

Appraising the Papers of State Legislators

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Abstract: Many state archival agencies have done little to appraise and preserve office files created by state legislators, and few private repositories have collected these papers on a systematic or comprehensive basis. Professional literature that could provide guidance, either by example or by prescription, for the disposition of these files, is virtually nonexistent. This article attempts to take a first step to remedy that situation by identifying the kinds of papers most likely to appear in legislators' files, discussing the conditions of their creation and official use, and suggesting their possible usefulness to a variety of potential researchers. Rather than finding a model or a list of ready-made appraisal decisions, however, readers are asked to consider various alternatives and to draw their own conclusions based on the needs of individual repositories with their own collecting policies and obligations to parent agencies or user constituencies.

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ALTHOUGH PROFESSIONAL LITERATURE on the appraisal of papers of members of Congress and United States senators is still rather scanty,¹ published sources discussing the disposition of files created by state legislators are even more so. Surveys have been made by various archivists, and local studies have been undertaken by repositories in several states;² but archivists have as yet derived few conclusions and developed fewer guidelines concerning the acquisition, appraisal, and processing of the papers of state legislators. Variations in the political environment in which state legislators function, the diversity of legislative styles and traditions among the states, differing established modes of conduct and patterns of activity between state houses and senates, and individual differences among the numerous incumbents elected to legislative office can at the outset thwart attempts to generalize about appropriate archival methods of dealing with these papers. Reluctance to establish guidelines based on so many crucial variables may be understandable, yet the demand increases for assistance with collections that archivists feel they should acquire but do not yet know why they want or how to handle once they have arrived.

Since the appraisal process entails analysis leading to the development of collecting policies, evaluation of the merits of a potential acquisition, and selection of papers for retention once that

potential acquisition has been received, archivists must establish a three-tiered structure to accommodate the several levels at which appraisal decisions are made. At each level archivists must take into consideration the context in which the records were created and the extent to which the interrelationship between this context and the contents of the records governs the value of the records for posterity. In the case of state legislators' papers, variations from state to state, between house and senate, and among individual legislators, in addition to the differences created by the advance of time, can undermine generalizations about content value. Nevertheless, certain fundamental questions applicable to conditions in all of the states can be developed and an attempt can be made to understand the legislative process and the role of individual legislators within that process. The following discussion addresses some of these questions, but no ready-made appraisal solutions will be offered. Rather, an attempt has been made to point out various factors that constitute the framework in which decisions may be made at each level of the appraisal process by archival administrators establishing or refining collection development policies, by field agents or records managers evaluating potential acquisitions, and by processing staff organizing and describing records added to their repository's holdings.

Administrators developing a collecting

¹A recently published essay has done much to fill this void, and its comments on coordinating collecting policies and considering individual congressional offices as part of the larger whole consisting of the entire state delegation ought to generate productive discussion of the appraisal of congressional files. See Patricia Aronsson, "Appraisal of Twentieth-Century Congressional Collections," in Nancy E. Peace, ed., *Archival Choices: Managing the Historical Record in An Age of Abundance* (Lexington, Mass.: D.C. Heath & Co., 1984).

²See, for example, the results of a survey conducted in 1981 by Sidney F. McAlpin for the National Association of State Archives and Records Administrators on file in the Washington State Archives, Olympia, and "Accessioning the Papers of Public Officials: An Examination of the Laws and Practices of the States," pp. 28-29, an unpublished report prepared by F. Gerald Ham in 1976 for the National Study Commission on Records and Documents of Federal Officials. The unpublished "Report on the Status of Legislative Records" (1979) compiled by the Archives and Field Services Staff of the State Historical Society of Wisconsin is an important first effort to deal with the collection and appraisal of the papers of state legislators.

policy must first consider the ownership of papers created by legislators acting as governmental officials. Although public records acts in a few states specifically refer to the matter of ownership of the papers of public officials, most statutory references are vague or nonexistent. Disagreement over the ownership of congressional office files has been voiced for a number of years, and archivists seeking specific guidelines on the ownership of the papers of legislative officials can thus far refer to decisions reached perhaps as much by default as by conscious determination.³ It appears that archivists in most states must continue to operate without statutory legislation or legal precedent defining ownership, and without such specific guidelines, state legislators' office files, like those created by members of Congress, will be considered private papers that can stray from public custody. As private papers, they can be disposed of as their creators or current owners see fit.

