

REDUCTION OF PUBLIC RECORDS

I

AT THE International Congress of Librarians and Archivists held at Brussels in 1910, the destruction of records was recognized as "certainement la question la plus grave qui puisse se poser."¹ With this solemn accolade the congress turned its attention to other matters. At the first annual meeting of the Society of American Archivists held at Washington in 1937, the problem received similar treatment. Meanwhile archivists and historians have been increasingly pressed by what Samuel Flagg Bemis has described as the *plethora* of source material. Government administrations are further burdened with huge accumulations of duplicated or valueless records.

Considerable relief from these difficulties, however, should be achieved by the government of the United States as a result of the important forward steps it has taken in recent years. The first of these was the appointment, in 1934, of an archivist of the United States with power to approve or disapprove all proposals for the destruction of public records in the various administrations of the national government. The second was the Congressional enactment, in 1939, of significant legislation providing "for the disposition of certain records of the United States Government." Before reporting on the procedure now in effect in the national government, it is profitable to analyse policies in the reduction of archival material of the more important European governments, thus providing some basis for comparative study.² For present purposes an analysis suffices which is essentially an identification of the administrative process in the elimination of valueless public records, and some of the more important elements of the program of reduction, broadly considered. Other important phases of this problem, such as the *criteria* which may be used in an effort to determine the permanent value or historical interest of a given group of records, or the categories of records which as a general rule are safely destroyed, are not within the scope of this paper.

¹ G. des Marez, "De la conservation, du classement et de l'inventaire des archives administratives d'une grande ville," *Actes du Congrès international des Archivistes et Bibliothécaires de Bruxelles*, 1910 (Brussels, 1912), 368.

² This analysis of European policies as prepared by the writer in 1937 was submitted to the secretary of the Society of American Archivists as a part of a report of the Committee on the Reduction of Archival Material. It is now corrected and added to as a result of the writer's inspection during the first six months of 1939 of most of the archival administrations described.

A. *The Administrative Process in the Reduction of Records*

The administrative process for reducing the bulk of records involves an initial selection by the administrator, possibly in co-operation with the archivist, and various controls to prevent destruction or loss of valuable records. Such controls include supervision of the administrator's proposals by an archivist or historian, regulations forbidding unauthorized destruction or removal, and provisions for recovery in the case of improper removal. The process is not restricted simply to eliminations and accessions by the archivist.

In the majority of European countries, the initiative in selecting records for reduction is the responsibility of the administrator, provided the records are still in his custody. Noteworthy exceptions to this general practice are found in England, Norway, Spain, and Poland.³ There a co-operative program has been developed whereby the administrator, in co-operation with the archivist, plans the contents of the reduction program.

For documents recently accumulated or accumulating in English executive departments, the records of which are under the superintendence of the master of the rolls, elimination is planned by a Committee of Inspecting Officers, several members of which must be chosen from the personnel of the Public Record Office. It was charged at one time that the then members of such a committee were not in touch with students of the subject to which the records related, nor were they versed in modern historical research, nor were exhaustive inquiries made as to the character, relationship, and utility of the records.⁴ The present members representing the Public Record Office on this committee, the product of which is greatly improved, include Mr. C. T. Flower, deputy keeper, Mr. Hilary Jenkinson, secretary, a staff member with legal training and experience, and two others usually with the rank of assistant keepers. For this special duty additional compensation is made.

In Norway, Poland, and the Netherlands co-operative action is similar to that in England. There are more elaborate prescriptions for co-operative action in Spain, especially in the case of legal records. The personnel and time of meeting of special committees are prescribed by law. With some limitations, such committees choose the records to be eliminated.

³ References to Poland are applicable only to archival administration *ante diem irae*.

⁴ *Royal Commission on the Public Records, First Report* (London, 1912), Vol. I, Part I, 17, in House of Commons, *Sessional Papers*, 1912-1913, XLIV.

There is some significance in these exceptions found in Norway, England, Poland, and the Netherlands. Since their administrators are required to co-operate with the archivist even in the initial selection of records, the reduction of which is only proposed, their policy is far removed from that advocated by Hilary Jenkinson who would have the administrator alone initiate and complete all eliminations.⁵

Once records have been transferred to the archivist, the initial move for reduction of any part thereof is usually made by him. In England, however, the executive departments have been able to initiate the elimination of records which have been transferred to the Public Record Office.

There is no evidence of any European nation concerned with the reduction of records which grants the administrator a free hand in the program. Controls similar in general outline but varying in effectiveness are applied. Usually the advice or approval of an archivist or historian is required. Such positive provisions are reported by twenty governments.⁶ Those of England, *quondam* Austria, Poland, Sweden, and Italy are particularly interesting.

Only a few of the more significant European procedures can be described here. In Poland, as regulated by a decree of the Council of Ministers, records of the administration were divided into two categories: (a) records of permanent value; (b) records of a temporary character. Much depended on the general definition of the two categories and such a definition was included in the decree. The interested minister, in co-operation with the minister of public instruction in whose department was the Section of Archives, determined the proper category to which a given type of record belonged. After at least two years and at most thirty-five years, the records in category "B" could be destroyed, provided a list thereof was presented to the Section of Archives of the Ministry of Public Instruction which could claim the whole or any part thereof.⁷ Moreover, the administrators of central files in a department were trained by archivists of the state and recently the Section of Archives was planning a project of instruction concerning the manner of eliminating useless papers in the public administrations.⁸

As previously indicated, records of the English executive depart-

⁵ *A Manual of Archive Administration* (London, 1937), 147ff.

⁶ *Guide International des Archives, Europe* (Paris, 1934).

⁷ *Ibid.*, 232ff.

⁸ Tadeusz Manteuffel, "Archives de l'Etat en Pologne," *Archeion*, IX, 29.

ments may be reduced only on the recommendation of a Committee of Inspecting Officers, several members of which must be chosen from the personnel of the Public Record Office. In addition, the head of the department concerned nominates some officer specially conversant with the records to act with the officers already mentioned. The written report of these officers is submitted to the master of the rolls who, if he concurs therewith, lays it before Parliament. If the latter takes no action thereon before a lapse of four weeks, the records are disposed of in the manner and at intervals of time specified in the schedule.⁹

In Greece the lists of papers proposed for destruction must be approved by a commission of six university professors. Three of these professors are appointed from the faculty of law and three from the faculty of letters.

