

ESTABLISHING PRIORITIES FOR STATE RECORDS: ILLINOIS EXPERIENCE

ILLINOIS officials have as yet made no plans for evacuation of state records in case of a possible wartime emergency. However, priority ratings for the state's archives have been established in connection with the program for making most effective use of the new Illinois State Archives Building which is under the jurisdiction of the Archives Department of the Illinois State Library. Although located in Capitol Park near the center of Springfield, the archives building is well isolated from other buildings. The steel skyscraper construction of its vaults, which rest upon their own caissons, is the type which has proved most effective against European bombings.

The Illinois State Archives Building was designed to provide scientific care for the following categories of records:

a) Those records of such great legal value that they should never be allowed to be removed from the building—such as the constitution, deeds and abstracts for state property, enrolled laws, etc.

b) Noncurrent records of permanent legal and historical value, no longer needed in ordinary current state business.

c) The most important permanent legal records which need the physical and moral protection of the building, but which because of semicurrent use must occasionally be withdrawn for departmental use.

Classes (*a*) and (*b*) are kept in the archives vaults which are under the exclusive jurisdiction of the archives department. Class (*c*) records are housed in a separate series of departmental vaults in the archives building, the records in these vaults remaining under the exclusive jurisdiction of the state departments to which they belong, except that no records may be transferred to the departmental vaults until the department has submitted inventories of records proposed for transfer and has received written authorization for same from the archives department.

General regulations relating to transfer of records to the archives building are as follows:

What Records Will Be Accepted.

The Archives Department for housing in its own or in the Departmental vaults will accept only official records.

Records must be of permanent value. No record subject by law to periodic destruction, no duplicate records, no duplicate stock of printed

reports or other departmental publications, and no stationery supplies can be admitted. . . . The decision of the State Librarian or Assistant Librarian as to the suitability of records proffered for transfer is final.

Priority Ratings for Archives

In general it may be said concerning Illinois archives, "If a record is in the archives building, it is important." The converse, that records not in the archives building are unimportant, most emphatically, is not true. Many records of extreme value—to cite as one example, corporation charters still in the capitol vault of the Corporation Department—are needed for such immediate departmental reference that they cannot be transferred. Other records of great legal importance are retained in the offices of the respective departments for one reason or another, properly or not. In the following discussion of priorities no distinction is made between records which the archivist merely thinks ought to be transferred, and those which have already been taken to the archives building. In a time of emergency such distinctions would be forgotten.

Certain records should obviously receive priority ratings; many records are duplicates of originals kept by other departments, or are records of little legal value, kept chiefly for administrative convenience. Great masses of records, usually of recent date, are on the borderline of importance as permanent records. Examples of each type and general principles followed in assigning ratings are discussed below. The reader should remember, however, that these are Illinois records, studied from the point of view of Illinois legal requirements, which may be quite different from those of other states. Also, in Illinois, many important records which may seem to have been forgotten here, are kept by the counties, and over such records the state has no control.

Records of Primary Importance¹

I. Records which establish rights of citizenship or of property owned either by the state or by individuals, including authorizations to do business.

A. Vital statistics. The records of births, still-births, and deaths kept by the State Department of Public Health are the chief state records which affect citizenship rights. Other state records may of

¹ No attempt is here made to list these in the order of their importance.

course be so used incidentally in individual cases, as for example, a certificate in an old application for a pardon which was accepted as a proof of age for old age assistance. Such individual records cannot of course be considered in making priority ratings.

B. Land records. In the case of Illinois these comprise:

1. Records of the old federal land registrations in Illinois, and include surveys, record of sales, etc. These are duplicates in part only of the records in the Federal Land Office in Washington, and certified copies of these Illinois records are by law recognized judicially.

2. Records of lands once owned by the state and later sold or donated to individuals, and include patents to the state and records of patents issued by the state.

3. Deeds and abstracts for real estate now owned by the state. Contract records of the state, also specifications are in this category.

C. Charters of domestic corporations and authorizations for out of state corporations to do business in Illinois. Also, copies of by-laws, amendments and other records subsequent to incorporation or authorization which affect the legal status of the various companies operating in Illinois.

