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On the cover: Participants in SAA's first annual meeting, June 18, 1937, at the Mayflower Hotel in Washington, D.C. See "The Blessings of Providence on an Association of Archivists," p. 374.

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The Forum

TO THE EDITOR:

George Bain's article, "State Archival Law" (*American Archivist*, Vol. 46, No. 2, Spring 1983) is a needed attempt to assess the status of the statutory authority for archival and records management programs in the 50 states. Unfortunately, weaknesses in the methodology used detract from the article's value, resulting in an assessment that is less than complete.

First, the statutory citations used were supplied by state officials in 46 states and supplemented in only "several instances" with data drawn from independent research. The author relied upon the completeness of the information he was given, surely not wise in view of the complexity of statutory law. Low scores for assessed areas may thus have resulted from the incompleteness of the data rather than from any deficiency of the law. Further research would have corrected this.

Second, Bain's own judgment was the sole basis for the scoring procedure. The reliability test used showed a variance of 2 or 3 points out of a possible 4 in several instances. It is distressing to find that one person examining statutes would find no mention of the legal authority for a category (a score of 0) while a second would find detailed

coverage of that area (2 or 3). That amount of divergence in 1 of every 18 categories tested suggests major deficiencies in the scoring process. Bain should have used several independent scorers and then compiled a mean or median score for each category.

Examples of these problems, as shown in the scoring for Massachusetts, are worth mentioning. The state is rated a 0 (no mention in the statutes) for the area of powers and duties of the state records management agency. In fact, the Records Conservation Board (MGL. Chapter 30, Section 42) has the "power to require all departments of the Commonwealth to report to it what series of records they hold, to set standards for the management and preservation of such records, and to establish schedules for the destruction . . . and transfer to the archives . . . of records no longer needed for current business."

Bain finds it a "sad commentary that ten states do not define a public record adequately" and places Massachusetts as one of those states. This is clearly unwarranted in light of the extensive definitions given in MGL. Chapter 30, Section 42 and again in MGL. Chapter 4, Section 7. I could go on, but the point is that the Massachusetts case is, I would imagine, not atypical of the situation of other states. Statutory authorizations

have been ignored and improper scores assigned. Until these problems are corrected, it is impossible to assess states individually or to draw conclusions about them as a whole. More work is needed here.

ROBERT W. McDONNELL
Massachusetts State Archives

AUTHOR'S RESPONSE:

I appreciate Bob McDonnell pointing out an omission for the Massachusetts tally in my article. Unfortunately, I only received Chapters 66 and 66-A of the *Annotated Laws of Massachusetts* from the state archives.

McDonnell suggests an alternative methodology in his letter. My research design, as discussed in the article, with one principal investigator and two checkers, remains an acceptable methodology within the framework of content analysis. I welcome additional work in the study of state archival law, whether it be through content analysis or through another route such as evaluation research.

GEORGE BAIN
Ohio Historical Society