In Spain, committees, the membership of which is specified by law, regularly examine records placed under their jurisdiction. In the case of certain legal records, after a committee has determined their inutility, they must be retained in the archives for twenty years before their final disposition. In other cases, detailed descriptions of the records must be included in an official bulletin of the province to which the records relate. Interested parties are given ten days in which to object to the proposed destruction.

In Hungary, the procedure for current records is as follows: When a matter of official business is definitely terminated, on the occasion of the last action thereon, there is indicated on the folder containing the related papers whether they may be eliminated and when such elimination should take place. Depending on the nature of the documents, the elimination is achieved after ten or twenty-two years. Documents of special interest to an administration or to private parties or those of historical importance may not be eliminated.

In this second phase of the administrative process for the reduction of records it is noteworthy that so far as practice is concerned, Hilary Jenkinson's conclusions represent the exception rather than the rule. His propositions may be summarized as follows: For records accumulating at present, weeding by a committee consisting of the archivist, the administrator and the historian is emphatically ineffectual, and it destroys the archives' reputation for impartiality; for archives of

⁹ *Reprint of Statutes, Rules, and Schedules Governing the Disposal of Public Records by Destruction or Otherwise. 1877-1913* (London, 1914), 12.

the future, the administrator is the sole agent for the selection and destruction of his own documents.¹⁰ In theory dispute over the agent of reduction is chronic. While M. Montigny, professor of administrative law at the University of Ghent, anticipated Mr. Jenkinson's proposals, there are equally distinguished commentators in opposition thereto.¹¹ Dr. G. des Marez warned an extraordinary assembly of librarians and archivists that experience has sufficiently demonstrated that destruction by administrators alone has been nearly always unfortunate.¹² Those of us in the United States who have been concerned with the reduction of records, like Horatio, need no ghosts come from the grave to tell us this. In more recent times, other European leaders such as Dr. Tadeusz Manteuffel of Poland and Dr. Ernst Müseback of Germany insist on participation of an archivist or a historian in the reduction program.¹³ Dr. H. O. Meisner of the Reichsarchiv at Potsdam told the writer that after a special study of the problem of reducing archival material he had been forced to the rather disappointing conclusion that selection of the records to be preserved and those to be eliminated was distinctly an art which, of course, places a premium on the scholarly equipment of the archivist charged with supervising a reduction program. In view of this, the additional compensation paid to assistant keepers of the English Public Record Office who serve in this special capacity is worth further emphasis.

In addition to the supervisory controls intended to prevent loss of valuable records during the course of the reduction program, various measures have been devised to safeguard against or rectify losses due to removal by outgoing officials or depredations of thieves.¹⁴ Since archives have been identified as the artificial memory of a government, their wanderings in the company of retired officials or their heirs is a form of amnesia which constitutes a difficult problem for the archivist to solve. A recapitulation of the reports in the *Guide Internationale des Archives* reveals that fourteen nations have positive

¹⁰ *Manual*, 147ff.

¹¹ See "Triage des Archives," *Revue de l'Administration* (Paris, 1897).

¹² *Actes du Congrès . . .*, 1910, 368.

¹³ "Archives de l'Etat en Pologne," *Archeion*, ix, 29; and "Grundsätzliches zur Kasation Moderner Aktenbestände," in *Archivstudien zum siebenzigsten Geburtstage von Woldemar Lippert mit Unterstützung der Wilhelm und Bertha v. Baensch Stiftung* (Dresden, 1931), abstracted by Andrew C. Albrecht, "Abstracts of Archive Publications, Western Europe," *THE AMERICAN ARCHIVIST*, 1 (April, 1938), 106.

¹⁴ A survey of provisions in laws of various American states concerning the controls discussed here is included by A. R. Newsome, "Uniform State Archival Legislation," *THE AMERICAN ARCHIVIST*, 11 (January, 1939), 10ff.

provisions against such losses while at least fifteen have not. But six of the latter number achieve the desired result, at least to some extent, without specific regulations. For example, in the England of the last eighty years, success in this regard is recognized and attributed by Mr. Paltsits to "the British conscience."¹⁵ Success as used here might well be qualified, but that there has been improvement cannot be denied.

A sketch of the positive provisions in several nations is indicative. In Italy the minister of the interior takes the initiative in recovering records removed by outgoing or retired officials through the intervention of the prefect of the province where the deceased former official last lived. The prefect in turn fulfills the law through the intermediation of the superintendent of the archives of the kingdom. The records are actually examined, and if necessary, selections made therefrom. The process is complicated but effective. A similar procedure in France has been reported with an additional provision for the recovery of all documents which can be proved to have once been a part of the public archives, even from those who have acquired or who possess them in good faith.¹⁶ The writer has found that in actual French practice the effectiveness of these provisions is limited. Former German civil servants' activities which relate to their past official duties or position must receive the approval of former superiors or their successors. Thus not only all official documents, but also notes on inside occurrences or abstracts of reports, are to be returned.¹⁷

Some governments have regular budgetary provisions for the recovery of stray documents by purchase. Recent annual budgets of the Bohemian Provincial Archives at Prague included 10,000 crowns (approximately \$350) for this purpose. A larger sum is regularly included in the budget of the Bavarian Principal State Archives at Munich. The last budget of the Hungarian Royal State Archives at Budapest included 8,000 pengoes (approximately \$1,600). Other archival establishments in Germany and the British Public Record

¹⁵ "Tragedies in New York's Public Records," American Historical Association, *Annual Report*, 1909, 370. For a more complete discussion of the effectiveness of English policy see Hubert Hall, *Studies in English Official Historical Documents* (Cambridge, 1908), 10.

¹⁶ Waldo G. Leland, "American Archival Problems," A.H.A., *Annual Report*, 1909, 344. Some interesting attempts in this respect by American governments are reported by Randolph G. Adams, "The Character and Extent of Fugitive Archival Material," *THE AMERICAN ARCHIVIST*, 11 (April, 1939), 85ff.

¹⁷ Fritz Morstein Marx, "Germany's New Civil Service Act," *The American Political Science Review*, XXXI (October, 1937), 881.

Office among others have had occasion specially to request funds for such purchases.

B. *Elements of the Reduction Program*

In addition to the administrative process devised for the reduction of records, various European archival administrations recognize certain elements or aids which can be useful in a reduction program. Careful planning of eliminations is a valuable aid developed in some of the more advanced programs. Such planning is primarily applicable to current and impending accumulations of records. Records of the past must be handled like a river that has already reached flood stage; protection and outlets can be carefully provided only as circumstances demand. One of the outstanding elements of planned programs is that referred to as continuing authorizations which consist of approved lists of not only past accumulations of valueless records but also future accumulations of the same type of record. Other aids frequently utilized in reduction programs are periodic transfers to the central archives, scientific sampling and microfilming, influencing the arrangement of records as or before they accumulate to insure as much as possible the integrity of valuable data and the segregation of papers having no permanent value, prevention of excessive recording, and transferring records of purely local or restricted value to interested agencies.

The British have profitably utilized the registry system, transfer of records to libraries in Great Britain and Ireland, continuing authorizations for destruction, periodic transfer to the central archives and prevention of excessive record-making to reduce the bulk of public records. Lists for two French bureaus have already been prepared by archivists of the *Archives Nationales* providing for continuing authorizations and plans are under way for others. Archivists of the city of Brussels, in theory at least, and of Hungary and Poland, in actual practice, segregate potentially valuable records from those which are obviously valueless while such records are accumulating.

Some of these aids or elements of a reduction program might be described more fully. One of the most useful is continuing authorizations for destructions. In England, the Committee of Inspecting Officers referred to above describes in a detailed schedule the records, accumulated and *to be* accumulated by one of the executive departments, which in its judgment may be destroyed or transferred to

private depositories. The time of such disposition necessarily varies according to the types of records involved, but it is stated for each type. Once such schedules have been passively approved by Parliament, the agency concerned has an established procedure for the disposition of that part of its records described in the schedules. Recurring reports with the attendant costly routine and confusion are eliminated. In preparing schedules of this type three elements are involved: (1) choice of types of records to be disposed of; (2) time of disposition; (3) manner of disposition. In the selection of types of records the archivist and the administrator co-operate. The archivist is of some assistance also in determining the time and manner of disposition. In such a procedure, there are included arrangements for transfers to the central archives or private institutions, or indefinite retention of certain records *in situ*. With modifications this procedure has been found or is reported to be followed in France, Germany, *quondam* Austria, Poland, Russia, former Czechoslovakia, Sweden, and the Netherlands.¹⁸

When an archivist is first confronted by the reduction problem, a laudable caution in his approach thereto may result in too great delays and too elaborate a procedure. Even a cursory survey of English practice in reporting valueless records since 1877 emphasizes this recurring experience. In the earlier years, the Committee of Inspecting Officers submitted to Parliament a thorough and lengthy analysis of each type of record which they recommended for destruction. A little later only a list of briefly descriptive titles of such types of records was submitted. At present such lists are qualified in such a way as to provide not only for accumulations already made, but also for present and future accumulations of similar records. One of the more recent schedules, "A list and particulars of certain classes of documents existing or accruing in the offices of the Traffic Commissioners and Traffic Area Licensing Authorities which are not considered of sufficient public value to justify their preservation in the Public Record Office," is worthy of note. The schedule includes a brief description of the origin and functions of the traffic commissioners and traffic licensing authorities, an exclusive list of the classes

¹⁸ In this connection the reduction program planned at one time by certain agencies of the U. S. government is interesting. See for example *United States Official Postal Guide* 1937, Part I (Washington, 1937), 116ff., and *Regulations to Govern the Destruction of Records of Steam Roads*, prescribed by the Interstate Commerce Commission (Washington, 1921), 6ff., and amendments thereto.

of documents not to be destroyed, a "list and particulars" of classes of documents which it is proposed to destroy, with occasional exceptions noted, and an indication after each class or subclass of the period after which the documents described therein may be destroyed.¹⁹ Such precise provisions for prompt eliminations of valueless documents contrast sharply with the cumbersome procedure of sixty years ago. Meanwhile there is no evidence that the essential appraisal upon which such provisions are based has been sacrificed. On the contrary, the comprehensiveness of the current procedure should provide a sounder basis for appraisals by the present Committee of Inspecting Officers.

Another element which may profitably be included in a reduction program is *microfilming*. This is a potential boon to the archivist, especially in border line cases when, heretofore, sheer bulk of certain records made destruction a practical necessity. It is conservatively estimated that the amount of space saved in storing microfilms rather than original documents is more than 85 per cent. Moreover, it has been determined by a trial run that the material unit cost of microfilming a card index was approximately \$.00065.²⁰ Such estimates even when modified to meet the requirements of various sizes of documents indicate a real saving from the cost of storing original records. Rougher estimates indicate that in Washington, for example, the cost of microfilming is discounted after five years because of release of space which would have been required for storing the original documents. Emphasis thus far on photographic reproduction in Europe, however, is a service to scholars by reproducing individual documents rather than as a means of reducing bulk.²¹

The use of abstracts or registers is an administrative tool that has been turned to considerable advantage in elimination of original documents by English archivists.²² Schedules, summaries, and tabulations may be used to the same advantage, the selection depending on the nature of each problem. In this connection Mr. Jenkinson believes with excellent reason that all the troubles attending "modern archive

¹⁹ Submitted to both Houses of Parliament, July 27, 1938.

²⁰ *Second Annual Report of the Archivist of the United States* (Washington, 1936), 65, 66.

²¹ A detailed study of the application of microphotography by European archivists, the extent to which it is used, and the type of data or records filmed was begun in August, 1939, by Dr. Vernon D. Tate. While this study was interrupted for the time being, it is earnestly hoped that its completion will not be too long delayed.

²² Jenkinson, *Manual*, 172.

making" are the result of a lack of control. Natural controls of former times consisting of shortage of labor and materials no longer exist. The central registry controlling practices in record making and record keeping is the solution proposed by him.²³

Transfer to other governmental or private depositories in lieu of destruction is another important aid to reduction. A section of the English statute, approved May 9, 1889, is illustrative:

The mode of disposal shall be by destruction unless the Master of the Rolls shall direct transfer to the curators, trustees, or other governors of a Library in Great Britain or Ireland. . . . When the documents are to be transferred . . . the particular library shall be named in the schedule.²⁴

By 1912 the discretion permitted under the act had been exercised on only eight occasions. Therefore it was recommended that the rule should be amended so as to include all public institutions or bodies which, in the opinion of the authorities of the Public Record Office, are suitable for the purpose of receiving presentations of records.²⁵ As a result this practice has been considerably extended. The value of transfer as an alternative to destruction is easily recognizable. Moreover, the practice may contribute to the solution of one of the archivist's most perplexing problems: the recovery of public records which have been obtained in devious ways by local historical societies and similar institutions. Other public records having a peculiarly local or limited value and not of a confidential nature can be exchanged for these strays. Thus original collections since broken may be restored to some extent. In Belgium it has frequently happened that the state has transferred its ancient judicial archives to the large cities having an organized service for archives. On one occasion such records were transferred to the city of Louvain in exchange for archives of the ancient University of Louvain and other types of archives preserved until that time at the city hall.²⁶

Time is an element in any program for the reduction of records. There are obvious advantages to reducing the bulk of records before

²³ *Ibid.*, 170ff. In the course of the study upon which some of this paper is based the writer and Miss Helen L. Chatfield, archivist of the United States Treasury Department, recently examined the registry systems of the British Treasury and the Foreign Office. An article by Miss Chatfield will be published in an early issue.

²⁴ *Statutes, Rules and Schedules Governing the Disposal of Public Records. 1877-1913*, 12.

²⁵ *Royal Commission on the Public Records, First Report*, Vol. 1, Part I, 19.

²⁶ S. Muller, J. A. Feith et R. Fruin, *Manuel pour le classement et la description des archives. Traduction française par Joseph Cuvelier et Henri Stein* (The Hague, 1910), 16.

transfer to the central archival depository. But there is no control of such transfers which does not admit some records which might be destroyed. In this connection, the following tabulation of British experience is illustrative:

Total schedules of valueless documents submitted to Parliament (1882-1913)	142
Average number of lists submitted each year	3.58
Per cent of total lists describing records in the departments or agencies	58
Per cent of total lists describing records removed to or already in the Public Record Office	42
The per cent of total lists describing records recently removed to the Public Record Office	26.7
Per cent of total lists describing records stored in the Public Record Office for a considerable period of time ²⁷	15.3

In Finland elimination is made only after transfer of the records to the central archives. Elimination precedes transfer in Scotland, Bulgaria, Italy, Roumania, and Poland. Italy admits elimination after transfer only in extraordinary circumstances. Germany and Denmark eliminate before or after transfer.

One phase of the time element in a reduction program is that involving deadlines, intended to prevent any destruction of documents accumulated prior to a given year or epoch. This practice is the subject of one of the questions answered in the *Guide International des Archives, Europe*. Responses thereto may be summarized as follows: Documents accumulated prior to a certain date may not be destroyed according to regulations in six nations and according to established practice in three nations. On the other hand, sixteen nations report no practice of this kind. The nations in which such dates are expressly prescribed and the dates involved are as follows: England, 1660 (formerly 1715); Denmark, 1848; Hungary, 1800; Principality of Monaco, 1850; Russia, 1825 (more recent dates are prescribed in some of the Soviet Republics); and Italy, 1861. The nations in which such dates are recognized in practice are Bulgaria, Spain, and the Netherlands. In Bulgaria documents accumulated prior to its liberation, in Spain documents more than one hundred years old, and in the Netherlands documents accumulated prior to 1814 are by custom not destroyed. Among the nations reporting no such practice are Ger-

²⁷ Data compiled from *Statutes, Rules and Schedules Governing the Disposal of Public Records, 1877-1913*.

many, Finland, Poland, Norway, and Sweden. If the usual controls of elimination are effective, there would seem to be little need of such provisions. Experienced administrators and students of public administration generally advise against incorporating this type of restriction in law. Such restrictions are poor substitutes for alert and responsible administration and may actually impede the competent archivist. In jurisdictions where there is no competent archivist, however, historical and associated societies might well sponsor this very type of legislation pending the appointment of a competent authority to supervise the destruction program.

In European practice, there is a clear relation between the listing of categories of records which may be disposed of and the record of documents destroyed. Thus authorizations for disposition in time become the records of disposition. In England these combination authorizations for and records of disposal made before 1913, were published in a single volume.²⁸ Since that time they have been intermittently published as appendices to the annual reports of the deputy keeper of the public records or separately. If the manner of disposition is other than by destruction, such as transfer to a library, it is indicated in the combined authorization and record with the name of the chosen library. Twelve other European nations make some effort to print official lists of records destroyed. Several preserve such lists in manuscripts.²⁹ If such lists are sufficiently descriptive, archivists might profitably refer to those of other countries when planning a reduction program.

There is no uniformity in the practice of some European governments of retaining samples of records destroyed. The utility of examples of past action to the administrative process for the reduction of records is evident. Such samples have been referred to on occasion by private investigators and archivists to complete their reconstruction of past governmental procedures and recording. English regulations are notably explicit in the requirement that specimens be preserved of all categories of archives destroyed.

Selecting from within a series is recognized as a practical program. This, of course, violates the integrity of a series, which violation, re-

²⁸ *Reprint of Statutes, Rules, and Schedules Governing the Disposal of Public Records by Destruction or Otherwise. 1877-1913* (London, 1914).

²⁹ It is interesting that the United States Interstate Commerce Commission requires railroads to retain permanently "data relating to the destruction of records, which data include descriptive lists showing dates of the records destroyed." *Op. cit.*, 12.

gardless of the purpose, is emphatically condemned in theory. Nevertheless, Italy requires examination "one after the other" of the older records proposed for destruction. Those of interest are withheld. In Poland, Hungary, and Bulgaria similar selections are required.

Scientifically planned sampling as a method of reducing the bulk of certain types of records is not touched in the questionnaire circulated by the International Committee for Intellectual Co-operation. No study that the writer is aware of offers any assistance to American archivists in this respect. The soundness and technique of such an aid remains to be developed. Some efforts in this direction have been made in certain agencies of the government of the United States, among them the Works Progress Administration and the Bureau of Internal Revenue of the Treasury Department. In the latter case, representatives of the Bureau of Internal Revenue, the Central Statistical Board, and the writer on the part of the National Archives have recommended the retention of a scientifically selected fifteen per cent of the total volume of certain income tax returns and that per cent of only every fifth year's accumulation.

Several European administrations attempt to insure destruction once it is authorized. In England, the actual destruction of useless records is not enjoined in the Public Record Office Act of 1887, but in accordance with the rules made under that act, specific precautions are prescribed in order to make such destruction effectual. In this regard, the English Royal Commission reported:

This is certainly a matter of importance, since documents that fell into improper hands could easily be used as materials for forgeries. It is also very undesirable that documents certified as having been officially destroyed should remain in circulation, and much confusion and perplexity might be caused by such an occurrence.³⁰

In Spain the destruction of archives of the judiciary, which have been definitely declared useless, must be by fire. Italian bank notes and government securities removed from circulation are destroyed in this manner. Other Italian archives formerly given to the Red Cross which had to macerate them before sale are now pulped for remanufacture as government paper. In several countries an effort is made to have an archivist present at the time of actual destruction.

An analysis of European policies in the reduction of archival material, described herein in part and of necessity briefly, can be sum-

³⁰ *Royal Commission on the Public Records, First Report*, Vol. 1, Part I, 19.

marized. In the administrative process for the elimination of records the component parts are quite clear:

1. The administrator must take some initiative; the actual selection of valuable records and listing of valueless papers, however, may profitably be done by the administrator in co-operation with the archivist.

2. In every instance an archivist supervises the program. Such supervision varies in form and extent. (a) Minimum supervision is review of a list of records proposed for elimination by the administrator and reporting thereon. (b) Such supervision extends if necessary to examination of the records so listed and a selection personally or at the direction of the archivist of records considered worthy of temporary or permanent preservation. (c) Supervision to insure actual maceration or other final disposal, once approved, avoids future embarrassment from strays or exposure of confidential information.

3. Intervention is both possible and desirable when there is danger of loss of public records through removal by an outgoing official or death of an incumbent who may have public records in his possession.

4. Strays are recovered by seizure, exchange, or purchase by a designated authority usually upon the request of the archivist.

Continuing the summary, there are, in addition to the administrative process, certain elements of varying degrees of effectiveness which are frequently employed with advantage to European programs.

5. Of primary importance are efforts to prevent excessive record making and to insure segregation and prompt elimination of types of documents known, through experience, to have no permanent value. This is achieved only by effective and responsible control of record making and filing in the various agencies of the government.

6. Intelligent planning of the reduction program may safely include a selection of records worthy of temporary or permanent retention *in situ*, in the archival depository, or in specially selected depositories, and an indication of categories of valueless documents, accumulated and to be accumulated, which may be promptly disposed of after stated lapses of time. Such planning

eliminates, for the most part, recurring reports with their attendant expense and routine.

7. Orderly programs for transfers to the central archives tend periodically to throw the spotlight of attention on collections of doubtful value or of none at all. Records of defunct agencies, not needed by successor agencies should be promptly transferred to the custody of the archivist. Eliminations therefrom can best be made before such transfer and while the advice and interest of former custodians are still available.

8. To grant or loan certain types of records to local or scientific institutions is an excellent alternative to destruction, and through exchange may be the means of recovering strays.

9. The value of a record, usually a descriptive list and perhaps a sample of documents destroyed, is obvious, and the actual authorization for destruction may be prepared so as to serve this purpose.

10. Utilization of microfilming and scientific sampling are important potential aids which remain to be developed.

11. Destruction before transfer to the central archives is desirable but provision for elimination thereafter is necessary.

12. The setting of a deadline, prescribing dates with a blanket prohibition against destroying any records which accumulated prior thereto, is generally a nuisance, provided a competent archivist is available to supervise the destruction program. Such deadlines, however, may well be sponsored by historical associations or other interested groups in jurisdictions where no competent archivist is available, or if available, having no supervision over the reduction of records.

II

Against the cumulative objectives and aids of European programs for the reduction of public records, as described above, it is useful to outline the experience in this respect of the government of the United States. For decades it has been provided that any employee of the federal government, having the custody of any public record, or any other person, who "shall willfully and unlawfully conceal, remove, mutilate, obliterate, or destroy . . . any record . . . shall be fined not more than \$2,000 or imprisoned not more than three years, or both" and if a government employee "shall moreover forfeit his office and

be forever afterward disqualified from holding any office under the Government of the United States.”³¹ This statute has been honored more in the breach than in the observance, although clerks who added names illegally to old passenger lists in the custody of collectors of customs were severely dealt with by public trial as was the enterprising Negro attendant at the treasury who sold a cartload or more of records to a junk dealer.³²

The Congress had passed no general law, prior to 1889, authorizing periodic elimination of valueless documents but on several occasions included in appropriation acts authorization to particular departments to dispose of papers in their files considered to have no permanent value or historical interest. These special authorizations provided no procedure for determining the value of records nor were any reports thereof required. As a result some records of historical interest were destroyed. Meanwhile large files of worthless papers were allowed to accumulate in most departments and seriously interfered with public business.³³

After an investigation of the conditions indicated above, by a special committee of the Senate, “An Act to authorize and provide for the disposition of useless papers in the Executive Departments” became effective February 16, 1889. This act provided for a special committee of Congress composed of two members of the Senate and two members of the House of Representatives, to which all records “not needed in the transaction of current business and of no permanent value or historical interest” were to be reported by heads of departments. If this committee reported to the Congress concurrence with the opinion of the department head, it became the duty of the latter to sell as waste paper or otherwise dispose of the records in question.³⁴ At least six acts of Congress subsequent to that of 1889, however, authorized the destruction of specific types or classes of records without the requirement that they be reported to the Congress.³⁵ Two other acts went further and gave a blanket authorization to the secretary of agriculture to sell as waste paper accumulations of files not constituting permanent records as well as worthless copies of

³¹ *United States Code*, Title 18, Sections 234, 235.

³² The second case is reported by Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York, 1935), 22.

³³ *Second Annual Report of the Archivist of the United States* (Washington, 1936), 15.

³⁴ *United States Code*, Title 5, Section 112.

³⁵ *Ibid.*, Title 39, Section 730; Title 15, Section 321; Title 22, Section 86; Title 39, Section 739; Title 34, Section 547; *Supplement*, Title 35, Section 23.

publications without the requirement that they be reported to the Congress; the commander-in-chief of the fleet received similar authority and such a provision was made for files in navy yards and naval stations.³⁶

An executive order by President Taft on March 16, 1912, directed heads of departments, before reporting valueless papers to the Congress, to submit such reports to the librarian of Congress in order to benefit by his views concerning any possible historical interest therein. Thus, for the first time, a competent authority was designated to pass on the possible historical interest of such papers.

It is also provided that the president's order directing any transfer, consolidation, or elimination of a governmental agency shall also provide for the transfer or other disposition of the records affected by such an order, and he is specially authorized to transfer to the custody of such of the departments and independent agencies as he may determine, the files and records of the agencies created for the period of the World War upon the discontinuance of such activities.³⁷

The National Archives act, approved June 19, 1934, empowered the archivist to inspect personally or by deputy the records of any agency of the United States government and to transmit to Congress on January 1 of each year, with the approval of the archives council, described below, a list of papers among the archives and records of the government, which appear to have no permanent value or historical interest. This act, in effect, caused all departmental reports of valueless documents to be submitted to Congress through the archivist. Otherwise the procedure established in 1889 was unchanged. Because of the supplemental or special acts, passed between 1889 and 1930, referred to above, there was some confusion and inconsistencies. Unnecessary and costly routine became apparent.

To clarify and improve the program as described above, a comprehensive and noteworthy procedure was approved by the president on August 5, 1939.³⁸ This is easily the most significant attempt by legislation to insure and safeguard the reduction of federal records. It provides that the head of any agency of the United States government having in its custody records not needed in the transaction of its current business and appearing to have no permanent value or historical interest shall:

³⁶ *Ibid.*, Title 5, Section 544; Title 34, Sections 547, 548.

³⁷ *Ibid.*, Title 5, Sections 111, 127.

³⁸ Public, 295, Seventy-sixth Congress.

1. Submit a written report thereof to the archivist of the United States. This report must be accompanied by samples of the records described therein.

2. The word "records" means "originals or copies of motion-picture or other photographic records in any form whatsoever, sound recordings, correspondence, papers, indexes, maps, charts, plans, drawings, punch cards, tabulation sheets, pictures, and other kinds of records belonging to the United States Government."

3. The archivist with the approval of the National Archives Council shall submit to Congress, at such time as he shall deem expedient, lists of records so reported to him that appear to have no permanent value or historical interest to the federal government.³⁹

4. Upon receipt by the Congress of such lists of records from the archivist, the presiding officer of the Senate shall appoint two senators who, with the members of the House standing Committee on the Disposition of Executive Papers, shall constitute a joint committee to examine such lists of records and report thereon to the Senate and House of Representatives, respectively.

5. If the report of this joint committee confirms all or a part of the archivist's report to it, then it is the duty of the heads of the agencies concerned to dispose of the records so approved as follows: "(a) By sale, upon the best obtainable terms after due publication of notice inviting proposals therefor; (b) By causing them to be destroyed; (c) By transfer (without cost to the United States Government) to any State or dependency of the United States of America or to any appropriate educational institution, library, museum, historical, research, or patriotic organization therein, that has made application therefor, through the Archivist of the United States."

If the joint committee should fail to act during a session of Congress upon any report of the archivist submitted to it not less than ten days prior to adjournment, the archivist may empower

³⁹ The National Archives Council is composed of the secretary of each of the executive departments of the government (or an alternate from each department to be named by the secretary thereof), the chairman of the Senate Committee on the Library, the chairman of the House Committee on the Library, the librarian of Congress, the secretary of the Smithsonian Institution, and the archivist of the United States. *First Annual Report of the Archivist of the United States*, 11.

the agency concerned to dispose of the records contained in such reports.

The archivist has a similar authority over records reported to him while Congress is not in session, and which "have the same form numbers or form letters or are of the same specific kind as other records of the same agency previously authorized for disposition by Congress."

6. When any records are disposed of by an agency in the manner prescribed in this act, the head of the agency shall make a written report thereon to the archivist describing the character, volume, and proceeds, if any, of such records and the date and method of disposition, as well as the name and address of any organization to which any records may have been transferred.

7. The archivist shall transmit to Congress at the beginning of each regular session a summarization of the reports received by him in accordance with Section 6 above.

8. Whenever records in the custody of the archivist become a continuing menace to human health, or life, or property, the archivist may order immediate destruction thereof provided he subsequently reports such action to Congress and the agency from which they were transferred.

9. Valueless records in the custody of the archivist may be reported by him to the Congress in accordance with the provisions of this act provided he obtain the written consent of the agency which transferred the records to him, if such an agency is still in existence.

10. The provisions of this act are exclusive "and no records of the United States Government may be alienated or destroyed except by authority sought and obtained under the provisions of this Act.

11. "All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed."

III

It is more evident now to the student of public administration than it was fifty years ago to Woodrow Wilson that "nowhere else . . . can we make use of the historical comparative method more safely than in the province of administration."⁴⁰ It is profitable, therefore,

⁴⁰ "The Study of Administration," *Political Science Quarterly*, 11 (1887), 219.

to compare the essential elements of the present program of the federal government for the reduction of public records with the cumulative experience or objectives of most European governments as reported in the first part of this paper. Although no one government here or abroad has achieved each of the objectives or utilized all of the aids in the reduction of public records as summarized herein, each government recognizes them, more or less, aspires to a full complement thereof, and would profit by a comparison therewith such as that which follows for the reduction program of the government of the United States.

1. *The administrator must take some initiative in the administrative process for the reduction of public records; the actual selection of valuable records and listing of valueless papers, however, may profitably be done by the administrator in co-operation with the archivist.*

In the federal government responsibility for the initial selection of records proposed for elimination is placed squarely upon the administrator. There is no statutory provision for mutually beneficial co-operation by the archivist and the administrator in planning the reduction program. It is possible for such co-operative action without provision therefor in law, and in the last two years there is evidence of such co-operation, but for the most part it remains to be developed.

2. *In every instance an archivist supervises the reduction program. Minimum supervision is review of a list, but the records themselves may be examined and selections made therefrom. Supervision to insure actual maceration or other final disposition avoids future embarrassment from strays.*

All proposals for the elimination of records of the federal government are submitted to the archivist of the United States who reports to Congress only those records which appear to him to have no permanent value or historical interest of the federal government.

An effort to insure "disposition" once it is authorized by the government of the United States may be interpreted from paragraph six of the act of August 5, 1939. An administrator's report that records have been disposed of in one or more of the ways prescribed in this act does not in the case of sale as waste paper, however, provide against such documents becoming strays. Certain documents, for example, reported to be sold by one agency of the federal government at the rate of one dollar for the ton, most probably before the establishment of the National Archives or not with its concurrence if since

its creation, are now for resale by a reputable dealer at rates varying from fifty-five dollars for single documents because of the value of the stamps thereon.⁴¹ There is still no provision against such occurrences. Various European attempts in this respect, including supervision of the actual destruction or pulping preliminary to sale, or requiring maceration or burning in the contract of sale, deserve further consideration.

3. *Intervention is both possible and desirable when there is danger of loss of public records through removal by an outgoing official or death of an incumbent who may have public records in his possession.*

The inefficacy of present statutory provisions by the federal government in this respect has been indicated. Until responsibility for the enforcement of existing provisions is fixed, and serious losses of federal records are more generally recognized as such, there will be further breaches in important *fonds*.

When the president of the United States on December 10, 1938, announced a plan for the erection of a building on the grounds of his family estate at Hyde Park, to hold his official and personal papers, with the title thereto vested in the federal government and placed under the administration of the archivist of the United States, the nation's attention was called in a striking manner to the wanderings of official records of all former presidents, and a precedent was established for future presidents and other outstanding federal officials. It remains for some federal official to be designated to intervene whenever there is an attempt, at least by less formidable officers than the chief executive, illegally to remove records from their proper custody.

4. *Strays are recovered by seizure, exchange, or purchase by a designated authority usually upon the request of the archivist.*

To provide for the recovery of documents so appropriately described by the archivist of the Union of South Africa as *membra disjecta*, the archivist of the United States might well have been authorized to claim such strays and perhaps have them seized. The archivist might have been further authorized to purchase valuable stray documents. This can easily be done, of course, through the ordinary budget and appropriation procedure.

The authority granted the archivist to transfer certain records to interested public or nonpublic institutions, as described below, might well be exercised on occasion, it seems to the writer, to effect an ex-

⁴¹ *Embossed, Revenue, Stamped, Paper News* (Philadelphia. November, 1938), 23.

change for records in the custody of such institutions which were once part of federal *fonds*.

5. *Types of records known from past experience to have no permanent value can be segregated, as they accumulate, and elimination thereof is greatly simplified. This is achieved only by effective control of record making and filing in the various agencies of the government.*

While all records belonging to the government of the United States are under the "charge and superintendence" of the archivist of the United States, such charge and superintendence strictly speaking seems to be negated by limitation thereof to power of inspection and to requisition for transfer to the National Archives in accordance with the rules of the National Archives Council. Clearly the archivist is not authorized to prescribe rules for the making and preservation of records by other governmental agencies.

Record practices in the many agencies of the federal government are highly miscellaneous. The degree of effective record administration varies equally. Centralized control in the Department of State is noteworthy for its excellent results. Here the influence of the registry in the British Foreign Office is evident but not generally recognized. Intelligent supervision and advice from the treasury archivist has produced excellent results in that department. Advanced and excellent general administration in the Department of Agriculture has provided a fruitful field for progress toward the solution of some of its most serious record problems. Differing influences have made for better record practices in these several agencies. The majority of federal agencies, however, have individually contributed to a confused mass of archives of obscure *provenance*, bloated with valueless contents. Some provision remains to be made against such conditions. Representatives of the archivist can contribute only some influence toward improvement. More effective, responsible, and perhaps centralized control within each agency is needed.

In this connection, competent administrators of current records in governmental agencies may well consider what effect such an inclusive description of records as that contained in the law of August 5 might have on their efforts to establish official and complete files to the exclusion of files not required or needed to be kept. These latter files are harmless when they seem to satisfy preferences of some officials, provided the important concept and integrity of the *official* file is

not dissipated thereby. Some definitions of public records have been well qualified when they excluded records not required or needed to be kept.

6. *A comprehensive plan can be developed for temporary or permanent retention of more or less valuable documents and prompt elimination of valueless papers after appropriate lapses of time.*

As previously indicated, co-operation of the archivist with the administrator in the initial selection of records to be eliminated is not required by federal law. Such co-operation is highly profitable to both and in a few instances representatives of the archivist have assisted administrators in the first steps in the "disposition" procedure. Further co-operative planning which need not be provided for by legislation should develop.

Section 5 of the act of August 5, 1939, provides that any records which have no permanent value or historical interest, reported to the archivist while Congress is not in session, and which "have the same form numbers or form letters or are of the same specific kind as other records of the same agency previously authorized for disposition by Congress" may be authorized for disposition by the archivist without obtaining the approval of the Congress or of the National Archives Council. The elimination of considerable quantities of records is thus expedited. It is regrettable that this provision is limited to that part of the year when Congress is not in session. No essential safeguard against unwise destruction can be presumed in the fact that the Congress and the National Archives Council annually consider and approve the elimination of certain routine papers of the same type and kind of content reported to them regularly each year by the same agencies. In view of the fact that the procedure involved is costly and time consuming, a desirable goal involving a seemingly minor change in the present lists submitted by the various departments is changing the time element from specified dates describing each class of records to a simple indication of the lapse of time, from the origin of such records, after which they may be destroyed. Once a list containing the item "Employees' applications for leave, to be destroyed after two years" is approved in the regular manner, there is no further need for reporting that item. Any reasonable simplification is highly desirable, considering the great number of such items and in view of the many governmental units affected by the procedure prescribed in the act, including not only the National Archives and the

agency concerned, with the many divisions and superior authorities affected therein, but also the National Archives Council, the Congress of the United States, and the Government Printing Office, with additions of the General Accounting Office and the Department of the Treasury if the records are sold as waste paper. Recent lists of valueless documents prepared by the English Public Record Office, particularly the one described above, is an excellent model for the change proposed here. Not only can provisions for continuing authorizations be included, but also a well planned program involving a selection and description of the records that should be retained, transferred to the central archives, or transferred to a designated depository not within the ordinary jurisdiction of the government.

7. *An orderly program for transfers to the central archives tends periodically to throw the spotlight of attention on collections of doubtful or no value. Records of defunct agencies not needed by successor agencies should be promptly transferred to the custody of the archivist. Eliminations therefrom can best be made before such transfer and when the special knowledge and advice of former custodians are still available.*

This objective is properly overshadowed for the present and probably for some time to come by the great backlog of federal records long noncurrent and so poorly provided for prior to the establishment of the National Archives. When this backlog has been taken up, however, it is desirable that some provision be made, possibly by regulations of the National Archives Council, for periodic transfers, possibly by determining a date, or still better a lapse of time, with the requirement that all valuable documents accumulated prior thereto be transferred to the central archival depository. Such a provision will in addition to its already sufficient *raison d'être* call attention to valueless documents which may be eliminated.

The president of the United States is required, as previously indicated, to include in his order directing the transfer, consolidation, or elimination of a governmental agency, provisions for the transfer or other dispositions of the records affected by such an order. It is important that proper elimination of valueless records also affected thereby be achieved while the special knowledge and experience of the former custodians are still available. This is not provided for by existing statutes or regulations.

8. *To grant or loan certain types of records to local or specialized institutions is an excellent alternative to destruction.*

The authority to transfer records, valueless to the government of the United States, "to any State or dependency of the United States Government or to any appropriate educational institution, library, museum," and so forth, recently granted to the archivist of the United States in Section 5 of the act of August 5, 1939, is an excellent addition to federal regulations. It is probable that American archivists like their European colleagues will find that financial and judicial records, partly because of the bulk of such documents but also because of their specific and usually local character, specially lend themselves to such transfer. The educational advantage of any spread of source materials is evident.

9. *The value of a record, usually a descriptive list, and perhaps a sample, of documents destroyed is obvious, and the actual authorization for destruction may be prepared so as to serve this purpose.*

Provision for the preservation of a record and perhaps a sample of the types of papers destroyed by the federal government, while not specifically enjoined by the act of August 5, 1939, is achieved in fact by the practice of the Joint Congressional Committee to order the printing of all descriptive lists of valueless documents which it has approved, and by the archivist's practice of preserving a satisfactory sample from among those submitted to him in accordance with this act or in accordance with the customary procedure before the passage of this act.

10. *Utilization of microfilming and scientific sampling are important potential aids now being developed. The retention of abstracts and registers permits destruction of bulky originals.*

Thus far microfilming has been put to satisfactory use specially by the Bureau of the Census, the Public Debt Service, the Social Security Administration, and the National Archives in co-operation with the Veterans' Administration. In most cases the primary purpose was a duplicate record. In several, however, the bulkier originals may, in time, be destroyed.

As indicated above, scientifically selected samples, in one case amounting to fifteen per cent of the large quantity of one body of records, have been preserved in lieu of whole collections. In these two efforts to reduce the bulk of public records, it seems that Ameri-

can archivists, because of greater financial resources and perhaps greater adaptability, are pointing the way to their European colleagues.

In the availability of abstracts or registers which can be preserved instead of the bulkier original documents, European archivists for the most part have a distinct advantage in the uniformly greater effectiveness of record controls in their administrative agencies. Much of this is to be attributed to the registry principle.

11. *Destruction before transfer to the central archives is desirable but provision for elimination thereafter is necessary.*

Before the new statute was approved on August 5, 1939, the archivist of the United States had found it necessary to submit to the Congress a report of valueless papers from among those which had been transferred to his custody. The new statute, as indicated above, makes provision for such eliminations.

12. *The setting of a deadline, prescribing dates with a blanket prohibition against destroying any records which accumulated prior thereto is generally a nuisance provided a competent archivist is available to supervise the destruction program.*

There is no provision of this sort obstructing the archivist of the United States in his appraisal of the permanent value or historical interest of any records recommended to him for elimination. Before the appointment of an archivist, however, such a deadline might have prevented the unfortunate destruction or scattering of many federal records.

From the above comparison it is clear that the procedure for reducing the bulk of federal records has greatly improved, but much remains to be done. We have it on excellent authority that "the analogy is not misleading if one states that the Government now has buried in its files as much in the way of intellectual resources as there are natural mineral resources buried beneath the soil of the North American continent."⁴² Any program for reducing the bulk of public records therefore should include maximum safeguards against losses while identifying and nurturing such invaluable intellectual resources and eliminating damaging and burdensome accumulations of waste.

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The National Archives

⁴² Report of the Science Committee to the National Resources Committee, *Relation of the Federal Government to Research* (Washington, 1938), 53.