D. Registers of license to practice professions, issued by the state. In case of evacuation of records, probably only the actual registration lists would be removed. However, of almost as much importance are the supplemental files of applications, with credentials, examination and other records proving eligibility for licenses, also minutes of the various examining boards. Files on complaints investigated are not authorized for transfer to permanent archives except when the licenses are revoked. Court and other proceedings justifying the revocation are properly regarded as archives.

E. State civil service records are in the same category. For licenses issued by the state for such subjects as automobile registration, liquor sales, hunting, etc., the register of licenses issued is sufficient for archival purposes, and applications and other records can generally be destroyed after a period of years.

Authorizations issued after hearings, as in the case of regulation by the Illinois Commerce Commission, are quite different, and of course full records are kept. These are considered under the heading of court records.

II. Records involving safeguards to life. The most important record that comes to mind in this connection is the mine maps,

required to be kept up to date, which are filed with the Department of Mines and Minerals for use in mine rescue work.

Routine reports of factory, fire, food, lodging house and other state inspection services are not regarded as archival documents, especially since the information of permanent value contained in these reports is usually tabulated in statistical form.

Investigations by special committees or commissions, particularly those ordered by the governor and the General Assembly, are of great historical importance and should be preserved.

III. Records specifically required by law to be made or to receive judicial notice, especially if the forms to be used are described. This includes proceedings and minutes of official bodies, registers of official acts and sworn reports required to be filed with an official. For example, the auditor of public accounts is required to "keep a fair record of all warrants by him drawn, numbering the same, in a book to be kept for that purpose."² The secretary of state is required "To keep a fair register of all the official acts of the Governor. . . . To keep a register of all . . . commissions [required by law to be issued by the governor], specifying the person to whom granted, the office conferred, the date of signing the commission, and when bond is taken, the date and amount thereof and the names of the sureties."³ "The Adjutant General shall . . . keep a record of all orders and regulations of the Commander-in-Chief and all matters pertaining to the unorganized militia, the National Guard and the Naval Reserve. He shall keep a record of all appointments, elections and commissions of officers, and appointments of non-commissioned officers. He shall . . . record all enlistments and discharges, and keep the necessary military history of each member of the State forces."⁴

Such registers of official acts create no problem for the archivist. They should of course receive high priority ratings. When it comes to the rating for reports required to be filed with the various state officials, the archivist runs into the problem of bulk. These records are required by Illinois law to be preserved permanently unless specific legislation permits their destruction after a period of years. A detailed study of Illinois statutes reveals only twenty-three categories of records authorized to be destroyed, and not all of these are state records. Most of these reports are required to be certified

² Smith-Hurd, *Revised Statutes*, 1939, Chap. 15, Sec. 9.

³ *Ibid.*, Chap. 124, Sec. 5.

⁴ *Ibid.*, Chap. 129, Secs. 41-42.

by the parties filing the same. (Reports not required to be certified can generally be classified as nonpermanent records.) The records are required as an aid in enforcing the laws regulating the matters involved in the reports. Back reports are required for purposes of comparison. Theoretically, such reports should be premiated as current records. But when the archivist is confronted with the monthly reports required to be filed by practically every business house of Illinois in the administration of the retailers' occupation tax, he must refuse priority ratings lest such bulky records crowd out all other records.

In some cases the departments can tabulate the information contained in the reports and ask permission to destroy the originals after a period of years. This is dangerous since the courts cannot recognize these tabulations as primary evidence. In other cases microphotography or a combination of microphotography and tabulations is the answer. In the case of some of the newer departments, and these are the ones which tend towards the greatest bulk in records, experience has been too short to permit a decision as to whether it will be necessary to keep all these reports indefinitely. In Illinois, the archivist is reluctant to authorize the transfer to departmental vaults of reports filed with departments which have not had about twenty years' experience in the use of the particular files in question.

Reports under seal of office required to be filed by one government official with another are considered permanent records and given an "A" rating.

