

# Problems in Administering Local Records

By CHARLES E. HUGHES, JR.\*

*Philadelphia Department of Records*

THE first thought that comes to mind when we consider the problems surrounding the proper administration of local records is the maze of confusing and conflicting regulations concerning them—State laws, executive or administrative orders issued by county governments, and ordinances (or the lack of them) in municipal governments.

In Philadelphia we are singularly fortunate. With few exceptions we are not burdened with this part of the problem and for three principal reasons: (1) Since the consolidation act of 1854 we have had only one city within one county, and the geographical boundaries of each are the same. (2) Since January 7, 1952, under a new city charter, we have had home rule. (3) The home rule charter provides for a Department of Records to administer and control all the records of all city departments.

In our case the law is comprehensive, broad in scope, and unmistakable in meaning and purpose. It provides for the easy application of modern methods to the control and use of records, from the time of their original design and composition as forms to their ultimate disposal or permanent retention.

There are a few exceptions to this control. Our overall municipality includes numerous courts and related court offices and a few independent agencies not yet entirely consolidated with the city government. Because these, in the main, are under the jurisdiction of the Commonwealth of Pennsylvania, we have no authority over their records. At the beginning of our operations in 1952 they presented some difficulties since a very sizable volume of records was, and is, involved. These records occupy valuable space and equipment and are badly in need of modernization if the growing problems in these areas are to be solved and sensible controls applied. Through a process of education—and in some

\*Paper read at the annual meeting of the Association of Records Executives and Administrators, May 1961, in New York City. The author is City Archivist of Philadelphia. He has served as chairman of the former Committee on Municipal Records of the Society of American Archivists and is now an assistant chairman of the new Committee on State and Local Records.

instances through applied pressure, since the city government controls the allocation of space to these agencies—we have been able, with their consent, to work with them. Furthermore, as the efficacy of our programs became known we were welcomed into these areas, and in nearly all instances we received the same cooperation that we received from departments whose records are under our authority. The only real difference here is the application of the State law instead of charter provisions when certain action is taken, such as disposing of useless records, transferring records to the Municipal Archives, and some microfilming. The Commonwealth of Pennsylvania has a very good general law to cover records management. In Philadelphia, therefore, we have no real problem in applying uniform programs for sound records management and records control, for conflict of jurisdiction is almost nonexistent.

Contrast this with the complex of local governments in most of our 3,300-odd counties throughout the United States.

Let us consider, for example, a county that has as its county seat a large city, surrounded by 30 or 40 small cities and townships, each with its own government. Here we find a city hall housing and operating the government of the largest jurisdiction in the county. In the same city we find the county courthouse, which houses the county government, the judiciary, very likely the land or recording office, and perhaps all or some of the taxing agencies for the whole county. This county complex is the second largest jurisdiction in the county, in terms of services rendered and functions performed. It differs from the city in that, in a sense, it invades the autonomy of all of the jurisdictions in the county, since it exercises its specific authority in the whole county. Then we range down from fairly large cities of some 50,000 to 75,000 population to the small townships of a few thousand.

Each of these jurisdictions, in proportion to its size, must be facing mounting record problems. I am certain that, could we explore them, we would find at least scattered attempts to deal with such problems—a bit of microfilming here, perhaps a limited and even careless disposal plan there, perhaps the transfer to the local historical society of casually found “historical” papers. Maybe a commercial forms manufacturer has somewhat improved some of the paperwork problems; perhaps an equipment manufacturer has tidied up some housekeeping problems, usually on a temporary basis through the installation of new filing equipment and a system that may or may not be tailored to the present and future needs of the local government. But with few exceptions

the problem has not been solved on a comprehensive, sound, and continuing basis.

What is the solution to this problem that will loom very much larger in all our local governments? It would be oversimplification merely to suggest the application of proven modern procedures; the problem is how to get agreement to apply them. Reconsider for a moment the complex of government in the county! *Who* can do *what*—with the records of the county and of the large and small cities and townships within the county? How much if anything can be afforded in the way of budget, and how should the funds be used?

Based on our experience in Philadelphia, only the large city government—and I consider cities of 500,000 or more to be large—and the county government can afford records departments.

To put this in some perspective, Philadelphia's Department of Records budget for 1961 is \$662,000. Of this amount \$191,000 is allocated to the Documents Division. This division engages in some activities comparable to those of the average county government in the United States—recording of deeds and other legal instruments and rendering related services. It does not engage in any other activities common to the average county government.

The balance of \$471,000 in our appropriation is allocated to administration, records service, and archives. Included in this part of the budget are provisions to defray the costs of microfilm and other photoprocessing for the Documents Division—costs that are borne by county governments that use microfilm and other photographic processes in their operations.

Although \$662,000 would appear to be a reasonable sum for our operations, we often find it insufficient to meet the growing demand for our services or to bring order to the chaos we inherited after 150 years of neglect. Make no mistake about it, appropriations for records activities will always be "low man on the totem pole" with appropriating bodies. Demands for such essential municipal services as health, water, police and fire protection, welfare, and recreation will always get priority; and none of our municipalities are overburdened with surplus tax dollars. In mentioning our limited budget, I should point out that we return to the city treasury an amount almost equal to the budget, consisting of fees collected for document recording and copies of records and proceeds of the sale of useless records as wastepaper—not to mention the savings realized through conservation of space and equipment and through sound forms control. Again, what kind of records program can the large city or county afford? The smaller

jurisdictions, still further straitened, have to scratch for funds for even the most pressing records needs.

Jointly the large city and county governments could meet the challenge and broaden the scope of records operations at savings to both. A united community effort could include the smaller jurisdictions. The ideal concept is simple. The establishment of a centralized plan would include a records center, an archival establishment, and a forms control operation serving all jurisdictions and supported by a fund allocated by each jurisdiction, perhaps in proportion to its population. The value to each jurisdiction is beyond debate; the economies that would accrue to each cannot be questioned. Aside from these considerations, however, each jurisdiction would then be meeting its responsibility for the necessary and proper care of its records.

Can this be done? What are the problems that will be encountered before this ideal plan can become a reality? Let's be realistic about the obstacles. Our hypothetical city and county must furnish the leadership. But in the government of the city the mayor and city council are affiliates of a political party, as they must and should be. Perhaps the city has a commendable civil service plan, under which appointments are made on merit and political activity on the part of employees is prohibited. The county government, however, whether directed by county commissioners of the same or the opposite political faith, has a personnel policy attuned to the patronage system, which rewards the faithful for production on election day and for sustaining a political organization.

Can agreement be reached to appoint a trained, experienced administrator to direct the project, or will the appointment be made as a political reward? What of the subordinate personnel—will the merit or the patronage system prevail in their appointments? What assurances can be given to the administrator and his employees in terms of job security regardless of political change? How can competent people be attracted without reasonable security, and how can employee value be increased through on-the-job training and through continuing experience if employees are to be dismissed with each shift in the political winds?

These obstacles might be overcome by enlisting the active support and interest of local universities and colleges, historical societies, and civic agencies such as the Bureau of Municipal Research, the National Conference of Mayors, and the American Municipal Association. Perhaps the National Archives should lend at least moral support and furnish suggested programs. Although local records do not come into national custody or under national

authority, the National Archives should be, as all archival and historical agencies must be, concerned with the great body of American history that is being recorded at the local level of government. If we are to meet our professional obligations to future generations of scholars, to the researcher, the historian, and the political scientist, then we must start now to preserve the documentation of the present.

Local government, as we have found in Philadelphia, does well to take a look at its past. The contributions made by our Philadelphia Archives to the National Park Service in the development of Independence Square with its beautiful new Mall and related historic sites, to the city's Re-Development Authority, and to the restoration of Old Philadelphia—all of which are changing the face of our great city—are immeasurable. Beyond this, we are meeting an increasing demand for information on vital statistics of the past—birth, death, and marriage records and records of immigration, wills, and deeds—vital statistics that, apart from their historical value and genealogical interest, help to meet Social Security requirements, furnish information for passport applications, establish voter eligibility, and serve other practical purposes and needs of Federal, State, and local agencies. Our universities find our collections invaluable, and many joint projects are worked out with groups such as the Department of American Civilization of the University of Pennsylvania and with many individual candidates for graduate and undergraduate degrees. We shall fail in our responsibility to posterity if we do not perform at least as well in preserving the records as did our counterparts of the past; and, with all our modern techniques and equipment we should do much better.

