

Where Do Public Records Belong?

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THE TITLE for this paper is actually an abbreviation for a much more specific subject. As Oliver W. Holmes has pointed out, the concept of "public records" is confined to the English-speaking world. The phrase "public records" relates basically to records created and owned by government, or it relates to those government records that are subject to public inspection.¹ There is basic confusion between these two meanings, and the laws of the various States differ so that even legally there is a variation in meaning. I shall not discuss here this particular problem, but as a State Archivist I do want to express my concern for the future of the records of various levels of government, whether created by Federal, State, county, municipal, or district government.

Although the National Archives and Records Service has developed both knowledge and leadership, the Federal Government has been concerned basically with its own records, and few if any of us have ever tried to understand how records are interrelated from jurisdiction to jurisdiction. Perhaps the problem is illustrated by the story of the Japanese spy who was commissioned by his Government to identify the buildings that should be bombed in Washington, D.C. He reported back that the case was hopeless. There were seven copies of every record scattered through the city, and it would be impossible to destroy any body of information.

Actually this story has its roots in the fact that many pieces of information are duplicated in Federal, State, and local records. When a man dies in Oregon, there may be created a probate file at the courthouse, a tax file in the office of the Oregon Tax Commission relating to income, an inheritance tax file in the Office of the State Treasurer, a tax file relating to income in the Office of the Director of Internal Revenue, and another inheritance tax file in the same office. At the local level, the record would be compounded as orders are recorded or copied into the probate journal, bonds into the bond record, and the will into the record of wills. Moreover, in the case of property that the decedent owned, say, in Kern County, Calif., a duplicate of the final order of distribution would be recorded into something like a record of "miscellaneous filings" for that county.

The author, a Fellow of the Society of American Archivists, is the Archivist of Oregon. His paper is an adaptation of one read before the Symposium on Archival Administration held in the Federal Building, San Francisco, on May 16, 1966.

¹ Holmes, "Public Records"—Who Knows What They Are?" in *American Archivist*, 23: 3-26 (Jan. 1960).

Government actually starts at grassroots—at the courthouse, the school, the water district office, the city hall, or some other local office. In Oregon a child's birth certificate is first compiled at the hospital, then filed with the county health department by the hospital; the department keeps a copy and sends the original to the State Registrar of Vital Statistics; and the Registrar forwards a microfilm copy to the U.S. Bureau of the Census for statistical purposes. The microfilm is later returned and is filed with the State Archivist for security purposes. This birth record, filled out by the hospital staff and signed by the doctor, is the basic record of that event. Copies are later furnished to the school district to prove that the child is of an age to be admitted for educational training, to the U.S. Department of State to obtain a passport, to the State Bureau of Labor to obtain a minor's work permit to pick berries and beans, to the Department of Motor Vehicles to substantiate the right to a learner's permit, and when he becomes of age to the State Liquor Commission to provide the necessary ID card. One could go on, but copies of that birth record or details from it will be on file in office after office, or will be recorded right down to the day when the individual concerned is issued his first check for social security or medicare, and may even become a part of an estate file if he should leave any property to a brother, sister, or collateral relative.

At each step in this picture of duplication, additional records are created. The schools create elaborate records of training and of physical, mental, and psychological development. The customhouse is concerned with the items bought in Europe and brought back to this country. The employment record resulting from working in the fields is kept by the farmer as evidence of his good faith and his costs and is reflected in the farmer's tax schedules. The record with the Department of Motor Vehicles will grow as driver's licenses, motor vehicle titles, and perhaps arrest records are all fed into a mechanical monster. Records of purchases of liquor will be part of the voluminous records of the Oregon Liquor Commission, and they may be matched by records of stores, hotels, taverns, or similar places of business across the country wherever the person travels. Even retirement and social security result in sizable duplicating files and records.

The interesting effect of the elaborate recordkeeping upon which government rests is that information travels and may be rerecorded again and again, horizontally *or* from one level of government to another. For example, the record of birth travels from the elementary school, to high school, to college or university, to employing agencies, to the State Department of Employment, and to the Social Security Administration. Of course some records are used vertically *or* at the same level of government. The State Retirement System needs proof of age, which is obtained from the State Registrar of Vital Records, while the State driver's license records are used by both State and local police.

The problem that faces each archivist is how to select the records that are of permanent value. To the Federal archivist, the centralized record of the large Federal agency seems to be the key, but the details of police or court functions may not always be public and may not travel back down to lower jurisdictions, even though they may be open to public inspection elsewhere. To the State archivist, the records of State government seem to be the key, but are they really the more important? The problem varies with the nature of the event recorded.

For example, for legal purposes, the original birth certificate on file with the State Registrar of Vital Records is the basic record initially identifying the individual. The record in the local Board of Health is usually an abstract—not the original signed certificate. The record in the State, county, or private hospital constitutes original compiled data, but it is not a signed certificate. The security microfilm copies are equal to the original in value, but the local board's and the hospital's copies are of temporary value and are not likely to be used in court unless there is some discrepancy in the record.

Records resulting from a death have a value different from birth records, depending upon the individual concerned. The death certificate is the initial record of fact in the custody of the State Registrar of Vital Statistics. But for persons of property and for individuals, even minors, through whom property titles pass the probate record in the courthouse may be of greater significance because it affects property, real and personal, as well as the future of any minor children. The death may result in insurance, social security, and other claims and in tax records at State and Federal levels, but the results of these problems are all recorded in the probate file. This record in the courthouse is therefore the basic record that results from death.

Records of education as contrasted to those of birth where the initial certificate is the basic record, and of death where the resulting secondary probate file is the basic record, are significant at the point of top achievement, whether it be sixth grade or a Ph. D. from the State university. The problem here is to separate records of graduates from those of nongraduates and to match records from school to school. It is more difficult to locate the significant record and to insure its retention. Each elementary or high school creates bulky records, many of which will never be used, but because the records do not always follow the student, who is responsible for custody—the school district or the State?

The State college or university as a center of research is vitally concerned with recorded details relating to its students, both graduate and nongraduate. University archivists are being appointed across the Nation in the larger institutions. This is a most important new group of archivists. In North Carolina an Advisory Committee on College and University Records has adopted a suggested *Records Retention and Disposition Schedule* to guide the universities and colleges of that State.

In California a similar Committee on Records Management from the branches of the University of California has published a *Records Disposition* manual and a matching *Disposition Schedule*. In Oregon an Interinstitutional Committee on Records of the System of Higher Education is working on similar documentation. This is only the first step in the development of an archival program for Oregon's System of Higher Education, so that it will be integrated with the rest of the records of the State. Although each institution uses and needs its own records, there is a problem of the distribution of significant information. Records of Civil Service employment are duplicated between offices on the campus and the Civil Service Commission in Salem. Duplicate payroll information is furnished by each institution to the Comptroller of the System of Higher Education, the Secretary of State, the State Retirement System, Social Security, the State Employment Department, the State Workmen's Compensation Department, the State Tax Commission, and the U.S. Collector of Internal Revenue. It would seem safe to assume, therefore, that statewide changes in records procedures are going to affect deeply the university archivist and what he collects.

In the Federal Civil Service the personnel file already follows the employee from department to department and upon his retirement or separation from service is sent to the National Personnel Records Center in St. Louis. It is conceivable that similar systems will be developed in each State, and that State university archives will no longer be a depository for the basic record of university employment. In Oregon there is also developing a plan to put into computers the basic information about all current employees that is needed by more than one agency. The plan will extend the present computerization of payrolls; will eliminate the separate subsidiary files in the offices of the Retirement System, the Employment Department, and the Compensation Department; and will relate to a similar system in the Tax Commission. The value of this development is obvious when one considers that a change in retirement or any other benefit can be both computed and posted mechanically. But at what level of archival custody will fiscal records of employment be kept and in what form? This part of the major question presented by this paper cannot be answered satisfactorily until we know what the eventual record will be like.

The committees on standardization of terminology working in various organizations and governments and the complementary committees on standardization of information are obviously concerned about data processing—the development of systems of compatibility and informational linkage. Actually, however, there is at stake the possible loss of unique kinds of information that cannot be standardized and will be lost either through limited terminology or the selection of limited data. Perhaps the solution is in the design of data processing systems that

would identify the nonconforming exceptions and eliminate normal routine data.

Are today's government archivists just plodding along under an impossibly great burden, or are we looking ahead? Each State archivist is involved in the appraisal of the records of his own government and in some cases with the appraisal of the records of local jurisdictions. Are we all saving duplicate information and throwing away the record that is basic and perhaps unique to a particular jurisdiction? For example, how can we place responsibility for keeping education records at various levels? Here there is the problem of Federal grants. Policy is set in Washington, but interpretations State by State will differ and applications at the local level may have varying significances because of varying conditions. Should the records of grants be preserved in the National Archives and the Federal Record Centers, or should their preservation be the shared responsibility of Federal, State, and local jurisdictions? Should there be cooperation in the appraisal process based on a consideration of the varying significances of information recorded at the several levels of government? What do the users of records really need to know at each level?

Historians and political scientists need to know how policies originate and how they develop. For this reason administrative correspondence files are saved. Are not all levels relating to policy, interpretation, and application significant? But in what detail should records of each jurisdiction be preserved?

Lawyers are concerned with the basis of legal developments, laws, and regulations. For this reason legislative and administrative directive records and the files relating to drafting are saved.

Agencies are politically accountable for their accomplishments to the governed, and at the same time they need tools for management—statistics, for instance, which are often just as important when related to the smallest geographical divisions as when related to the largest ones.

Individuals need to have their rights and privileges protected by the recording process. This consideration involves documents at all levels of government, but particularly in local jurisdictions. Life in America is based on deeds, property titles, vital records, licenses to do business or pursue a profession, workmen's compensation claim files, unemployment insurance, social security papers, and the like.

Government itself is concerned with the collection of supporting taxes; with the creation and maintenance of public buildings, highways, parks and other facilities; with the welfare of its staff; with tax details, except for real property that may be disposable in time; and above all with police and regulating powers. Fixed objects are repaired, changed, and otherwise altered; and a history of major objects is essential in order to understand problems that need be solved. Similarly, rights and privileges of employees change, and it is important to be able to prove the extent

and nature of service, not only for persons still employed or retiring from service, but for persons who may have changed their occupations. Finally, there need to be preserved the records of flagrant violations of laws and regulations and the records concerning the violators, for use in studying preventative administration and care and for the benefit of the nonconformists concerned.

These are a few of the more obvious reasons for which records are needed beyond the time limitations of the purpose for which they were created. Actually, the history of today and tomorrow will be written mainly from records of organizations, including governments—if the records are not lost by the computers. Modern man gives much less time to making a personal record of his life than did his predecessors. He rarely keeps elaborate diaries of experiences, events, and thoughts; he writes fewer personal letters that are descriptive in character; he records only the financial details needed to prove ownership and costs and to pay bills and taxes. The telephone is the basis of both business and social intercourse, and only an organized activity produces records. In this day perhaps one in ten thousand persons keeps a personal record of his or her experiences, while before the turn of the century someone in each family tended to keep diaries or accumulate family papers in an attic or back closet.

For these reasons it behooves archivists, records managers, systems designers, and programers to think cooperatively. There are three basic needs: (1) cooperative appraisal programs for records that contain matching data at various jurisdictional levels; (2) cooperative planning between jurisdictions in the creation of information retrieval systems and in designing records for longtime use; and (3) mutual agreements to establish responsibility of each jurisdiction in the collection and preservation of key records from the pre-computer age and in the preservation of records produced in computer programs.

Perhaps these needs are self-evident, but their ultimate justification will come when, sometime, somewhere, it is discovered that we have thrown away an essential type of information at all levels of government in a particular State or region. This was the situation in an Oregon agency, which had attempted to weed central files by category and to dispose of all district office files when 6 years old. Luckily, when suits involving millions of dollars were filed, one of the district offices was discovered to have recognized the significance of the information on record and to have disregarded the disposal orders! There is also the case of two major Federal agencies, each of which relied on the other to keep the record—and nothing was saved. This error cost Uncle Sam a pretty penny.

It would also shock us to attention to discover that duplicating information retrieval systems created at more than one jurisdictional level are not compatible or interchangeable. The Federal Government

must take the leadership in the design of systems that will ultimately be related to statewide systems everywhere.

Finally, the need for cooperative appraisal and planning would become painfully apparent if we should learn that many basic records of primary evidence no longer exist at the local jurisdictional level. Who is responsible for the preservation of school and county records in each State? Is there a program for preservation, and are there adequate facilities? Because of their great value, especially their primary local value, will it be possible to keep such records near the area to which they relate? This problem extends to records of State governments that are needed in the locale of their origin, and even to records of the Federal Government that have been removed to Federal Records Centers distant from the States concerned. What is needed is a Federal Aid Program for construction and maintenance of adequate archival facilities at the local level.

Finding solutions for these problems and answering these questions are our responsibilities. Let us think, and plan, cooperatively. Let us each become more cognizant of the *total* body of records and plan our part in the task of preservation so as to insure maximum utility of our documentation and minimum duplication of our efforts.

THE SOCIETY OF AMERICAN ARCHIVISTS ANNOUNCES THE

INDEX TO THE AMERICAN ARCHIVIST

VOLUMES 21-30

1958-1967

COMPILED BY

MARY JANE DOWD

Publication date April 15. \$5 a copy.

*Order from A. K. Johnson, Jr., Treasurer,
Society of American Archivists,
P.O. Box 7993, Atlanta, Ga. 30309.*