IV. Court records. Docket books and records of decrees are of course given highest rating, but case records containing records of pleadings and evidence are considered permanent records suitable for transfer as archives. Included are records not only of the Supreme Court, but also of such fact determining bodies as the Illinois Commerce Commission, the Industrial Commission (workmen's compensation), State Claim Commission, and State Tax Commission.

V. Minutes of various state boards and other officials. These minutes are important as showing the history of the department and decisions as to policies. Included in this category are rules and regulations promulgated by the departments, and office manuals.

VI. Current bonds of government officials. Records of privately owned securities deposited with state departments (as in the case of state banks, insurance companies). These records are never in

the custody of the archivist in normal times. In case of emergency they would probably be intrusted to him for safe-keeping.

VII. Historical documents and other records important to public morale. Present and former constitutions, territorial and early state records (especially legislative records), and enrolled laws, are closely tied up not only with the administration of state government, but also with public morale, and are given high priority ratings. Confronted with an actual or sudden emergency the archivist might hesitate about some of these records, which are generally in print, and he might wonder if other essential records might not deserve prior evacuation. Given sufficient warning, however, he would probably evacuate such records ahead of the actual emergency, since the printed copies could be used for administrative purposes. It has been proposed to make certified film copies of the Illinois enrolled laws. The printed session laws are certified and can be used in court in all cases except where errors in proofreading can be claimed. The original enrolled laws will not of course be destroyed, but in case of hasty evacuation the film copies might be taken instead of the originals, thus releasing transportation and storage space for other important records.

VIII. Noncurrent records in general. Prior to the common use of the typewriter (about 1890 in the Illinois capitol), the making of records was a tedious hand process, not undertaken lightly. It is safe to assume that any record more than fifty years old is probably worth keeping from an historical, if not from an administrative point of view.

Records of Secondary Importance

In case of emergency, every effort would be made to save first the records discussed above. This still leaves the problem of the excessively bulky records of present day government, all of which the officials say are necessary for proper administration. This is a problem for which Illinois has not as yet found a solution. A description of the problem would take too much space here. However, it has had to be dealt with, albeit with grave misgivings, in selecting records for transfer to the departmental vaults. Some of the rule of thumb tests which have been applied in Illinois may be suggestive:

I. In general, departments are advised to retain in their office vaults records less than three years old. For the archives proper no records less than three years old, nor records covering the years

of the current administration, are accepted. Records less than ten years old are accepted only when they have become noncurrent in the sense that no further official action will be involved in their use, other than the mere issuance of certified copies. Outside of those limitations the department heads decide when records become noncurrent and suitable for transfer to the archives department.

II. When it is necessary to choose between parallel sets of records proposed for transfer, these two questions are asked:

A. If you were required to produce one of these records in court, which would you take? This question, correctly answered, solves ninety per cent of priority questions, since generally but one record on a given subject is acceptable as evidence.

B. Suppose your entire personnel were annihilated, which records would be the minimum essentials for an outsider to have to carry on the business from where you left off?

A strict policy as to the quantity of records accepted has several times led to a redesigning and condensation of report forms. In one case four forms, each covering the same information as the other three plus one or two additional items, was reduced to one form, saving one fourth of the bulk of records to be stored. The archivist should be alert for opportunities to reduce the bulk of records at their source.

III. Historical versus legal records. Sometimes officials in discussing transfers, remark that one set of records is the official legal file, but they wonder whether certain other records which they make, or could make, might not be more interesting historically. To this the archivist can only reply that the official is an administrator, not an historian, and that consciously created history is too close to the border line of propaganda to be trustworthy historical evidence. Legal rather than historical documents are the province of the state official. Mr. Jenkinson's *Manual* lays down basic principles on this subject which are commended to other archivists as sound in American as well as in British practice.