Any decision by a state archives to collect legislators' papers, therefore, will be influenced by the archives' policy governing the acquisition of private papers as well as by its state's public records act. Likewise, decisions by manuscript curators at private repositories within each state will be guided by their state's definition of ownership. In those states in which legislators' papers are by tradition or by statute considered private, competition among repositories, public and private, may become a factor in developing individual collecting policies

and procedures; and only the power of persuasion, rather than public statutes, will assure the preservation of any of these papers. Moreover, should a collection be acquired by a repository with regional branches or by a consortium of repositories, negotiations must be conducted with the donor to determine whether that collection should be placed in a branch whose holdings are regional in scope or in the central repository in which collections of statewide significance are housed.

Despite a decline in the turnover rate among state legislators elected to office in recent years, fewer incumbents are serving more than ten years, and the average turnover rate is still a somewhat high 25 percent.⁴ As a result, not only does the volume of records generated by state legislators remain intimidating, but the number of legislators creating those records also continues at a high level. Few, if any, states have repositories sufficient in number and size to house all of these files or even those seen as worthy of retention. Consequently, to adjust collection development policies to meet the realities of their local conditions, archival administrators must identify the types of legislators whose records they will seek to acquire. An obvious first choice appears to be those legislators in leadership positions, such as the speaker of the state house, the president of the senate, or, in states in which the lieutenant governor serves as the senate's presiding officer, the senator holding the highest elected office in that body. Party leadership in each

³William Leuchtenberg's comments in *Proceedings, Conference on the Research Use and Disposition of Senators' Papers*, ed. by Richard A. Baker (Washington, D.C., 1978), reflect the view that even though the papers of U.S. senators should be considered public records, they should remain at the disposal of the senator creating them. See especially pp. 17-22 for Leuchtenberg's justification for what appears to be a somewhat contradictory resolution of this problem.

⁴Alan Rosenthal, *Legislative Life: People, Process, and Performance in the States* (New York: Harper & Row, 1981), 135-39; Kwang S. Shin and John S. Jackson III, "Membership Turnover in U.S. State Legislatures, 1931-1976," *Legislative Studies Quarterly* 4 (February 1979): 100.

chamber may also include majority and minority leaders and whips and their assistants.⁵

Other factors also must be considered to assure full documentation. Are these senior delegates the real leaders? Are there factions within each party whose leaders create more substantive records than the titular head of the chamber? Evaluation should be based on questions concerning the role of the legislative leadership at any given point in time; and additional factors, such as the role of a governor in selecting the leadership, may also reflect upon the value assigned to papers among files maintained by legislators in formal leadership positions. Chamber and party leaders may serve as focal points within a communications network, but that is not to say that their records will be the most substantive. Their files may record decisions only, while the working papers or behind-the-scenes communications documenting factors leading to a decision reside in files housed in other offices.

Retaining only the records of the leadership may also skew later perceptions of the legislative process, since the papers of any elite group may not adequately document all levels of a larger social entity. Although equal priority need not be given to the papers of the less influential members of any group, an argument can be made for retaining the papers of the yeoman legislator whose files may not be of any great significance but may represent the majority of the delegates who did their work while never achieving greatness. If a repository seeks evidence about the functioning of the legislature at its basic level, selection from among the masses of seemingly inconsequential delegates can document the average legislative experience as well as

provide information about the role and functions of a legislature at specific periods of time.

State legislative files, rather than congressional ones, may more thoroughly document the demographic, geographic, and political factors that influence decisions concerning what topics a repository wishes to include in its collecting policy and who among potential donors to approach. A state's legislature is quite often more broadly representative of the general populace than its delegation in Congress. Districts are smaller, terms shorter, demands fewer, and the relationship of state representatives to their constituents more likely to be personal than that of the representatives whom voters send to far-off Washington for a full-time job. Race, sex, and religion are valid criteria for selecting representative legislative collections, as well as for evaluating acquisitions from the population at large, and collections may be sought that indicate the strength of blocs formed by advocates of special interest groups. Furthermore, states with distinct residential patterns and economic bases will have legislators representing urban, suburban, and rural areas and agricultural and industrial districts. Ethnic groups take great pride in electing one of their own to high office, and certain occupational interests strive to have their economic concerns represented as effectively as possible.