What is the position of State governments in relation to local governments? With the exception of the relatively few cities operating under home rule, all local jurisdictions function under State laws. What are these laws and how well do they provide for modern management of local records? I mentioned earlier that Pennsylvania has a very good general law for the disposal of records. The one weakness in this statute is the absence of a repealer clause. This omission gives the overcautious administrator an excuse to do nothing but maintain the status quo of records in his custody. I would not attempt to enumerate the laws of Pennsylvania that deal with records and go back 200 years or more. Most of them have not been repealed; and, in our experience, they have been used to obstruct modernization.

Some of our States have excellent records programs, compre-



hensive and broadly applied. I can think of a few offhand, such as North Carolina, Georgia, Delaware, and Minnesota. In our State Capitol at Harrisburg we have a fine group of records people, who have made noteworthy progress in handling the records of the State government. They do not, however, have enough staff to get into the field to stimulate action at the local level. I suspect that the number of States that have worked with city and county governments within their borders to render needed help and establish good records programs are relatively few.

How many States have adopted modern legislation? One of the finest bodies of State law dealing with records at all levels was passed by the legislature of New Jersey in 1953. I fear, however, that this is the exception rather than the rule in all our States. A few years ago the chairman of the Committee on Municipal records of the Society of American Archivists addressed a questionnaire to the attorneys general of all the States. The principal question asked was: "Who has legal custody of the records within your State, including the records of local governments?" With few exceptions the replies were vague, and some frankly pleaded ignorance. Had the questionnaire been directed to State records officials—who might have had more information, particularly in States then having active programs—more useful information might have been received. But the very variety of officials in the different States who by statute or appointment have authority over records indicates the lack of uniformity in State records management. Many of our States have State Archivists, others carry out archival responsibility through the office of the State librarian. In these instances we find programs that would be rated from good to excellent. In other States we find records activity handled, usually as an appendage, by the attorney general, the secretary of state, the finance director, or whomsoever; and the chances are that records receive attention only as emergencies arise, after which they are relegated to the background and forgotten until another emergency comes. If permanent and workable management and control are to be obtained, the records of all of our States should be under the direct supervision of a qualified archivist free to exercise his professional competence with the full support of the executive and legislative branches. The archivist should be consulted and should have a voice in any and all legislation dealing with records. He should be concerned not only with the records of the State government but with those of local government, and he should provide leadership and influence to solve the many problems that afflict the cities and counties.

In records creation and use we are on the brink of great change. Electronic data processing—EDP—is already widely used in many areas of our Federal Government. The State of New York has applied this system to some of its functions. A few of our cities—Detroit, Los Angeles, and New York, for instance—are using it for payroll and real estate tax operations. I understand that the results are excellent. Philadelphia is committed to the system and will get it underway as soon as the necessary groundwork is completed. There are great problems to be met here. EDP hardware is somewhat more expensive, whether purchased or leased, than conventional tabulating equipment. Although it is estimated that net savings in personnel costs may be realized, the job classification for electronics work is high, and for the next several years the trained and experienced people needed in the many technical areas will be in short supply and, of course, will command premium salaries. Furthermore, new legislation may be required to enable State and local governments to use the system.

The archivist will have to broaden his horizon to take in all the new vistas. Here, then, may be the opportunity to eliminate many of the problems that prevent good management of local records. Here may be the common ground on which State and local officials may meet and resolve their differences. Here they may find, as I think they must when costs are considered, that jurisdictional differences will disappear and that good, cooperative, and coordinated programs will be adopted to meet this challenge.

---

### ***Importance of the Telegraph***

. . . Being an experiment in military operations, and regarded with disfavor by some old and experienced army officers, it was the desire of the general superintendent that the importance of the telegraph should be felt, and I was ordered to give the construction of this line my personal supervision. The experiment proved successful, as witness the fact that the commanding general was thereby enabled to change the plan of the campaign three times in as many days, a matter then stated to be unparalleled in military history.

— CAPT. THOMAS B. A. DAVID, Asst. Supt. Military Telegraphs, Clarksburg, W. Va., to Col. Anson Stager, General Supt., Military Telegraph, Sept. 16, 1863, in *Official Records of the Union and Confederate Armies*, ser. 3, vol. 3, p. 975 (Washington, 1899).