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Documentation Strategies for the National Legislature

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Many institutions and professional associations share a common interest in the survival of a useful record of the United States Congress, the national legislature. Historians, the Library of Congress (LC), the National Archives and Records Administration (NARA), the Society of American Archivists (SAA), political scientists, and indeed the Congress itself, all share a need, and it is hoped a desire, for an accurate and comprehensive record of the significant activities of the national legislature and its members. These several "parties at interest," however, have tended to work in a piecemeal fashion, without common standards and certainly without a common strategy. It is even sometimes difficult to convince some of the parties at interest that their concerns are shared. His-

* The views expressed are the author's own and should not be attributed to the Society of American Archivists, the National Archives and Records Administration, the Smithsonian Institution, nor the John F. Kennedy Library, all of whom the author has been associated with, one way or another, in work on the papers of U.S. Senators and Congressmen.
The history, committee staffs, congressional records keepers, and National Archives staff often find themselves in adversarial confrontation, or else avoiding and evading each other over information and bits of paper.

Where then should the planning begin? It should be obvious, even to the casual observer, that any strategy for documentation of the national legislature requires a dual focus. One focus is the actions of Congress and its constituent bodies (committees, offices, etc.). These actions are documented, for the most part, in official records. The other focus is the actions of individual members, generally best documented in the records of individual offices which are called congressional papers, whether from the Senate or House of Representatives. Any strategy for ensuring adequate and comprehensive survival of a record of the national legislature must focus on both, and the solution must integrate the information about the sources and about access by the research public.

What is this comprehensive record? In fact, it is not so neatly defined as the two broad targets above may suggest. The reality is much more complex, with several overlapping components. Among these the following may be identified:

Official institutional records. These include the plenary and committee records of each house required to be kept by law and, in due course, transferred to the National Archives. They include the Congressional Record and its several stages of evolution, committee reports, congressional reports, resolutions, "slip laws," and other such formal records. Much of this is published and in libraries.

Quasi-official records. Records of ad hoc combinations of legislators in caucuses, clubs, committees, and the like are often generated and disposed of whimsically because they do not fit in any of the conventional patterns of organization. They may include records of congressional offices such as the Speaker of the House, whose "records"
may, and often do, wind up in the personal papers of the incumbent.

Congressional papers. The records of the personal offices of individual senators and representatives are, by tradition, the personal property of the incumbent and may be disposed of by them or by their heirs as they see fit. Unlike many other public offices, which continue no matter who occupies the office, the records of these offices end with the term of the incumbent and are personal property. Furthermore, files of staff members may, by tacit or explicit agreement, be retained by staff members as their own personal property apart from the papers of the principal. (This occurs most often in highly decentralized office staffs and least often in highly centralized staffs where the principal exercises tight personal control and demands strong personal loyalty from the staff.)

Personal papers of incumbents. Papers and other materials relating to the lives and careers of senators, representatives, and their principal staff assistants outside of the official or quasi-official work of the legislature (chiefly before or after congressional careers) are all clearly personal and private records, disposable entirely at private interest. They may, and often do, contain significant antecedents or postscripts to congressional service. They frequently contain candid reflections seldom found in official and quasi-official records of either the institution or the constituent personal offices.

Records of interest groups. The records of lobbies and other interest groups working to influence the course of legislation are the corporate property of the parent organization and disposable as such. They are sometimes, but hardly with any consistency, preserved in the organization's archives or donated to appropriate repositories. They often contain essential information on the factors affecting legislation, hearings, and other activities of the Congress.

Records of the executive branch. Records of
departments and agencies and the records of each presidency (another case in which the office and records terminate simultaneously) contain information relating to the national legislature and to services rendered to members of Congress and to their constituents. These are public records, and they are disposed of according to law and regulations and according to the appraisal and disposal policies and decisions of NARA. The more historically valuable of these materials are scheduled for transfer to the National Archives.

Other documentation. The broader body of published reports and studies of Congress in print, microform, and other media, including national newspapers, radio and television, magazines, books, oral history interviews, and the like are often found either in copyright publications or in private collections, including libraries and archives.