At the same time, however, few state legislatures at present have many black or female members, and to say that one should automatically collect papers of these members may create such an unbalanced collecting policy that the repository would seek fewer collections from a broader cross section of the legislature's membership. On the other

⁵Rosenthal, *Legislative Life*, 150-80. See also Malcolm E. Jewell and Samuel C. Patterson, *The Legislative Process in the United States* 3rd ed. (New York: Random House, 1977), 119-50.

hand, the temptation may be to collect too many papers created by representatives who are practicing attorneys when not legislating in the state capital. The legal profession still provides the greatest single bloc of delegates in most state legislatures, and their files are apt to offer greater organization, better analysis of the legal implications of pending legislation, and more substantive material on state and local politics than those of many of their colleagues. An overabundance of these files, however, may not give due weight to the papers of the farmers, real estate and insurance agents, educators, and other occupational groups comprising a state legislature.

Issue-oriented legislators appear to be prime targets for acquisitive archivists. Their papers have the stuff that make a researcher's dreams come true. Information on interesting and controversial topics of statewide concern is there for graduate students, faculty, journalists, and others to use in formulating or confirming their ideas; and because potential use is a principal criterion at all levels of appraisal, interest in collecting useful documentation is a valid consideration. Yet issues of local as well as statewide concern should also be taken into consideration. The Equal Rights Amendment may be a hot topic in the state's cities, but better roads in rural areas or aid to school construction in rapidly-growing suburban districts may rank higher in the hierarchy of concerns of citizens in those districts than protection and affirmation of the rights of women. A comprehensive approach to appraisal, therefore, will include consideration of both local and regional issues, and if archivists are seeking collections to document legislative activity as well as topics of social interest, they

will need to be aware of all concerns brought before the legislature.

A related consideration is the scope of a legislator's files. Many representatives view their election primarily as a mandate to serve the interests of their constituents. Others, especially the more politically secure, may see themselves principally as participants in statewide matters and, as such, obligated and entitled to consider proposed legislation from a broader or statewide perspective. Political scientists have frequently categorized legislators as "delegates," "trustees," and "politicos." Delegates are more attuned to local interests and vote the way they perceive their constituents would prefer. Trustees see themselves as officials elected to represent the best interests rather than the preferences of their constituents. Legislators identified as *politicos*, blending the characteristics of both the delegate and the trustee, are aware of how the political wind blows but also subject their decisions to the dictates of their own consciences and perhaps to those of their benefactors and the party leadership as well.⁶ If an appraisal archivist or an administrator developing a collecting policy is more interested in collections of local or regional emphasis, papers of the delegate type may contain sufficient documentation. Files created by trustees and *politicos* may include papers more comprehensive in scope and thus better serve the purposes of a repository with a broader collecting policy. As with all other appraisal considerations, however, papers of all three types should be sought if a balanced collection documenting the legislature as well as local or statewide concerns is desired.

Appraisal decisions should also take into account the fact that politics may so govern the composition of the legislature

⁶Rosenthal, *Legislative Life*, 95-96; Jewell and Patterson, *Legislative Process*, 360-61.

that elected representatives more nearly represent state or local parties, factions, or machines than they do the citizenry. Handpicked candidates assured of election in districts controlled by one party or faction may owe their success not to the voters but to their mentors, and files in their offices at the capital may consist of little more than perfunctory records of the way they spent their time following orders. A one-party state, however, may experience the development within that party of factions so strong that they amount to separate political entities, and machine-controlled politics can degenerate into warfare among several machines. Because the activities of informal factions and machines and of many state parties are poorly documented, the papers of even the most subservient legislator may still contain information that does not appear in records documenting the legislative process, the way the group in control functioned, and issues before the chamber. Writing off the papers of any dependent is safe only when the papers of the source exercising control exist and are assured of preservation.

