

The New York State Local Record Program

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BEFORE getting into my discussion of the New York State local record program I should like to speak briefly about the field of government it operates in and the background of the program.

The local record program operated under the commissioner of education is merely one of several public record programs in New York State. There is a State record program under the director of the division of the budget in the Executive Department that handles the records of State departments and agencies; a court record program that operates, at least for the purpose of disposing of valueless court records, under the appellate division of the State supreme court; and a New York City record program, under the Board of Estimates and certain city officials, that handles the records of New York City and the five counties within it. I mention these other programs merely to show the record-program framework into which the local record program fits.

The local record program, as the term implies, deals with the records in the various local units of government outside of the city of New York and its five counties. These local units of government, between five and six thousand in number, form a series of complex patterns of government, for the most part independent of each other in operation. I realize that their number will mean little to anyone not familiar with New York State, but the program is concerned with the records in nearly 1,600 counties, cities, towns (or townships) and villages, and several thousand school and special districts. As you can see, our field of operation is not exactly restricted.

But much more to the point in assessing the task we face are the population and age of these local units of government, for population and age have an important bearing on their records.

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They range in population from less than a hundred to more than a million. Unquestionably, some have lost population since the 1950 census, but many local units, particularly towns in the vicinity of cities, have increased in population at a fantastic rate. I need give only one example. The town of Oyster Bay on Long Island, which in 1950 had a population slightly less than 67,000, now has an estimated population of almost 240,000. The march to suburbia, a phenomenon common to many other sections of the country, is in full swing in New York State.

With the growth and resettlement of population have come tremendous problems for local governments in the fields of water and sewerage facilities, police and fire protection, health, highways, taxation, recreation, and schools. Financing these services is becoming increasingly difficult, for more and more units of local government have annual budgets running into millions of dollars. According to a recent announcement by the State comptroller, the total taxes collected by all units of local government in New York State (including New York City) in the fiscal year ending in 1955 was \$1,840,000,000. Even in this day of big government, the problems faced by local governments are not insignificant. Their magnitude is reflected in the records piling up in local offices.

The age of the units of local government also complicates the handling of their records. Many of these units in New York State, as in other eastern States, are old. All but one of the counties in which this local record program operates were erected more than a century ago. Nineteen actually date from the latter part of the 18th century and six from the latter part of the 17th century. The majority of the towns are almost as old; and few, if any, of the cities and villages are actually young. Only the central school districts and the special improvement districts are relatively new, for they have been established to handle problems that have arisen during the past two or three decades. From the point of view of record management, however, districts more than make up for their youth by their great number.

I hardly need emphasize further the fact that New York State has, as I am reasonably certain many other States have, the principal ingredients — population, age, and records — that make a local record program necessary.

But there is one more thing about the local units of government in New York State that I should point out. It is the very close State-local relationship that exists and the strong effect it has on the local record program. Despite continued arguments for more

“home rule” for local units of government, most of the records in local offices are created or filed there in compliance with laws enacted by the State legislature or with regulations issued by State departments and agencies. It may surprise some of you to learn that, in all but two of the local units in which the record program operates, the fiscal records are audited at 2- or 3-year intervals by the State Department of Audit and Control. This close State-local relationship is a principal reason for the State’s interest in the records in local public offices.

New York’s local record program is not in any sense new, although since 1951 it has undergone a rather painful face-lifting. It was inaugurated in 1911, when the legislature established a Division of Public Records in the State Education Department. To the division was assigned in 1913 the duty of taking “all necessary measures for the proper inscription, the retrieval, the care and preservation of all public records in the various political divisions of the state,” except those excluded by law. Through the years the program was carried out, sometimes vigorously and sometimes not, on both the State and local levels. Primary emphasis was placed on the protection of records, particularly those having historical value.

By 1950, however, it was clear that the program had not kept pace with record problems at either the State or the local levels. Records were piling up at a rate that threatened to interfere with the functioning of many offices. Two steps were taken to improve this condition:

1. Control over State records was transferred by the legislature to the Executive Department and a new State record program was set up in the Division of the Budget. The local record program remained in the Education Department.

2. The local record program was changed to meet the new conditions and new problems existing in local offices and was offered to public officials as a service to help them solve those problems.

As you can imagine, it was one thing to adjust our thinking to the changed program, but it was a far more difficult task to determine how the program was to be carried out. After many discussions with public officials and countless visits to local offices for on-the-spot evaluations of record problems we came up with five major objectives that we knew had to be accomplished:

1. An effective disposition program had to be put into operation so that records could be destroyed systematically as they became valueless. This was absolutely necessary if the offices were to escape being overwhelmed by the avalanche of records.

2. Control over records had to be reestablished in the many offices where it had been lost. This was essential not only for administrative reasons but also for the protection of the rights of individual citizens since most of the records in our local offices are public records, open during regular business hours to public inspection.

3. Continued emphasis had to be placed upon the adequate protection of records. Not only must the need of protection be inculcated in the minds of local officials but also techniques must be worked out to help them establish that protection.

4. New techniques for managing records had to be presented to local officials so that they could either adopt them in toto or adapt them to their offices.

5. A procedure had to be established that would permit records having no further administrative, legal, or fiscal value but having continuing historical or research value to be withdrawn from public offices and placed where they would be readily available to scholars or others having an interest in them.

The solution of those five basic problems and its application in local offices is the basis of the present local record program in New York State. Time and experience may add other basic questions, for there is little that is static in this field. But that remains to be seen.

I must point out that in the past 5 years not one of the basic problems has been solved to our complete satisfaction. We are dealing with a difficult situation that is old, is large and growing larger every year, and is in the hands of thousands of public officials who must be educated to accept the new approach. But I honestly feel that we are making important advances. If you will bear with me, I should like to discuss some of them. There are two reasons why I want to do this. First, I think they relate to basic problems that each of you will have to solve if you are to establish an effective local record program in your State. Second, I hope that in the advances we have made you may find both encouragement to undertake the task ahead of you and also some ideas that you may be able to adapt to meet your own needs.

By 1950 it was obvious to almost everyone concerned with local public records in New York State that statutory authority permitting the disposition of valueless records had to be enacted immediately. Two things brought this need into sharp focus. A record disposition law that had operated since 1913, and under which the commissioner of education had consented to the destruction of some records, was declared by the State's attorney general to lack sufficient authority for disposition. At the same time, records were

piling up at such an unprecedented rate that some offices were unable even to house them.

The chief difficulty in framing such a statute was in determining when a record became valueless. There are so many statutes of limitations affecting records in New York State that it was judged impossible to set a single retention period for all records. A statute was finally enacted in 1951 that permits any local public official, after receiving the consent of the commissioner of education, to destroy, sell, or otherwise dispose of any record, paper, or document in his possession that in his opinion has insufficient administrative, fiscal, or legal value to warrant its continued retention in his office. Before consenting to the disposition of any record, the commissioner of education must evaluate the record's continuing historical or research value. He must also confer with interested State departments and agencies to determine the length of time the record should be retained to enable them to carry out their assigned duties and responsibilities. On the basis of these evaluations he must set a retention period for that record.

In plain language, this means that before a record can be destroyed it must be evaluated for continuing administrative, fiscal, legal, historical, or research value, and a retention period must be assigned that will insure the retention of the record until all values are exhausted. It is believed that both the evaluation and the retention period are necessary safeguards, but there is an additional safeguard in that the commissioner is prohibited by his own regulations from consenting to the disposition of 10 specified types of records. Once a retention period is assigned, the record is included on a disposition request list. Copies of this list are sent annually to officials having the records, and the individual official makes his application for disposition after consulting the list. If he desires to destroy records that do not appear on the list, he has to inform the commissioner of education; and, if such records can be cleared for disposal and can be assigned retention periods, they are included on future lists.