The foregoing classification suggests a possible range of components of an adequate record of the national legislature. It also suggests its complexity. The two broad targets (official and personal records) are not always mutually exclusive. Useful records pertaining to one of the several categories listed above may very well be found in a group of records properly classed in another category. Any strategy to capture and preserve a comprehensive and adequate record must cover all of the components. The location of the records and documentation "captured" for use must be catalogued, and the contents must be cross-referenced in order to assure that users have opportunity for comprehensive access.

There are also problems. Just as the record, broadly defined, is complex, so the problem, broadly defined, is complex. A number of factors combine to frustrate orderly and systematic production and preservation of a full and accurate record of the national legislature.

A consensus as to what records are significant and what records are not significant is lacking.
Archivists can recognize a clearly significant record, and most can agree on the triviality of a clearly insignificant record. In between these extremes is a great deal of unsatisfactory and inconclusive debate. The survival or destruction of any given record may be uncertain, depending on whim or the amount of storage space a given custodian can afford at any given time. This produces uneven and unsystematic survival across the whole body of records. Most significant records will probably survive; there are those who may argue that economies of storage space and other resources may be as valid and as useful a selective process as the subjective bias of an archivist or historian in deciding the survival of the record. There is no consensus, however, on how far to carry public responsibility—rationally defined—in assuring the survival of a comprehensive record, deliberately designed to meet the needs of the future. Nonetheless, archivists (if not historians) need, as a practical matter of daily decisions, some professional assurance that some records may be disposed of by consensus without impoverishing the record and that what is saved does meet consensus criteria of enduring value that will receive resource support.

It is unlikely that there will ever be comfortable unanimity, but it should be possible to have a study done (at congressional expense, of course) to analyze the contents of several typical kinds of filing systems to identify those files that are susceptible to disposal without impoverishing the record, those that are susceptible to sampling and disposal (and what the sampling criteria should be), and the proportion that needs to be saved to assure understanding of the phenomena the disposed records represent. Not only would the resultant selection be richer for historians, but the volume of material would be greatly reduced, enabling repositories to handle more discrete bodies of papers across the whole range of legislative activities.

The distinction between what is public and what
is private also lacks clarity and precision. There are many occasions in which ostensibly public records may be secured in private or partisan custody, at least for a time, for what appear in the immediate political climate to be good and sufficient reasons. This may occur, for instance, at times of partisan changes in majority control of committees, when one party may be reluctant to permit access to sensitive files by the "loyal opposition." This problem is unlikely to be solved completely. Even a nonpartisan civil service of records keepers can be evaded and avoided or subject to partisan and personal pressure to protect parties at interest from hostile raids on files by opponents.

Congress itself can begin to improve this situation, and the Senate Historical Office has done some fine work here, in better defining the requisite contents of the official record and by providing some interim safeguards against hostile and partisan use of records for a period of time after control changes. Congress can also encourage preservation of quasi-official and personal records bearing on national legislation by making information about opportunities for deposit in archives and libraries available to senators, representatives, and staff members and by generous assistance in making decisions and transfers under conditions of sound archival control. Senators and representatives can be encouraged early in their careers to designate a repository for their papers.

Thus, by covering both ends of the spectrum, the public and private, the chances of preserving an adequate record would be improved, and the distinction between public and private would decline in significance compared with preservation of the whole record.

There is a lack of consistency in filing systems and records keeping practices in Congress, making administrative and intellectual grasp of the comprehensive record difficult. Many filing systems are created and maintained at whim, or on the basis of immediate need, rather than from careful analysis.
of organization, function, communications patterns, and information needs. Congress needs to make more of an investment in records analysis and management on the front-end, so that model file organizations, procedures for dealing with multimedia records, and records disposition schedules are in place for all official records and that models are available and strongly advised for quasi-official offices, caucuses, and personal offices. Workshops and training sessions for new office staffs should be held on a regular basis, with particular emphasis on the first year of each new Congress. Records management offices in the offices of the secretary of the Senate and the clerk of the House should review records-keeping practices and advise modifications, standards, and procedures for the keeping of a complete and integral record. While standard filing systems need not be employed universally, there ought to be sufficient similarity from committee to committee and office to office that reference is fairly predictable in its patterns and procedures.

