

Nebraska—The Records Management Prospect

By JOHN B. WHITE*

Nebraska State Historical Society

Systematic management of the State's records has been a goal of the Office of the Secretary of State for many years.

Our suggested action has been the inauguration of a program for the safekeeping of the State's vital records and the orderly disposal of the State's less vital records at a time when they no longer have sufficient value to merit their retention.

The passage of the Records Management Act by the 1961 Session of the Legislature does not of itself fulfill these aims. However, there is little doubt that when the provisions of the Act have been financially implemented, a long step forward will have been taken toward reaching our goal and solving the problem of record management which is becoming increasingly more acute in Nebraska.

FRANK MARSH, *Secretary of State*¹

PASSAGE by the 1961 Nebraska legislature of "an act relating to records"² may be regarded as a direct outcome of the 1960 *Suggested State Legislation* of the Council of State Governments. The Nebraska bill made liberal use of a recommended "Preservation of Essential Records Act," often adopting its exact wording. Several legislative proposals on the subject were referred to the committee on government and military affairs,

*This paper, read on Oct. 6, 1961, at the 25th annual meeting of the Society of American Archivists, in Kansas City, Mo., has been updated by the author. It was first presented as a part of a session concerning archives programs of the Central Missouri Valley States. Theodore J. Cassady was chairman of that session. Since 1950 Dr. White, a native of Colorado, has been Director of Library and Archives of the Nebraska State Historical Society.

¹This statement was sent to the author by Secretary of State Marsh on Dec. 5, 1962.

²Legislative Bill no. 466.

which consolidated them into a single bill and reported it unanimously with this statement:

Recent world events emphasize the necessity of steps being taken to protect and preserve records which would be essential to continuity of Government, as well as the protection of the personal rights and interests of individual citizens in the event of any major disaster, whether . . . from natural causes or as a result of war.

The consolidation of LB 466 and LB 548 provides for the establishment of a program for the preservation of these records by microfilming or any other accepted form of record keeping for the condensed storage of important and historical papers.

This bill was recommended by the Secretary of State and others interested in the problems of conserving space and the preservation of records in our State Capitol.

The secretary of state is designated as the State Records Administrator. Section 3 of the act provides that he

shall establish and administer, within and for the executive branch of the state government, (1) a records management program which will apply efficient and economical methods to the creation, utilization, maintenance, retention, preservation and disposal of state records, and (2) a program for the selection and preservation of essential state records, and shall advise and assist in the establishment of similar programs in local political subdivisions in the state.

Section 4 of the act provides for the State Records Board, consisting of the Governor, the attorney general, the auditor of public accounts, the director of the Nebraska State Historical Society, or their personally designated representatives; and the Administrator (the secretary of state). The Governor or his representative is chairman of the board, and the Records Administrator is the secretary.

It is assumed that the secretary of state will add a deputy or assistant to his staff to carry out these new responsibilities. The Office of Secretary of State in Nebraska is heavily burdened. The 1962 *Nebraska Blue Book* lists 25 specific duties for the secretary. In addition, he is ex officio member of six boards, on two of which he serves as chairman and on one as secretary. The secretary of state is elected, on a partisan basis, with a two-year term. As it happens, however, there has been remarkable continuity in the office. Frank Marsh, father of the incumbent of the same name, served from 1927 to 1933 and again from 1941 until his death in 1951. His son was elected in 1952 and since then has been re-elected every two years.

The declaration of policy by the legislature is significant. Section 1 of the act states:

(1) That programs for the systematic and centrally-correlated management of state and local records will promote efficiency and economy in the day-to-day record-keeping activities of state and local governments, and will facilitate and expedite governmental operations.

(2) That records containing information essential to the operations of government, and to the protection of the rights and interests of persons, must be safeguarded against the destructive effects of all forms of disaster and must be available as needed; wherefore it is necessary to adopt special provisions for the selection and preservation of essential state and local records, thereby insuring the protection and availability of such information.

Section 6 of the act makes it the duty of the State Records Administrator to "establish standards, procedures and techniques for the effective management of state records." He is to "make continuing surveys of paper work operations, and recommend improvements in current records management practices." Specifically mentioned is "the economical use of space, equipment and supplies employed in creating, maintaining, storing and servicing state records." He is to establish schedules of retention and disposal. He is to obtain reports, inventories, schedules, etc., from the various State executive agencies, on the basis of which he will designate categories of essential records.