As you can see, this is a centrally controlled local record disposition program. I do not know whether such centralized control is needed or will work in other States. We think that because of the close State-local relationship it is necessary in New York State.

Getting the disposition program into operation was quite a task, yet we have already evaluated and assigned retention periods to nearly 2,000 kinds of records. Of course, we have a few thousand more to do. But the program is operating in a great many offices,

and the significant thing from our point of view is that an increasing number of local officials are making the annual disposition of valueless records a regular part of their operational procedure.

Maintaining effective control over the records in their offices is possibly the most difficult problem faced by our local officials. I imagine this is also true in other States. By control of records I mean simply knowing what records are in an office and being able to produce them upon demand in a reasonably short time. I assure you that, with today's rapid turnover in office personnel and the mounting volume of records in local offices, the loss of control over records will virtually guarantee chaos. The problem is most obvious in our towns, villages, and schools, but it is also apparent in many counties and cities.

Many fruitless months were spent in seeking a means of establishing control over records before we hit upon the idea of developing basic filing systems for towns, villages, and schools that could be adapted to their needs. The filing systems were in themselves a control device. To extend the control to records stored outside the filing systems we inserted in them cards showing the locations of those records. The locator cards were merely an adaptation of the "out cards" commonly used to show that records have been removed from office files. In offices where the filing systems have been installed the improvement in control of records has been gratifying to us.

One of these filing systems, the basic school filing system, was described in a recent article in the *American Archivist*,² but I should like to add just two observations. First, the acceptance of these basic filing systems has amazed us, and that acceptance is due, I believe, simply to the fact that we are offering local officials something that they really need. Second, I believe that you can do the same thing for local officials in your State if you have a large number of offices that have similar records.

The adequate protection of records is an old story that we have been telling for more than 40 years. During that time we have distributed countless pieces of information to keep the need for protection firmly in the minds of local officials. In recent years we have scheduled at least one mail distribution on record protection to reach local offices during National Fire Prevention Week. We think

² Howard W. Crocker and Kenneth L. Brock, "Building a Records Filing System for New York Schools," in *American Archivist*, 19:249-260 (July 1956).

it is an excellent opportunity to impress upon local officials the dangers that threaten their records.

In addition to this informational or educational work, we also do much advisory work. We give local officials information on types of protective equipment that are available to handle their needs. Recently we have begun to furnish architects who are designing public buildings with information on building in record protection facilities. Enough requests have been received for advice on the arrangement of offices from the point of view of handling records effectively to warrant our making a study of local office layouts.

We encourage the microfilming of valuable records, particularly those that must be retained for long periods of time, as a means both of preserving them and of reducing their bulk. Our major insistence now is upon quality microfilming, especially when the original record is to be destroyed or released from the possession of the local official.

The dissemination of information on record management techniques to local officials is a new field that we have entered with some hesitation. Actually our work to date has been largely exploratory and has been restricted to a single type of office. But I think it will become in time the most important aspect of the program.

New methods of handling records are badly needed. That fact is recognized by a great many local officials. Fortunately for us, a fair number of them are trying to work out new record techniques that will help them do their jobs more efficiently. Their work gave us the incentive to distribute to other officials information on the techniques that have been developed. By doing this we hope that we can speed up the adoption of new techniques and new methods of handling records in other offices.

We are sending out that information through a series of news letters, each of which covers a single technique or method. We shall probably include some of our own ideas in future letters, but to date local officials have furnished us with more ideas than we can use. There is nothing elaborate about the newsletters. We try to state in simple language and with line drawings the problem, the solution, its advantages and disadvantages, its cost if that can be readily determined, and suggestions for adapting the solution to other offices. The content is strictly informational and no particular effort is made to persuade an official to adopt a particular solution for a problem. Thus far we have restricted these special news letters to the county clerks, but the reception has been so encouraging that I hope we can begin issuing them to other offices.

