

After this grant of authority the act defines the term "record" as any ". . . paper, book, photograph, motion picture film, microfilm, sound recording, map, drawing, or other document or copy thereof . . ." made or received by an agency of the State and retained by "that agency or its successor as evidence of its activities or because of the information contained. . ." Then follows a statement that records are the property of the State, to be delivered by outgoing officials to their successors, and that they may be disposed of only as provided in the procedure to be described.

Thus the grant of authority contains no crippling provision and the first important general consideration, listed early in this paper, is met. If the department fails to secure cooperation the statute cannot be blamed. At the same time there is no safeguard of the interests of the various offices nor of the historical value of records in this section of the law. The safeguards which insure the cooperation of the various departments are written into the procedure for disposition. This procedural portion was most difficult to draft

from the administrative point of view. The procedural safeguards, however, seem to promise workability.

The first paragraph of the procedural section attempts to separate record from nonrecord material at the time of filing. It provides that the agency head

. . . shall make, cause to be made, and/or file only such records as are deemed necessary by the responsible head of the agency . . . (1) for the continued operation of the agency; (2) to constitute an adequate . . . recording of its activities, and (3) to protect the legal rights . . . of the people.

Action under this important procedure is largely dependent on the various departments, with the records management agency in an advisory capacity.

The second paragraph deals with the procedure for transferring semiactive records from the departments to a storage center where they are still largely controlled by the department of origin but are serviced by the records management office. The records management office is to submit to each agency a list of that agency's records that the office believes should be transferred to the storage center. This list may be approved or disapproved in whole or in part by the responsible agency head before any transfer takes place. As a further protection of the agency there is a specific provision for obtaining the consent of the responsible head before anyone outside the agency of origin makes use of semiactive records.

The transfer procedure depends on cooperation and protects the interests of the agency head throughout. Thus the second of the three important general considerations, listed earlier, is met. At the same time, it does not seem likely that the procedure is crippled to any extent by these safeguards. In fact, it seems more likely that these limitations, rather than acting as restrictions, will become bulwarks of confidence to provide the harmonious cooperation upon which a successful records management program depends.

The third paragraph in the procedural section of the law controls the disposition of records after administrative need for them has ceased. The records management agency is directed to create disposal schedules and submit them to the Michigan Historical Commission for approval or disapproval, either in whole or in part. Any items appearing on such a schedule that the commission finds to have historical value are then to be transferred to the custody of the commission and to be preserved as the archives of the State. After this is done, the records management agency then submits a list of the remaining records, useless for administrative purposes

and found to have no historical value, to the State Administrative Board for final authorization for destruction or salvage. This board is made up of the top elected officials of the State government. Thus the third important consideration, that of protecting the historical interests of the State, is met; and the whole program is complete.

The management of records of local units of government is handled in much the same way. The basic and important difference is that the local unit itself must be its own office of records management; that is, the local offices deal directly with the historical commission and with the administrative board. There is, however, no conflict between the laws controlling records disposal on the two different levels of government.

This procedure for handling the records of units of local government has been established for many years, but it has been used effectively only within the last year. An amendment to the law establishing this procedure, passed by the 1951 legislature, eliminates any arbitrary period of years during which all records must be kept. Now the responsibility rests completely upon the local unit of government, the historical commission, and the administrative board. The fact that action on the part of local units is entirely voluntary may seem to present a difficulty. In practice, however, this is not the case, for half a dozen counties and as many cities have sought the advice and help of the commission within the last 9 months. Several records disposal projects have already been completed in local units of government. Actually any mandatory policy on the local government level would present grave difficulties, for the starting point of a records management program is willing cooperation.

This program of managing Michigan's public records looks good. Administrative problems remain to be solved, but this can be done. The fact that the law is consistent and that it has been used satisfactorily in isolated cases seems to assure its workability. It seems fairly certain that the legislature will appropriate the funds necessary to make the program a success. This is largely due to the fact that throughout the presentation of the need for this program, emphasis was laid upon the economies that would result.

Indeed it is difficult to keep from being over-optimistic. We know that we have a program that will work, and we know that we have eliminated many troublesome obstacles that obstruct other State archives programs. The physical job still remains to be done. It will not be done in a year — but it will be done.