Assuming that a repository has first established a collecting policy and then has identified the potential creators of papers likely to conform to that policy, its staff can turn to the third step in the appraisal process: evaluating the papers for preservation. Despite differences in style and emphasis among individual legislators and the legislatures in which they serve, modern legislators in most states are creating files of a fairly similar nature. Files management may still be much needed to increase the efficiency of each legislator's office, not to mention the accuracy and effectiveness

of an appraisal decision; but the recent increase in office space, clerical staff, and research assistance has enabled state legislators to manage with some degree of success the volume of paper finding its way to their files. Archivists working at the folder or series level of appraisal may still yearn to delve within a folder to search for the treasured individual item, but few who work with large numbers of legislative papers can afford to indulge in item-level appraisal. Most archivists must find shortcuts not only by background research into the position, influence, and orientation of a legislator within the overall legislative and political system of a particular state. They must also look for consistency in filing systems and for similarity in the types of papers among the records created by the many legislators whose files they must appraise.⁷

Archivists traditionally think first of correspondence when approaching an appraisal decision. Some may still hope to find the uninhibited, reasoned expressions of preferences, demands, instruction, need, or fact so analytical and to the point that they can be quoted, or at least cited in a footnote, by a scholar about to produce the as yet unwritten work on a particular subject. In reality, most correspondence sent to state legislators is more useful in the aggregate than in its individual form. And a large aggregate it has become—so large that few legislators can still maintain a simple correspondence file. Those who do probably need assistance from archivists or records managers to revise their filing systems. Among the several usual series of correspondence, preferably grouped by legislative session rather than over time, are constituent

⁷An interesting proposal for files management of legislators' papers is recommended in Mary R. Patton, "An Appraisal Proposal for the Political Papers of Wisconsin State Legislators" (Unpublished paper, 1978), 11-13.

correspondence, subject files, and casework files; and it is here that the bulk of opinion, lobbying, requests for assistance, and political concerns is most likely to be expressed.

Constituent correspondence expressing ideas or preferences, however, indicates the involvement of only some citizens in the legislative process. Writing letters tends to be the means adopted more by literate, urban voters to express their views. Other urban dwellers grouse to their neighbors, express themselves only in their vote, or either cannot write or feel so insecure about their inability to express themselves that they do not send written communications to their representatives. Furthermore, citizens in smaller communities are more accustomed to interpersonal relationships and hold their views for the expected opportunity to express themselves on their own turf when the delegate next returns home.⁸

The value of constituent correspondence is further limited by the growth in recent years of letter-writing campaigns undertaken by organized and ad hoc groups attempting to persuade a delegate of the importance and righteousness of their causes and to impress their elected representatives with the number of voters who seek or demand support in the debate and voting on relevant bills. Issue-oriented mail stimulated by sources who are usually easily identified by a legislator is considered by its proponents and by those historians capable of reducing bulk to technological manageability to be of great value in determining the ideas and influence of a large proportion of the citizenry. Political scientists, however, question its role in determining the votes

of its recipients. Most state legislators are aware of the organized groups in their districts and already know how Catholics, Baptists, farmers, bankers, welfare recipients, veterans, schoolteachers, industrial laborers, and other blocs may feel on issues related to their special concerns. They do not need bags of mail to tell them how to vote, and the form letter they send in response to such letter-writing campaigns is quite often little more than an acknowledgment sent because constituent correspondence traditionally calls for a letter in return.⁹

Constituent correspondence takes other forms as well. "Crayon mail" may come from children just learning the ABCs of their political system, but it can also come from residents of institutions in which writing implements with sharp points are forbidden.¹⁰ Correspondence may also come from residents of other districts who are writing anybody and everybody to solicit votes on their pet projects, and it may consist in great number of simple requests for flags, pictures, autographs, commendation for friends or family on a special occasion, or some similar personal matter of little consequence to historians or political scientists but in its mass of great impact on a legislator's relationships with his electors. What appears to be inconsequential to posterity seeking greater informational content, therefore, may in fact document the nuts and bolts of the legislative experience, and appraisers once again need to refer to the criteria of their collecting policies to keep their priorities in order.

Casework files, or correspondence related to constituents' requests for assistance, further illustrate the appraiser's dilemma concerning the scope

⁸Jewell and Patterson, *Legislative Process*, 307-08.

⁹Rosenthal, *Legislative Life*, 98.

¹⁰Jewell and Patterson, *Legislative Process*, 307-08.

and level of documentation under evaluation. Random sampling and more detailed selection schemes have been proposed for casework correspondence in congressional collections. Thus far, however, there seem to be no similar proposals for dealing with state legislative files, and although none will be developed here, various factors will be noted that may assist in establishing guidelines for appraisal that at the same time may serve as criteria for a sampling or selection scheme.