The last of the basic problems — the transfer of records having primarily historical or research value from active offices to other depositories — is the one, I regret to say, in which we have made the least progress. Although the volume of such records is small, we feel that they are valuable and must be preserved. But we should like to see them preserved outside of the administrative offices, where they receive little attention and can be used only with difficulty.

In trying to work out an adequate transfer policy we are running head-on into conflicting ideas. For years some people have felt that historically valuable local records should be centralized in Albany. Others, possibly more conscious of distances in the State, have advocated area or regional depositories. But during the last decade there has been a growing feeling that such records should remain in the localities where they were created. That feeling has been fostered, I believe, by the increasing activities of officially-appointed local historians, the expanding programs of historical societies, and a new and growing interest on the part of the public in the history of their communities. Until an adequate transfer policy can be worked out and the legal status of transfers can be clarified we are going to proceed very slowly with the transfer of records from local offices to either State or area depositories.

I need hardly tell you that in operating this program we have our share of headaches.

The four professionally trained people that make up our present staff cannot handle the needs of thousands of local offices. If this program is to be expanded, more trained personnel will be needed. I am optimistic enough to hope that they will be obtained when the demands of local officials for our services grow insistent enough. But if budgetary appropriations were available next year for even three new positions, I do not know where trained personnel could be found to fill them. If this lack of trained personnel continues, it will handicap the operation of record programs in every State.

A second difficulty that faces us stems from the fact that many New York State statutes dealing with local records are out of date. Some should be repealed; others should be amended in the light of new conditions. We are seeking such changes, but their accomplishment will require a number of years. In the meantime, the work must go on as best it can under existing laws, for the solutions to the problems we face cannot wait 5 or 10 more years.

A third difficulty that faces us is lack of knowledge of what other States and municipalities are doing to solve their local record prob-

lems. I can hardly believe that they do not have some problems similar to ours. Staff members of the National Archives and other departments and agencies in Washington have furnished us with much valuable information, and we are most grateful for their assistance. But we should like to know what you in other States are doing. From you, I am certain, we can learn much that will make our task easier. In return, we shall, as far as our time and resources permit, furnish you with information about the things that we are doing. We believe that many of the trial-and-error methods usually followed in getting a State-wide program into operation can be eliminated by such a mutual exchange of information. Adapting usually takes far less time than inventing, and time is important in this business.

But the fourth and by far the greatest difficulty that faces us is inertia among local officials. In this statement I am not condemning them. They are the finest group of people that I have ever had the pleasure of working with. This inertia, I assure you, is not due to lack of interest in their records; it is due to the fact that in running busy offices they have hundreds of other duties to perform. I was astonished to learn last week that there are more than a thousand statutes governing the operation of a town clerk's office in New York State. Under the circumstances, it is the exceptional local official who has not merely put aside his record problems until they have become so big he cannot handle them. To change this attitude has been and will continue to be a tremendous educational job. In that job, however, we have some powerful allies in the various State and area associations of local public officials. Our many such associations are strong and aggressive and deeply interested in improving the operations of local government offices. They have helped us immensely in initiating and operating this program. If you have similar associations of local government officials in your State, and I hope that you have, get acquainted with them. If you plan to establish a local record program, let them know what services you plan to furnish their members. If you can win their cooperation and support, you are well on the road to success.

I am certain that you are aware of the record problems that exist at the Federal and State levels of government. I hope I have made you aware that the awkward stepchild, local government, is fast becoming a big boy. His record problems are going to require an increasing amount of attention. To you who are going to give him your attention I need hardly point out that the job ahead is

going to be a big one and a hard one. You will succeed if you learn what his record problems are and furnish him with workable solutions. As your program moves forward you will be infrequently elated and often discouraged. Real progress in a program of this scope is always slow in the beginning. But the job is one that must be done.