

Voice from the Vault

By Gregory Sanford, State Archivist

The general assembly recently passed an archival management bill that consolidates the administrative oversight of the state government's archival records under the State Archives. The bill gives, for the first time, statutory recognition to the Archives and to archival management and establishes a framework for cooperation between the Archives and Public Records.

Several municipal clerks have asked whether the bill effects municipal records. In good government fashion let me answer: no, and yes.

The records addressed by the bill are those of the state, not municipal, government. The scope of the bill is limited to archival management. Public Records will continue to oversee record management. Municipal offices will still work Public Records to schedule and, where appropriate, reformat their records. So the bill will not have a direct impact on current practice involving municipal records. Further, the bill provided no new resources and implementation will, by necessity, be slow.

That is not to say there will be no impact. By allowing Public Records to focus on record management there may be, in the long run, opportunities for enhancing the scheduling of municipal records.

More importantly, the bill creates a framework of cooperation between the Archives and Public Records. As many clerks can attest, a diffuse or unclear authority over records complicates their management (think of land records, zoning and planning records, lister records, etc.).

The new cooperative framework will allow the two programs to work together in better identification of State archival records and a better understanding of what we need to document. A common understanding of goals and record systems will allow more efficient use of limited resources and improve access through consistent terminology identifying records. Such cooperation, important for managing paper records, is essential in addressing new information technologies.

It is that cooperation that promises long term benefits for municipal records. The more the two programs can identify and implement best practices at the State level, the more, and better, models municipal governments will have to draw from. Indeed, we look forward to the participation of clerks in identifying issues and solutions.

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Smuggling Trucks

Years of experience caused the customs official to be suspicious as he reviewed the truck driver's papers. He carefully checked the truck, but found no contraband. He reluctantly waved the truck through. Over the years this ritual was repeated. The customs officer dismantled trucks, used dogs, x-rays, sonar and every other tool at his command, but could never catch the truck driver with illegal cargo. Finally, as he reached retirement, he asked the driver, "I know you have been smuggling, but have never been able to prove it. I am retiring today and promise not to tell anyone if you would just let me know what it was you were smuggling." The driver looked at him thoughtfully and finally said, "Trucks."

I thought of this story as I reviewed the number of bills before the legislature addressing recordkeeping in general and municipal records in particular. Each bill attempts to address a need, yet I am not sure any see the truck.

We know technology will change how we do business, as well as expectations about how, and what, services will be delivered. It always has (look around the office at hand written recordings, typed records, carbon copies, photocopies, card files, etc).

But do we have a clear image of where we want to go, of how our program needs will drive technology (and not the other way around)? Are we seeing the truck?

Take e-government. It is an oft-used term, but it encompasses several activities. For example, e-services are the electronic delivery of government information and programs over the Internet (this can be anything from information about location and hours to downloadable forms). E-management is the use of technology for streamlining business processes (using e-mail to send out draft minutes or using a centralized accounting system, for example). E-democracy is the use of technology to enhance citizen participation in the public decision-making process (Internet access to minutes or on-line surveys are examples). And e-commerce is the exchange of money for goods and services over the Internet (on-line paying of taxes for example).

Which of these approaches would best meet your current program needs? How should they be prioritized? What are the risks, benefits, and costs associated with each? The Center for Technology in Government in Albany, NY has addressed some of these issues and proposed various models. To learn more about their programs and models truck on over to their web site at: <http://www.ctg.albany.edu/>

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Somewhere Paul Gillies is laughing. Well, actually he was, as of this morning, laughing in his office. I know, because he was laughing at me, or, more specifically, at my increasingly desperate search for a topic for this month's Opinions. He regaled me with tales of writing an Opinions column year after year. He assured me that in his similar moments of panic, serendipity often presented a topic at the last moment.

A dialogue that emerged this morning on Muninet quickly confirmed the validity of Paul's observation. The issue was information requests, made by phone, for land record information. The responses seemed split between those clerks who do not respond to phone requests and those who do. Within the later group there was general agreement that they would only respond to requests for copies that specified a volume and page number.

The Archives confronts a similar issue as we increasingly receive requests by letter, phone, or e-mail. We try to distinguish between *record* and *reference* requests. The former are requests that specify a certain record, such as a specific act, executive order or town boundary survey. We try to respond to such record requests within twenty-four hours. If the request is extensive we provide the person with a date when the copies will be available (1 V.S.A. §316(j) and 1 V.S.A. §318).

Reference requests are trickier. In no circumstance do we respond to a reference request that involves legislative intent or other legal interpretations ("Please send me all records relating to Act # ____, " for example). Our response is similar to those clerks who cite concerns over liability; that is, are we liable if we miss records germane to a legislative intent request?

We may, after staff discussion, respond to some reference requests made by phone, etc, particularly if we anticipate similar requests in the future. We preserve such research within our reference files and therefore do not have to duplicate our work when similar requests arrive. Many of the issues we now have as "continuing issues" within our Web site were first developed in response to repeated requests for information on a particular topic (see <http://www.vermont-archives.org/governance/govern.htm>).

Distinguishing between record and reference request, while not an exact science, is a useful tool in developing consistent responses to callers.

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Information Age

We accept as a truism that we live in the “information age,” though we rarely define what we mean. Arguably we have lived in an information age since Johannes Gutenberg’s built his printing press in the 15th century. What we sense as different is the expanding volume of records and information associated with computer and communication technologies. It is not just that we are an information age, it is that we are drowning in information.

One observer has calculated that we have been collecting codified information (records) for some 2500 years. As of 1930 this base of information was doubling every thirty years. In 1970 it was doubling every seven years and, by his calculation, in 2010 it will be doubling every eleven hours.

Researchers at the University of California at Berkeley estimated that the world’s yearly production of print, film, optical and magnetic content would require approximately 1.5 billion gigabytes of storage, which equals 250 megabytes for every person on earth. Magnetic storage which includes servers and personal computers is by far the largest and fastest growing record medium. While the global growth of paper-based information is growing at a rate of 2%, that of magnetic storage is growing at 50%.

Part of that growth is attributed to what the researchers called the democratization of information. With computers and the Internet, anyone can create and transmit vast amounts of information.

How we create information changes how we receive it. Looking at 1999 data, the researchers calculated yearly media use by U.S. households. Several traditional information sources experienced declining use against other media: radio by -8% per year, magazines by -6% and books by -4%. Conversely, Internet use was growing at a rate of 2,050%.

All of which has profound consequences for those of us charged with recordkeeping. In the face of information overload it is increasingly important that we establish sufficient intellectual control over our records so citizens can find what they need (and we must better determine what those needs). Given the growth in Internet use, we have to re-think how we deliver our services and information. Recognizing the growing volume of records born digital, we have to balance digitizing existing paper records against managing and preserving digital records. And we have to find better ways to persuade our institutional leadership and the legislature to provide the necessary support so we can effectively manage our electronic records. None of that will be easy, but by working together it can be done.

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Archival Odds and Ends

Study Committee on Standards for Municipal Land Records

Section 49b of the Appropriation Act (Act No. 66) created a study committee on standards for municipal land records. The commission shall review existing practices of recording municipal land records with the purpose of modernizing the management of Vermont's municipal land records affecting title to real property. At a minimum the commission shall consider developing standards for the content and format of land records; developing standards for the indexing of land records; developing technology standards for the automation or computerization of land records; and recommending sustainable funding sources to support the modernization, automation and computerization of land records. The commission shall report to the general assembly before January 15, 2004. Bobbi Brimblecomb (Marshfield), John Cushing (Milton) and Pattie McCoy (Poultney) will represent municipal clerks on the commission.

Workshops at Fall 2003 New England Archivists meeting

The New England Archivists fall meeting will be October 17-18 in Storrs, CT. On the 17th there will be full day workshops on planning an archival facility; care and preservation of maps; caring for historical records (a basic workshop taught by Polly Darnell of the Shelburne Museum); and preserving electronic records, put on by the Society of American Archivists. As the schedule is finalized check the New England Archivists' website at <http://nils.lib.tufts.edu/newengarch/>.

Making Smart IT Choices

The Center for Technology in Government recently (March 2003) updated its report, *Making Smart IT Choices: Understanding Value and Risk in Government IT Investments*. The report notes that failure rates for IT investments can run as high as 50 to 80 percent. Working with agencies ranging from federal government departments to town governments the Center developed a guide for making IT investments. The guide offers practical steps to identify and lessen risks and on how to develop a business case statement for making technology decisions. A copy of the report can be found at: <http://www.ctg.albany.edu/themes/pubs?chapter=egov>.

The same site provides a link to another Center report, *Untangle the Web: Delivery Municipal Services through the Internet*. This guideline outlines steps for realizing the opportunities for municipal government presented by the Internet.

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Was it just forty years ago? In the early 1960s a researcher seeking a certified copy of a public record would have to wait until a staff member typed a copy; proofed the copy against the original (often with another staff member); and then certified it as a true copy (minus any signatures).

Then in the mid-1960s the Secretary of State's Office acquired its first plain paper copier. Now staff could make multiple copies, including signatures, in a matter of minutes. More recently e-mail, word processing, scanning, databases, and web presentations again changed how copies of records can be provided, while blurring the lines between originals and copies.

These changes affect how all public offices, including municipal clerks, respond to public records requests. Enhanced efficiencies in providing access and copies, however, often raise new issues for old practices.

It is often the custodian of public records who must confront these issues. For example, how public should a public record be? The "public-ness" of a public record that must be re-typed and proofed in order to be provided is different than the "public-ness" of a web-presented database or the dump of electronic files to a CD that allows the data to be manipulated for multiple applications.

Too often we must address such complex issues against statutorily-set response times for public record requests. Statutes and case law provide some guidance on what is a public, or exempt, record, what we can charge for copies, and how we must respond to record requests. Vermont courts have repeatedly asserted that the right of access to public records should be liberally construed and that the motive of person requesting the record is irrelevant.

And yet as citizens anticipate more services, government collects more personal information to deliver those services. I hear from an increasing number of record keepers and citizens concerned about identity theft, privacy, and the expanding uses of public records in electronic form. Law and case law has not always kept apace of these new realities.

The Archives recently created an overview of public records and the right to know (<http://www.vermont-archives.org/records/right-to-know/overview.html>). Designed as an aid to record creators and custodians as well as citizens, we hope it can also begin a discussion about public records.

One of the interesting findings was the growing number of exemptions to access to public records. When the general public records act was created in 1976, 1 V.S.A. §317 included 16 exemptions; it now enumerates 33. A partial review of the statutes discovered another 124 exemptions outside of §317(c). Most of those additional exemptions relate to personal privacy, from the results of HIV tests to personal information collected as part of mandated agency activities.

Perhaps it is time for a more comprehensive review of the intent and requirements of our records laws. This dialogue should not involve record curators alone. Nor should such a dialogue exclusively focus on technologies. Some questions I would like to see discussed include:

- What information are we required to collect and maintain?
- What information are we gathering beyond those requirements, why?

- What do we use for personal identifiers in databases and do any of them create larger concerns (social security numbers or dates of birth, for example)?
- What information, particularly when available in electronic form, raise privacy and security issues?
- What records do we commonly make available on-line or electronically, why?
- Can we articulate what we mean by a “right to privacy” and what it should embrace?
- Should the use of certain public records be controlled, such as voter checklists, without making them exempt?
- Does the commercial use of some public records offer economic advantages to communities that off-set any general privacy concerns?
- Do our recordkeeping practices allow us to easily identify, and redact, exempt records embedded in public records? Are there legal grounds for such redactions?
- What contractual obligations should public entities require when using private vendors to create, store or manipulate public records?

We won't all agree on the possible answers, or even whether these are the right questions. It is, however, time to seek solutions.

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Breaking the Mold

I confess that during late night rummaging through my refrigerator I occasionally unearth food with longer beards than the state archivist. Mold can be fascinating, but it usually not welcome on food or records. In recent weeks, however, I have heard from several clerks, and one librarian, who have had to deal with mold in their offices.

The Archives is currently blessed with a UVM graduate intern through a program of the Snelling Center on Government. Lois Coulter, a graduate student in Historic Preservation, has been helping the Archives update its disaster plan. I asked Lois to write up a short piece on mold and records.

The Problem of Molds in Collections, by Lois Coulter

"Molds" and "mildew" are the generic terms given to a wide variety of molds, mildew, fungi, algae, rusts and yeasts which feed on living or organic material. While dormant mold spores cause little damage, active mold colonies excrete an enzyme that breaks down the host material, weakening and altering paper and book bindings; many molds contain pigmentation that irreversibly stains paper, cloth or leather. In addition, several varieties of molds result in respiratory ailments making the presence of active mold colonies a significant health hazard.

Microscopic spores are everywhere, transmitted by air currents as well as contact with humans or animals. Once established, spores may remain dormant until environmental conditions are favorable for growth. Molds require only high humidity and warm temperatures to become active. A musty odor, the presence of stains or the appearance of a fine web of filaments or a bushy growth of almost any color indicate an outbreak of mold. The sudden appearance of mold in a collection is a signal that changes in the environment have allowed the spores to germinate.

Mold species commonly found in libraries and archives prefer the starches, gums and gelatin found in book bindings and the cellulose fibers that make up paper. "High temperatures, poor air circulation, dim light, and accumulated grime assist and accelerate the growth of mold once it has germinated, but only high relative humidity and moisture contents of the substrate can initiate and sustain mold growth."¹

¹ Managing a Mold Invasion: Guidelines for a Disaster Response, Conservation Center for Art and Historic Artifacts

In outbreaks involving less than 300 cubic feet of records, where no oxidic molds are present, enlisting outside aid is not necessary. When mold is detected, a mycologist should be consulted to determine the mold species. Some molds are highly toxic to humans and require more specialized treatment.

People with compromised immune systems, asthma and other respiratory ailments as well as diabetics, those on steroid treatments, and people with serious allergies should not be exposed to either the area where the mold outbreak occurred or to the infected items. All others should wear protective clothing and HEPA filter masks when exposed to active mold colonies.

Once an active mold colony is discovered, three actions must be taken: establish the cause of the environmental changes, isolate the infected items, and thoroughly clean and dry the affected areas. Reducing the humidity and increasing air circulation is essential to discouraging mold growth. Optimum relative humidity is below 50% with a temperature in work spaces below 70F. Discovering the source of the environmental change is also essential to preventing the further proliferation or recurrence of mold colonies. Regulating the environment to maintain a steady temperature and relative humidity is sound collection management policy.

Isolation of affected materials deters the spread of the mold. Infected items should be sealed in a plastic bag and removed to a clean area with relative humidity below 45% for decontamination. Once in a clean environment, the items should be removed from the plastic bag to discourage further mold growth. Wet or damp materials should be dried immediately or frozen until appropriate treatment options can be undertaken. All dry materials should be cleaned with a soft brush to remove remaining mold spores. Exposure to ultraviolet light will inhibit mold growth and may kill molds (sustained exposure to UV light, however, is not good for records).

The area where the mold outbreak occurred should be disinfected with a mild bleach solution. All HVAC system components in the area will require cleaning and disinfecting as well. Until the affected area is thoroughly cleaned, removed items should not be re-filed. "Spores, active or dormant, are ubiquitous. Although it is impossible to get rid of all the spores, mold growth can be controlled."²

Finally, before any new material is introduced to the collection, it should be quarantined and carefully inspected for any signs of mold or insect activity. The most important step is the careful regulation of relative humidity in the collections storage area. "Problem environmental conditions that may contribute to higher humidity levels need to be corrected. Repair leaking pipes, gutters and downspouts, cracked windows, a problem roof, deteriorated brick, masonry pointing, or cracked walls."³ Regular inspections of the HVAC systems, regular cleaning and the maintenance of good air circulation in the storage areas will help keep the area free of the media required to nourish spores.

² Emergency Salvage Of Moldy Books And Paper, Northeast Document Conservation Center

³ Mold and Mildew: Prevention of Microorganism Growth in Museum Collections, National Park Service

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Public Records Go Public

Public records certainly have been getting a lot of ink lately. National attention has been drawn to Howard Dean's gubernatorial records. Databases compiled by municipal appraisers have been subject to litigation pitting right to know arguments against privacy concerns. A legislatively-mandated study committee on municipal land records is wrestling with traditions of local control confronting the centralizing tendencies of economic and technological realities. Hearings on allowable charges for copies of public records heard from public officials about unremunerated costs of staff time, and from citizens about how staff time charges would make copies prohibitively expensive. A fire in the Winooski municipal clerk's office made us all think about disaster planning and the security of our records.

Government recordkeeping does not usually receive such attention. And that is as it should be; recordkeeping should be invisible. And yet recordkeeping does not take place in a vacuum and changes in the larger society affect the environment within which recordkeepers work.

The unusual and heavy use of gubernatorial records is obviously related to the successes of Howard Dean's campaign for the presidential nomination. Beyond the immediate impact on staff time, the use of the Archives for political, as opposed to institutional, purposes inspires a rethinking of traditional processes. What is it we want or need to document about a gubernatorial administration and what records best support that goal? How do we balance our right to know with the legal authorities a governor can exercise to protect policy development? How can we separate the intertwined realities that gubernatorial records document both individual administrations and institutional continuities that bridge administrations? And how, when news media begin to focus on the use of the records, do we protect researchers' ability to inspect records without media scrutiny?

The issues surrounding the municipal appraisal records are linked, in part, to enhanced access through new technologies. What do we mean by "public" record when public now entails the ability to share information globally through the Internet? The changing nature of "public" leads us to re-examine what information government collects, in what form, and whether privacy safeguards can be established without diminishing our right to know? For an earlier discussion of this issue see *Voice from the Vault* in the October 2003 *Opinions*.

Changing technologies and economic patterns also raise questions about cherished traditions of local control versus external centralizing forces. The study committee on municipal land records has heard strong arguments against mandates on how a municipality manages land records. It has also heard from key users of land records about how local control has created a patchwork of practices that may lead lending institutions and title insurers to withhold services from some municipalities. How can we shape recordkeeping practices so that local governments can respond to change without being overwhelmed by technological and market forces—or by new mandates? For an earlier discussion of standardization see *Voice from the Vault* in the September 2003 *Opinions*.

The information held in public records is, arguably, the most valuable resource controlled by government. Public records prove a citizen's and government's ownership of property, provide government accountability, allow for the measurement of policy decisions, and contain significant economic, environmental and demographic information. Extracting that information in response to requests for copies of public records

can be expensive, particularly in terms of staff time. Who should bear the costs? Can we rethink our recordkeeping systems to allow the better identification of records, including distinguishing between open and exempt records, to reduce the costs of responding to copy requests? However we define the issue or whatever solutions we envision, how do we effect a cultural change in an environment where recordkeeping is seen as separate from, and subservient to, service delivery?

The four hour fire rated vault in the Winooski municipal offices, by all accounts, protected the records stored within it. Yet the potential loss of electronic records because computers were not effectively backed-up raises questions for all of us charged with preserving public records. Again, this more than a technology-inspired issue. For example, recent case law and legislation has extended the range of documentation associated with maintaining marketable title to property. In many cases those (primarily zoning) records are not stored in town vaults but in the offices of the administrators. What would happen to property titles if those records were lost in a fire? But how can municipalities afford vaults adequate to the growing volume and extent of public records?

Each of these recent records-related stories raises opportunities to emphasize the importance of recordkeeping and attract support for our work. The Archives hopes to add a new section on disaster planning to its web site, while the collections care program of the Vermont Museum and Gallery Alliance is developing a cooperative emergency response program for records. The legislature may soon be taking up a wide range of record issues, providing opportunities for municipal and state recordkeepers to shape new approaches. Our time is now--let us make the most of it.

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A Record Year

Twas the night before Christmas and all through the house, photocopiers were running as candidates joust. As I write this on Christmas Eve we have, in the last two days, retrieved, copied, and re-filed over 6,000 records for research related to Howard Dean's presidential candidacy.

It is, perhaps, a fitting way to end a year in which public records have had such a prominent role in our public dialogues. In recent columns I have discussed some of the record issues that gained attention in 2003. Now, on my desk, is a final draft report of the Study Committee on Standards for Municipal Land Records. The report notes that through November, real estate sales generated \$26,633,225 in state property transfer taxes. It references a twenty-two town study by Milton Town Clerk John Cushing that found 161 volumes of land records were created (averaging 645 pages per volume) in the final five months of 2002. The average volume contained \$4,700,000 in mortgage financings and \$2,500,000 in property sales.

Acknowledging that none of these property transfers could occur without good municipal recordkeeping, the report also notes the pressures this incredible volume of recording has had on municipal records and those who use them. This volume of economic and recordkeeping activities help drive increasing demands for technological approaches to the recording and accessibility of municipal records.

The study committee's recommendations call for a more structured way to prioritize and address recordkeeping, as well as resources more commensurate to the value of economic activity supported by that recordkeeping.

The report's recommendations, combined with continuing issues of privacy, electronic recordkeeping, etc promise to bring further attention to public records in 2004. It should be an exciting year and I look forward to working with all of you.

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While most Vermonters talk of Town Meeting “Day,” municipal clerks experience town meeting season. Putting together the warning, getting the town report published and distributed, preparing ballots, including for this year’s presidential primary, and myriad other tasks consume months of clerk time so that the day runs smoothly. The success of the day can be measured by the invisibility of the clerk. The last thing clerks need is a suggestion for more work.

Let me make one anyway. Town meeting may be celebrated as democracy in action, but it is also, or could be, show time for municipal clerks and the records they manage. Few Vermonters appreciate the scope of responsibilities their clerk must perform. Fewer still understand the importance of municipal records to their lives. Lacking understanding, citizens are unaware of the issues, and costs, of complying with these responsibilities. Town meeting day is a great educational opportunity for informing local residents of those issues.

Here are a few suggestions, many drawn from conversations with clerks:

--have a display on the number of property transfers that have occurred in the last year or two, and the amount of money and economic activity dependent on the records that provide evidence of those transfers. One quick way to put together figures is to visit the Tax Department’s web site and use their town breakdown of property transfers. Go to <http://www.state.vt.us/tax/statistics/statisticspropertytransfer.htm> for statistical compilations of property transfers since 1999.

--display the number of land record volumes that have been compiled in recent years, along with the financial amounts captured in those pages. John Cushing of Milton and others have begun to compile such lists showing the growing rapidity with which land record volumes are filled (and fill vaults) and the amount of money represented by each volume.

--display a volume in need of restoration, as well as the cost of restoration. Such a display makes a conservation budget request more “real” by providing visible, tactile evidence of the condition and costs of restoration work.

--in connection with displays, pose questions to residents that highlight the importance of the records to them as a community and as individuals. For example, ask how they would sell or refinance their property if fire, theft or inadequate resources made their deeds and mortgages inaccessible.

--display minutes from early town meetings. Whatever recollections of social studies may scar our memories most people have an interest in the history their community. Displaying minutes is again a tactile link to community history, and pride.

These are a few, relatively simple suggestions for making the work of clerks more visible and understandable to residents. I am sure that many of you have other, better ideas.

Yes, this is a busy time of year. But it is also a time of opportunity, a time to celebrate all that you do.

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Some times it all seems like too much. I subscribe to professional journals and newsletters; am on several listservs (MUNINET being but one); and receive various studies, reports and fact sheets from organizations such as the National Association of Government Archives and Records Administrators and my recently discovered favorite : NAID, The National Association for Information Destruction. There is no way to keep up with all this information.

One publication I always take time for is *Archivaria*, the journal of the Association of Canadian Archivists. It unfailingly has well written articles of interest. A recent issue (Number 55, Spring 2003, okay they are running a tad behind) is no exception.

There are two articles examining whether strengthening right to know laws leads government entities to either not create records or to destroy them. Anecdotal tales suggested that this was, indeed, the case. A preliminary analysis of selected agency and department records, however, did not find any changes in record creation that could be linked to passage of new freedom of information laws.

What the study suggested was that record creation is strongly embedded in government culture. One reason is that we create records of necessity; we need them to meet legal, regulatory or administrative requirements. We need records to move processes forward and as instruments of control in an increasingly complex organizational and service delivery environment. We also create records to overcome periodic organizational disruptions, such as changing administrations or staff turnover.

Accountability plays a role, though not always linked to higher constitutional mandates. Accountability may simply be the need to protect yourself by documenting that you did what was right, even if politically inexpedient. Finally there is the very human desire to leave a lasting record, to anchor a place in history.

The good news that stronger right to know laws do not curtail record creation is tempered by other findings. Record creation may remain unchanged, but barriers to access may be raised. A government function might be transferred to the private sector, which is not governed by freedom of information requirements. Excessive costs for copies, unwarranted extensions of response time, overbroad interpretations of exemptions may be used to discourage access.

I have, alas, seen examples of all these tactics in Vermont, even if inadvertent (for example the recent MUNINET discussion on making sure contracts with IT vendors keep public records in the public domain). Too often barriers to access stem from poor record keeping rather than willful obstruction.

The articles are timely as we become uncomfortable with concerns over personal privacy and security or the enhanced accessibility associated with electronic records. We will, as the studies suggest, continue to create records. What barriers, then, will we be raising?

The articles referred to above are, Kerry Badgley, Margaret J. Dixon, and Paulette Dozois, "In Search of the Chill: Access to Information and Record-Keeping in the Government of Canada," and Ian Forsyth, "Access Law and Lost Records: A Commentary on 'In Search of the Chill.'"

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A plumber friend once explained his success as knowing three basic rules: water runs down hill; plumbers are paid well; and never put your fingers in your mouth. On February 16th, a state holiday, the Archives had rule number one confirmed when a water pipe broke on the second floor, ran down onto the first floor, and from there found a way through the re-enforced concrete ceiling of the basement vault. Only a small amount of water made its way through the ceiling, but 90 boxes were affected.

A few people called (did I detect a note of satisfaction?) to say, “And you are the guys who are always warning us about disaster planning.” Exactly the point: no one is immune from risks. That is why disaster mitigation and planning are so essential. Our test was not that we had a problem; it was how well we responded. I give us a mixed grade.

What we did right:

The alarm system worked well (though not the way we anticipated) and within minutes the Montpelier Fire Department and staff from the Archives and Buildings and General Services were at Redstone.

We knew who to call and quickly had a sufficient number of people on-site to respond to the emergency.

One group focused on the building (water shut off and repair; arranging for additional dehumidifiers, fans and a wet vac service; and covering all vault shelving with plastic tarps in the event of new leaks).

Another group tackled the records. We segregated the records into three categories: records that were wet; dry records in damp folders; and dry records/folders within wet boxes. One group line-dried wet records; one group replaced folders within even slight dampness; and a third group removed all (dry) folders from slightly wet boxes and arranged them on tables to provide precautionary air drying (to minimize the chance of mold).

Knowledge of the holdings allowed some quick assessment of the relative value of the records (no 18th or 19th century records were affected) while finding aids eased the task of re-filing and boxing the records.

Photo documentation was made for insurance purposes, lists of discarded boxes and folders were compiled (both to guide re-filing and for figuring replacement costs) and the names of those responding, and how long they stayed, were recorded.

A parallel effort was going on in the two non-Archives offices directly under the water break; it is worth noting that because of the Office back-up policy no electronic records were lost though some IT equipment was damaged.

Within six hours of the alarm the situation was stabilized.

What we need to change:

The alarm was set off when a smoke detector in the ceiling below the break was short-circuited by the water. If we relied exclusively on the vault water sensors more time would have elapsed and more damage would have occurred. We need to re-evaluate our security systems.

Too much of our response was guided by the knowledge and experience of the Archives staff and Paul Carnahan and Jackie Calder from the Vermont Historical Society (VHS). While this re-enforces the value of staff training we need more accessible and formal procedures in the event staff are unavailable. We will be developing quick check-off lists that anyone could locate and use.

We had not maintained our inventory of disaster response supplies and had run low on key items. We had to purchase additional plastic tarps and other supplies. The VHS staff brought some of their response material, underscoring the need for more formal partnerships and the off-site storage of disaster supplies.

Other, larger concerns need to be addressed. How, for example, did water leak through water-proof carpets and the cement ceiling of a four-hour rated vault? For any of you planning new facilities, our experience re-enforces arguments against putting vaults in the basement; water does, as noted, run down hill. Similarly, for communities thinking of putting vaults and offices in historic buildings (in our case a 19th Century summer residence), our experience suggests careful risk assessment of how well the building can be retrofitted for new uses (insulation, plumbing, wiring, workflow, etc).

We were lucky that our response was quick and the damage minimal. We greatly appreciate the quick and informed response of the Montpelier Fire Department, Buildings and General Services, the Vermont Historical Society, the Archives staff and volunteers Andrew and Reidun Nuquist and David Corliss. We will be particularly fortunate if our experience encourages all of us to review our disaster mitigation and response plans.

Voice from the Vault

By Gregory Sanford, State Archivist

Of Digitization, Dogs and Deities

Do you ever wonder why we do the things we do? This thought occurs to me regularly as I try to balance ancient responsibilities (preserving original acts, for example, dates back to 1782, with current statutes requiring the preservation of paper copies) with new (such as the 2004 mandate to digitize audio tapes of legislative committee hearings).

These thoughts were unleashed by dogs. In 1862 town listers had to enter dogs upon the list at the sum of one dollar; the same act allowed the killing of dogs running at large without a collar identifying the owner. An 1876 law removed dogs from the grand list, gave town clerks responsibility for licensing dogs, and allowed damages against the owners of dogs caught “worrying, maiming, or killing...sheep, lambs, fowls or other domestic animals.”

Clerks still license dogs but the rationale for such licenses has expanded to other concerns from rabies to doubts about the domesticity of wolf-hybrids. This, in turn, encapsulates changes to Vermont as we move from the concerns of a sparsely settled agricultural landscape to one that is more densely populated and residential.

All of which leads, of course, to thoughts on the role of religion in government. From litigation over use of “under God” in the pledge of allegiance to the possible embedding of the Sharia (the law system of Muslims) in the constitutions of Afghanistan and Iraq, we contemplate the balance of religious and civil commandments.

Strict segregation of religious and civic belief would have surprised Vermont’s founders. The preamble to the 1777 Constitution often seems to conflate religion and civics with its references to “the Great Governor of the Universe.”

Some early Vermont statutes were derived from biblical law. The punishment of inflicting 39 stripes upon the naked back of various criminal offenders, for example, is drawn from Deuteronomy 25:2-3, which states that “when a guilty man deserves to be beaten the judge shall make him lie down and have him flogged in his presence with the number of lashes he deserves, but he must not give him more than forty lashes. If he is flogged more than that, your brother will be degraded in your eyes.”

Municipal records also give evidence of the commingling of religious and civil belief. Within towns different sects competed for the economic and religious benefits of having the first settled minister and residents debated tax obligations to support a minister or church of a different sect (a 1783 law required a certificate from a minister of your denomination to gain an exemption from the tax).

Civil support of one denomination over another inspired hard fought battles. In a few cases irreconcilable differences led to divisions of a town; West Windsor, for example, broke away from Windsor along parish lines.

Discomfort with state and town support for religion found early expression within our public dialogues. In 1809 Samuel Williams of Rutland captured these tensions in his history of Vermont: “It is not barely *toleration*, but *equality*, which the people aim at. Toleration implies either a power or a right of one party, to bear with the other; and seems to suppose, that the governing party are in possession of the truth, and that all others are full of errors. Such toleration is the most that can be obtained by the minority, in any nation, where

the majority assume the right and the power to bind society, by established laws and forms of religion. The body of people in this commonwealth, carry their ideas of religious liberty much further than this...all denominations shall enjoy equal liberty, without any legal distinction or preeminence whatever.”

Williams, of course, did not have the last word and every generation of Vermonters has sought that elusive balance between toleration and equality.

All this may seem a bit much for an *Opinions* piece, but over the years I have tried to convince Vermont educators to use their state and municipal archives to teach the larger issues of society. To me there is a value in letting students understand that such issues can be traced through the history of their own communities; that history is not something that happened somewhere else to someone else.

But there is another, more personal reason for such contemplations. I think it important to occasionally step back from the unending parade of deadlines and expanding responsibilities. Yes, there are dogs to license, an upcoming election to run, and tapes to digitize. But sometimes if you stand in the stillness of your vault you may be fortunate to hear the faint strains, some joyful, some cacophonous, of two centuries of self-government.

Voice from the Vault

By Gregory Sanford, State Archivist

The Other Side of the Table

Yesterday was my birthday. Another milestone in my late youth (a designation arrived at by dividing chronology by maturity), I marked it by spending the morning researching in municipal records. This may seem a rather staid way of celebrating, but it was the perfect gift.

I confess I have done little research in municipal records; indeed, I do little research nowadays except in responding to requests for information. So it was a joy to hunker down with volumes of land records and minutes in search of Jerusalem, a religious community thought to exist between Lord's and Devil's hills in the early 19th Century. My pleasure was enhanced by having Paul Gillies serve as my guide through the records.

Armed with local memories, a few names, and the location of some cellar holes, we worked our way patiently back through time. As it rained outside the present slowly dissolved as we moved from volume to volume tracing changing land use and ownership patterns. Some promising leads petered out, others emerged. The handwriting, some legible, some a challenge, changed as clerks came and went. The depth of description went from detailed boundary descriptions to the vague recordings of the late 19th Century, to the pre-1850 practice of referencing original lots.

In the end a documented community eluded us. The names we had appeared briefly during the first decade of the 1800s as landowners and town officers, but their property was not where Jerusalem was believed located. After a son's term as hayward, all mention of that family ended. Instead we got caught up in the intense land speculation of another family, father and son, who bought, sold and leased property throughout the town during the 19th Century. Their ownership of the Jerusalem area persisted through that time.

As an archivist, there is a value in occasionally sitting on the other side of the research table. My appreciation of how well the town is served by our clerk was greatly enhanced; the volumes were well conserved and the records complete and orderly. So was my appreciation of the unique vantage point municipal records provide on the history of communities. Though, in this case, the records were silent on the information I sought, the experience reminded me of complex interplay of record, memory and landscape that make up our sense of community. There is, among the older members of the community, a strong memory of Jerusalem. Details of that memory, passed from grandparent to parent to child, embrace an isolated religious community, perhaps squatters upon the land. There remain community memories of an outbreak of bubonic plague and of graves marked by stones arranged in patterns designed to halt the spread of the disease.

These personal memories are anchored in the cemeteries and cellar holes, though the exact location of each resides in the fragile memories of older residents. The landscape also offers clues, from the wonderful juxtaposition of Lord's Hill, Devil's Hill and Jerusalem to other local landmarks such as Debby's Hill and Debby's Spring, named after one of the purported community members. The records helped confirm some of these names, including references to the Jerusalem Pasture.

The records offered glimpses of local economies with their reference to pasture land, sawmills, sugaring equipment and old roads. They also revealed a surprisingly high level of land speculation, at least among the members of one family, for over a century.

The experience even provided useful context to current discussions over scanning and electronic records. In some cases faded ink and crabbed handwriting will be a challenge to scanning. The thought that, at some future point, I might be able to access the records from home, rather than taking a day off, certainly had an appeal. And yet, if that day comes, something will be lost. That tactile sense of holding records, of holding history, and having a direct connection to the long forgotten town officers who created the records will be lost. So will the camaraderie of the clerk's office and the ability to ask questions of those most familiar with the records.

And so, even though Jerusalem remained elusive, it was a wonderful day. To my town clerk in particular, and to all clerks in general, thank you for all you do and for helping a man, in the fullness of late youth, enjoy his birthday

Voice from the Vault

By Gregory Sanford, State Archivist

Making the Best of a Sticky Situation

Among the things that fascinate me is the unintended consequences of technological innovation. A case in point is in the now ubiquitous Post-it note. In 1968 a 3M research scientist, looking for ways to improve on the company's acrylate adhesives, discovered an adhesive that worked well with paper, but not tape. Various applications were suggested, such as use on bulletin boards. It was not, however, until another 3M researcher began to use the new adhesive on scraps of paper to mark pages in his church choir hymnal that a marketable application was discovered. In 1980 3M introduced the Post-it note, which became an immediate success.

Like most technological innovations for the office, Post-it notes had a variety of consequences for recordkeeping. Since a small amount of the adhesive remained on the paper, once the Post-it note was pulled off, conservation concerns were raised. More importantly, while a Post-it note might contain substantive information about a document (for example, a supervisor's approval to release a draft), it is easy to remove.

These thoughts emerged as I reviewed the actions of the 2004 legislative session. Recordkeeping, linked to new technologies, once again figured prominently. Two legislative directives involve the state archives and municipal records. The first is "electronic document storage; pilot project" in Section 9 of the capital construction act. The other is the "land records commission" created in Section 78 of the appropriation act.

Both relate to technology. The first calls on buildings and general services, in consultation with municipal clerks, the state archives and others, to "develop and implement a pilot project designed to create a coordinated municipal filing system" including the "conversion of paper documents to electronic format, which conversion shall be designed to ensure compatibility with any state electronic document storage system that may be developed in the future." Five municipalities, including Colchester, will serve as test sites. A report on the implementation of the project, along with recommendations, must be submitted to the general assembly by January 15, 2005.

The second directive creates a municipal land record commission charged with proposing "standards for formatting, filing, recording and preserving municipal land records;" a uniform municipal land record indexing system; "continuing education requirements for municipal officials;" and a system for financing "all facets of municipal land records management on a sustainable basis." In addition the commission is to analyze "the prerequisites for a municipality to digitize its land records" and examine "the related administrative and public policy issues," including privacy. The commission, to be convened by the state archivist no later than November 2004, must report to the general assembly by January 15, 2006.

Like Post-it notes, these technology-driven mandates create a sticky situation with non-technological consequences for recordkeeping. Clearly, given overlapping responsibilities under different timelines, coordination of effort is essential

My hope is that we step back from the technologies involved and articulate what recordkeeping goals should be achieved through these projects (and what unintended consequences we need to avoid). Some areas for discussion include:

1. While there is deep-seated unease about standards (see my September 2003 column), both acts envision standards-based compatibilities across individual offices (including compatibility with an as-yet-established

state “document storage system.” For better or worse, the question is no longer how you feel about standards, but which standards do we need to implement effective recordkeeping?

2. What goals do you want to achieve? The pilot scanning project is based, in part, on a goal of reducing the need for new municipal vault space (it requires the commissioner of buildings and general services, in consultation with the state archivist, to “arrange for the state to provide temporary paper document storage” for the participating municipalities). At first read this appears to be a questionable goal. Simply switching the costs of vault space from municipalities to the state neither addresses the cost issue nor the forces driving the growing volume of records. Scanning, for example, does not eliminate local storage costs and instead requires sustained budgets for training, upgrades of rapidly changing technologies, etc. (some studies suggest that 40% or more of the original technology acquisition costs must be annually budgeted to meet the special needs of preserving electronic records).

So what goals do you see as essential, and how can we best achieve them? Equally important, what services do our users want, in what form?

3. What, if any, impacts will digital records have on traditional legal definitions of “public record,” access, and actual cost for copies? This discussion is already underway, but what precisely are the qualitative differences between a paper-based public record and electronic public records that can be widely distributed? How do we address those differences without diminishing a citizen’s right to know?

These are but a few of the questions we must discuss in the coming months. I will keep you informed and I encourage you to participate so that our needs as recordkeepers and the needs of the publics we serve drive the process. Technology can allow us to do a host of things; the real question is what do we need it to do?

Voice from the Vault

By Gregory Sanford, State Archivist

Insuring Title, Assuring Access: How Commercial Interests Shape Our Right to Know

We celebrate the public's right to know about government as a cornerstone of our democracy. Our current concepts of the right to know, however, are significantly different than what earlier generations understood and practiced.

18th Century American governments borrowed the idea of "parliamentary privacy" from Great Britain. The idea evolved from concerns that public access to parliamentary deliberations restricted the free exchange of ideas among members. In particular, as Parliament sought to wrest powers from the monarchy, the members feared that the king could charge them with treason for speaking out against the Crown.

The American revolutionaries applied this concept to their own legislative bodies. This explains, in part, why no minutes were kept of the constitutional convention of 1777 that created Vermont. Later the U.S. constitutional convention also prohibited the keeping of minutes, a prohibition that James Madison thankfully ignored. Madison's personal notes are the primary source for knowing what went on at the convention. Even the deliberations of the U.S. Senate, when it was first created, were viewed as outside a public right to know. By the early 1800s, however, parliamentary privacy lost ground and legislative deliberations became open, usually in concert with the ratification of constitutional amendments protecting legislative speech.

A second concept limiting the right to know persisted until the late 19th and early 20th centuries. This was the common-law tradition restricting access to public records to those with a direct and tangible interest in the records. Vermont took a leading role in moving away from this tradition. In 1906, in *Clement v. Graham*, the Vermont Supreme Court ruled that a private citizen, Percival Clement of Rutland, had the right to inspect the records of the state auditor's office, though he had no direct and tangible interest in any of the records. The court held there was a broader interest; that of a citizen's right to review the transactions of government. Clement's hostility to the elected state officials (he had run for governor in 1902 as a renegade Republican) was not a barrier to his right of access.

The main assault on the common-law tradition, however, took place in the courts of other states and centered on an issue that is familiar to us today. Did commercial interests have a right of access to land records, even if they did not have a direct and tangible interest in the property? Challenged by title insurance companies, the old common law tradition requiring a direct interest gave way. Beneath the litigation were economic changes that transformed the view of land as a patrimony to one that viewed land as a commodity. This, in turn was linked to the declining number of farms, changing urban/rural demographics, and an increase in the buying and selling of land. The increase in land transactions overwhelmed custodians of deeds, who could not keep pace with the change.

In a recent article in *The American Archivist*, Dwayne Cox examined state case law from 1874 to 1918 involving the title companies' struggle to gain access to the records of registrars of deed.¹ The case law covered a variety of issues as title companies sought to have hired staff working in the registrar's office, tried to create

¹ Dwayne Cox, "Title Company v. County Recorder: A Case Study in Open Records Litigation, 1874-1918," *The American Archivist*, Spring/Summer 2004, Vol. 67, No. 1.

complete abstracts to all title records, and even sought rent-free space for doing the work. Registrars responded not only by pointing to the common-law tradition of direct interest, but also by noting the potential harm to the documents, the disruption of business, and the loss of fees if a parallel set of records was created by commercial interests. As Cox notes, “Many of the open records issues faced by late nineteenth- and early twentieth-century custodians of public records sound familiar... How can custodians of public records balance the demands of access and the need for security? When should they establish fee-for-service operations? To what extent can researchers legitimately circumvent these fees? When does an individual’s right to privacy supersede the public’s right to know?”²

In many of the states a similar pattern emerged. A title company would bring suit after being denied access; the state supreme court would uphold the direct interest doctrine; the legislature would be lobbied to amend the access statutes; and the courts would subsequently uphold those new laws. By the end of the period studied by Cox the requirement for a direct interest was dead.

Today we see many of the same conditions leading to similar challenges and questions. The number of Vermont farms continues to decline, land is becoming even more of a commodity as demographics, sprawl and recreation change use patterns, and municipal offices are inundated with proliferating land records. Added to the mix are new technologies that raise basic questions about how public, public records should be as well as about the costs of providing copies. This recent legislative session saw a variety of bills introduced addressing these issues, while Vermont courts have recently ruled on a number of issues relating to access to electronic versions of the grand list.

The right to know is constantly evolving. What needs further study is how commercial interests have helped shape Vermont’s changing view of access to public records.

² Ibid., page 56.

Voice from the Vault

By Gregory Sanford, State Archivist

No Whine Before Its Time

I may have mentioned (whined about?) the range of legislatively-mandated projects that the Archives is currently engaged in. Well, as they say, “no whine before its time,” so let me forego the pleasuring of kvetching and instead summarize the status of some of these projects and some of the issues they raise.

Municipal scanning pilot projects. This project was established by the capital construction bill (Act 121, Section 9). The project participants have met twice. They decided to focus on scanning records that have to be kept ten years or less since the recently created Municipal Land Records Commission is charged with examining permanent records in an electronic environment (see below). The goal of the pilot projects is to identify technical scanning standards, offer model requests for proposals, and then test these standards and models on records within the five participating municipalities. The group has to report to the legislature by January 15, 2005. Commissioner Tom Torti of Buildings and General Services is the chair of the group.

Municipal Land Records Commission. This project was established by the appropriations act (Act 122, Sections 78a through 78e). The commission was given a range of responsibilities including standards for digitizing land records. The Governor hopes to have all members of the commission appointed by early August. The commission must report to the legislature by January 15, 2006. There is no chair yet, but I am to convene the first meeting.

Records law/privacy study. Act 158 mandated that the Legislative Council conduct a “study of public records law, technological advances, and associated privacy concerns.” No report date was included, though the act sunsets on June 30, 2005. This law temporarily exempts from disclosure social security numbers that may appear in certain municipal tax records. There is a separate study, created by Act 155 (identity theft), that will look at the use of social security numbers in general. There has been one public meeting so far at which general concerns were discussed and some specific topics were recommended for study. Mike O’Grady of the Legislative Council is the chair of the study.

The Archives is also working on projects involving early court records and digitizing legislative committee tapes dating back to 1985. Though these are somewhat disparate projects there are certain common threads woven through them. One is how to keep the focus on records and recognize technology as a recordkeeping tool. For example, while it is true that electronic record and communication systems can create greater access, with a concomitant rise in privacy concerns, the core issues remain defining what is a public record, making sure that any personal information collected by governments is essential to the purpose for which it was

collected, and understanding the public or operational goals in making information broadly available in electronic form or otherwise. These are primarily record, not technology, questions though our answers should shape system design when implementing technology projects.

Another thread is the costs of not managing records. As we examine pre-1845 court records, for example, it has become clear that there is no existing guide to what records are where or, once located, how to find specific cases.

This creates a Catch-22 that complicates developing adequate resources. Since it is extremely difficult to access older court records they are under-utilized. Lack of use detracts from the importance of the records, making competition for limited resources difficult, further contributing to neglect and under use. This also raises difficult choices for each project about balancing retrospectively addressing the consequences of neglect, and prospectively avoiding the duplication of inadequate recordkeeping.

Projects involving public records on audiotape illustrate many levels of the problem. Tape recordings were an early example of using a technology to enhance recordkeeping. Minute taking, however, often declined once tape recorders were used since the tapes captured all conversation. Frequently even basic indexing, such as using the rotation counter to identify when a particular speaker or issue was being recorded, was ignored, complicating access and discouraging use. Like computer-based records, tapes are dependent on changing technologies in order to be accessed. Yet few sustainable management plans were in place; no migration occurred when cassettes replaced reel to reel players; back-ups were not consistently made; tapes were not periodically refreshed (copied to new tapes) and began to suffer bleed through, stretching, and a host of other threats. Retrospective efforts to digitize analog tapes turns out to be very expensive, in part because the transfer can only take place in real time (it takes one hour to transfer a one hour tape to digital form); when, as in the case of legislative tapes, there is a backlog of over 40,000 hours of tape, the costs are overwhelming. The implementation of digital recordings of public hearings appears to be duplicating past problems (lack of sustainable management plans, for example).

For all the disheartening aspects of these projects, this is a time of tremendous opportunity for recordkeepers. These projects, by developing baseline information and providing concrete illustrations of the consequence of poor recordkeeping, are providing us with tools for giving effective voice to our concerns. The opportunity is there to improve recordkeeping; it is up to us to take advantage of it.

Voice from the Vault

By Gregory Sanford, State Archivist

A Primary Debate: How Would You Vote?

Archives perform numerous functions. One role is to provide context to our decisions, actions and dialogues. Context also provides a tool for measuring the consequences of our decisions. This archival role was recently used by Nancy Remsen of the Burlington Free Press (“Vt. primaries feature few races,” Free Press, August 3, 2004, Section B). Ms. Remsen counted, among Vermont’s three parties eligible to hold primaries this year, only a dozen contests to select candidates for eight statewide offices, 30 senate seats in 13 senate districts, and 150 seats in 110 House districts.

While her story focused on the current paucity of choices, as well as the costs of holding primaries, she directed readers to the Archives website for the legislative debate over creating a primary in 1914 (<http://vermont-archives.org/governance/Primary/direct.htm>) and the results of statewide primaries since 1916, exclusive of presidential primaries (<http://vermont-archives.org/govinfo/elect/prindex.htm>).

As you prepare for the September 14th primary it might be fun to revisit some of the key 1914 arguments over whether to create a primary or stick with the party caucus system. The Legislative Reference Bureau, a precursor to today’s Legislative Council, summarized those arguments in a January 1914 report to the general assembly.

One of the key debates was whether a direct primary would unduly advantage larger municipalities in selecting candidates (small towns benefited under the caucus system). Supporters of the primary argued that the “direct primary does not weaken the power of the small town. It strengthens the power of the individual voter...” Opponents responded that larger municipalities would dominate candidate selection: “At a nomination by direct vote of the people the vote for Chittenden County would be practically dominated by Burlington and Winooski...and similar domination by the large towns would be the result throughout the state. The vote of Essex County would be more than balanced by the vote of either Bennington, Brattleboro, or St. Johnsbury.”

Ironically, given the limited number of contested races, caucus proponents thought that, “there are so many candidates at the primary that the voter cannot vote intelligently on any but the most important officers.” So what, replied primary supporters, “primaries enlarge the field of public service by increasing the range of men [this was prior to women suffrage] who can have hope of getting into office. And it is not a fact that voters...are so unintelligent as to be unable to choose their officers.”

Somewhat inconsistently caucus supporters also argued that the primary would limit the pool of candidates because the “willingness...of adequate men to serve the public in office is rare enough” and would be further tested by having to “undergo one protracted and necessarily expensive campaign of personalities for the right to under go another protracted and expensive campaign” in the general election. This was “more than can be expected normally except from those at once very rich and very patriotic.” Bah, said the primary forces, “unless a man has interest enough in a governmental office to work to get it, he isn’t the man we want in that office.” They pointed to the 1902 Republican caucus contest that was very expensive and tainted with charges of bribery.

Speaking of expenses, primary supporters asserted that “a primary law properly guarded by requiring publicity [disclosure] and limitation of campaign expenses would make clear to everyone just how much money was spent, and that in itself would cure the extensive and improper use of money.” Jeezum, returned the caucus

fans, “no law can be framed which will adequately limit the expenditures of candidates” and “there are many indirect ways of spending money” that have “been found impossible to reach by publicity laws.”

Nancy Remsen’s article noted that it will cost the State \$120,000 to print and distribute three sets of primary ballots this year. In 1914 the caucus forces decried the fact that State expenses would be doubled by having to print primary as well as general election ballots. “It is quite proper that the state should bear the expense of candidacy,” replied the primary defenders. After all, having the State bear the cost undid “one of the principle evils of the convention system” which was “that the candidate must pay his own expenses or allow them to be paid by some interests under obligation to who he will thereby be placed.”

Back and forth the two sides debated. Finally, after several legislative votes and a couple of statewide referenda the direct primary was adopted. The record of that debate, which I hope you will visit, provides a measure to see how each side’s arguments played out over the years. And that is why archival records can be useful in understanding such basic democratic responsibilities as selecting candidates.

Voice from the Vault

By Gregory Sanford, State Archivist

Historical Records Go To School

Why, the student wanted to know, could he serve in Afghanistan or Iraq, but not be served in Vermont?

“Then what?” another student asked, wondering about women’s participation in politics following passage of the 19th amendment.

What were people in our town like in 1800, asked a school class.

These students are part of on-going efforts to incorporate local history, and local records, into school curricula. Use of historical records in the classroom not only makes history come alive (history didn’t always happen somewhere else to someone else), but also encourages critical thinking beyond what textbooks can provide. How to locate, and interpret, historical records allows a student to participate in learning rather than merely memorizing pre-selected facts and interpretation. Using historical records can also open discussions on the nature of citizenship, or the nature of civic discourse, or on what it means to be a Vermonter or a member of your community.

The Vermont Historical Records Advisory Board (VHRAB) will be highlighting and promoting the use of historical records as teaching tools through Vermont Archives Week (November 7-13). VHRAB welcomes stories on the use of local records in your schools; please send the stories to me at gsanford@sec.state.vt.us or give me a call at 828-2369.

Several students recently contacted the Archives about the drinking age (in the interest of full disclosure, one of those students is my 13 year old daughter). One, a jazz student, became interested when he was unable to see several acts during the Burlington Jazz Festival because they were held in bars and he was under-aged. He felt this was a barrier to his education since he believes live performances are an essential part of learning. Other students became interested as the result of current events and their awareness that 18 to 20 year olds could serve in the military, and possibly be put in harm’s way, yet could not be served alcohol in Vermont.

They looked at committee minutes from 1973 that discussed lowering Vermont’s voting age and age of majority; they read Governor Richard Snelling’s two veto messages of bills that would have raised the drinking age in the 1982 and 1983; and they examined the arguments for raising the drinking age in Governor Madeleine Kunin’s records, including statistics on alcohol-related automobile fatalities. Interpreting the statistics, they discovered that while, based on number of miles driven, 18 to 20 year olds were the mostly likely to be involved in such accidents, overall it was the 21 to 25 year old bracket that had the highest number of alcohol-related fatalities (and that the problem persisted across all age groups).

In looking at Governor Snelling’s vetoes, they were exposed to his concern that you could not create two classes of citizens, based solely on age, and that education, enforcement and treatment were better ways to address the problem across all age groups. Underneath that lurked the questions of what is a citizen; what are the distinctions between rights, obligations and privileges; and whether removing any of those rights and privileges changed the nature of citizenship.

The student looking at women in politics was not content with the normal brief notice that women gained the right to vote in state and national elections in 1920 and that Edna Beard was the first women elected to the Vermont House (1920) and Senate (1922). He discovered that the male legislators were initially reluctant to be Ms. Beard’s seatmate and that the first bill she introduced became a law raising the level of assistance to

women with children whose husbands were incapacitated by catastrophic illness. He is now looking at what committees women served on, what leadership positions they held, and what bills they introduced in the 1921 to 1941 period.

I am just learning about other efforts involving the use of historical records in the classroom since they involve municipal, rather than state, records. In Woodstock, for example, students are using probate records to examine what town residents were like in 1800. These efforts, as I am learning, are taking place in everything from third grades through high school. There are several organizations, like the Vermont Alliance for the Social Studies (<http://www.vermontsocialstudies.org/>); the Flow of History (<http://www.flowofhistory.org/>); and Vermont Community Works (<http://www.vermontcommunityworks.org/>) that are encouraging teachers to use historical records through workshops and the posting of models and other resources.

Again, as VHRAB prepares for Vermont Archives Week we would love to hear from any of you who are working with your local schools to provide historical records for the classroom.

Voice from the Vault

By Gregory Sanford, State Archivist

I am writing this month's column as the Red Sox Nation awaits within a victory of winning the World Series, agonizing over the gulf between expectation and experience. News media are scurrying about in search of aged citizens who may have a living memory of the last Red Sox Series victory in 1918. Down in the vault, the Vermont of 1918 quietly persists.

In 1915 Vermont switched the date of its general election from September to November and the convening of government from October to January. Since the legislature only met every other year, the legislature had adjourned back in 1917 and did not meet in 1918. Horace Graham of Craftsbury, the long serving auditor of accounts, occupied the governor's chair. In his inaugural he had celebrated the new law that required state officers to maintain year round offices in Montpelier, a practice he had begun as auditor in 1902.

He also expressed satisfaction with Vermont's new (1915) workmen's compensation laws. Of the 7,781 workmen's comp cases that had come before the Industrial Accident Board between July 1915 and January 1917, all but two had been resolved. This, Graham noted, saved "thousands of dollars to both employer and employee, which otherwise would have been spent in litigation." He further opined that, "as the cost of insurance is based upon the extent to which the workman is exposed to danger, it will be seen that it is for the financial interest of the employer to safeguard his workmen as best he may."

With the United State's entry into World War I on April 6, 1917 Governor Graham marshaled Vermont's bureaucracy and resources to support the war effort. War measures ranged from laws protecting Vermont's public utilities and buildings from sabotage to adoption of the new federal daylight savings time.

Following President Woodrow Wilson's directive to root out any opposition to the war a Vermont branch of the American Protective League was established, in the words of the official state history of the war, "to secure information about the activities of certain civilians." One Vermonter caught up in suspicions of anti-American sentiment was the Rev. Frazier Metzger of Randolph, the 1912 Bull Moose Progressive gubernatorial candidate. The federal government considered Metzger a German spy. When handed the written accusations against Metzger, Governor Graham simply wrote on the paper, "This is a damned lie." Metzger was removed from the blacklist.

The war moved the World Series up to September, after a shortened season, since many ballplayers faced the military draft. Despite batting a collective .186 the Red Sox took the Series in six games. If the Series had been not been moved up it might not have been played because the Spanish Influenza Pandemic of 1918 exploded in October. The pandemic had actually emerged earlier, primarily among military personnel who had been packed into training camps and transports. News of the outbreak was slow to emerge because of government censorship of anything threatening national morale.

The influenza first appeared in Kansas. Public reports of this highly fatal flu, however, first emerged from Spain. A non-combatant, Spain did not censor news and publicized the arrival of the flu upon its shores. Consequently the pandemic was known as the "Spanish" Influenza.

An estimated 100 million people died worldwide from the flu, most in the last few months of 1918. Vermont was not immune and there were 44,000 reported cases of flu (out of a state population of just over 330,000);

numerous cases went unreported. From September through December 1918 a reported 1,772 Vermonters died of the flu. On September 27th, the Vermont Board of Health, at the urging of Governor Graham, gave local health officers the authority to order “churches and schools and all places of public entertainment to be closed and [to] forbid and prevent the assembling of people in any place...”

Vermonters in the military suffered even more. Colonel Ernest W. Gibson, Sr., commander of the Fifty-seventh Vermont, reported on how the flu ravaged his men aboard the troopship *Leviathan*: “The ship was packed...[C]onditions were such that the influenza could breed and multiply with extraordinary swiftness...The conditions during the night cannot be visualized by anyone who had not actually seen them...[G]roans and cries of the terrified added to the confusion of the applicants clamoring for treatment and altogether a true inferno reigned supreme.”

The war ended in November and the flu quickly abated during January-February 1919. Governor Graham, known as “Honest Horace” for his years as auditor, was widely celebrated for his role in organizing Vermont’s war effort, protecting its citizens from the excesses of unfettered patriotism, and acting quickly in the face of the flu. And yet 1918 did not end well for the Governor. His previous efforts to modernize the auditor’s office unearthed evidence that he had inappropriately used state funds while auditor. In early 1919 he was convicted of malfeasance, but immediately pardoned by Governor Percival Clement, who cited Graham’s many contributions to the war effort.

And so, the last time the Red Sox won the Series the Vermont landscape was marred by war, pestilence, eroded civil liberties and political corruption. It would be the height of churlishness, as the Sox stand poised to win the Series, to suggest we take a moment to thank the NY Yankees who have for so long served as a bulwark against a repeat of 1918. And so, with good will to friends, let me say “Go Sox” and mouth that most unfamiliar of phrases, “wait ‘til next year.”

Voice from the Vault

By Gregory Sanford, State Archivist

Notes From The Cutting Room Floor

Last Friday (November 19th) it was my privilege to address the new legislators as part of their orientation. As in the past, I wove context for current events from odds and ends I culled from our records. To do so I randomly reviewed records and legislative journals in ten year increments dating back from 2005, selecting whatever struck my fancy. I confess this is fun since it is one of the all too rare occasions when I actually get to use, rather than manage, public records.

Even spot checking left me with more material than I could use in a brief presentation. For this month's column I rescued some unused material from the cutting room floor.

Joint Resolution No. 62 of 1955 railed against the sale and distribution of crime comic books to juveniles. Noting that nationally ninety million comics were published and read each month, the legislature decried this "invitation to illiteracy" that created "an atmosphere of cruelty and deceit, suggest[ed] criminal or sexually abnormal ideas, create[d] a readiness to temptation" and encouraged "a delinquent impulse...by supplying details of technique." The legislators called on all agencies to "stem this tide of objectionable reading material" that was causing "increasingly deep concern among numerous religious leaders and civic groups in our State." I was going to weave this into our current fascination with whether any political party has a particular claim upon "moral values," but I found it all too depressing. In the interests of full disclosure, I confess that in my youth I was an inveterate comic book reader. I will leave it to the reader to decide whether my becoming an archivist is a sign of comic book-induced depravity.

Even randomly jumping around in ten year increments, it was easy to espy themes. Act No. 209 of 1915 required owners of businesses "where women or girls are employed as clerks, or help therein," to "provide chairs, stools, or other contrivances for the comfortable use of such female employees for the preservation of their health." In 1955 Act No. 123 required business owners to keep, and make public, overtime hours worked by women and children. That labor laws often singled out women, and frequently lumped them with children in devising special protections, speaks volumes about perceptions of women in the workforce..

Gun control also emerged as a theme. Act No. 102 of 1955 established a \$20 fine for anyone bringing a firearm onto school property. The act made an allowance for schools that taught hunter and firearm safety, a program the legislature encouraged. Ten years later the legislature asked Vermont's congressional delegation to oppose a proposal to restrict the sale of firearms through mail orders (Joint Resolution 50 of 1965). In 1995, in the wake of horrific school shootings, the law was amended to require the expulsion of any student who brought a firearm to school.

One theme in particular caught my attention. In 1805 the general assembly chided former secretary of state Roswell Hopkins for his failure "to deliver to his successor...the journals of the proceedings of the Legislature for ten successive years." In 1915 Act No. 322 directed the auditor to rent typewriters for use by the clerk of the house, at a cost of \$25.75. Joint Resolution 34 of 1955 authorized the sergeant at arms to purchase for the senate "three 4-drawer metal filing cabinets to replace the broken wooden cabinets now in said office..." In 1995 the House Government Operations began an extensive study of the impact of technology on our public records laws. The bill they worked on, H. 780, did not get to the senate until late in the adjourned session and only that part of it addressing the actual cost of providing copies of public records survived, along with an expansion of the public record definition in 1 V.S.A. §317 to cover electronic records.

The 2005 legislature will be reviewing a report on the public records, privacy, and information technology, mandated during this year's session.

In actions large and small, public records permeate our legislative deliberations. The 1805 act highlighted a problem that persists; how to assure the orderly management of records from one administration to the next. New office technologies, such as the typewriter and the filing cabinet, constantly change how we create, store, and retrieve public records. The typewriter, for example, created uniformly legible documents and, when combined with carbon paper, allowed for the simultaneous creation of multiple copies. The filing cabinet, which like the typewriter emerged in the late 19th century, changed how records were indexed and filed (for a fascinating look at the impact of these office technologies, read John Seely Brown and Paul Duguid's, *The Social Life of Information*). That the senate was belatedly replacing "broken wooden cabinets" is a sad reminder of how difficult it is to muster support for adequate storage space for records, whether filing cabinets, vaults or servers.

The 1995-96 struggle to define and manage public records in the computer age underscores the complexity of issues surrounding records. That another ten years elapsed before another comprehensive attempt was made to address public records in the computer age not only suggests the complexity of the issues, but also the difficulties in mustering the political will to tackle the problem. After all, at their core, public record issues touch the very heart of our governmental principles, from accountability to privacy (which, from my personal perspective, are too often seen as competing, rather than complementary, principles). We can anticipate that once again, public record issues will emerge in the 2005 session. Are we prepared?

Voice from the Vault

By Gregory Sanford, State Archivist

A Two-Faced Opinion

I hate to start the year by casting aspersions, but let's face it: January is a two-faced. Of course, what can you expect from a month named after Janus the Roman god of gates and doors (ianua). Janus is represented as having two faces, looking in opposing directions. Janus was one of the original multi-taskers, celebrated at times of planting, harvest, marriage, birth and other important events marking beginnings. He was also associated with transitions between primitive times and civilization, between the countryside and the city, and between peace and war.

Given all this, it is understandable if we start of the calendar year, and the beginning of a new biennium, with one eye on the rearview mirror and the other on the road ahead. Indeed, if there has been a archival theme of late it how inextricably bound the retrospective has become with the prospective.

As 2004 began we were still an outpost of presidential politics, our limited resources stretched by opposition, and defensive, research. While the research expired, with Governor Dean's campaign, with the New Hampshire primary, litigation over the scope and practice of executive privilege continues. Remaining to be examined are questions about the institutional and cultural purposes for preserving gubernatorial records and, by extension, which records best support those purposes. In an environment of opposition research and gotcha journalism, can we define accountability in a way that has meaning to us as citizens and government officials? When current applications of "accountability" are rife with negative connotations to public officials, how can we accentuate the positives of good recordkeeping in order to gain sustained institutional support?

We observed President's Day by recovering water-damaged documents, the result of a burst water pipe. Our response was successful with a considerable and much appreciated assist from Vermont Historical Society staff and other volunteers. Prospectively, we began updating our disaster response plan and renewing our long-frustrated efforts to achieve a new archives facility that could not only mitigate risks, but also provide the space necessary to effectively manage an archival program.

Concern for municipal record facilities contributed to a legislative appropriation of \$50,000 to implement pilot scanning projects in five municipalities. The municipalities have been selected (Berlin, Brandon, Colchester, Hartford and Richford); specifications for proposals were developed; three vendors were selected; and the three month long pilot projects will commence in January. In coming months I will provide updates on progress. One product required by the appropriation, draft legislation for digital municipal records, will not be accomplished by the January 15th deadline since we need to evaluate the experience once the pilots are complete and because the legislature created a municipal land records commission with overlapping responsibilities.

The municipal land records commission, which received a \$30,000 appropriation, developed a plan of action with an assist from the Department of Information and Innovation and has broken into sub-groups looking at everything from uniform best practices to educational needs. The commission also participated in vendor demonstrations held as part of the pilot scanning project. Its report, including draft legislation, is due January 15, 2006.

The commission is chaired by Tanya Marshall, who is also working at the Archives on a pre-1845 court records project. That project quickly discovered that no one really knew what court records (of any date) were held where, under what conditions. Tanya has visited each of the superior and probate courts and is building a

database to all court records. While retrospective pre-1845 records work remains a focus, conversations with court personnel underscored the need for an updated management plan as well as sustained training on record care. We hope to continue to work with the court administrator's office and Buildings and General services to meet these needs prospectively.

A similar need to re-examine recordkeeping practices emerged during the Archives efforts to comply with a \$50,000 legislative appropriation to convert 20 years worth of analog tapes of legislative committee testimony to digital form. The initial cost estimate for the project, provided by the Public Records Division, was three-quarters of a million dollars. As important as the retrospective conversion is, it is clear that the pressing need is for a prospective management plan for the on-going digital recording of testimony. Without such a plan the problems of the past will simply be replicated.

The refrain of prospective management plans emerging from retrospective projects is largely tied to past failures to sustain effective recordkeeping. In the coming months we must face numerous core questions: Why do we create records (and why in the form that we do)? What do we mean by "accountability" and how do we balance privacy concerns with constitutional mandates to keep the transactions of government transparent to citizens? What do we mean by a "right to privacy?" What are the key barriers to establishing a recordkeeping culture that routinely recognizes, and supports, the need for comprehensive and effective management? It should be an exciting year, which ever way we look at it.

Voice from the Vault

By Gregory Sanford, State Archivist

Recent Web Offerings From the Archives

Over the last few months I have occasionally provided updates on some of the legislatively mandated projects the Archives is working on. Recently we have put material from two of those projects, the pilot municipal scanning project and the municipal land record commission, up on the Web.

The Municipal Scanning Project was created to develop practical, hands-on experience on the use of scanning technology in municipal offices. In working with the participating municipalities the Archives developed some general guidelines for anyone considering a scanning project. Those guidelines are available at: http://vermont-archives.org/records/electronic/er_digitalimage.html

The guidelines are arranged in three sections: project planning; architecture and technical specifications; and implementation. The section on planning offers a range of management questions and analyses to consider when contemplating the use of scanning in your office. The architecture and technical specifications section offers system design perspectives to support access and long term management requirements. The implementation section touches on important practices from indexing to risk management.

The web page also provides links to the Request for Quotes (RFQ) and "Initial Cut Checklist" developed by the municipal scanning project participants. Both items may serve as models for writing a request for proposals and evaluating the responses.

We posted the guidelines in response to the steady stream of inquiries we receive about scanning public records. Too often record custodians at all levels of government are simply told that scanning will create efficiencies and either confront information technology decisions made elsewhere or are asked to proceed with implementation without any guidance.

Therefore the general goal of the guidelines is to provide municipalities and other government entities a framework for informed decision making about whether, or how, to implement scanning. The guidelines were drawn from similar efforts adopted by other states. The Archives will continue to monitor those efforts, as well as make adjustments based on the experiences of the on-going pilot scanning project.

The second Web posting is for the minutes and support material being generated by the Municipal Land Records Commission and can be found at: <http://vermont-archives.org/records/vtmlrc/index.htm>.

The Commission, which builds upon the work of two previous commissions, has a broad range of responsibilities. In general it is looking at ways to move toward the consistent use of information technology for records affecting title to land; a funding mechanism to support IT at the municipal level; and an education program for municipal officers on best practices for managing land records. The Web site allows you to follow the work of the Commission and to comment on the Commission's work. The Web site was developed by Tanya Marshall, a member of the Archives staff who chairs the Commission and who is also working on the Judicial Records Project, a joint effort of the court administrator and the Archives.

We hope you find these sites useful and welcome any comments.

Voice from the Vault

By Gregory Sanford, State Archivist

After the 19th Amendment: Vermont's First Women Legislators

While the temptation is to discuss town meeting, March is also Women's History Month. Not so incidentally I have before me a wonderful student paper entitled "Issues of the Hearth: Women in the Vermont Legislature, 1920-1940." No self-respecting, deadline-haunted columnist can ignore such a windfall.

To digress for a moment: every once in a while, just when I become resigned to a bureaucratic life of maximizing parameters and squashing the hopes of citizens, a researcher will spark memories of my earlier existence as a user of records. Jack Zeilenga, a UVM history student, is such a researcher. Jack was interested in what happened after the 19th amendment. Most people seem content knowing that Edna Beard was the first woman to serve in the Vermont house (1921) and senate (1923); beyond that there has been little research on the first women in government and politics. Jack wanted to know more.

The result is a paper that looks beyond Edna Beard as a "first" and examines the nature of the service of Vermont's first women legislators. Edna Beard's story, for example, is more complex than most people are aware. A month after the ratification of the 19th amendment in 1920, Miss Beard was nominated as a Republican candidate for Orange town representative. Despite her long service on the school board and as town treasurer, she lost the primary to Burt L. Richardson. Undeterred, Miss Beard then ran in the general election on the "Citizen Party" label and won.

She received a mixed reception in the house. The *Rutland Herald* reported that, "Miss Edna Beard, the only woman member, was given the first choice of seats by unanimous consent. She chose seat No. 146, and for a long time no mere man had the courage to select seat No. 145, which adjoins hers. The seat stood vacant for over an hour until Horatio E. Luce of Pomfret took the dare of his fellow members and sat down beside Miss Beard amid a storm of laughter and applause." One can only image what Rep. Beard felt during this process.

In 1923 she was elected to the senate and became chair of the Library Committee, another first. She was suggested as a candidate for lieutenant governor, but never ran. Edna Beard died in 1928 at the age of 51.

Miss Beard, however, is only part of the story. The paper examines three areas: the number of women who served; the types of legislation introduced by the women; and what roles women played within the committee system.

On the whole, women did relatively well in Vermont legislative races, holding 100 house and 8 senate seats between 1921-1940 (the house had, for most of that period, 248 members). Within New England, New Hampshire had the next highest number of women representatives with 86; while Vermont's 8 women senators trailed only Maine's 11.

Mr. Zeilenga grouped legislation introduced by the women into "issues of the hearth;" that is issues such as family, children, education, and the environment which were traditionally seen as of particular concern to women. While there are legitimate questions about whether all the legislation Mr. Zeilenga identifies actually fall within issues of the hearth, women clearly added new perspectives to the general assembly. For example, *Representative* Edna Beard's first bill, which was enacted, raised compensation for women with children whose husbands were dead, incapacitated, or who had abandoned them. *Senator* Beard's first (successful) bill allowed for county sheriffs hiring women as deputies.

In 1927 Rep. Mehitable C. Robinson of West Rutland sponsored a bill that required investigation of potential adoptive families. In 1931 Rep. Nina Mason of Pawlet sponsored legislation limiting children under the age of 16 to eight hour work days and prohibiting such children from working at all if they had not met certain educational thresholds. Other legislation sponsored by women during this period ranged from liability insurance for school transportation to children in state custody to marriage and taxation.

The third section of the paper looks at committee service. During the 1921-41 period Mr. Zeilenga identified women as chairing seven house and six senate committees (this may be a low count since he appears to have missed at least one committee chair, Mrs. Helena Skeels who chaired the House Conservation and Development Committee in 1931, though he does correctly identify her as chair of the Senate Conservation and Development Committee in 1933. As an aside, a freshman representative serving on the 1931 House Conservation and Development opposed a bill Mrs. Skeels supported, which gave, in his mind, too much power to private utilities over the development of Vermont's hydroelectric potential. He waited until Mrs. Skeels was absent and then had the committee adversely report the bill. This successful maneuver gained him political visibility and helped launched a political career that would not end until 1975; that freshman legislator was George Aiken of Putney).

The committees chaired by women seem to follow the issues of the hearth template. For example five of the house chairs were of the Library Committee, as were two of the senate chairs. Education, Public Health, Conservation and Development, Public Buildings, and Suffrage and Elections were other committees chaired by women during this period.

Women, who were increasingly filling secretarial roles in the business sector, were frequently elected as clerks of their respective committees. For example, in 1927 women served on nine different committees and were clerks on four of them; in 1929 it was four of seven; and in 1931 it was ten of twelve.

Mr. Zeilenga has made an excellent start on examining the roles of women in government. His paper, which shows some of the limits of undergraduate research, is nonetheless an important step beyond our blinkered fascination with who was the first woman legislator. I offer my congratulations and welcome Mr. Zeilenga, or anyone reading this column, to build on this research. We look forward to seeing you.

Voice from the Vault

By Gregory Sanford, State Archivist

Some Archival Dribble

So, it turns out that history does repeat itself. This thought is inspired by the announcement that WCAX will re-broadcast the entire UVM-Syracuse basketball game. One suspects, given the midnight starting time, that the station anticipates Vermonters recording the broadcast for future enjoyment for however long their recording medium and interest persist.

And yet, the original NCAA tournament game can never really be repeated. What elevated the game to instant cultural reference point was that wonderful mix of hope (for a UVM victory), expectation (UVM had never beaten a ranked team) and uncertainty (how would hope and expectation play out on the court). That mix only comes from not knowing the outcome; without uncertainty, the whole viewing experience is altered.

These thoughts, in turn, were inspired by the legislature's move to designate January as Vermont Independence Month in recognition of Vermont's dual declarations of independence from both Great Britain and New York on January 15, 1777. It is worth pausing here to celebrate John and Linda Whitney, who took it upon themselves to research Vermont's declaration of independence and to lobby for designating January 15th as Vermont Independence Day. It is their hope that having an independence day will encourage the study of Vermont's history. After much research the Whitney's located the original 1777 declaration at the National Archives. Through their generosity the State Archives and the Vermont Historical Society received copies of the document .

The Whitney's efforts struck a responsive chord within the legislature, which has demonstrated a persisting interest in reviving the teaching of civics; indeed, there are currently three bills and one resolution supporting the teaching of civics: H. 24, H. 425, S. 119, and JHR 25. By expanding the Whitney's original effort to embrace a month long observance, teachers and other Vermonters have an opportunity to promote both history and civics.

Which leads me back to the re-broadcast of the UVM – Syracuse basketball game. Knowing the outcome, can we ever re-capture the hopes, expectations, and uncertainties of Vermont's founders as they pushed the boundaries of political understanding by declaring independence? Can we ever adequately convey what it must have been like to risk life, family and property in pursuit of a civic vision?

Or is any of that important? Isn't enough to simply know that these events took place and accomplished these goals? Isn't it enough, as a civics or history lesson, to interpret the surviving documents to get at core issues of government and governance? Vermont Independence Month, for example, would readily lend itself to understanding the founders' concept of the social contract. The declaration of independence enumerates grievances that, in their entirety, gave weight to the argument that the governing authorities had abrogated their obligations under the social contract, leaving Vermont in a state of nature. Reviewing those grievances provides one tool for looking at the nature of social contracts. Being in a state of nature freed the founders to draft a new social contract (the 1777 Constitution), the provisions of which give further insights into their understandings of the mix of rights, privileges and obligations that constitute an effective social contract. Such an examination of the social contract would meet the legislature and the Whitney's educational goals.

Still, viewing the outcomes of the Vermont experience as inevitable, our view narrows and our understanding is diminished. There was nothing inevitable about how the relations of church and state or the role of women as citizens, for example, were either codified in our original social contract or continue to be re-defined over time.

It is an interesting archival challenge. We have an increasingly vast array of historical records from which to capture events. Thanks to audio and video technologies we can now hear and see events unfold (or at least hear and see what the recorder chooses for us to hear and see). So what do we attempt to capture to provide the essence of an event? And yet even with these tools, that moment of uncertainty, of unknowing, remains elusive.

And so we record and “re-live” the game, knowing that at the final buzzer victory, and Michigan State, inevitably await.

Voice from the Vault

By Gregory Sanford, State Archivist

A Record Making Event?

This month marks the fortieth anniversary of one of the most momentous events in Vermont history: the reapportionment of the Vermont legislature. Since 1777 the Vermont Constitution mandated a Vermont House apportioned on the basis of one representative from each municipality. When the state senate was created in 1836 each county was accorded one senator, with the remaining sixteen senators apportioned among the counties on the basis of population,

Uneven growth among the towns and counties created growing imbalances in terms of representation. The 1856 Council of Censors, for example, calculated that towns holding one-quarter of the population could wield a legislative majority (the Censors pointed out that Essex County had fourteen representatives—one for each town—though only 4,650 people resided in the county, while Chittenden County's fifteen representatives served, in the county aggregate, 29,036 Vermonters).

By the mid-1960s these imbalances were even greater. A house majority could be achieved by representatives from towns holding only 9% of Vermont's population. Conversely Vermont's twenty-two largest municipalities were represented by less than 9% of the house members. Those twenty-two communities also paid 64% of the State's income tax and over half the property tax. The senate was less malapportioned but senate delegations did not reflect shifts in county populations.

In 1964 the federal court declared the Vermont legislature malapportioned. It allowed the 1964 elections to proceed under the historic apportionment scheme but declared that the 1965 general assembly had to reapportion itself or the courts would do so. In May 1965 the general assembly passed new apportionment schemes, reducing the house from 246 to 150 members (apportioned initially on the basis of voter registration and later on population) and eliminating the requirement that each county have at least one senator.

The debates, within and without the legislature, that preceded reapportionment were among the most contentious and emotional experienced in Vermont. Small town representatives wept openly on the floor of the house, predicting that their communities would never again be able to send a resident to the statehouse. Representative Frank Hutchinson of Stannard ended his floor remarks with a plea to the future, reapportioned house, "Don't forget Stannard."

On May 14, 1965, with Governor Phil Hoff looking on from the balcony, the house voted 163 to 62 to reapportion itself.

The impacts of reapportionment continue to be profound. Where once small town representatives routinely voted to support programs funded by the larger communities, the nature of services and how they are funded changed. To many this was a positive, opening the door for modernizing state government and services. Conversely some small town Vermonters began to complain that the population centers, notably within Chittenden County, now controlled the state agenda and ignored their needs. And the Stannards were indeed forgotten to the degree that a significant number of Vermont municipalities—including Stannard--have not had a resident serve in the house since 1965.

Of course this is a column from the state archives so let us look not at the impact of reapportionment but at the records of the reapportionment debate and process. One would assume that such a momentous event would be

well represented within the archives's holdings; alas, such an assumption would be wrong. There are some committee records, including those of the special committee on reapportionment, but these are fragmentary, often restricted to scribbled calculations on how to achieve equal representation among 150 districts. The bill files containing correspondence between legislators and the legal staff who draft bills are held in the Middlesex record center, not the archives. While the reapportionment struggle began in the Vermont court system, the archives does not currently receive judicial records; those records are scattered in courthouses and in the record center. Governor Hoff, who played a leading role in reapportionment, left the bulk of his records with the University of Vermont, not the archives. Oral histories with, or records created by, key participants, when gathered at all, are likewise scattered.

There is no central index or finding aid that can help guide researchers to where records relating to reapportionment are held. Even if the public records generated by the reapportionment debates could be gathered for deposit with the archives, there is simply no space to accept them.

This failure to effectively document reapportionment is not unique. The disjointed approach to documentation and government accountability largely continues today. The archives, however, is seeking to improve government recordkeeping. The comprehensive archival management law passed in 2003 provides the authority, but not the resources, to systematically preserve and keep accessible government archival records. An on-going judicial records program, launched in 2004, is moving toward the coordinated identification and preservation of archival court records. There is currently a request within the capital construction bill to select a site and begin developing an archives research center with space adequate for holding archival records. There is also a current request to add a third archival position to the staff to allow a more active program of working with agencies to identify and preserve archival records.

If successful these steps will greatly enhance Vermonters' ability to locate and review the important actions of their government. The on-going efforts to improve archival management are addressed in the 2005 annual report of the state archives. Copies are available upon request to archives (26 Terrace St., Montpelier, VT 05609-1101; or phone 802 828-2308; or e-mail me at: gsanford@sec.state.vt.us).

Voice from the Vault

By Gregory Sanford, State Archivist

Aunt Serena Tackles Health Care Costs

Aunt Serena was a tad perturbed after reading an article in the St. Alban Messenger about health care costs. What really put a bee in her bonnet was the quote that a doctor should expect a “satisfactory return...on his [sic]...investment [in getting a medical degree] with a minimum of hardship.” As she wrote Peggy, “Note that, Peggy. ‘With a minimum of hardship.’ Begorry, that’s what the patient wants too! The patient not only has to be sick and is full of aches and pains and other hardships...[but also] has to scabble to pay his taxes and his grocery and feed bills.” Aunt Serene acknowledged that the issues were complex, but something had to be done about the cost of health care. She was cautiously optimistic. “It will work out. It will have to. We’ve got to face it and fix it.”

Aunt Serena’s Letter to Peggy column on health care costs appeared in the March 23, 1929 Burlington *Free Press*. In the late 1920s and early 1930s many Vermonters tried to face and fix health care costs. They examined the lack of access to medical facilities and doctors, particularly among rural Vermonters; medical costs that prevented Vermonters from seeking care until confronting a health crisis; and the lack of medical insurance.

A national Committee on the Costs of Medical Care set out to study the problem of delivering “adequate, scientific medical service to all people, rich and poor, at a cost which can be reasonably met by them in their respective stations in life.” The Committee spent several summers in Burlington in the early 1930s since Vermont’s problems were “typical of a substantial part of the United States.”

After thirteen separate studies the Committee concluded that the “common belief that the poor receive necessary medical care is disproved...” and calculated that 30% of the \$7.5 million that Vermonters spent annually on health care was wasted. Other findings included:

--the costs of sickness to families are distributed unevenly, ranging from fifty cents to \$1,400. Seventeen percent of 1,300 rural families studied accounted for 62 % of the total health care costs incurred by the entire group.

--the costs “dispose[d] farm families to put off calling the doctor.”

--there was no central agency “to decide...whether new hospitals are required, and if so, what kinds and how large they should be, and where located.”

--70% of the people studied did not have regular dental care.

--preventive medicine is sorely neglected.

The primary problem was “that many families cannot make the necessary expenditures.” The Committee noted that “in a few rural communities...subsidies are paid to physicians out of tax funds...making them accessible to citizens in the locality.” Actually towns tried several approaches. In 1930 Stowe voted funds to provide “eyeglasses for school children whose parents are unable to meet the cost.” The same year Richford voted \$175 as a milk fund for school children, while Thetford appropriated \$227.50 for the services of a Red Cross nurse in

the schools. Chelsea and Strafford voted \$500 to encourage doctors to locate in their communities, while Arlington, Sunderland, Poultney, and Whitingham proposed \$1,000 incentives to attract doctors or nurses. An October 11, 1930 *Free Press* editorial suggested the formation of “guilds” in which citizens would pay an annual amount for health care and agree to have annual check ups as a way of reducing medical costs. “This is merely carrying the insurance ideas, now so well established for Life, Accident, Fire, Theft, etc, with the additional protection of being assured the best of medical care when sickness comes, as it does to most families in the course of time.”

Ten days later a *Free Press* editorial made note of the Saskatchewan plan, which had started in 1921, where each municipality within the province would hold referenda “to sanction an annual grant to a legally qualified physician. The physician is thus paid by the town.” The Vermont Commission on Country Life also looked at, and recommended, the Saskatchewan plan. The Commission’s 1931 report, entitled *Rural Vermont*, described the system as “for the employment of doctors to serve the rural families, payment [to participating doctor] being made by the municipality, either on a full-time or part-time basis and treatment being free to those families within” the municipality. “Salaries paid the doctors range from \$2,800 with opportunity for private practice, to \$5,000 on a whole-time basis.”

While the Saskatchewan plan was not adopted by the legislature, some municipalities moved in that direction. The Brattleboro Memorial Hospital and Brattleboro Mutual Aid Association joined together in 1926 to provide health service by nurses in exchange for small annual fees by Brattleboro residents (\$2.00 for individuals, \$3.00 for families). Another annual fee (\$5.00 for individuals and \$7.50 for married couples) provided “for the full costs above \$30 and not to exceed \$300 in the case of an operation at the Brattleboro Memorial Hospital.” As the Brattleboro partnership explained, “The chance of illness is a ghost which stalks every family...Equal to the fear of unemployment, or of failure, or of death, is the fear of a disastrous illness which in a few short weeks wipes out the savings of years...This protection, therefore, is offered to the people of Brattleboro in an attempt to do away with the financial gamble of ill health, to make it possible for each person to be financially independent in time of sickness, and at the same time to provide a constant nursing service to all who need it. ”

The catastrophic costs of illness, the need for preventive care linked to some form of health insurance, and even the possibility of adopting Canadian health care models are as familiar to us, in 2005, as they were to Vermonters seventy-five years ago. In the intervening years numerous initiatives tackled health care and its costs, yet increasing complex medical technologies, and changing social expectations, require us to constantly re-assess and re-address health care issues.

The Archives holds the records of this long evolving discussion of health care but we need to find ways, and resources, to make these records more accessible. Aunt Serena would expect nothing less, begorry.

Voice from the Vault

By Gregory Sanford, State Archivist

A Record of Summer Reading

The long days of summer allow enough time, at the end of the day, to retire to the back lawn with a stack of books. Depending on the level of companionship provided by noseums and deerfly, I then give free rein to my eclectic reading interests.

For example, I began the summer with thoughts of building a stone retaining wall for one of our gardens. To learn about different building techniques I read Kevin Gardner's *The Granite Kiss*. The title, which refers to getting your finger smashed between two stones, was not encouraging but the book was helpful and also pointed me toward Susan Allport's *Sermons in Stone: The Stone Walls of New England and New York*. Here I gleaned that in 1870 there were 252,539 miles of stonewalls in New England and New York and that it would take 15,000 people, working 365 days a year, 243 years to build stonewalls of comparable mileage. Apparently the work that went into these walls would have built the pyramids of Egypt a hundred times over.

I am never quite sure how to respond to such nuggets. How were the calculations arrived at, for example? But this is summer reading, so I don't care as long as I can trot out such factoids at dinner parties (this may explain the declining number of invitations we receive).

What stuck me, however, was how stonewalls, an efficient and necessary response to an agricultural need (clearing land for farming), ultimately became barriers to the increasing mechanization of agriculture. New horse-drawn harvesters and other technologies were designed for the wide open fields of the west, not the small, stonewall-enclosed fields of New England. This contributed to the decline New England agriculture. This, in turn, lead to thoughts about several on-going projects on implementing electronic record systems; how can we identify and implement standards so current computer systems don't become barriers to new information technologies?

That train of thought suggests that my summer reading is not the escape it should be. So I picked up Jodi Picoult's *Second Glance*, a mystery/ghost story set in Vermont. I was delighted to discover that the author not only incorporated the Vermont Eugenic Survey into her story, but also availed herself of some of the Survey's records that we had helped process a number of years ago. Alas, part of the tale turned on the discovery of eugenic records in a town clerk's office; if I recall correctly the records were described as neglected and scattered across the floor of the clerk's vault. Encounters with the myth of the "dark and dusty" archives are too common, whatever your reading tastes.

Though I should have known better, in order to escape my record-haunted reading, I then picked up Geoffrey Stone's *Perilous Times: Free Speech in Wartime*. Though the book was a hernia-inducing 730 pages long, it was well written and fascinating. Vermont figured prominently in the first chapter on the Alien and Sedition Acts from 1798-1801. Twenty-five leading Jeffersonians were arrested under the Sedition Act, ten of whom were brought to trial. All ten were convicted, including two Vermonters: Matthew Lyon and Anthony Haswell. Lyon's case is relatively well known, particularly the fact that Vermonters re-elected him to Congress while he was serving his sentence in a local jail. Haswell, publisher of the *Vermont Gazette*, created a lottery to help pay Lyon's fine, writing that "your representative...is holden by the oppressive hand of usurped power in a loathsome prison, suffering all the indignities which can be heaped upon him by a hard-hearted savage, who has, to the disgrace of Federalism, been elevated to a station where he can satiate his barbarity on the misery of his victim" (the "hard-hearted savage" was the Federalist sheriff Jabez Fitch). This was enough to earn Haswell

his own conviction under the Sedition Act in 1798. Since Haswell's sentence ended on July 7th Vermonters postponed their 4th of July celebrations until the 7th and some 2,000 supporters gathered to greet Haswell upon his release. Of course civil liberties and records are closely tied and once again I found myself reading about recordkeeping issues (the section on Daniel Ellsberg's theft and publication of the Pentagon Papers not only touched on record issues but stirred memories from my youth).

Figuring I had found a safe, if depressing, harbor from records I began reading Romeo Dallaire's *Shake Hands with the Devil* on the Rwanda genocide. Lt. General Dallaire was the UN commander in Rwanda who tried valiantly but in vain to bring world attention to the horror that was taking place around him. Even within this horrifying memoir of inhumanity and indifference one could find references to Vermont and records. While General Dallaire has particularly harsh words for Belgium, France and the United States, he gives thanks to two U.S. Senators who contacted him in order to move the Clinton Administration to action; one of those senators was Jim Jeffords (the other Paul Simon).

Dallaire also noted the role of records, including how extremist Hutus used an identity card system that included ethnic identity, first created during Belgium's colonial rule, to target Tutsis for death. He also expressed his suspicion that memos, received after the genocide began to receive international attention, were "included only for the archives;" that is to create a historical record that protected the UN from charges of indifference.

My professional reading underscored how recordkeeping can be important to documenting genocide. I recently read an article by Dawne Adam on the meticulous recordkeeping conducted by the Pol Pot regime in Cambodia ("The Tuol Sleng Archives and the Cambodian Genocide" in the Spring 1998 issue of *Archivaria*). Ms Adam noted that "obsessive documenting allowed [the Khmer Rouge] to reassure themselves that all measures had been taken to cleanse the country" and thus defend their ideology. If that obsessive documentation was not depressing enough, Ms Adam went on to explain how difficult it was to bring Khmer Rouge leaders to trial despite the capture of their extensive files from the Tuol Sleng death camp. Our celebration of records as instruments of accountability is sometimes overblown.

As the above suggests, I include professional literature in my summer reading. One such book is Richard Cox's *No Innocent Deposits: Forming Archives by Rethinking Appraisal*. Dr. Cox wonders about the decisions, over time, that have filled our archives and historical societies; about criteria we are currently using to identify archival records; and about how those decisions affect perceptions of archives as either repositories of evidence and as "memory houses." These are interesting questions in Vermont where the core collections of the Archives, UVM's Special Collections, the Vermont Historical Society, the Sheldon Museum, the Fairbanks Museum, the Shelburne Museum, etc originated from the idiosyncratic collecting impulses of a few individuals like Henry Stevens Sr and Jr, Henry Sheldon, Horace Fairbanks, Electra Webb and others. Dr. Cox's musings are also timely as the Archives attempts to respond to a host of new legislative directives to document the executive and judicial branches of government. What is it we, that is, all of us, need to document and why? Have the answers to those questions changed over time and what records of accountability and memory will we collect?

Where all this gets me or what book will next surface from my stack of summer reading is unclear. Meanwhile the stonewall for the garden awaits; but wait, the new Harry Potter just arrived; let me take a look then I will get back to work.

Voice from the Vault

By Gregory Sanford, State Archivist

Last month I shared some of my pleasure reading. I also do extensive professional reading in order to keep up with trends and possible models. Some times it all seems like too much. I subscribe to professional journals and newsletters; am on several listservs (MUNINET being but one); and receive various studies, reports and fact sheets from organizations such as the National Association of Government Archives and Records Administrators and my recently discovered favorite : NAID, The National Association for Information Destruction. There is no way to keep up with all this information.

One publication I always take time for is *Archivaria*, the journal of the Association of Canadian Archivists. It unfailingly has well written articles of interest. A recent issue (Number 55, Spring 2003, okay they are running a tad behind) is no exception.

The issue had two articles on whether stronger right to know laws lead governments to either not create, or to destroy, records. Anecdotal tales suggested that this is the case, but a preliminary analysis of selected Canadian agency and department records did not find any changes in record creation that could be linked to new freedom of information laws.

What the study suggested was that record creation is strongly embedded in government culture. One reason is that we create records of necessity; we need them to meet legal, regulatory or administrative requirements. We need records to move processes forward and as instruments of control in an increasingly complex organizational and service delivery environment. We also create records to overcome periodic organizational disruptions, such as changing administrations or staff turnover.

Accountability plays a role, though not always linked to higher constitutional mandates. Accountability may simply be the need to protect yourself by documenting that you did what was right, even if politically inexpedient. Finally there is the very human desire to leave a lasting record, to anchor a place in history.

The good news that stronger right to know laws do not curtail record creation is tempered by other findings. Record creation may remain unchanged, but barriers to access may be raised. A government function might be transferred to the private sector, which is not governed by freedom of information requirements. Excessive costs for copies, unwarranted extensions of response time, or over-broad interpretations of exemptions may be used to discourage access.

I have, alas, seen examples of all these responses in Vermont. I also see a changing context for how “accountability” is practiced. I recently wrote a paper for a panel on gubernatorial records convened at the annual meeting of the Society of American Archivists. The paper addressed aspects of our experience with Governor Dean’s records during the presidential primaries.

I noted that accountability is increasingly practiced by surrogates, not citizens. Gov. Dean’s primary opponents, not concerned citizens, came to the Archives. Their interest was in selectively using the records to de-rail his candidacy. This was not a unique experience and I cautioned my colleagues not to be distracted by occasional tales of heroic citizens persisting in archival research to achieve a public good. In today’s political climate we are more likely to be visited by Karl Rove than Erin Brockovich. This generates negative perceptions about

records among public officials, a changing cultural context that may influence recordkeeping more than stronger freedom of information laws.

It is important that we, as public archivists, understand this changing context of “accountability” and focus on ways to re-enforce records as a valuable institutional resource.

The New England Archivists will be holding their Fall meeting at the University of Vermont on October 14-15th. There are several sessions that may be of interest to municipal clerks, including one on how to use outreach to improve perceptions of records. There will also be an open discussion forum on government records chaired by the city clerk of Nashua, N.H. For more information go to:

<http://www.newenglandarchivists.org>

[The *Archivaria* articles referred to above are: Kerry Badgley, Margaret J. Dixon, and Paulette Dozois, “In Search of the Chill: Access to Information and Record-Keeping in the Government of Canada,” and Ian Forsyth, “Access Law and Lost Records: A Commentary on ‘In Search of the Chill.’]

Voice from the Vault

By Gregory Sanford, State Archivist

Record Hurricanes

Hurakan was the Maya god of thunderstorms and whirlwinds, as well as the creator of earth and the life upon it. Hurakan has been in all our thoughts of late. The scale of destruction and human tragedy suffered this hurricane season is almost beyond our comprehension.

Though our attention has rightfully been focused on the disruption and loss of life, widespread destruction has also been visited upon records. Pictures of the destruction to archives and libraries are disheartening (see: <http://www.coshrc.org/arc/hurricane-MSvisit-photos.htm>). One of the early reports out of Louisiana indicated that the New Orleans Notarial Archives had been damaged and its records, including early land records and current title records, flooded. Other early reports noted the extensive damage to court records throughout the region, as well as to local manuscript repositories and archives.

Steve Bruno, custodian of the Notarial Archives, was quoted in the New Orleans Times-Picayune as saying “there won’t be any [real estate] transactions until this problem is solved. Sure, a lot of people are going to want to sell and a lot of speculators are going to want to buy,” but without the records “it isn’t going to happen.”

The loss of court records also had an immediate impact. Inmates were evacuated from New Orleans flooded jails, but without court records (or a court system for that matter) there was no way to tell what charges each inmate faced. Accused murderers were mixed in with those facing drunk charges. But without court records it was, in the words of one official, like “taking a jail and shaking it up in a fruit-basket turn-over, so no one has any idea who these people are or why they’re here.”

Court records in general took a heavy hit and a September 9th New York Times article noted that “a vast universe” of court records had been lost. “Court proceedings from divorce to murder trials, to corporate litigation, to custody cases will be indefinitely halted and when proceedings resume lawyers will face prodigious—if not insurmountable—obstacles in finding witnesses and principals and in recovering evidence.” Beyond court records, it was reported that a third of Louisiana’s lawyers lost their offices

The scale of destruction and the lack of coordination delayed attempts to salvage records, creating additional problems. Mold, for example, begins to form fairly quickly after water damage, particularly in a hot and humid climate. The Notarial Archives, had a disaster recovery plan calling for the use of refrigerated trucks to freeze-dry water-soaked documents to allow for later recovery. The trucks, however, were turned back by troops trying to keep people away from the flooded area. The records were eventually retrieved and are now housed in refrigerator trucks or at a freeze-dry facility in Chicago

In truth the degree of destruction over such a wide area undid most plans. As H.T. Holmes, the Mississippi state archivist reported, “None of our reactions are following the textbook recovery lessons, but this ‘melt-down’ situation over such a huge area is not a situation previously thought probable by most folks down here.” A recovery team of archivists visiting Mississippi three weeks after Katrina reported that “collections typically were either lost entirely or survived the storm but were damaged subsequently by high humidity and mold...Much of the damage to records came from a storm surge that swept through buildings, destroying their contents, and then retreated. This suggests that conditions may be different in New Orleans, where the water resulted from a broken levee rather than a storm surge and where damage has probably resulted from standing water rather than surging water.”

The archivists visiting Mississippi reported that “there was little evidence of paper in the debris surrounding homes and business. Shreds of fabric and plastic were caught in trees, but it appears that the power of the storm surge completely destroyed paper.” Interestingly, the news story on court records reported that law offices with computers (and off-site back-up) are better positioned to recover than those offices totally reliant on paper records.

Archivists have launched a variety of efforts to assist in document recovery and restoration. The Society of American Archivists has established a grant fund to support stricken repositories and is accepting contributions at: <https://www.archivists.org/katrina/contribute.asp> The Council of State Archivists (nee the Council of State Historical Records Coordinators) provides a variety of flood-related information on its web site at: <http://www.coshrc.org/>.

Being in Vermont allows for some distant musings on the impact of hurricanes on records. We have, for years, tried to alert state and municipal officials, as well as citizens, about the value of archival records. The loss of records relating to titles to land, to the court system and to local history provides a real life, and tragic, example of that argument.

How current are our own disaster plans and do they envision a broad scale catastrophe or only one localized to our building? What if the land based phone system has been destroyed, or the roads are impassable or the area sealed off for emergency response reasons? Have we built mutual support plans when more than one repository is damaged (the Rutland County Clerks’ Association was working on a county-wide response team a few years ago; it would be interesting to hear how their plan has progressed).

The survival of computer records, at least those which were backed-up outside the immediate region, suggests that properly managed electronic records may have some advantages in the event of a disaster. I hasten to add, however, that the key phrase is “properly managed.” We have already experienced a wide range of “quiet disasters” as improperly managed electronic records are lost with the implementation of each new “generation” of hardware and software. Widespread loss of electricity or phone lines may also complicate the restoration of computer systems (does your disaster plan address how you would respond to the loss of computer hardware even if the software survived off-site?).

The events of the last few weeks should make all of us revisit our disaster mitigation and response plans. We should also give pause to celebrate the dedicated archivists and recordkeepers of the Gulf coast who are struggling to save their records even when confronting the loss of their own homes and communities.
s: A Commentary on ‘In Search of the Chill.’]

Voice from the Vault

By Gregory Sanford, State Archivist

The New Work Place: Interruptions and Systems

According to a recent study of work patterns within two high-tech firms each employee spends only eleven minutes on a project before being interrupted. Within those eleven minutes the work maybe further fragmented into three minute intervals as the employee responds to an e-mail, reads a Web page, or switches to work on a spread sheet. It takes, on average, twenty-five minutes for the employee to get back to the original task. These interruptions, often associated with the new office technologies designed to make us more productive, have given rise to “interruption science” as a new field of study (Clive Thompson, “Meet the Life Hackers,” New York Times Sunday Magazine, October 16, 2005).

The Archives has become enmeshed in work pattern studies as well. Our look at how government entities conduct their work is associated with a series of legislative mandates to develop strategic plans for managing records. Our particular interest lies in how business activities generate records and on how information flows across these activities and entities. The goal is to develop tools to help understand how we conduct business and thus develop systematic approaches for managing information from the point of creation to ultimate disposition.

While the immediate impetus is the legislative mandates, the approach reflects changing emphases within archival management. Archivists no longer have the luxury or ability to look at or evaluate records; there are just too darn many of them. Instead archivists are beginning to look at the systems that produce, store and transmit records and information and then support incorporating recordkeeping rules and needs into those systems.

Of course “system” may be too optimistic a term for how recordkeeping has evolved. Too often decisions are made in isolation, various technologies are implemented without understanding long term opportunities and consequences, and, as a result, the potential value of both records and technology are not realized.

Legislative committee records provide an example. In 1917 the Vermont house and senate changed their rules to require the clerk of each committee to “keep a record of reference of each bill considered, of the persons requesting to be heard, of the notice, if any, of the dates when the bill is considered, and the vote of each member of the committee thereon.” Prior to the adoption of those rules (now found as Rules 29 of the house and senate) there were no committee records (nor do there appear to have been committee clerks). While there is no record of the rules’ intent the requirement that the records “be open to the inspection of the people” suggests transparency of legislative deliberations was at least one goal. Interestingly the senate, but not the house, specified that the committee records be preserved after the session by the secretary of state; by 1919 the house rules added this requirement.

By the 1920s committee clerks moved beyond the bare bones recording requirements of the rules and began to take minutes of committee testimony and discussion. These minutes ranged from sparse, even cryptic scrawls, to in-depth, type-written notes. The committee clerks were legislators (and as noted in my March 2005 column, primarily women legislators).

In the late 1960s-early 1970s legislative support services, including some clerical support, were added through the creation of the Legislative Council and Joint Fiscal Office. The clerical support services began to take over some of the requirements of Rules 29, notably the notice of committee meetings and the list of people testifying.

The 1970s also saw tape recorders introduced to capture committee testimony and deliberations. This was a relief for the legislator-clerks who felt their recording duties prevented full participation in committee deliberations. The committee minutes, which already reflected the clerks' ambivalence about recordkeeping, became even sparser. Legislators logically decided that if everything was being recorded, why take minutes.

The clerical staff kept a log of the tapes and, until 1985, routinely transcribed the tapes. This created a complete, verbatim record of committee activities. By 1985, however, routine transcribing, which was labor-intensive, ended. In the 1990s cassettes replaced the old reel to reel recorders and, by the end of the decade, the move began to digitally record committees. The moves to cassettes and then CDs were made because the older technologies were becoming obsolete and the newer technologies were seen as more efficient recording devices. At the same time, in the senate, the clerical staff took on greater roles in taking minutes.

By the 1990s the schedules and other records generated by the clerical staff were increasing captured through computers and the Council also began to post some of the records on the legislative website.

Back in the early 1980s the Legislative Council realized that it had to do something with the growing volume of records it was creating. Though this involves some speculation, it appears that the problem was approached as a space issue—what to do with the reams of transcripts, tapes, and other records filling up office space—rather than a record/information issue. It also appears that the problem was approached from the perspective of who created the records (the Council in this case) rather than the role of the records as part of the legislative process. Therefore the decision was made to store the records at the state record center. While this solved, at one level, the space problem, it accelerated the diffusion of legislative records, complicating access (remember that Rules 29 required minutes, as kept by the committee clerk, to go to the secretary of state; now minutes, transcripts and tapes kept by the Council went to the record center).

The consequences of this history include a physically and intellectually fragmented set of records related to a single function (legislating) that are extremely difficult to access; a growing gap between certain recordkeeping mandates (such as Rules 29) and actual practice; and, though not touched on above, a mounting preservation problem as recordkeeping technologies are superceded without addressing records captured on the legacy technologies. Though they are all related to a single process, records generated by Legislative Council draft persons, legislative committees, Council clerical staff, study committees, etc are treated as unique to which ever entity created them. Those records are captured on one or more of the following medium or formats: paper; analog reel to reel tapes; analog cassette tapes; CDs; databases; word documents; spread sheets; Web documents etc. Taking just one use of the records—researching legislative intent—one has to visit up to four different government units, in two different towns, without reference to a single “finding aid” explaining where any particular record is or how it relates to other records germane to the research.

These consequences are the not the result of a conspiracy of dunces. Indeed, throughout the eighty-eight year history of legislative committee records, each individual action shaping recordkeeping was based on a rational business decision. It was a rational decision by legislators, who wanted to legislate rather than take notes, to record testimony. It was a rational decision, given expenses, to stop transcribing everything. It was a rational decision to move recording to emerging technologies as the older technologies were no longer supported. It was a rational decision to find a way to free up valuable office space by moving the records to off-site storage. Etc.

What was lost was an overall context for making those decisions or a mechanism for evaluating not only why or how activities were performed, but also for evaluating the long term consequences of each decision (and remember, the legislature works on two year cycles, with legislators serving, on average, around six years).

This, in turn, illustrates the value of a systems approach. Such an approach would identify the function (to legislate), all the activities associated with legislating regardless of who performed that activity (committees, Legislative Council, etc), how those activities were done, and the relative value, to whom, of the records

generated by each activity. That system would include a continuous process of re-evaluation as work process and mandates changed. System-based views can guide decisions over what technologies, managed how, best support record creation, preservation, and use.

This is why the Archives is interested in a systems approach, even if it involves a lot more front end work than simply looking for technological solutions to undefined problems. But this is more than an Archives perspective or an issue with state records. It recently was our pleasure to work with Colchester officials on a scanning project. On their own these officials decided on a functional approach and are designing their computer systems to reflect how records flow among town officers and how the public uses those records.

It is exciting, and daunting, to re-think long established practices. But Albert Einstein got it right when he said, "We can't solve problems by using the same kind of thinking we used to create them."

NOTE: I was going to be clever and keep a log of the interruptions I experienced once I started writing this column. After logging three separate meetings, 30 different e-mails and an equal number of phone calls, and a variety of staff and researcher questions, I gave up. The log was interrupting my work too much.

Voice from the Vault

By Gregory Sanford, State Archivist

The Values of Archives

“Criminals frequently are not alone responsible for their crimes. Society must measurably share the responsibility with them. ..Have [society’s] laws, institutions and usages, all been fitted to inspire abhorrence of violence and wrong, and so to make men heartily averse to evil-doing?....Has its legislation all been shaped with the view of making men wiser and better? On the contrary, has it not multiplied statutes to *punish*, rather than *prevent* crime?” [emphasis in the original]

Egads, someone get Bill O’Reilly on the phone, those latte-sipping, Birkenstock-wearing, Volvo-driving Vermont liberals are at it again! Vermont is never going to live this down. What possibly could have been going through the minds of the 1859 special house committee to consider abolishing capital punishment? Could this be the same state that once allowed a menu of sentences for crimes, only asking that “such reasonable and exemplary punishment may be inflicted on such offender...that others may hear and fear.” (An Act for the Punishment of Lascivious Carriage and Behavior passed February 19, 1779).

“We must take human nature, and make constitutions and laws for its regulation and government, as we find it to be,” noted the 1813 Council of Censors, explaining why an independent judiciary was essential. After contemplating the fate of “the republics of ancient times,” the Censors concluded that those republics failed because they “made their judges dependent immediately on the people; thus securing in themselves the seeds of their dissolution; and having no independent judiciary to withstand the violence of popular factions and individuals, they soon became a prey to themselves.”

Throughout our history Vermonters have debated the nature and purpose of punishment; whether rehabilitation was possible or desirable; and how to protect the independence of the judiciary while holding it accountable to the people. These dialogues have sometimes been conducted with rancor; sometimes with great thoughtfulness. The pendulum of societal expectations has swung back and forth across the years. In the second third of the 19th century, following the sudden reappearance of the alleged victim on the eve of the execution of his convicted murderer, Vermonters continually questioned capital punishment. In the last half of that century the push to abolish capital punishment abated and half of the executions carried out in Vermont took place between 1862 and 1892.

The Archives holds records from these past dialogues. They could be useful, by providing context, in informing current discussions on the nature of punishment and judicial independence. It may be one of those discretion and valor things, but I am not going to elaborate on the historic evolution of those issues. Rather I would like to explain how records end up in the archives and how people can access them. While many of our older records got here by accident, under current archival management practices the acquisition of records is more structured.

One of the questions we are frequently asked by government officials is, how do we determine what is an archival record? An archival record, in its narrowest definition, is an institutional record that has a continuing value. The three most common categories of values are legal, administrative and historical. The act of identifying which records, under which value, are archival is called appraisal.

Identifying legal value is relatively straightforward. What mandates governed state government’s actions and deliberations at the time those actions and deliberations occurred? In the early (1780s) laws creating the

archives within the secretary of state's office the will of the legislature was clear: preserve and keep accessible records with a continuing legal value such as acts of the general assembly or town charters.

Administrative value is often intertwined with legal value: how did we implement our mandates? Clearly not all administrative records have a continuing value but those that document the fulfillment of core functions are likely candidates. A recent example was documenting how the legislature administered the constitutional mandate to select a governor when no candidate received a majority.

Ironically, since most people assume the archives is primarily a historical function, determining historical value is often the most difficult appraisal decision, one that is secondary to the institutional needs of documenting legal and administrative mandates and practices. How do we know which records will have a historical value to future scholars or the general public? Who, for example, in the 18th or 19th centuries would have anticipated the broad current interest in the history of women in society and thus preserved records relating to "women's history?"

The primary archival answer is that, if you have correctly identified the core functions of each branch, agency or department, and determined which legal and administrative records best document how that function was implemented over time, then you will have captured records of historical value. The question remains, however, of how to extract historical information related to a particular topic from records that were primarily preserved to document the legal and administrative activities within a function? How, to use the above example, do you find records related to the history of women within court, property, legislative or other records? Or, referring back to the opening quotes on the balance between punishment and rehabilitation and judicial independence and accountability, how can one locate documentation on the historical swings between those concepts?

This touches on two key roles of the archivist. The first is a reference function, usually achieved through an interview with a researcher to determine what is being sought and then, based on knowledge of the archives' holdings, identify which records might provide the best documentation. The second role is to create a sufficient level of intellectual control over the records so that documents germane to a research inquiry can be easily located. By "sufficient level" I mean a broad categorization of records rather than the impossibility of trying to maintain item-level control of hundreds of thousands of records. While the goal is to provide formal intellectual control, access will always be enhanced by the knowledge of the archivist. Think of the times a municipal clerk may have guided you, through her own knowledge of the holdings as well as her indices, to the records you seek.

The challenge is in finding ways to better share the records, information and knowledge in our state and municipal archives. Certainly the Internet provides some opportunities for sharing that knowledge as evidenced by our Web presentation on "continuing issues" (go to: <http://www.vermont-archives.org/governance/govern.htm>). We are currently exploring other ways to use the Internet and welcome any suggestions on what types of information you would like to see posted, in what form.

Voice from the Vault

By Gregory Sanford, State Archivist

The Repository of Governmental Choices

I was recently reading about the Repository of Germinal Choice. Some of you may recall the Repository, which existed from circa 1980 to 1999, as the “Nobel Prize Sperm Bank.” The goal of the Repository’s founder Robert Graham was to offset what he saw as the declining gene pool by providing the sperm of Nobel Prize winners to qualified women (qualification originally meant women who were in Mensa, the society of “bright people” as measured by IQ scores).

The Repository of Germinal Choice is fertile ground for a host of columns, from how “positive eugenics” has persisted (as opposed to “negative eugenics” such as Vermont’s 1931 sterilization law) to how gender bias can color “scientific” assumptions (some recent studies suggest that the genetic material in eggs, not sperm, is a better determinant of intellectual potential). But what fascinated me, and therefore is the subject of this column, is the role of the Repository, the physical plant in which the Nobel seed was preserved.

Robert Graham’s Repository had environmental and security controls to protect the “donations,” as they were called. A repository, after all, is “a place where things may be put for safekeeping.”

I have been thinking about repositories, in the context of the Archives, quite a bit lately. The Archives not only depends on an environmentally controlled and secure repository (vault), but also on a research area where the public can comfortably review records and on space where records can be processed to improve access.

The current Archives vault and research area, like a growing number of municipal vaults, is inadequate. By inadequate I mean it lacks sufficient space to hold the archival records of state government; it no longer provides a secure environment for archival records; and the researcher area is not only too small but also cannot accommodate the proliferating formats upon which records are captured from paper to audio and videotape to electronic records.

While these problems have existed almost from the moment we moved to Redstone in the early 1980s, they have been exacerbated by changing realities. These include the 2003 archives law (found as 3 V.S.A. §117) that gave the Archives sufficient authority to administer a modern archival management program and the physical deterioration of the Redstone vault and processing areas.

Though the general assembly first assigned the secretary of state archival duties in 1782, it was not until Act #3 of 2003 that authority was granted to actively work within state government to identify and manage archival records (prior to 2003 the Archives was a passive repository, mainly receiving records designated for deposit by law). Vermont was the last state to enact archival *management* authorities.

Our initial work under Act #3 identified 15,000 cubic feet of records eligible for immediate transfer to the Archives (a cubic foot is equivalent to a banker box). This preliminary archival appraisal only encompassed selected records at the Middlesex record center or in court houses. Even this partial appraisal highlights our space problems since the current Archives’ vault can only hold 1,500 cubic feet and is full.

By way of comparison, there are six states, besides Vermont, with populations of less than a million people. Those six states have archival vault capacities ranging from North Dakota’s 15,000 cubic feet to Delaware’s

95,000 cubic feet. North Dakota is one of several states currently expanding vault capacity and has begun construction on an addition that will add 35,000 cubic feet of storage.

Again, Vermont's vault capacity is only 1,500 cubic feet. Therefore it is impossible for us to meet the new archival management requirements. Indeed, the vault has long been full, forcing the Archives' staff to manage space rather than records. We must continually weed, film and scan records in order to maintain enough space to accept just those records mandated for deposit under statute.

Further pressure for a new facility stems from the deterioration of the current physical plant. During heavy rains and snow melts water routinely runs into the rooms on either side of the vault, including the processing room. While the threat of water damage from these run-offs is minimal, there is the very real risk of mold blooms that can damage records and are expensive to treat. We did experience water damage to the records in February 2004 when a second floor water pipe burst over a holiday and water came through the vault ceiling damaging over 90 boxes and their contents. In December 2005 a sewer line on the second floor cracked twice, though luckily during work hours so possible damage to the records was averted.

While permanent damage has so far been avoided, Vermont's most valuable records, from the 1777 Constitution to the records of our recent legislation on educational funding, civil unions, and other core issues remain at risk.

An archival repository is more than a vault. There is little point in identifying and preserving archival records if they are not used. Yet the current research area is inadequate, only able to accommodate effectively three or four researchers at a time. Those researchers have to share the space three staff members who are constantly answering phones, processing records and fulfilling other duties that require space and concentration. While the Dean campaign created an unusually high level of use (up to 20 researchers at a time), there are numerous occasions when rival campaign workers or reporters from different media must share the single researcher table.

Happily state government has begun to address these myriad problems. Secretary Markowitz has made a new archives and research facility her top priority; Governor Douglas put a line in the capital construction bill for facility design; and the two legislative Institutions committees, after appropriating money for site selection in 2005, are now addressing facility design. As always there is intense competition for limited capital construction funds as schools, hospitals and other important functions seek support, so the concern and interest for the Archives is greatly appreciated.

The Archives holds the collected deliberations and actions of Vermonters. Here is Thomas Jefferson's letter conveying a copy of the Bill of Rights for Vermont's vote; here is Lincoln's telegram to Governor Erastus Fairbanks asking for troops to protect the national capital; and here are the debates over ending town representation through re-apportionment. More importantly, here are records of two centuries of our public dialogues. The laws and actions springing from those dialogues gave birth to who we are as a State and as citizens. The records provide the DNA of our current public dialogues, giving shape to what we want Vermont, and Vermonters, to be. We are the Repository of Governmental Choices.

Vermonters take justifiable pride in our state's history of citizen government and our role in shaping national policy, from opposing slavery to protecting the environment. I hope we will soon have an archives and research facility that truly reflects that pride.

Voice from the Vault

By Gregory Sanford, State Archivist

Mrs. Nye and Me

It was recently pointed out to me that sometime this year I will become the longest serving Vermont state archivist. The current record holder is Mary G. Nye who served as Editor of State Papers (as the position was then known) from 1927 to 1950. Since I began my tenure in October 1982 I will soon pass Mrs. Nye's 23 years of service.

I hardly needed to be reminded of my advancing years. I get such reminders every morning as I take stock of the increasing number of my moving parts that no longer appear to be under warranty.

When I first started there were several reminders of Mrs. Nye, including her old Smith-Corona typewriter. Indeed, one of my first memories is of the arrival of new IBM Selectric typewriters. The Selectric's ten character recognition function allowed for the easy correction of typos (as long as you caught them within those ten characters). This was cutting edge technology, though even with using only two fingers I still had frequent recourse to the White Out bottle.

Though the transition from Mrs. Nye's Smith-Corona to the IBM Selectric took over 30 years, new office technology now arrives within alarmingly short timeframes. I would like to report that I successfully managed my own records as we moved from the Selectric to computers and from Professional Write to WordPerfect to Word and from various e-mail systems to an increasing reliance on databases, but, alas, I cannot.

Of course how a record was created, from quill pen to Smith-Corona to computer, does not affect the records potential value. For example, Mrs. Nye spent a significant part of her 23 years typing index cards every time she found a name on the documents within the Manuscript Vermont State Papers (the Archives' earliest records roughly covering the years from 1777 to 1840).

The Nye Name Index is an incredibly valuable access tool, primarily for genealogists. Mrs. Nye was less concerned with creating a subject index and could be a tad idiosyncratic in creating subject headings (my favorite subject card reference, "wilderness, howling" was apparently a phrase that caught Mrs. Nye's fancy but not one that is particularly useful as a reference to government records).

One of the opportunities that new office technologies provide is the ability to present information captured in our holdings without requiring the public to physically visit the Archives. Thus a couple of years ago we began to use student interns and temporary staff to create a database from Mrs. Nye's Index. Given the number of cards we limited our effort to the pre-1800 entries; even with that limitation there were 53,000 cards to enter.

I am happy to report that the Nye database to pre-1800 cards is now available online. It can be found at: <http://vermont-archives.org/research/database/nye.asp>. A researcher can enter either a name, a description (for example, a town name) or a date and the database will retrieve information from all the cards that contain that information. Even with limited advertising the site is very popular with close to 8,000 searches being done within its first month of being online.

The advantage of having a database to the Nye Index is that use can be expanded beyond genealogists. Someone interested in town history, for example, can type the name of their town into the description field to see what pre-1800 cards we have as well as an exact cite to the document. Many of these early cards are to

petitions for roads and bridges and could possibly be used to identify early (ancient) roads in a town. Or if someone was interested in what Vermonters petitioned the general assembly about in a particular year, they could type in the date in the date field.

We hope to improve the searchability of the database as time allows. Improved search capability would allow more refined searches; for example, since Nye is a name index and multiple people often signed a single document, a current search might produce multiple hits to a single document. We hope to attract support for tackling the 1800 to 1840 cards (approximately three times the size of the pre-1800 entries).

We have also put online a database to our archival record series so that people can gain a sense of what we have. As time allows we will create links in the database to any existing inventories to those record series. Our ultimate goal, however, is to use databases as the “inventory” since a growing number of studies indicate that researchers do not like, or do not use, traditional box/folder inventories.

These new databases represent quite a leap from Mrs. Nye’s Smith-Corona; indeed, they represent quite a leap in how the Archives does its work and inter-acts with potential users. Creating the databases required much discussion over identifying user needs, over returns on investment, over appropriate technologies and a general examination of what an archives can or should be in the age of information technology.

These discussions and decisions will have to be constantly reviewed as new technologies become available or as our user expectations change. Change is now a regular part of our lives as archivists and custodians of records.

There will come a point when, like Mrs. Nye, I will relinquish the privilege of serving as state archivist. I am fairly certain that my successors will look back on my tenure and see, not an effort to apply new technologies but rather the equivalent of a Smith-Corona typewriter. I look forward to seeing what changes will come.

Voice from the Vault

By Gregory Sanford, State Archivist

Exercised by the Vote: Reflections on Electoral Reform

Shortly before Town Meeting a bumper sticker, advising “Don’t Vote, Don’t Bitch,” appeared in the local convenience store. This sentiment appealed to my sense of righteousness as a regular voter. After all, voting is literally the *least* we can do to exercise our civic virtue; if you didn’t vote, don’t complain.

This moment of self-congratulation might have faded except that shortly afterwards I began to track media coverage and municipal listserv discussions over S. 164, commonly known as the same day registration bill. I found myself contemplating such cosmic cucumber issues as whether voting was a right or a privilege; why people don’t vote; and what barriers, real or perceived, exist to voting in Vermont.

Serendipity is alive and well in the vault and, while musing on those questions, I happened upon some fragmentary records from the 1974-75 Task Force on Election Reform. I say fragmentary since there does not appear to be a complete set of minutes and other material within Secretary of State Dick Thomas’s records.

As far as I could determine, the Task Force on Election Reform was created after Governor Tom Salmon’s 1974 veto of an election reform bill (H. 334). (Governor Salmon’s vetoes of H. 334 and the 1975 Election Reform Act (H. 51) can be found at: <http://www.vermont-archives.org/governance/Vetoes/List.html>). In turn, H. 334, if I read the record right, came out of a 1969 Committee to Study Election Laws. In other words, we routinely study our election processes. Election law reform, however, is rarely without opposition and often an idea must mature through the crucible of sustained discussion. A moment’s reflection on the fight for women’s suffrage illustrates the point.

Not that all ideas eventually gain acceptance, nor should they. The 1919 proposal to make voting mandatory and the 1931 proposal to require intelligence tests for voter qualifications are examples of ideas whose time never came.

The 1974-75 Task Force consisted of six legislators, three citizens, a town clerk, and a “recent member of the Secretary of State’s staff.” The issues it examined 30 years ago are not unfamiliar. One issue was durational residency requirements. Apparently four towns had recently “endured the considerable expense of litigating the constitutionality of various durational residency requirements, only to have the statute in question declared void in the end.”

The Task Force also worried about the workload of municipal clerks at election time. “Voter registration has always been handled at the local level in Vermont. Town clerks administer the process, but at times may be inundated with the paper-work involved. And election time in no way postpones the clerks’ many other duties.” Sound familiar? The proposed solution was to make the State responsible for printing various forms: “Individual towns should not have to bear the expense of necessary forms which can be most economically printed by the Secretary of State, to be made available as necessary” (again I wish there were minutes to better understand why this particular recommendation was linked to that particular concern).

Like so many efforts before and since, the Task Force sought ways to encourage voter participation. “Democracy thrives upon the participation of all eligible citizens. Every effort must be made to remove needless official roadblocks to that participation. It is beyond dispute that the State may not prevent the qualified from voting, but it is also in the highest interest...to secure participation from each of its citizens.

Finally, the vote of each Vermonter must be protected by insuring that it is not diluted or canceled by the ballots of those not eligible.” Again, those statements have a familiar ring.

The Task Force’s support for uniform electoral practices was elaborated in a discussion of the poll tax. “Some towns apparently still require it for registration, others for participation in local votes.” The Task Force strongly recommended total elimination of the poll tax as a prerequisite for voting.

It was also recommended streamlining the removal of “deadwood” from the checklists and “permitting the applicant to clear up any confusion at the local level before instituting an appeal.” It asked whether absentee ballots should be made more broadly available. It felt that “patients of the Old Soldiers’ Home, the State Hospital, or other facilities should not be assumed to be incapable of voting” and recommended “provisions to secure their rights [to vote]...before the courts become involved, as is inevitable.”

And it debated what the cut off date for voter registration should be. It supported the third Saturday before the election (17 days), but at least one committee member wanted a shorter period. He apparently filed a minority report, but, alas, it was not included in the records I found.

Eliminating the poll tax, having the State print election forms, expanding the use of absentee ballots, removing “deadwood” from checklists, or having a 17 day registration cut off date hardly seem revolutionary from our perspective 30 years later. Yet the recommendations sparked divisive debate and some of the elected officials on the Task Force attributed their subsequent defeats at the polls to those proposals.

I found the incompleteness of the records frustrating. Not for the first time I wished that Vermont’s colleges and universities had more active Vermont studies programs. Such programs could produce the students to more fully research issues such as the history of electoral reform. Studies of such continuing issues could provide context to help frame our current dialogues. And providing context is one of the values of a good archival program. It allows us to move from the emotions of the moment and weigh proposals against the record of past decisions.

Voice from the Vault

By Gregory Sanford, State Archivist

On Obituaries, Pets and the Municipal Office of the Future

Like most of us I have my share of quirks. One is the attention I pay to newspaper obituaries. I started reading obituaries when I was working on the George Aiken Oral History Project at UVM. I would scan the obits in search of people who were important to Governor Aiken's early career and administrations (sadly this also meant crossing names off the list of potential project interviewees).

Long after that project I continue to read the obits, finding insights into our changing society in the individual life stories. The waves of obituaries for World War II veterans, for example, give witness to how we are losing personal memories of that conflict.

Where quirkiness enters into my reading is my fascination with the images of the deceased. Some photographs are contemporary; others are from earlier in life, usually middle age; and in rare cases an obituary is accompanied by two or more photographs from different periods in the person's life. What picture would I use, from what period in my life? What, by extension, does this say about my own self-image of who I am?

These thoughts were stirred in reading H. 885, the proposed amendments to the St. Johnsbury charter. Section 3 of the bill abolishes the town offices of fence viewer, inspector of lumber, shingles and wood, second constable, and weigher of coal. No pictures or life history accompanied the obituary of these positions.

I have written before about how these local offices reflected earlier economic realities. Where once towns applied quality control standards to local products to gain market share, the expansion of the economy into state, national and international markets moved standard setting away from the towns. This eroded the importance of these local officers; where they persisted they were often accorded as humorous honors.

The proposed charter changes for St. Johnsbury included creation of a department of assessors "headed by a person experienced in the appraisal of real estate, who shall be appointed by the town manager with the approval of the select board." The voter approved proposals also included a change in how the town clerk's budget was set. These provisions suggested that the performance and duties of the remaining town offices are still evolving.

This, in turn, lead to thoughts about a recent extended discussion on the municipal government listserv about pets in town offices. A majority of the participants in this good humored discussion defended bringing their pets to work. In my role as Grumpy Gregory I suggested that pets could be a problem for citizens with allergies to, or phobias about, the various critters which now constitute "pets."

I used the discussion to elaborate on two distinct and understandable approaches to municipal offices. For the majority, the need to create a comfortable work environment by bringing a pet to work outweighed the rare instances when visitors were discomforted. I referred to this approach as "my-chives." Juxtaposed with this was the approach that as public officials, overseeing public records in a public space, we had to create a welcoming environment to all the public, even those with allergies and phobias. This approach I labeled "our-chives."

As a pet owner I totally understand the "my-chives" approach with its homely image of town offices with a cat sleeping on a heat register or a dog loyally curled by the clerk's feet. It is an image worthy of Norman

Rockwell. In contrast the cold efficiency of the pet-less “our-chives” conjures up no such comforting image; Norman Rockwell has left the building.

And yet my guess is that the “our-chives” approach will be the future. If nothing else we live in a litigious society and sooner or later there will be suit because someone has a bad allergic reaction or some other negative experience. We will become more professional, while something will be lost.

Just as the expanding breadth of commerce changed or even eliminated town offices, outside legal, social and economic forces will continue to change those offices into “our-chives.” Recent experiences reveal the truth of this prediction. New educational funding mechanisms have brought standardization to the appraisal and reporting of property taxes. The demands of tax mapping are changing the skill sets needed by town officers as well as the shared recordkeeping requirements of state and municipal governments. National election laws stemming from the electoral chaos in other states are changing the policies and procedures surrounding local checklists. Increasing pressure from banking and insurance concerns, as well as evolving case law, are being brought to bear on how records affecting the marketability of title are managed. Concerns about identity theft and terrorism are bringing federal and state directives on the management of, and access to, vital and other records containing personal information.

These directives, regardless of origin, are bumping up against traditions of local control and the independence of town clerks and other officers. Even where directives allow for local input, municipalities can only adjust, not control, implementation.

While checklists and grandlists have been transformed, practices governing records affecting title remain largely under the policies and practices of individual municipalities. Municipal clerks have studied the future of land records through a series of commissions dating back to at least the 1990s (these reports can be found on our web site for the current municipal land records commission: <http://vermont-archives.org/records/vtmlrc/>).

To date these studies have not been translated into uniform practices and procedures. Lack of resources and training, the weight of long established practice, and increasingly outmoded laws (which still refer to volumes, pages, and index cards as new computer systems are contemplated and installed) serve as barriers to change. And our own fierce independence, heightened by the perceived erosion of local control, further shapes our response to pressures to standardize land record practices.

If clerks (if we, since the Archives confronts similar pressures to change), do not act soon then forces beyond our control will shape who we are, what we do, and how we do it. Without effective action the image accompanying our obituary may very well be of a clerk-less as well as pet-less office (as I am writing this a Muninet discussion is starting on whether technology can replace human minute taking by transcribing as well as recording meetings; will yet another clerk function be automated in the future?).

So I would love to hear from you. How do you envision your office and your workflow in ten years? What, from your perspective, are the tools needed for achieving that vision? What skills and training do you feel will be essential? What incentives do you see as appropriate for moving toward more uniform practice? I look forward to hearing your thoughts.

Voice from the Vault

By Gregory Sanford, State Archivist

Crowing About Paper

I recently read how Sir Walter Scott, stymied by writer's block, went bird hunting. As Sir Walter strolled along on his hunt the key transitional phrase he had been looking for suddenly came to him. Afraid that he would forget the precise wording he shot a crow. Sir Walter then pulled a wing feather, dipped it in the crow's blood, and wrote down the elusive sentence.

For me it would have been easier to remember the phrase without the intervening steps of kill, pluck, and dip, but it seemed to work for Sir Walter. Still, there is a simple elegance to the story. I have already deleted, cut and paste, and otherwise electronically gummed over the opening to this column numerous times without otherwise progressing. Following in Sir Walter's steps, I am beginning to entertain thoughts of bludgeoning some critter to death with my laptop. Technology, in this case word processing, can be a distraction as well as a boon.

And yet the apparent simplicity of Sir Walter's world of writing instruments masked its own rather complex technology. Quill writing required a quill holder, a penknife for sharpening, an inkwell, and a pounce box (to hold the required desiccant powder). The quill itself had to be pulled from the second or third feather of the left wing so it was not only of sufficient size to write with, but also so the curve of the feather accommodated right-handed writing. Okay, I don't know if Sir Walter was right-handed, which is sloppy research, but on the plus side I made it through that whole bird hunting episode without mentioning Vice President Cheney, for which I want some credit.

Next to my desktop computer at work there is a quill holder and inkwell, a treasured gift from the late Henry Bissex who used to do performances illustrating education in 18th century Vermont. Also on my desk, lapping at the base of my computer, are piles of paper.

This begs the question, why? Wasn't paper supposed to go the way of the quill pen thanks to new information technologies? Whatever happened to the long-promised "paperless office?" Or am I mulishly holding on to an office technology—paper—that I grew up with?

It turns out that the last thirty years of new technologies have actually led to an increase in the use of paper in offices (which represent 30 to 40% of total paper consumption). A survey of 150 U.S. companies found that the introduction of new technologies led to an increase in their use of paper. Another study found that e-mail alone can bring a 40% increase in office paper consumption. Since the widespread deployment of information technologies in offices there has been a steady and linear increase in the production of office paper.

Why are new technologies increasing, rather than eliminating, our use of paper? Abigail J. Sellen and Richard H.R. Harper address this question in *the myth of the paperless office* (MIT Press, 2003). While their research cannot be adequately summarized in a single column, they make numerous points that apply to Vermont record keeping.

For years there have been initiatives within Vermont's State and municipal governments to create efficiencies through the implementation of new information technologies. Paper often becomes the poster child of the old, inefficient office. More precisely the cost of *storing* paper records becomes the impetus for creating an efficient, and paperless, office. Sellen and Harper note that to store 2 million documents would cost \$40,000 to

\$60,000 in filing cabinets alone, not to mention floor space, retrieval and other costs. Conversely, those 2 million documents could be put on ten or fewer CDs.

The State's central scanning service echoes this argument by noting how many boxes of paper records can be held by a single CD. Indeed, for years the State has approached the management of records as a storage problem. One of the statutory penalties for not having an agency records program remains the denial of filing cabinet requests. Periodically the legislature weighs in, calling for studies on paper reduction or, in one notable case, simply proposing to throw all records out after seven years (this was known as the "seven year pitch" bill).

Of course the goal should be to manage records and information, not paper or space. To do that requires understanding the functions of each agency, the activities and work flows established to perform those functions, the legal requirements governing the records and information generated by those activities, etc.

Which leads us back to the persistence of paper in offices. Too often paper is seen as the source, not a symptom, of the problems with an office's records management system. Sellen and Harper cite a number of case studies illustrating why projects whose primary goal is the paperless office failed. Such projects, for example, rarely understood how staff actually performed their tasks or how work flowed within the office. Without that understanding the projects failed to grasp points within office work where the positive attributes of paper outweighed the promised efficiencies of IT.

Let's go back to my paper-strewn desk. One activity I am routinely involved with is writing or editing reports. I compose these reports on my computer. The information from which a report is drawn may be in staff memos, professional research available online, e-mail from project partners, etc. I find it too intrusive to my thought processes to be constantly jumping out of my electronic draft to consult multiple other electronic documents (I find this the equivalent of Sir Walter's decision to kill, pluck, and dip in order to hold onto his own train of thought). I need to print out these records and spread the paper out on my desk for ease of access.

Similarly, while I have editing software, I find it more effective to edit a paper printout rather than electronically track editorial changes and suggestions being offered by multiple reviewers. And I find it more effective at staff meetings if we jointly review print outs of reports (even if I distributed the draft report electronically).

I use the marked up paper drafts to alter the electronic document. When the report is done I get rid of the majority of the paper copies and desk surface reappears. I preserve key records electronically as well as the report, which can be printed on demand or provided online.

This approach is not unique to me and Sellen and Harper found similar practices in a variety of business settings, including high tech offices. Understanding why and how things are done is essential before committing to technologies that promise a paperless office. Without understanding where—and when—paper can be eliminated or reduced, and where it remains integral to productivity, no information technology system will succeed.

To learn more about the approach the Archives is taking for managing records go to: <http://vermont-archives.org/LegReport06.pdf>

Voice from the Vault

By Gregory Sanford, State Archivist

Poison Ivy, Cabs, and the Need for Planning

Recently I was watching my daughter's boyfriend Eli contort himself into a series of one legged positions reminiscent of the training scenes from *The Karate Kid*. That he was doing so while staring at his new cell phone encouraged me to risk asking a stupid adult question about what, exactly, he was doing. It turned out he was using his phone to take pictures of his foot, which had become infected from an encounter with poison ivy. The infection had reached the point that it was, apparently, worthy of capture and distribution as a digital image. This made perfect sense to my inner teenager.

To my inner archivist, however, this gave pause. As I noted in my January 2006 column I try to keep pace of technological change by observing my teenage daughters and their friends. It was such observations, for example, that gave me my first inkling that CDs would be superceded by iPods. That Eli could be using a "phone" that easily fit into his shirt pocket to create and transmit digital images provided another archival epiphany.

Actually, it inspired several archival epiphanies, all more or less depressing, but for the purposes of this column let me focus on how transportable our digital technology has become. I recently read in the *New York Times* a prediction that desktop computers will soon be replaced by laptops, PDAs/Pocket PCs, mobile phones, and other more portable devices. After all, why tether employees to a workstation when they can easily wander about with vast, and growing, amounts of computing power and memory?



One study I read estimated that mobile computing devices have a standard memory of capacity of 80 megabytes that can store the equivalent of 6,000 Word documents, 720,000 e-mails, 360,000 contact details, or 7,200 pictures. Of course these devices are not always as mobile as the people who use them.

A recent nine nation survey of leading taxi companies found that tens of thousands of these devices are regularly left in cabs. In Chicago alone, taxi drivers reported discovering, in a six month period, 85,619 mobile phones, 21,460 PDAs/Pocket PCs, and 4,425 laptops left behind by passengers (these figures are from a study sponsored by Pointsec Mobile Technologies).

Combining highly mobile technologies with human frailty can be dangerous. In the first six months of this year 93 cases of significant data loss, affecting more than 32 million individuals, have been reported (<http://www.idtheftcenter.org/breaches.pdf>). Thirty-five percent of the incidents involved educational institutions, 23% concerned government, 19% general business; 11% health care facilities or companies; and 12% involved banking, credit or financial services entities. The most spectacular incident was of the theft of a laptop from the home of an employee of the U.S. Department of Veterans Affairs that exposed personal information on 26.5 million veterans (the laptop has since been recovered). In Vermont a laptop stolen from an employee's car contained six years' worth of personal and financial information on an estimated 20,000 employees and students of the state college system.

The Vermont legislature responded to growing concerns about identity theft by passing Act 162, An Act Relating to the Protection of Personal Information. But beyond legal responses the growing threats to personal information embedded in our faster, smaller, more mobile computing and telecommunications devices reinforces the need for sustained planning. In this case, what cost/benefit and risk management assessments should be considered before embracing these mobile devices? What security measures need to be in place before your most sensitive data and documents head out the door?

I recently discovered that my continued cautions about planning are about as welcome as poison ivy. I attended a rather depressing, to me, meeting in which several municipal clerks argued that planning was too time consuming and that implementing information technology should be as simple as identifying a software package and vendor and anointing them as the "standard." The clerks had become impatient with the lack of accessible standards and planning tools and simply wanted to move ahead.

While not entirely unsympathetic to that frustration, comprehensive planning is essential prior to implementing information technologies effectively. We have to understand what we do (our functions), how (business practices and workflow), why (legal and administrative mandates, customer needs, etc.) before we can select appropriate technologies.

Planning tools are becoming accessible. As noted in previous columns, the 2006 report of the Secretary of Administration and State Archives provides a general planning framework that supports an enterprise-wide approach to managing records and information (<http://vermont-archives.org/publications/legislative/pdf/LegReport06.pdf>).

That plan is based, in part, on the management principles of the International Standards Organization found at: <http://www.iso.org/iso/en/iso9000-14000/understand/qmp.html>. As we test and identify record and information tools we will share them through our web site and elsewhere.

Other planning aids are coming out of the State's chief information office, including tools for planning, cost benefit analysis, etc. These can be found at: http://cio.vermont.gov/planning_and_analysis.

Admittedly these tools are just a start, but they are currently available and are being expanded. Nor do municipalities have to wait for the State to develop a comprehensive toolkit. Perhaps, as a start, municipalities can review their security and laptop policies before any of their mobile devices get on that death cab for data.

Voice from the Vault

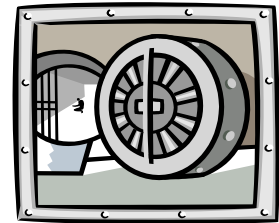
By Gregory Sanford, State Archivist

Premature Burial

"To be buried while alive is, beyond question, the most terrific of these extremes which has ever fallen to the lot of mere mortality...The boundaries which divide Life from Death are at best shadowy and vague. Who shall say where one ends, and where the other begins?"

The above quote is from Edgar Allan Poe's 1844 short essay, "Premature Burial." The universal horror of being buried prematurely was recently demonstrated by a thread on Muninet. The thread began innocently enough with the shared experience of several municipal clerks who discovered gaps between their vault doors and doorframes.

These exchanges quickly segued into questions about whether it was possible to be locked in the vault. The thought of being locked in a vault overnight or worse, over a weekend, was clearly unsettling. Happily those participating in the discussion all reported that their vaults could be opened from the inside; indeed, each had a tale of someone bolting from the vault in panic after being inadvertently shut in.



Panic turned first to relief and then to a form of gallows humor. But what about the records? They are casketed in boxes and volumes, entombed in the vault, and then, with the flip of the light switch and a click of the lock, plunged into funeral gloom. Retaining life, they are treated as dead.

Yes, individual records are disinterred for a title search, boundary survey or some other narrow purpose but by and large the wonderful body of information contained in municipal vaults remains shrouded. That may soon change.

Information and communication technologies hold the promise of renewed life for municipal information. Many municipalities are already putting selected information, such as minutes, online. Some municipalities are making appraisal and grand list information available through their web sites. State agencies, using geographic information systems, are now posting information on everything from watersheds and deer yards to the water flow of individual wells.

Not everyone is comfortable with the re-emergence of municipal information from town vaults. Privacy and security disagreements have been litigated. Concerns about the erosion of record-based fees, established in a paper world, have been raised, as have the costs of committing to information technologies. We ask, how public should public information be? The demand for online-accessible, aggregated information touches on the very role, and future, of municipal officers.

Underlying such concerns and demands is the need to re-think what we do, why and how. This applies equally to the state, as well as municipal, archives. The state archives is conducting a sustained effort to reexamine, and where appropriate, change, what we do.

It is no longer adequate to expect our public to conform their schedules to our hours and come to us. Instead we are attempting to identify what information that public wants and to present it online, available to all whenever it is needed. It is no longer practicable to create detailed inventories and put them in notebooks to await possible users. It is no longer possible, given the increasing volume of records, to do item by item level processing. Instead it is important to let as many people as possible know what records we have. It is essential to devise new processing procedures that create some level of intellectual control, rather than have detailed finding aids for a few collections.

To accommodate these new realities we have redesigned our website to make the growing volume of information more navigable (<http://vermont-archives.org/>). We are increasingly relying on databases, not finding aids, to alert people to what we have (see, for example, <http://vermont-archives.org/research/database/series.asp>). We are not only making commonly requested information, such as lists of state officers or election results, available (<http://vermont-archives.org/govhistory/elect/index.htm>), but are also synthesizing record-based information that can help support decision making by providing context (<http://vermont-archives.org/govhistory/governance/index.htm>). And, given a growing demand for archival services, we are providing online guidance and tools for managing records and information (<http://vermont-archives.org/records/>).

We will continue to add to this content as new information and tools are developed. As noted above, many municipalities are also finding ways to let information escape the confines of their vaults.

One exciting effort that we are privileged to be a partner in is the Town of Colchester's exploration of a comprehensive municipal e-government framework. Rather than simply employ technology on a department-by-department basis, Colchester is stepping back to re-examine workflow among the departments and where a common infra-structure and management plan can enhance information sharing and realize cost savings. What if, at some future date, a citizen could go online and access all the pertinent public information associated with a particular property and neighborhood? What if town officials, where appropriate, could access information across municipal boards and departments in ways that supported their decision-making? What if technology was acquired so it was compatible across boards and departments rather than having one system for listers, one for clerks and another for zoning?

There is much in this broad, e-municipal approach that promises an exciting future for the accessibility to and use of municipal records. As yet it is only a promise, and no more; it is a future that has not yet been achieved. Nor does it, in itself, resolve some of the concerns of individual municipalities outlined above. But we are rapidly reaching a level of expectation and capability that will allow municipal records and information to recross that border from death to life. Will, in the future, we continue to be able to prematurely bury vital information? Nevermore, quoth the maven.

Voice from the Vault

By Gregory Sanford, State Archivist

My Fellow Vermonters: Gubernatorial Inaugural and Farewell Addresses

Governor Samuel Crafts was disturbed by the nature of political campaigns. In 1828 he warned, "That the privilege of electing our rulers...should be the cause of such unprecedented agitation of the public mind, must...be a source of the deepest regret....If the highest officers in our government...are to be vilified—their characters traduced, their motives questioned, and their acts misrepresented; the time cannot be distant when the wise, the prudent...will retire from the contest; and our offices will be filled with the ambitious, the unprincipled, and the designing."

Not so fast, replied Governor Charles Williams in 1851. Yes, we must be aware of appeals to passion but, "The merits of public men and measures must be...discussed freely....Every attempt to repress this liberty of speech and of the press, and to silence an inquiry into the propriety or wisdom of public men and measures, whether by law or...by appeals to the passions, the fears, the avarice or ambition of individuals, must be futile and vain, and can obtain no permanent favor of the thinking and intelligent citizens of the United States."

The above quotes were drawn from the inaugural addresses of Crafts and Williams. In October the Archives hopes to have the full texts of Vermont's gubernatorial inaugural and farewell addresses available online (please check our website at: <http://vermont-archives.org/govhistory/gov/govinaug/index.htm>).



Inaugurals are mirrors that reflect not just the concerns of individual governors but also of the Vermonters who elected them. While inaugurals set out an administration's legislative agenda, farewell addresses allow moments of reflection by the departing governor. Governor Deane Davis, for example, devoted a significant portion of his 1973 farewell to the questions, "What is the Vermont quality of life? Can we describe it? Can we agree on it? Is it a physical thing? Open spaces, friendly hills, wooded terrain, gurgling brooks, solitude of woods, lakes and streams? Or is it an attitude of mind?"

The addresses, in their aggregate, are invaluable for tracing our changing perspectives on the continuing issues of government and governance. This value is enhanced since virtually all of the addresses discuss the same subjects: education, taxation (particularly the property tax), public health, economic development, the structures of government, etc.

The above excerpts illustrate the point. Certainly as the 2006 campaign season moves toward November's election we find ourselves again trying to define "negative campaigning" versus legitimate examinations of the merits of individuals and programs. Discussions of the "Vermont quality of life" remain embedded in our public dialogues.

Sometimes the addresses startle us from our assumptions about "modern" issues. In his 1921 farewell, Governor Percival Clement celebrated "the splendid success" of work camps and the use of paroles as alternatives to incarceration (though Clement suggested a "person sentenced for a felony should not be paroled until he can speak, read, write and understand English of everyday use"). In his 1955 inaugural Governor Joseph Johnson proclaimed that, "I am convinced that the time has come for the State to accept a measure of responsibility in the matter of providing hospital care for the medically indigent. I believe that it is generally accepted that every citizen, rich or poor, should have access to the latest and best developments in surgical care and medical treatment if needed."

Governor William Slade expressed concern about the impact of globalization on labor in his 1845 inaugural: "The question of protection to labor, in its otherwise ruinous competition with the starved and cheapened

labor of other countries, continues to be one of undiminished interest. Indeed, the interest has increased, as efforts to give ascendancy to free trade principles have become more active..."

While the addresses are by far and away somber recitations of programs and goals, some governors interjected moments of humor. In his 1941 farewell address Governor George Aiken praised the State's efforts to promote winter recreation as a revenue source: "Vermont is one of the few states that can sell four feet of snow and twenty below zero at a profit."

And sprinkled among the promises of new programs and services were cautions about keeping an agenda of affordability. In his 1963 inaugural Governor Philip Hoff cautioned, "We are a small state. We are limited in numbers of people and yet we are trying to provide essentially the same services that are carried on in states twice and many, many times our size, and it is terribly expensive and we have limited resources...The time has come to sit down and take a good look at ourselves and try to analyze who we are, what we are, what we have in the way of possible revenues we can raise and still make Vermont an attractive place to live..."

Most governors noted not only the costs of sustaining programs, but the increase in public expectations once new programs were launched. Thirty years before Governor Hoff's remarks, during the Great Depression, Governor Stanley Wilson used his inaugural to say: "We speak of essentials of government. The actual essentials of state government are few. Not long ago the state spent nothing for highways, public health, care of the insane, care of tubercular persons, public welfare, conservation, agriculture, forestry, industries, and supervision of public service corporations and but little for education and debt service...Probably we have no state endeavors that do not have merit. Some are absolutely essential to the continuance of our functioning as a state. Others are essential according to modern standards. Some are desirable only if we can afford them."

And thus the addresses carry our conversations with ourselves across the years. Sometimes a particular issue rises to prominence across inaugurals, such as the extended discussion over the death penalty that can be found in inaugurals from the late 1830s and early 1840s. Sometimes you can see the competing visions of Anti-Masons, Whigs, Republicans and Democrats. Sometimes you can trace world events through the multiple inaugurals of a single governor. For example, the stark contrast in tone between Governor Tom Salmon's 1973 and 1975 inaugurals reflects the impact of the oil embargo on his vision of government. The inaugurals even try to make sense of these swings in perceptions. As Governor Madeleine Kunin observed in her 1985 inaugural, "In Vermont, we have grown up with the knowledge that nature indeed may be harsh and unpredictable, but also with the assurance that each season brings its own renewal and each year follows a certain rhythm. We know it is not only possible to blend austerity and optimism, but it is part of the human condition, and it is essential to our survival."

A personal note: In 1976, to prepare for his own maiden address, Governor-elect Richard Snelling read all the inaugurals of his predecessors. That study convinced Governor Snelling of the value of the inaugurals and he sent Paul Gillies from his Planning Office to talk with Dr. Sam Hand of UVM's history department about publishing the addresses. Dr. Hand, in turn, had his assistant work with Paul on the feasibility on such a publication. The projected publication costs shelved the idea, but several years later, when the then-position of Editor of State Papers became vacant, Paul, who had become Jim Douglas's deputy secretary of state, remembered Sam's assistant. He encouraged the assistant to apply for the position which is why, in October, 1983, I was appointed to what is now the job of state archivist. The Archives' web-publication of the inaugurals and farewells is the long delayed realization of Governor Snelling's desire to put the addresses within the reach of Vermonters.

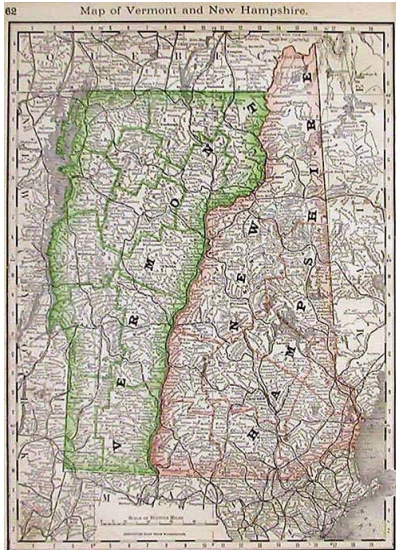


Voice from the Vault

By Gregory Sanford, State Archivist

Mapping Change

I pity the early cartographers who tried to map what we now know as Vermont. The boundaries of Vermont were under dispute. The landscape was populated by place names associated with Native Vermonters as well as with the competing European settlers and claimants. Trying to phonetically translate Native terms was a challenge in itself. Was it the Winooskitook, the Ouinoustick, the Winooski, or, avoiding the problem altogether, the Onion River? What about French names? Was it La Riviere a la Mouette or should the engraver's error that translated this as Lamoille be retained? And what should one do with the names of New York patents, such as Kersborough, Meath and Minto that overlay towns named by New Hampshire and later Vermont?



Mapping Vermont's public records laws can be equally confusing. Can we easily navigate among personnel and personal records or between an undefined right to privacy and "a clearly unwarranted invasion of personal privacy?" And what about the heretofore uncharted territory populated by "records which by law are designated confidential or by a similar term?" [The quoted language is from 1 V.S.A. §317(c).]

The Archives has begun to map Vermont's public records laws through an online database (<http://vermont-archives.org/records/access/database/index.htm>). The database currently allows for an "agency search" that provides a drop down list for finding public record exemptions for specific agencies. Exemptions common to all agencies can be found by clicking on "all agencies" while municipal exemptions can be found by clicking on "municipalities." Categories of exemptions, such as "consumer privacy," can be found by using the exemption drop down list.

The Archives is continuing to work on the database and hopes to add case law links and note fields that further clarify the intent of specific exemptions. In putting the database together we benefited from the work of Leah Korce of the Vermont Law School and from Assistant State Archivist Tanya Marshall's database skills. We welcome comments.

One question we have already encountered is what the Archives interest is in Vermont's public record laws. The answer, in part, is simply that in helping agencies and municipalities manage their public records we need to know what right to know mandates apply.

The answer also embraces the value in re-thinking what we, as custodians of public records, do and how we do it (see my September Opinions column on "[Premature Burial](#)"). Whether the result of conscious thought or ad hoc incremental change, the Archives' role has been transformed throughout our history. In 1782 when the general assembly first enumerated the duties of the office of secretary of state, the preservation and accessibility of records with a continuing legal value was the primary concern. The 1782 required "all public Acts, Papers and Records that belong to the State, excepting particular Records and Papers of the [Executive] Council, be deposited and remain in the hands of the Secretary of State." The secretary was to "grant Copies of All Records when thereto requested, taking therefor reasonable fees..."

The evidentiary role of the Archives was expanded through a subsequent series of acts. For example the Archives became the depository for the "official correspondence" of governors in 1864, town boundary surveys in 1902, and legislative committee records in 1917.

In 1823 Secretary of State William Slade expanded the role of the Archives to make records, and the knowledge they

represent, broadly accessible. Slade wrote that, "Every government...should possess, and should place within the reach of the people, a complete history of its own legislation. Without the possession of such a history, and a practical regard to the lessons it inculcates, legislation will be, at best, but a succession of *experiments*, and, as a necessary consequence, every operation of government will be characterized with instability and a want of wisdom."

Slade met his own charge by publishing a volume of State Papers related to the formation and early years of Vermont. Act 259 of 1912 linked the Archives' evidentiary and publication roles by requiring the secretary of state to publish "the charters of all towns and gores granted by the state, such volumes or parts of the papers of the surveyor general, including the reproduction of maps thereof, and such other manuscript records of his office as in his judgment are of general public interest."

After publication of an index to surveyor general records and of Vermont land grant charters, the evidentiary value of records was slowly subsumed by a program to annotate and publish 18th century government records. While these volumes made early Vermont government records more broadly accessible, the link between archival records and ongoing legal and public issues weakened. The Archives came to be seen as a historical, not evidentiary, function of government and government recordkeeping suffered.

In the 1980s the link between the evidentiary and publication roles was re-established, starting with the publication of an index to municipal governance charters. At the same time the Archives began improving access to 19th and 20th century records through better management practices and the creation of finding aids. In the 1990s the archival role was further transformed through the use of computers and the Internet. For example the Archives began a "Continuing Issues" web publication that synthesized record-based information related to public dialogues before the legislature. The use of the Internet marked a major change in the Archives' role. No longer were government officials and citizens expected to come to us and look through finding aids to find information. Instead that information, summarized but supported by online copies of records, was available to anyone with access to the Internet. The Archives again became a decision-making tool.

In 2003, in part because the evidentiary and knowledge functions of the Archives had been re-established, a new law enumerated for the first time the authorities needed to actively identify and *manage* archival records. Management meant no longer passively awaiting for records, but instead actively working with agencies to identify and preserve archival records. Many of the tools now being created by the Archives, such as the right-to-know database, derive from these new management authorities and practices.

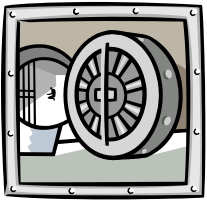
This breathless rush through the Archives' history demonstrates how what we do, and how we do it, constantly changes. There is, by the bye, a strong need to better understand how the roles of municipal archives have changed. While we still record, file, copy, etc. our records, how we do those tasks is being transformed. Traditional record formats and media are also changing. With the Internet it is becoming essential to better understand what our actual and potential users want, in what form. It is an exciting, if daunting, time. We are rightly concerned with the impact of new technologies but how will spreadsheets, databases, and geographic information systems allow us to enhance citizen awareness of and participation in municipal government? I look forward to working with all of you as we re-think our archival responsibilities.

Voice from the Vault

By Gregory Sanford, State Archivist

Education and Property Taxes: A View From 1890

Somehow when I wasn't looking, I seem to have morphed into being a bureaucrat. Now, instead of whiling away the day contemplating the wonderful information held in the vault, I go to meetings, set out policies and priorities, and other things administrative.



This leads to a certain wistfulness, particularly when we create new tools for researching the Vermont experience. The Archives' new section containing the full texts of gubernatorial inaugural and farewell addresses is a case in point (see my October 2006 column or visit <http://vermont-archives.org/govhistory/gov/govinaug/index.htm>). There is much information in the addresses that begs further examination.

Take William P. Dillingham's 1890 farewell address. Governor Dillingham reflected on a new education law that required certification of teachers. The goal of certification was to develop a common level of educational training and thus some uniformity in education among the towns and school districts. As with many a well-intended goal there was an unanticipated side effect. Dillingham noted that while there was now "increased competency" among teachers, "wages are somewhat higher, particularly in those districts where the cheapest teachers were formerly employed."

Those "cheapest teachers" were primarily found in the poorer rural districts, which now had to pay more. This led to further ponderings by Dillingham. For reasons that will be clear, I quote at length:

"The complaints regarding the operation of the present law, come, as before stated, mostly from the back towns and districts, and relate almost wholly to the matter of expense. In his investigations of these complaints, the superintendent [of education] has made a careful study of their difficulties, and the facts he has brought to light in relation to the inequalities in taxation for school purposes are positively startling. From tables he has prepared it appears that while there are towns in the state in which the average rate of taxation for school purposes amounts to only seventeen cents on the dollar of the grand list, there are others where it amounts to seventy-five cents, and one in which such average rate is one hundred and thirty cents.

The same disparity in the rate of school taxes that exist among the different towns, exists also in as great a degree among the different districts in individual towns. In the villages where the grand list is large, the taxes are light; while in the hill districts where the grand list is small, they are almost uniformly burdensome. In glancing through these tables, I notice that in a town like Bennington, one district escapes with a tax of six cents on the dollar of the grand list, while another is subject to the burden of a tax ten times as great in its rate. The same also appears to be true in Brattleboro, where one district requires a tax of only ten cents on the dollar of its grand list, while another requires one hundred; while in Bakersfield the disparity reaches the greatest extreme, and the contrast in the condition of the people in different districts in this respect is exhibited by the fact that in one district the rate of school taxation is only seven percent, while in another it is two hundred and fifteen percent. These, of course, are extreme instances, and yet you will probably be surprised when you examine the tables prepared by the superintendent, and note the great inequalities that exist in taxation for school purposes in every town where the district system has been retained.

In his investigation the superintendent has become convinced that a great wrong has been done to the poorer class of towns and the smaller districts in the failure to provide an adequate system for equalizing taxation for the maintenance of the common schools, and after mature consideration, he has reached the conclusion that the wrong can never be remedied until we adopt the policy already adopted by at least nine-tenths of our sister states in levying a state tax for this specific purpose.

He therefore recommends a state tax to equalize taxation for school purposes among the towns, and the adoption of the town system to equalize taxation among the districts. In addition to such innovations, he also favors a law by which all pupils in our public schools shall be supplied with the required text books at the public expense.

He bases his argument in favor of such recommendation upon the broad proposition that the education of the masses is absolutely essential to the safety of the state and the United States; that it is, indeed, a public necessity; and that the state in recognition of this principle, has established a system which is compulsory in almost every feature, and in which little that is optional can be found; and he claims that the spirit of the Constitution, as well as its letter, requires that, inasmuch as society is protected in its enjoyment of life, liberty and property in a thousand fold greater degree by education than through its jails and prisons, every member is bound to contribute his proportion toward the expense of that protection, and that until taxation for the support of those schools in which are taught the required English branches is substantially equalized among the towns and among the districts, the state has subjected a portion of its citizens, and those least able to bear it, to unjust hardship. Time will not permit me to review his argument. Its material is drawn from every source, his facts are clearly stated, and, to my mind, his logic is unanswerable."

Dillingham's concern sounds familiar. The 1890 legislature, dominated by the smaller rural towns under the then system of one representative from each town, responded with a statewide property tax for the equalization of education. That statewide property tax remained until the adoption of a state income tax in 1931. Throughout the forty years of the education tax, the legislature had to make adjustments to the rates and grappled with creating a system for the consistent appraisal of property among the towns. Throughout the forty years the commissioner of taxes reported on the amount each town raised and the amount each received in return.



Here my wistfulness fully takes wing. One role of the Archives is to provide context for decision-making. Wouldn't it be wonderful if someone would analyze this early statewide education tax to better understand how it worked and why, in the end, it was abandoned?

I have put this on my list of things to do when I retire, but my daughters assure me they have economic demands that do not accommodate any thought of retirement (indeed, my daughters are not reluctant to ask why I mulishly insisted upon being a public archivist rather than, let's say, the chief executive of an oil company).

So I throw this research idea out there for anyone not blessed with children with certain economic expectations. At a minimum I hope it entices you to root around in the inaugural and farewell addresses to find other ideas to explore.

Voice from the Vault

By Gregory Sanford, State Archivist

We Are Living in Someone Else's Future

Thirty years ago Vermonters grappled with the opportunities and concerns inspired by the proposed Pyramid Mall development at Taft Corners in Williston. This was not only one of the first large scale commercial property developments proposed for Vermont, but also one of the first major tests for Act 250, the land use and development planning law enacted in 1970.

Government planning dates back to Vermont's original land grant charters. The earliest charters envisioned a population center clustered around a town commons. Many charters set out minimum number of acres for cultivation or even a minimum square footage (18 foot square) for dwellings.

A more formal state planning office dates back to at least the 1930s. Originally attached to the State Development Department, the planning function was eventually moved under the direct supervision of the governor's office. At various times it was known as Central Planning, the Planning Council, the Planning Division, the State Planning Board, the State Planning Office, and the Office of Policy Research and Coordination.

The planning office was originally enacted to promote development. By the 1960s rapid, unplanned development, linked in part to the new inter-state highway system, created support for managing development in ways that preserved Vermont's character. Governor Deane C. Davis (1969-73) became a champion of planned development and of what became Act 250 (see his farewell address at: <http://vermont-archives.org/govhistory/gov/govinaug/farewells/pdf/Davis1973.pdf>).

In the mid-1970s the Pyramid Corporation proposed a 494,000 square foot enclosed mall on 94 acres at Taft Corners, just off the inter-state exit. The mall would include two major department stores, approximately 80 other retail stores, and 20 restaurants. Some Williston residents raised concerns about the impact of such a large development on the nature of their town and its services. Surrounding communities, notably Burlington, wondered about the regional economic impact of the mall. Burlington pointed to its own development plans as evidenced by its commitments "to such projects as: the Southern Connector, the North End Connector, the Church Street Mall, the Waterfront, and the Civic Center." (undated draft "Statement of the City of Burlington with Regard to Certain Retail Expansions in the Trade Area," