

Conflicts in Collecting

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NOT ALL CONFLICTS between historical and archival agencies are based on competition. The root is neither necessarily jealousy, nor the childish desire to have bigger and better pack-rats' hoards. Conflicts are based upon (1) the nature of family papers or manuscripts and (2) the motives or philosophies of historical or archival agencies as controlled by their legal framework within geographical or subject interests. Let us first examine family papers or manuscripts.

Many persons begin as children to preserve letters that they receive when they are first separated from family and friends. Habits of keeping diaries, of recording finances, of saving mementos, class notes, papers, and even stories composed for one's own amusement, also start early. Materials such as these are the records of a man's beginning—commonplace, but basic to biographical study. They are personal archives in the hands of the man, and I believe we agree that they become family papers or manuscripts.

The youth grows up and assumes a place in community, State, or Nation. At this point the records that accumulate are as complicated as his activities. The self-employed, like the artist, author, doctor, or farmer, save or accumulate little new aside from occupational or professional papers. These have significance both as family papers or manuscripts, and as records of the man are no different from those of the youth. Nevertheless these simple records illustrate five basic areas in which conflicts arise in the process of collecting family papers or manuscripts.

First, the papers are of interest biographically as the record of the youth and adult. If he becomes politically or economically significant they may even be of archival interest to Presidential libraries or economic archives. His contribution determines whether they are significant to a locality, to a State, or to the Nation.

Second, the records of education are significant to the schools

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attended. Class notes may indicate the nature of teaching, although they are suspect for accuracy, while a diary and school mementos tell much about social and intellectual life.

Third, among the letters received there may be remarkable items from friends who made contributions in their own day. Their letters are in the custody of the recipient but are not his property. Under the common law of literary property these belong to the author as long as he lives, or to his literary heir, if he creates such a fiction by will.

Fourth, records relate to the towns or communities where a man's life is spent. In America, however, we are always on the move. A man's records may relate to many localities and thus spring the seeds of geographical conflict.

Fifth, occupational or professional papers of the self-employed are of interest to that profession—as part of our cultural, political, economic, or scientific history, depending upon the character of the profession.

From these circumstances it becomes obvious that family papers or manuscripts with no archival value are of interest to more than one history-collecting agency, which may be concerned with the history of educational institutions, with geographical areas, or with subject fields of human endeavor. The problem is more complex when members of a family have careers in government or business or are active in the work of church, social, or professional organizations. Records of such services may be archival, and, if the individual is himself a collector, the problem is doubly compounded.

Persons in government service, if their positions are minor, rarely take home anything significant not duplicated in the records of the office. They preserve as manuscripts only documents that are evidence of employment and perhaps extra copies of reports or studies they have written. The papers they create and receive belong to the government and are not private property. This is not the case, however, with persons in positions subject to political pressures or those having major economic responsibilities or engaging in creative work.

The most important records that go home are papers of the top administrator, Governor, Army officer, scientist, Congressman, legislator, or other elected or appointed official. What is left behind in office is determined (1) by the political philosophy of the individual; (2) by the extent of his financial responsibility, as in the case of the Army officer; (3) by the nature of the intellectual process involved, as in the case of the scientist; (4) by accidents of time—for a man may die in office and not remove his papers; and

(5) by the lack of any legal provision for the custody of his papers, as in the case of members of legislative bodies.

One man who feels he is going on to bigger things will take all, and so will a man embittered by defeat. Others will leave for successors only files relating to internal administration, while still others, feeling the need to prove their political good will, leave files relating to appointments, political activity, and personal problems. What remains is subject to State laws relating to preservation or destruction and is potentially archival. Individual preference and ambition thus largely determine the character of the records that may come to the archives.

The man engaged in business, like the man in public service, takes home documents that he needs, depending upon the character of the business. If he owns the business, its records are his property. Upon its dissolution the records may fall into the hands of an administrator or liquidator. If he sells the business, he may keep the records or transfer them to a successor. Their value and significance depend upon the nature of the business, but they usually include ledgers and often interesting material relating to sales and operations. In the case of a man who works for a corporation, his papers normally stay in the possession of that corporation because of their financial significance; even the corporation president's papers are left in the office. How long they are retained depends upon the policies of his successors and the extent to which these successors adhere to the archival tradition of the corporation. Mergers, sales, bankruptcies—all affect the life history of business records.

Outside of business and government service, most of us are involved in community activities—P.T.A., church, club, lodge, or professional organization. Every man and woman listed in *Who's Who*, or even a child listed in a school annual, is weighed by the number of "outside" activities. As a result, we accumulate records of these activities. Many organizations have "historians" who compile scrapbooks, but few attempt to collect records of past officers, committees, or activities. Minutes of such effort therefore remain in the hands of a secretary when a book is filled, and the correspondence and records of all others remain in the hands of those who served. Only when there are paid employees are records likely to accumulate in organizational archives as in the case of government or business.

From this summary of the nature of family papers and manuscripts it will be seen that the mature individual may have in his possession (1) cultural or professional private records or manuscripts of subject interest; (2) government records of legal, politi-

cal, or scientific interest; (3) business records of economic value; and (4) records relating to various community activities. Each is subject to being collected.

Let us look now at the collecting agencies and their motives, to see how legal responsibilities conflict. Basically there are four types of collecting agencies: (1) the private collector; (2) historical agencies devoted to the preservation of research materials—including manuscripts—primarily for cultural or historical purposes; (3) archival agencies serving their own governments, businesses, or organizations; and (4) agencies that combine both manuscript-collecting and archival functions.

The private collector of papers may be an unconscious pack rat because he has the family attic, he may be the only person interested in his family's history, or he may be a philatelist or a manuscript collector concerned with history within a geographical or subject specialization. Once his interest is established, such a person is likely to receive papers from other members of his family. Yet are they really his or do they belong to all the heirs? What about the title of the nephews and nieces of an aunt by marriage? The collector also receives items that have no relation to his family. If he enters into the open market, he may buy letters and papers within a subject field or geographical interest, or he may collect autographs and papers from anyone willing to give them to him. He will even prowl houses in process of demolition, looking for treasure. His collection, however it is formed, assumes a market value. It may contain private manuscripts, records of government service, and records of community service and organization, as well as basic records of business. These records are often acquired as abandoned property, by gift of one heir among a number of heirs, by purchase from a legitimate owner, or by purchase from someone who has no clear title. At times the private collector receives purloined property or himself purloins. Conflicts in collecting this type of material are compounded by the complications of title and origin.

No matter how the private collector acquires his records, two facts clearly may become the basis of conflict. First, he acts as an independent agent, often receiving items the title to which is in doubt. Second, he often gives the resulting collection to some manuscript-collecting agency, which should or perhaps should not have those particular records. At the same time he transfers the problem of title, as was forcefully illustrated recently when the Minnesota Historical Society found but could not keep the Lewis and Clark papers.

Now let us look at the history-collecting agencies, which include

the many historical societies of the United States, growing in number every year, university and college research centers, and State and other public libraries, including those privately owned or endowed. Like the private collector described earlier, private historical societies, university and college research centers, and privately owned or endowed libraries have no control but their own will, expressed perhaps in an act of incorporation, a charter, or a policy directive. They can *will* to collect certain material, even from other parts of the world. In contrast, State historical societies and State and other public libraries created by statute or local ordinance are usually restricted by the geographical purpose written into that statute or ordinance. Only the oldest agencies of this type are engaged in general or regional collecting of historical records. All types of manuscript agencies up to now have received or actually collected records of government, corporations, or organizations, transferred from legal custody by persons who removed their papers from offices.

Finally let us consider archival institutions, which mirror the activities of individual man insofar as he participates in government, business, or community activities. The records within such institutions have always been the property of the State, business, or organization, or were the property of predecessor governments, businesses, or organizations. Under the basic principle of archival arrangement they are kept as records of the subdivision of government or office that created them. For court purposes such records are primary evidence in the custody of the creating agency. If official records are in the hands of private individuals or agencies it is necessary for the lawyer who wishes to introduce them as evidence to establish the fact that they actually are official records before they can be admitted as primary evidence.

The archives of a government are created by the laws of that government. The archivist usually is responsible for collecting and preserving official records within the jurisdiction of the government. At the State level, this may or may not include local governments. From State to State the archival agency's place within the structure of government varies, and its powers and duties also vary. There may even be more than one archival agency. The archivist may or may not have control over the destruction of records or be involved in planning their creation. Government archives are naturally sensitive to political pressure, and the archivist may not have the legal power to prevent or control the removal of records from office. Yet the laws of most governments provide for the transmittal of records to a successor and for fines and imprisonment for the willful

destruction or removal of records from office. Such statutes have been on the books for many years. From this situation basic seeds of conflict develop; for, unless the archivist has the power of replevin, the ultimate return of the records to the State may be thwarted by indifference or political pressure exerted by manuscript collectors.

A growing number of corporations now consciously collect old records. The papers of the founder are often the basis of an archival collection. If the business involves research and development, including patents, the corporation will insist for financial reasons that the records of that research and development remain in its custody. Some companies collect, as part of their archives, museum materials and oral history and in time issue historical publications. Their function therefore extends beyond the traditional collecting activities of a governmental archival institution. They have no legal restraint to inhibit collecting the records of defunct competitors. This fact is the basis of conflict with manuscript-collecting agencies. If a corporation has branches that are widely separated geographically, the success of its archival program will depend upon the extent to which it controls its farflung records. Likewise if a business is created through a complex consolidation, it may or may not acquire records of the businesses that it absorbs.

The archives of a church or similar institution are seldom so recognized by the local church, club, or lodge. They are just known as old records. Insofar as there is a State, regional, or national organization for the activity, archives are becoming common. In such a case the records are gathered at some one spot, by a historical society devoted to the history of the church, by a university or seminary library supported by the church, or by an official archival agency or chancellery.

In some areas, notably in the South, State departments of archives and history combine both archival and collecting functions. In some cases the State library or historical society maintains a research collection of books and manuscripts and at the same time is charged with the archival responsibility for the State. Even though these functions have been unified, there are often seeds of conflict within the agency. The budget officer of the State may insist that the emphasis should be on the archival function, or that most activities be concentrated on records management, or—if he has no understanding of the archival program—that its budget be the first to be cut within the agency. If the archival institution administers a manuscript-collecting agency function for a State library or historical society, the technical difference between manuscripts and

archives may not be understood by outsiders; and if there are other manuscript-collecting agencies of political significance, the archival program may be subject to political criticism and pressure. The problem becomes acute in States where there is more than one State-supported agency authorized to collect manuscripts and where there are strong and effective private institutions besides.

From this discussion certain conflicting facts have become obvious:

A. *The papers or records collected are the result of the activities of man, and one man who is significant as an individual may have many significances to collectors.*

1. He will be of interest from a subject point of view, through his education and his professional activities, and he may have been educated in more than one school or excelled in more than one profession.

2. He will be significant within a geographical area, but unfortunately he may move from one area to another.

3. His career may touch various levels of government and a complexity of business and public organizations, and parts of his records might be considered as the records of government, businesses, or organizations.

B. *The agencies that collect historical materials and the archival agencies represent varying purposes and interests.*

1. The individual collector may specialize in a family, a type of document, a subject, or an area. His items have material value, but often the title to them is clouded. We all recognize the dangers that beset private collections, for they may be either dispersed for monetary reasons or destroyed through the ignorance of those into whose hands they fall.

2. The private history-collecting agency is like an individual in that it may collect what it will, subject of course to the laws of title.

3. The government history-collecting agency is free to act only within some purpose defined in a statute or ordinance. Its acquisitions of materials that did not originate as the records of its own government are likewise subject to the laws of title.

4. The archives-collecting agency of a government, business, or organization is responsible for the records of that government, business, or organization. If those records have been removed from office and are in private custody, or if the record is inadequate, the archivist may collect the story of his government, business, or organization through a historical writing or recording program. However, the primary job of the archivist is to select significant material from a large body of records not worthy of preservation.

5. Some agencies are both archives- and history-collecting agencies; and within the agency, if funds are short, either archives-collecting or history-collecting may be emphasized at the expense of the other function. It is difficult to keep a balance between the two.

If you are not aware of the mountain of papers that accumulates in your community, look about you. Paper salvage is big business.

Every house and office building yields quantities of paper, weekly and even daily, just junk to most owners. The task that faces the history-collecting agency and the archives-collecting agency is essentially the same, the salvage of records of value. We are effective insofar as we have staff and space, but either or both of these are frequently inadequate. Each agency, therefore, must define its attainable goal, and expect to cooperate with all other agencies engaged in collecting activities. This will mean that we must trust each other to do a good job. I should like to suggest the following ethical principles:

1. That all archival agencies confine collecting to records of their own government, business, or organization, except insofar as they obtain copies of related records through microfilm and other duplicating processes.
2. That all archival agencies transfer or offer to the appropriate history-collecting agencies records that for no legal reason are in the custody of their government, business, or organization. This does not mean that exhibits should be torn from court or other records.
3. That all history-collecting agencies should confine their active collecting to records that are not the responsibility of existing archival agencies.
4. That all history-collecting agencies should deliver to the proper archival agency any papers they receive that have been removed from office or archival custody and that are easily identifiable as official records. There would be no reason why, in making such a transfer, the records could not be recorded on microfilm and the microfilm retained for use by the history-collecting agency.
5. That all archival agencies and historical agencies refer individuals to the correct collecting agency when offered materials that should belong to another agency.
6. That historical and archival agencies, where there are more than one of a kind, should attempt to delimit their fields of activity so that they will not conflict. In the case of two competing historical agencies this delimitation may not be possible, and each should agree to withdraw if it finds that the other agency is preferred by a potential donor. At the same time, each should agree to furnish microfilm copies of the records at cost to the other interested agency upon request.
7. That for purposes of encouraging the formation of government, business, and organizational archives, all historical and archival agencies should transfer to such archives, when established, materials that originally belonged to those governments, businesses, or organizations.
8. That historical agencies accept the responsibility of custodianship of organizational or family records as archival collections. No charge should be made for the service if the records are open to the public and if the historical agency aids in the selection of the materials to comprise the collection. The organization or family would retain ownership of their materials, but the deposit would be considered permanent. Charges for storage and service would be warranted if the use of materials were restricted to the organization or family.

9. That historical agencies agree to accept the responsibility for the direction of business archives, provided that the business pays for the extra staff and space.

10. That historical and archival agencies are not justified in attempting to profit by arrangements suggested involving microfilm or storage.

These principles will not forestall all conflicts, for there is still the problem of what to do with the papers of the politician or national figure who serves at many levels of government, often dabbles in many business ventures, and is active in many organizations. Nevertheless, if we use these principles to guide us, perhaps we can allay suspicion—in spite of problems of personality—and can all join in the herculean task of preserving enough of the story of the present to satisfy the research needs of the future, whether they be historical, biographical, sociological, economic, scientific, or behavioristic.

A Point of Diminishing Returns

... the Fort Knox tradition. Some people still insist that the business of a historical society is to collect treasures of the past, whether buildings, objects, or papers, and put them in mothballs for safekeeping. A sense of sacredness and of pricelessness always adheres to objects that are unique and irreplaceable, and since no one can know with certainty what will be important in the future, nearly all the possessions of a historical society achieve the status of treasure. To preserve and protect things of value is certainly worthwhile; but there comes a point of diminishing returns, and there is always the question, what is historical value, and how is it realized? All of you can supply examples of societies that have so successfully preserved manuscripts that for years they entirely escaped the notice of anyone until, decades later, they were fortuitously rediscovered.

I suggest that there may be a good deal of material in historical societies that should be considered expendable and put to use for purposes of public education and advertisement. When sheer bulk of possessions prevents accessibility, the excess generally goes into some kind of dead storage. If what goes into storage has been selected because it is judged less important, or because of duplication, it could properly form the basis of multiple rotating exhibits scattered throughout a county. Occasional loss of or damage to such material would be more than compensated for by the expansion of knowledge and interest which a society should foster.

—Philip S. Klein, "The Modern Image of Local History," in *History News*, 15:39 (Jan. 1960). Quoted by permission of the editor.