To an even greater degree than their counterparts in Congress, many state legislators view casework as their reason for being. Though the process of enacting legislation usually ranks first in polls of state legislators asked to list their functions in order of importance, service to constituents is also generally rated high.¹¹ Some legislators go so far as to see this activity as their principal function and thrive on assisting folk back home in prodding overly slow bureaucracies and slicing through a morass of rules and regulations, even though those very bureaucracies and their rules and regulations resulted from legislation the legislators themselves at first supported. Whether advocacy as a primary role for legislators can be traced to a sincere desire to serve constituents or to a shrewd political sense detecting that voters may express their gratitude in the voting booth, it has nevertheless become an increasingly time-consuming and files-creating activity of all legislators. Any effort to reduce the bulk of casework files, therefore, should take into account the fact that reduction of the aggregate can mislead a researcher by distorting the record of the interaction and priorities of legislative activities. Any

reduction should be thoroughly documented in a finding aid or among the repository's files related to the affected collection.

Since casework files generally document the interaction of the legislative and executive branches of government, they can provide revealing information on the relationship of the two branches. The same political party does not always control both branches in each state, and in many states with strong two-party systems, party turnover may occur fairly frequently. The extent to which members of the small minority parties in single-party states intrude into the activities of another branch may vary from the pattern of interaction among members of the majority party in those states. In addition, states with split leadership may experience yet another pattern of interaction as competition for votes increases the intensity of attempts to take credit for services to the voters.¹²

Appraisal considerations based on party affiliations may be complicated by the recent efforts of many legislators to exercise their investigative prerogatives and thereby restore balance to the tripartite form of government that all state constitutions mandate. Since most states have experienced the growth of executive and judicial power that has dominated twentieth-century political developments, their legislatures have been drastically altered in composition and influence by the expansion of executive leadership and court-ordered reapportionment. Their fiscal control has been reduced by strong executive budget proposals as well as by judicial mandate to provide funds for the services and obligations to which the legislators committed their states.¹³ A

¹¹Rosenthal, *Legislative Life*, 314-15.

¹²*Ibid.*, 316, 335; Jewell and Patterson, *Legislative Process*, 445.

¹³Thad L. Beyle, "The Governor as Chief Legislator," *State Government* 51 (Winter 1978): 2-10; Barbara B. Knight, "The States and Reapportionment: One Man, One Vote Reevaluated," *State Government* 49 (Summer 1976): 156-59.

resurgence of legislative power has begun, however, and one of the ways in which this power is being exerted is the development of oversight of the executive branch to evaluate the success of programs and policies enacted in statutory legislation and funded with revenue due the state because of legislative action. Oversight generally entails program and performance evaluation by committees of legislators or by legislative staff, and in some of the larger states it is now an accepted function of the legislative system. In other states in which such activity is less well organized and has little funding or staff assistance, it is undertaken principally to maintain the fiscal accountability of administrative agencies in the executive branch. In a few states, active oversight is simply the province of committed, inquisitive, and perhaps meddlesome legislators checking to see how well a job required by the legislature is being done.

Whatever the degree of organized oversight activity, however, it has become a crucial response to the modern legislature's exercise of its constitutional authority to participate in the process of governing its state. At its most basic level, oversight is undertaken in response to citizens' requests for assistance in dealing with the bureaucracy controlled and administered by the executive branch. Such requests prompt a legislator to inquire about policies and procedures, to seek information concerning the reasons why certain functions may not have been carried out, to identify problems caused by ineffective administrators and idle bureaucrats, or even to uncover corruption in state

government. At the same time a legislator may learn that the problems about which he inquired were caused by insufficient funding to hire adequate agency staff to assist his constituents promptly or that certain legislation was so vague as to confuse personnel authorized to implement it. Had not a citizen written to seek assistance, a legislator may not have engaged in the correspondence that brought important information to his attention concerning the executive branch, and if casework files are routinely discounted as marginal in value, much of the documentation related to executive-legislative interaction may be lost.¹⁴

Casework files also help to redress the imbalance noted as occurring in issue-oriented correspondence. Whereas constituent correspondence may express only the concerns of a more elite segment of the populace, casework files tend to represent the needs of the less well-connected citizens. A state senator in Montana has categorized constituent mail as the "I want," "I don't want," "I believe," and "Please help me" expressions of citizens' contacts with their legislators. The "I want" and "I don't want" writers are those who would be directly affected by proposed legislation and are letting their representative know how they feel about changes in working conditions, funding, regulations, and the like. Correspondents beginning their letters with "I believe" are the most numerous and are expressing their views on the issues their church, patriotic organization, union, friends, family, or quite possibly their individual consciences prompted them to address. The