IV. Printed documents, especially reports, are on the borderline between archival and nonarchival material. This relationship was discussed fully by the Illinois archivist in her article on "Archives and Libraries" which first appeared in *Illinois Libraries* and later was reprinted in the *Illinois Blue Book* for 1939-1940 (see pp. 438-440 of the latter). In Illinois, printed state documents are not accepted for the archives, except where they bear an official file mark

or are special reports submitted in printed form. The Illinois Documents Department of the Illinois State Library (housed in the archives building, but not a division of the Archives Department) keeps an archival file of every state publication. One copy is filed in original binding, for preservation only, and is not produced for patrons if other copies are available. Printed reports are not archival, as a rule, in that they have no evidential value in court since they are a compilation from legal records, not the records themselves. Because they offer condensed information about the department, every archivist should see to it that his state library keeps a complete file of state documents, both printed and mimeographed, if he does not do it himself.

V. Correspondence files are among the most bulky records offered for transfer to archives. It is easy and superficially efficient to drop carbon copies into each of several files, but these increase the bulk to extremes. In Illinois correspondence files are not accepted unless they have been well weeded—duplicate copies of the same circular letters, form letters, requests for copies of departmental publications, applications for jobs and other ephemeral matter must be withdrawn from the file. Letters which set the policy of the department, and correspondence between officials involving interdepartmental relations are extremely valuable and it is preferable to accept the chaff, if necessary, to risking the loss of these by refusing all transfer. One state department was able to reduce the bulk of its correspondence files by two thirds through judicious weeding. The difficulty with a weeding process is that only the executive is capable of judging what should be kept, and executives have neither the time nor the inclination for such work. Preventing the original accumulation of trash-filled correspondence files is the only solution to this problem. Some of the Illinois departments keep three sets of correspondence files: (1) a file for temporary correspondence, to be discarded automatically after a suitable period; (2) a "director's file" for the most important correspondence; and (3) a "personal file" containing, among other correspondence, copies of those official letters which the department head might wish to take with him on his retirement.

VI. The Illinois Archives Department arbitrarily refuses to accept financial records kept by any departments other than those kept by the auditor of public accounts and state treasurer, except fee books. While this rules out many records which are essential to efficient administration of the various offices, when analyzed it will be found

that these records are made for office convenience only, and have no legal status before the courts. They are apt to be very bulky, and they are seldom referred to in office business after five or ten years.

VII. Loose leaf and card files offer grave administrative problems to the archivist, in that insertions and subtractions can be made so easily, and are so difficult to detect, that certification of them as records is risky. The archivist, however, in deciding upon their value as archives, should be governed by their legal status rather than by their form. Because of their bulk and weight, he would recommend that important files which should be evacuated in times of emergency, should be reproduced on film.

One form of card file which has caused some questioning as to its archival status is the tabulating card. Many departments, the Illinois Departments of Public Welfare and of Public Health, for instance, use their case records for statistical purposes chiefly, and reduce the contents onto tabulating cards. Is it necessary to keep the bulky originals when every item has been condensed onto these cards? In case of evacuation, the tabulating cards would probably be the records preserved, but from a strictly legal standpoint they do not have the validity of the certified originals. But of how much value are those originals as permanent legal records? The answer given, admittedly unsatisfactory, is that time alone can tell, and that the records must be preserved until the answer can be given, even though they may not be transferred to the archives for the present.

VIII. Temporary records are excluded from the archives building, but they would have to be considered in case of emergency evacuation. Just as a merchant might not particularly care whether his ten-year-old closed accounts records were saved in case of a fire, but would be ruined if his current accounts records were lost, so the state official also has records of pending business which would have to be preserved in an emergency. With such records the archivist is concerned only so far as he might be expected to co-operate with the department in such circumstances.

It would obviously be impossible to mention and evaluate every type of record kept by the state. Some of the most important Illinois records have been omitted from this summary. Enough of the basic considerations have been mentioned, perhaps, to help other archivists to make similar studies for their own states. By and large, the various state departments can be expected to know which of their current files should get priority treatment. Only the archivist and the department

head, in close collaboration, can determine which of the older and less frequently consulted records are the most valuable. Such a study as has been made in Illinois takes time, but it is immensely worthwhile. If worse comes to worst, the archivist will not be groping in panicky darkness. If, as all fervently hope, the national emergency recedes, the archivist's knowledge of his state's government organization and his educational contacts with other state officials will make him immeasurably more valuable as a public servant, and he will be in a much more favorable position for securing better care for his state's archives.

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