Archivists and congressional staff know too little about each other's requirements and limitations. Most archivists have a good liberal education and know one end of Congress from the other, but however adept they are at unravelling confused filing systems and restructuring disorganized masses of records, they require a better understanding of the operating details of the modern Congress and its staff systems and records-keeping procedures. Similarly, office and committee staff members, preoccupied with current deadlines and issues, are often unable to correct inadequate filing practices in order to benefit their own information retrieval needs, much less to improve them for the benefit of archival management and future use by historians. It is often difficult to convey to busy operating staff the time, energy, and resources needed to "straighten things up later" or to find things in filing systems that are essentially disorganized and unfamiliar. Lack of continuing liaison and cooperation between archivists and
operating staffs in the Congress makes for quick, last minute decisions under pressure and often produces results that are unsatisfactory for all concerned. Snap decisions taken at the time of a change in Congress, a change in partisan control, or a change in incumbency, are often taken by harassed staff members according to intuitive and often archaic criteria of a narrow and parochial character. For their part, archivists, in order to maximize the chances for preserving the important material, use a "vacuum cleaner approach" and take everything in sight, leaving the job of appraisal and sorting to the future, much to their later regret and dismay.

Early and continuing liaison between archivists and congressional staff is essential to the preservation and management of a good record. Congress should bring in archivists, from both the National Archives and from private repositories, to be part of periodic workshops for staff members. It should provide allowances for senators and representatives to bring archivists from designated repositories to Washington to gain experience in staff organization and procedures and to work out mutually acceptable avenues of cooperation with personal office staffs. Some of this has begun to happen, but it should become the rule rather than the exception. The SAA, at its periodic meetings in Washington, should conduct workshops for congressional staff personnel, and Congress should conduct workshops for archivists in the workings of committees and staffs. Additional personnel and resources should be provided to the National Archives (beyond the present emphasis on preservation) for a strong legislative records staff, making continuing liaison with Congress a prime objective and encouraging the arrangement and description of congressional records deposited in the National Archives. Congress could and should fund and disseminate finding aids for official records and catalogs of the location, contents, and accessibility of personal and organizational papers that complement the official record.
Finally, the constitutional separation of powers makes it difficult for the National Archives (even after independence from the General Services Administration) to play an effective role in monitoring the creation and preservation of the records of the national legislature. Tradition and practical daily tensions between the executive branch and the legislative branch, even when both are led by the same party, tend to make the task of the National Archives extremely difficult and have jeopardized the regular transfer of legislative records to the archives on schedule. The National Archives, through its placement, is a creature of the executive branch and, therefore, constitutionally inappropriate to exercise control over the records of Congress, or at least unsuitable and inconvenient as an instrument of congressional records management. Although an increased role for the National Archives is both desirable and in keeping with the statutory responsibilities of that esteemed institution, it is unlikely to be able to fulfill such a role to the extent required for a good, survivable record of the national legislature.

One radical solution to this particular problem that should be considered seriously—although it will likely prove impractical—is to create at least four separate national archives instead of the present unitary central archives. The constitutional separation of government institutions into three separate branches argues for each branch having its own archives. Yet, the passage of time and the need to integrate the national record on particular issues and events argue for a unitary archives. These two requirements could be met in a complex arrangement of four archives, but they would require some sort of overall policy direction and authority to assure consistency in application of sound archival principles and management.

What might such a system look like? Figure 1 shows an outline of what it might be. The following discussion describes each level of organization and its responsibilities. This discussion is hardly
exhaustive, and perhaps should not be, since it is but a suggestion to provoke further thought and deliberation.

In quick summary, overall responsibility for oversight might be vested in a National Archives and Records Board of Trustees, who would select an archivist of the United States to direct a National Archives and Records Administration (which is not to be confused with the newly independent agency of the same name). Subordinate to the archivist and directed by him are a National Historical Archives and Museum and a National Document Conservation and Information Management Center. Subject to the standards and policies set by the archivist and appointed by him might be three branch archivists, directing the National Executive Archives, the Congressional Archives, and the National Judicial Archives respectively, each with appropriate records centers and agency archives or records offices.

How might such a system work? This requires description from the bottom up, to complement the overall system description given in the figure.

Each house of Congress, the Supreme Court, each district court (for itself and for the court of appeals system), and each department or agency of the executive branch, including the executive office of the president, would under the system outlined have either a records office, an archives, or both, depending on the size and complexity of the parent organization. The functions of these might vary as appropriate, but they might include some or all of the following:

Providing records management and information management advice to agency leadership and operating offices based on guidance issued by the National Archives and Records Administration;

Conducting surveys and making analyses of agency information systems and records-keeping practices, including records creation, forms, filing systems, information retrieval systems, etc., based on the background of experience and
guidance provided by NARA;

Designing systems for information management and records management to serve the immediate needs of the agency and to ensure a complete and adequate record of assured integrity based on criteria promulgated by NARA;

Providing centralized records storage and retrieval for paper, film, magnetic tape, and other forms, and for inactive records that must be retained for reference but are not needed immediately to hand by operating offices;

Providing microform copying of records and other records and data reduction services according to standards set by NARA;

Performing disposal of records as permitted by records schedules negotiated with NARA;

Providing research and reference service, retrieval, and reproduction services on records in response to staff requests, including public information services as directed by the agency head;

Preparing and publishing of administrative histories and other special histories and summaries of events, topics, issues, and developments significant to the agency or required by agency staff, including, perhaps, the agency's annual report;

Working with the specific operating offices and the branch archives and NARA to prepare general and specific records schedules for the retention and disposal of records so as to best meet the needs of operating offices and also assure a record of lasting value;

Performing preliminary appraisal, arrangement,
and description, preservation work, microform copying, digital data reduction, etc., for agency records, according to standards and criteria set by NARA;

Advising operating offices on the standards and specifications for in-office equipment intended to produce records of lasting value;

Preparing finding aids, catalogs, and general guides to the records of the agencies and associated materials according to forms and standards prescribed by NARA;

Conducting, recording, and preserving oral history interviews with pivotal staff members; and,

Performing other such functions as appropriate to encourage the making and keeping of a complete and accurate record.

In this scheme, these agency level records offices or archives are crucial to the success of the whole plan. They must receive substantial and effective guidance for standards and policy from the central archival administration, but they should be administratively responsible to and supported by the parent agencies. A close working relationship between these offices and the operating offices of the agency must be balanced by an equally close working relationship between them and the branch archives for their respective branches, particularly in the executive branch where the number of such offices would be much larger than in the other two branches of government.

The records centers are one more step further removed from the operating offices they serve. Each branch archives would operate one or more records centers in convenient and economical locations for consolidated dense storage of inactive records from several agencies having similar storage and reference
requirements or disposal schedules. The principal purpose of such centers would be the inexpensive, long-term storage of inactive records that are destined for destruction or for further appraisal or for scheduled transfer to the branch archives. Transfers to records centers would be made on schedules negotiated between the branch archives and the local agency archivist or records officer according to policy guidance from the National Archives and Records Administration and according to the operational needs of the offices concerned. The Congressional Records Center could also serve as interim storage for the personal papers of senators and representatives prior to transfer to designated repositories. Records centers need not but could be designed to provide some modest arrangement and description functions, some data reduction and microform copying, and other similar archival functions. They would, of course, provide such reference service as needed by offices of origin and by the general public under prevailing laws and regulations. A single center might suffice for the Congress. The executive branch, however, might need two or more in the national capitol area so that specialized records such as those of a national security classified nature or those of a privacy nature (such as tax records) might be housed in separate facilities and administered without confusion with other less sensitive records. A records center for the judiciary is perhaps less obvious a need because the volume of material can probably be handled by the basic level archives or records offices, and the interim stage of a records center may not be needed. The records centers should be under the administrative control of and supported by the respective branches, but the center directors should be appointed by and responsible to the archivist of the United States in matters of archival policy and execution of archival functions. Other center staff should be appointed by the branch archivist.

Each branch archives should be headed by a
deputy archivist of the United States. That archivist would be appointed by the archivist of the United States and responsible to him for all operations and functions of that branch archives, which should be administratively subordinate to the National Archives and Records Administration. There should be a statutory requirement that all federal records thirty years old or older should be transferred from local repositories to the appropriate branch archives. Records could, of course, be transferred earlier through mutual agreement, but exceptions that extend the retention of records in offices, agency records offices, or records centers require specific statutory authority for the exception in each case. The branch archives would function as the principal archives for that branch of government and would perform most of the basic archival functions. One of its most important functions would be to appraise records and determine which ought to be retained in original form for their intrinsic value and which might be retained only in microform or electronic storage. The branch archives should provide the full range of reference services, including development of descriptive finding aids and cataloging data bases, all according to forms and standards established by the National Archives and Records Administration for application throughout the branch archives. An added function of these branch archives might be the preparation of the periodic public record of that branch's activities (such as the Federal Register, the Congressional Record, the court calendar, etc.). Each branch archives might also have a special research service, comparable to that of the Library of Congress, specifically designed to answer the needs of the branch being served.

The National Historical Archives and Museum in this scheme would be the repository of all federal records over fifty years old. This should be assured by statutory requirement and authority vested in the archivist of the United States. Earlier transfers by agreement could, of course, take place, but any
extensions to the fifty-year retention term should be by specific statutory exception. The deputy archivist for the National Historical Archives should be appointed by the archivist of the United States and responsible to him administratively and for all archival matters. In addition to the full range of basic archival functions, the National Historical Archives and Museum would have a program of exhibits, educational outreach, and publication of significant historical records in various forms, including facsimile and microform. This historical archives should also operate several regional archives and museums, which might be located with regional records centers and which might incorporate into their system the existing presidential libraries concept in some fashion.

There might also be in this scheme a National Document Conservation and Information Management Center devoted to the research and development of conservation methods and techniques for a wide range of records media and for the research and development of information storing and handling services in a wide range of photographic, mechanical, and electronic forms. This center should have, in addition to the research and development side a practical service side, from which federal archival units and others could obtain such services as document restoration, mass fumigation, mass deacidification, microform copying, optical-digital scanning and storage, photographic processing, and other technical services. It would not be inappropriate for a national institute for records conservation and information management to be attached to such a center. This would bring together both the theoretical and practical laboratories of the field in a way so as to enrich the archives of the future.

The National Archives and Records Administration (which, again, is not to be confused with the newly independent agency of the same name) would be the policy development and executive agency for all archival and records management functions.
throughout the entire federal government. Its functions would be to devise and implement standards and regulations and other policy and procedural guidance, oversight and inspection of the implementation of policies and procedures, and other similar comprehensive development and control functions to the four main archives and, through them, to the other component units of the system. The archivist of the United States, who should direct this new agency, would be in all senses the chief records officer and archivist of the entire federal establishment. He would be responsible to and appointed by a National Archives and Records Board of Trustees, broadly representative of the three branches of government at the highest levels. His responsibility would be to devise plans and implement programs to ensure the survival of an adequate national record, including the records of the national legislature. The exact relations between the board and the archivist will require some thought and further examination, but the board should have authority for oversight and periodic review and approval of new developments and departures from established patterns of activity. The term of the archivist should be protected from the normal rhythm of elective politics by establishing it at an initial seven or ten-year term with renewal for perhaps five or seven years at the pleasure of the board.

This proposal takes things far beyond the initial purpose of this paper, to consider strategies for documenting the national legislature. It also goes far beyond anything existing or contemplated for the present National Archives and Records Administration. Much of what is offered here may prove impractical, and some of it undoubtedly may appear naive or at least unschooled to those closer to the daily necessities, but without such visions there can be no critical thought or development. This essay—visionary and utopian though it may be—may spark some discussion and thought to produce improvements here and there in both the legislative record and the record of the entire federal government.
Hypothetical Outline of a Four Archives System

National Archives and Records Board of Trustees

Archivist of the United States
National Archives and Records Administration

National Document Conservation and Information Management Center

National Historical Archives and Museum
Regional Archives and Museums
Historical Records Publications Program

National Judicial Archives
Supreme Court Records Office
District Court Records Office

National Congressional Archives
Senate Records Office
House Records Office
Congressional Records Office

National Executive Archives
Regional Records Centers
National Capitol Regional Records Center(s)
Records Offices and Archives in Agencies and Departments of the Executive Branch

Figure 1
NOTES


2 Since the original preparation of this article, the National Archives and Records Administration has upgraded the legislative effort to division status and has increased the staff. Again, the Senate Historical Office must be credited with creating a framework of expectations that encouraged this development.