¹⁴Richard C. Elling, "The Utility of State Legislative Casework as a Means of Oversight," *Legislative Studies Quarterly* 4 (August 1979): 354-56, 374; Alan Rosenthal, "Legislative Behavior and Legislative Oversight," *Legislative Studies Quarterly* 6 (February 1981): 115-31; Keith E. Hamm and Rory D. Robertson, "Factors Influencing the Adoption of New Methods of Legislative Oversight in the U.S. States," *Legislative Studies Quarterly* 6 (February 1981): 133.

"Please help me" writers, however, are those seeking the assistance or intervention of their legislators. Their files indicate the personal needs of people who seldom express themselves in other forms of documentation available to researchers, and they contain information on a legislator's efforts to represent people without influence and representation elsewhere.¹⁵

Intervention may also be undertaken in behalf of local officials asking for help or influence in dealing with agencies and commissions based in the capital, and records related to their cases may have research value for local history in addition to insights into the interaction of political factors in the legislative and executive branches.¹⁶ Although issues of confidentiality may enter into evaluation of any form of casework correspondence, efforts to appraise these files may find a record of considerable value to social, demographic, racial, and ethnic studies as well as to an analysis of the functioning of all branches of state government.

A third series of files may consist of a subject file. Correspondence and other papers related to a specific issue or topic may be segregated by subject to improve access to constituent opinion, background material, and other records on a topic before the legislature. Although correspondence in this file may be subject to the considerations noted above in the discussion of constituent correspondence, a subject arrangement can be of great assistance to an archivist in that most relevant documentation considered by a legislator or his staff concerning an issue is placed together so that its common subject matter is contained in a single series, thereby eliminating the need to evaluate several series on the

basis of interrelated informational content. On the other hand, the failure to file by format or function may greatly reduce an archivist's opportunity to appraise on the basis of evidence on how the office actually functioned.

A series of files arranged according to bill title or number may include merely copies of draft legislation. If no research file has been created, a bill file may also include printed matter, memoranda, research notes, and information compiled by legislators or their administrative or research assistants, the staff of a committee, a central research agency, the state library, or any other agency or interested party submitting data and analysis related to a specific piece of pending legislation. Much of this material may be duplicated elsewhere in committee files and the files of other legislators, and it is doubtful that the printed matter is unique. If not duplicated, however, papers in bill and/or research files can contain data and recommendations that are valuable for future use by scholars studying a variety of topics. Even if duplicated, certain of these files may indicate how and why a specific legislator sponsored a bill and how hard he or she fought for it with colleagues in the chamber.

The existence of committee files of any great depth and breadth depends on a number of factors. In a fairly institutionalized legislature with strong committees supported by paid staff, committees create their own files and provide for their maintenance by the committee staff. Files maintained in an individual legislator's office are apt to duplicate records kept by the committee and thus may be of little value. Even if committee files are kept by the committee leadership rather than by staff in offices

¹⁵Rosenthal, *Legislative Life*, 103-04.

¹⁶Glenn Abney and Thomas A. Henderson, "Representation of Local Officials by U.S. State Legislators," *Legislative Studies Quarterly* 4 (February 1979): 63-77.

assigned to the committee, files maintained by individual members are unlikely to contain extensive information not duplicated elsewhere. An uncooperative committee leader who fails to preserve his or her papers, however, may force an archivist to place greater value on files created by other legislators who offer their papers for preservation. Consultation with archivists at other repositories can lead to a cooperative approach to the determination of who saves what among the files of committee members serving during the same legislative sessions.