The Records Management Act became effective on October 9, 1961. Under its provisions the secretary of state has convened and organized the new State Records Board, thus bringing the board into at least nominal existence. An interesting aspect of the legislation is the requirement that each State agency and each local political subdivision "shall" establish and maintain records management programs under the general pattern provided by the State Records Administrator. It will be interesting to see how this provision works.

The success of the program will depend on the caliber of the deputy chosen to carry out the records functions. Infinite tact will be needed if he is to "sell" State and local agencies on an adequate program of records management. Such teeth as the law has are not very sharp. He must win acceptance by the service he can render as an efficiency expert. Specific funds for implementing the act have not been appropriated by the legislature. This lack of allocated funds, together with the fact that the legislature reduced

by \$19,000 the requested budget for general operations of the Office of Secretary of State for the biennium, seems to suggest that carrying out the responsibilities created by the act must await adequate financing by the 1963 session of the legislature. The secretary of state has requested \$31,000 for the next biennium to implement the Records Management Act.

The role of the Nebraska State Historical Society as "custodian of all public records, documents, relics, and other material which the society may consider to be of historical value or interest"³ remains unchanged by the 1961 legislation. Inclusion of the society's director as a member of the State Records Board should protect the interest of the society in the preservation of historically valuable archives.

Heretofore, the law regarding archives of State agencies has required that the Governor and the attorney general give written permission for the destruction or disposal of records. Prerequisite to the granting of such permission was an opportunity for the historical society to accept or reject all or portions of such records.⁴ The initiative for transferring records to the archives in the historical society has always rested with the agency that originated (or perhaps inherited) the records. Nebraska has had no schedules or even regular procedures whereby records were transferred periodically to the society.

Making duplicates of essential records for their preservation and safekeeping is to be a responsibility of the Records Administrator. The new law in this respect follows closely the recommendations and the wording of the Council of State Governments in its 1960 *Suggested State Legislation*. Microfilming service has been provided since 1954 by the State Purchasing Department for State agencies desiring to make use of it.⁵ In addition, a few Nebraska agencies—including the Health Department, the Department of Motor Vehicles, the Railway Commission, and the Nebraska State Historical Society—have their own cameras. The microfilming program of the historical society has been devoted chiefly, though not exclusively, to filming the newspapers of the State.

There is legal authority for the photographic reproduction of records and the destruction of the originals after photographing. The attorney general has stated that the historical society must be

³ Nebraska, Rev. Stat. 82-104.

⁴ Nebraska, Rev. Stat. 84-713, 82-105.

⁵ This service was discontinued in 1962.

⁶ Nebraska, Rev. Stat. 25-1281, as amended in 1957.

notified of any public records designated for disposal or destruction, even after they have been microfilmed. Regular and adequate reporting of whatever is put on film should be required; certainly the historical society should have this information. It remains to be seen whether the microfilming now being done by and for the State agencies in Nebraska will be effectively brought under the control of the new State Records Board and the Administrator. Up to now, each agency has decided what materials it wished to have filmed and has based its decisions largely on considerations of space.

The Nebraska Records Management Act clearly has its origins in the exigencies of civil defense. Even the motive of economy, generally uppermost in the mind of Nebraska legislators and no doubt operative here, was secondary in this case. Whatever the motivation, the archivist and the historian will be grateful for any measure that means progress in their task. There is a more hopeful prospect now for a rational, efficient, and economical program of records management. The new law, moreover, could facilitate the regular and systematic selection and acquisition by the historical society of both State and local archives. Let us hope that this important legislation was not stillborn.

Confidential Sources

Problems which arise out of confidential sources are not confined to business history. Government archives form closely parallel files of confidential material, and general business archives repositories on similar lines, based on advisory services which ensure that the most valuable material is retained, will probably follow eventually. In the meantime access to business history sources is very restricted, and even where firms permit scholars to use their archives great difficulties can arise, particularly in the use of recent sources. It is extremely doubtful whether considerations of competition and the fear of government interference can permit successful recent business histories based on completely free access to records to be written, yet from the point of view of economic theory these are the most important ones. In such cases the company biased non-academic author, with all the limitations that this implies, will probably continue to be the sole interpreter of recent company history, and even this work, by providing the raw material for scholars, is relevant to the serious history of business.

— HELEN HUGHES, "Business History or the History of Business?" in *Business Archives and History* (Sydney, Australia), 3:18 (Feb. 1963).