

STORAGE OF RECORDS IN MINNESOTA

THE problem of classifying, indexing, filing, and storing vital state papers is a task of no small magnitude. It is more difficult when the law delegates to a semi-state agency this duty and, in addition, responsibilities beyond the scope of its present organization without providing adequate means to carry through. Such is the situation confronting the Minnesota Historical Society which is designated by law as custodian of certain state records as well as those of counties, cities, villages, and township offices in Minnesota.¹

In Minnesota, as in all states, the problem of preservation of papers may be divided into two parts, namely, current and old records. This article is concerned with the subject of old records and only brief mention will be made of the problems concerning current records.

On the subject of current records the Minnesota law provides that "no public document less than six years old shall be destroyed."²

Just why the legislature decided upon six years is not definitely known. It may be accounted for by the fact that in 1939, when this provision was enacted, the legislature was investigating the administration of a previous opposing political party which made them record-conscious and that the general statutes of limitation in Minnesota is six years. Prior to this date, time was not mentioned in the law.

Anyone familiar with records knows that many papers are valueless before the expiration of a six-year period. Modern public accounting requires that numerous copies of a single document be made. Even if one could justify keeping all records for this period of time, the necessity of keeping duplicates could be questioned. A recent survey of the various state offices in Minnesota revealed that approximately 23,224 file drawers are used for current records.³ Relaxing the law to permit destruction of valueless records would make unnecessary the purchase of additional filing cabinets for a considerable period of time. The public interest could and should be safeguarded by requiring that no record could be destroyed until

¹ *Minnesota Statutes*, 1941, 138.03.

² *Ibid.*

³ Interim Committee on State Administration and Employment, *Report to the 1945 Minnesota Legislature . . . December, 1944* (St. Paul, 1944).

the agency possessing such record had been audited by the public examiner (the post-auditor in Minnesota).

Storage of old records in Minnesota presents a more serious problem. This is due to inherent defects in the law governing the preservation and destruction of state papers and the lack of appropriations which, if available, would make the present unsatisfactory law more workable. The magnitude of the problem was revealed by the previously mentioned survey which revealed that 9,865 file drawers were utilized for records used occasionally and 6,592 file drawers for records which were never used or used very infrequently. In addition, thousands of cubic feet of valuable space are occupied by records not in file drawers.

The law requires that the Minnesota Historical Society determine the legal, administrative, and historical value of all papers turned over to it from any of the public offices of the state and destroy the papers without such value. The provisions of this law places a huge responsibility on the officers of the society. Generally officials of historical societies are trained historians and are not technically trained to competently judge the legal and administrative value of public documents.

Throughout the history of the state a legal counsel has been provided to handle the legal problems of the state. In 1939 Minnesota inaugurated a civil service program to provide trained administrators and created the state business manager (commissioner of administration) as principal administrator. Minnesota's law governing the preservation and destruction of public records makes no provision for the technical advice and counsel of such officials. Incidentally, the law makes no provision for the preservation of documents having research value. Concepts of progressive government have been changed by competent research. Provision could well be made for preservation of such papers.

No provision is made in the law to force any governmental agency to dispose of valueless records. The law merely provides that any agency may turn its records over to the historical society. As a result state agencies which are fortunate enough to be assigned ample space retain useless records while less fortunate departments lack space to store necessary records. In answer to the previously mentioned questionnaire some state agencies stated that storage of records presented no problem as far as they were concerned and

they were retaining all their records. One agency stated that they were keeping all their records for sentimental reasons. Desirable storage space is at a premium in Minnesota and there is no justification to save documents for mere antiquarian interest.

The law does not cover all state departments. In 1939, which is the same year the general law was enacted governing the preservation and destruction of public records, the legislature enacted a law permitting the Industrial Commission to destroy all "files, records, and correspondence" for the period prior to June 1, 1921, and on June 1 of each succeeding year to destroy "all files and records" of the commission subsequent thereto.⁴ Under this law following the lapse of the required period of time all records of the Industrial Commission could be destroyed no matter what the permanent value to the state would be, to say nothing of their value for historical or research purposes. In Minnesota most laws enacted to protect and benefit labor are administered by the Industrial Commission. Legislation in this field is relatively new and such records may be invaluable to historians and those doing research in the field of social and labor legislation.

Records of the Income Tax Division of the Department of Taxation are also exempt, although due to their confidential nature this is more understandable than in the case of the Industrial Commission.

Lack of sufficient funds to administer the law is perhaps the greatest handicap. Given sufficient funds this poor law could be made more workable. With ample funds trained legal and administrative counsel could be employed, as well as some staff to perform the necessary routine duties.

The historical society is not given a special appropriation to administer this law and it would be unreasonable to expect the society, which is supported by private funds and state appropriation, to use their resources for an activity which is not entirely within its scope. This is especially true when their appropriation request to the legislature is trimmed. As a result, naturally, the problem of records multiplies.

The lack of time and funds for this work precludes visitation of the various adjacent departments, to say nothing of municipal and county offices scattered throughout the state. The writer has had occasion to talk to state officials who desired to dispose of records

⁴ *Minnesota Statutes*, 1941, 175.36.

but due to the above limitations were unable to receive assistance from officials of the society.

Lack of sufficient funds also precludes more extensive use of microfilm. Minnesota is approaching a century of statehood and during such a period of time numerous valuable records are accumulated. Microfilm offers a convenient, inexpensive method of preserving records which is always readily available for use.

Suggested Reform

The difficulties of drafting a workable law to meet all problems of record preservation and destruction are manifold due to the variety of state and local governmental records and the varying periods of time such records have value. The situation can be best met by a law setting forth only the broad general principles with power vested in a commission to make detailed rules and regulations, covering preservation and destruction of individual records or classes of records. This would provide the flexibility needed to meet varying situations.

Persons interested in the problem have suggested that an archives commission comprised of the attorney general to appraise the legal value of records; the public examiner to determine their need for post audit purposes; the state auditor to appraise their accounting value; the commissioner of administration to appraise their administrative value; and the superintendent of the Minnesota Historical Society to determine their historical value, be created and vested with the power to make rules and regulations within the law pertaining to records. They have also suggested that such a commission be granted the necessary appropriation to perform its duties.

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