Practices related to party caucuses vary from state to state. In some states, the caucus meets regularly throughout the session and provides a forum for debate to determine the party stance on a particular issue. In other states, it meets only to elect the leadership in each chamber and upon call thereafter. Strong leadership may convene a caucus to instruct members how to vote, whereas less entrenched or less managerial leadership may use the caucus to reach a consensus or a compromise. A few states have caucus staff or staff assigned to the leadership who devote much of their attention to preparing for caucus meetings.¹⁷ In approximately half the states, the caucus, however regular and organized its meetings, is generally seen as an off-the-record gathering at which candid remarks by the leadership or the members can be made without concern for coverage by the media, intervention by the executive branch, or scrutiny by the citizenry.¹⁸ Few records are created by most caucuses; and should any appear in the files of individual legislators, they may be real finds or merely routine

agendas and copies of draft bills circulated to all members to place in the briefcases they bring to the caucus meeting. If records are maintained by caucus staff or by its leadership, the files of party members may contain little documentation unavailable in expanded form elsewhere.

Files of a more personal nature are created to maintain a legislator's schedule, to retain a copy of a speech, to keep clippings and photographs related to various activities, to keep press releases, and to document campaign efforts. Vanity files of clippings and press releases offer biographical information that is usually duplicated or recorded in greater depth in other sources, whereas photographs must be appraised on the basis of content and format generally used in evaluating any photographic series. Speeches, however, represent many politicians' most public associations with their constituents, and the increasing number of audiovisual records of speeches, interviews, and other public appearances offers the researcher an especially rich source. Content analysis and user accessibility must be considered during appraisal of these as of any other records, but the existence of audiovisual material has expanded the opportunity to document the legislative experience.

Campaign files are often eagerly sought by archivists striving to provide researchers with sources for local history. Quite often, material for eye-catching exhibits will turn up in such files as well. Correspondence, circularized literature, lists of contributors and campaign volunteers, schedules, and other associated records reveal the activities of both the candidate and his local supporters and should be retained

¹⁷Rosenthal, *Legislative Life*, 169–70; Jewell and Patterson, *Legislative Process*, 159–61.

¹⁸*Legislative Openness: A Special Report on Press and Public Access to Information and Activities in State Legislatures* (Kansas City, Mo.: Citizens Conference on State Legislatures, 1974), 97.

at least in a representative sample. Questions can be raised concerning the validity of maintaining such papers with the records of a legislator's official functions, but the presence of these papers in legislative office files may indicate the extent to which elected officials see their campaigns as the first stage or continuing links in their legislative careers.

Since potential research use is an important criterion in appraisal decisions at the administrative level in developing collecting policies and at the level of folder or series evaluation, the appraisal process must include an analysis of research trends and the type of constituency the repository serves. Historians appear to continue to be interested in political and social studies that depend on documentation of voting patterns and groups based on religious, social, or ethnic similarities, such as the role of women in society, economic and demographic trends, and other movements or issues identified with population masses in specific regions or socioeconomic classes. Biographical studies have declined in interest, and the general historical treatment of great events and grand schemes is often the magnum opus many hope to write but few now undertake.

Research interest in political science, sociology, and other social sciences has for some time been concentrated in the compilation of empirical data to document behavioral activity. Methodological development and the procedures for collecting accurate and representative samples comprise much of the research effort, and the principal goal is to amass adequate data to reveal how the subject of research behaved at a given point in time or responded to certain stimuli. Few historians and fewer social scientists are studying institutional development or seeking motives undocumented by empirical data. They seldom ask why in-

dividuals and collective entities acted and felt as they did, and it appears that efforts begun in the nineteenth century to apply scientific research methods to social studies have reached their culmination in current social research aided by the modern technology needed to amass and organize the raw data of human activity. Analysis and commentary have become secondary concerns, and the objectivity of data compilation and dissemination is the most popular game in town.

Although any generalization of research trends is subject to legitimate criticism based on the ever-present exceptions to the rule, and the foregoing perhaps more so than is acceptable, one can nevertheless note that many archival reading rooms are increasingly visited by researchers seeking masses of data to compile, organize, and compare. Constituent correspondence and casework files of legislators are used not to identify individuals who wrote but to collect numbers in order to document how many citizens expressed an idea, what that idea was, and how various types of legislators responded to identifiable stimuli. In such a context, not only do the masses of correspondence and casework files take on added importance in the aggregate; so do the masses of legislators whose aggregate collections provide more data than the files of any one of them.

If any contemporary scholars should be interested in documenting activities of legislators rather than of their constituents, it is quite likely that those researchers will be more interested in legislators as participants in the legislative process than as individual politicians. They want to be able to determine how legislators functioned as a collective entity and will seek access to records of legislators as component parts of a larger whole. The more collec-

tions, the better. State archival agencies collecting legislative records may take a similar view. Administrators of repositories housing the evidence of how state agencies and institutions functioned may see records of state legislators as complementing the records of committees and legislative agencies and staff by providing additional information on the operations and policies of the legislative branch. Although much current legislative research appears to be confined to the official records of the legislature, the existence of the files of recent members of the house and senate would enable researchers to find additional sources for the study of the legislative process and the place of the legislative branch in state government.

Legislative intent is yet another area of research that has proved quite popular at some state archives. Journalists, attorneys, citizen watchdog organizations, business representatives, and others seek to determine what an act really intended to enforce or require. Research may be undertaken by legislators and their staff to try to understand the implications of legislation passed in previous sessions of the legislature.¹⁹ Regulations impinging on the rights and obligations of a particular group need to be understood by that group if they are to be implemented, supported, or evaluated, and legislative intent has become an area of study attracting visits to archival reading rooms by researchers who may not fit the scholarly mold but demand and deserve adequate service.

Justice Robert H. Jackson of the United States Supreme Court once remarked that the use of state legislative records to determine legislative intent

amounts to abandoning analysis of a statute in favor of psychoanalysis of the legislative body enacting that statute.²⁰ Despite the late justice's reservations, however, the intended meaning of legislation has become an important legal consideration, and papers of legislators are being sought to supplement committee files and printed sources related to a specific piece of legislation. The wording of a bill may be modified during a committee's deliberations and mark-up sessions during which compromises may be incorporated into revised wording drafted by, or at least acceptable to, a majority of the committee. Further revision may be done by the leadership or by amendments once a bill reaches the floor of either or both of the chambers. With so many cooks preparing the broth, the end result is quite often acceptable, but far from the intended one. It may also be so equivocally worded that the sponsor's intent in introducing the bill, the committee's intent in passing it to the floor, and the majority's intent in enacting it are obscured by a lack of clarity and precision.²¹

Efforts to determine intent in the state of Washington now comprise a large proportion of the total usage of the public archives of that state, perhaps the most active repository in collecting legislative records and papers of legislators. Use by legislators and their staff represents a substantial percentage of the requests for these records, and archivists in Washington have found that such service to their budget-making friends in the legislative branch is both professionally satisfying and administratively shrewd.²²

¹⁹Rosenthal, *Legislative Life*, 335.

²⁰Jewell and Patterson, *Legislative Process*, 423.

²¹National Legislative Conference, *Summary of Proceedings of the Fifteenth Annual Meeting of the National Legislative Conference*. Part II. *Legislative Service Workshop Sessions* (Chicago: The Council of State Governments, 1962), 50.

²²Unpublished remarks made by Sidney F. McAlpin at session of the Mellon Seminar on the Appraisal of Modern Documentation, University of Michigan, 27 May 1983.

Even large repositories with comprehensive collecting policies cannot accommodate vast collections of state legislators whose high turnover rate increases the likelihood of a large number of collections available for acquisition. Plans for reappraisal at a later date, cooperative collecting programs among repositories, and building legislative support by the development of effective, though at times somewhat pragmatic, collecting policies may provide much-needed assistance, but appraisal from the collecting-policy level to the series level must incorporate some representational scheme whereby illustrative units of the whole can be retained while the repetitive mass is reduced to manageable size.²³ Even though they may fully document their appraisal decisions and describe discarded records, archivists turning to sampling and selection methods either to identify collections for

acquisition or to apply within a collection may be accused by researchers of failing to recognize current research trends and the needs of the research community. More realistically, and in defense of archivists struggling to balance user needs with such practical considerations as space and staff, it appears that sampling and selection are legitimate areas of appraisal, but ones needing continued and greatly intensified study. The older among us, trained as historians, librarians, or social scientists in the more traditional approaches to research, need to consult with colleagues having more recent training and with historians and social scientists whose familiarity with sampling techniques and data compilation can help us to appraise more adequately records of the numerous legislators whose files we seek but cannot fully accommodate.

²³For useful experimental attempts at sampling, see Lydia Lucas, "Managing Congressional Papers: A Repository View," *American Archivist* 41 (July 1978): 275-80, and Eleanor McKay, "Random Sampling Techniques: A Method of Reducing Large Homogeneous Series of Congressional Papers," *American Archivist* 41 (July 1978): 281-89.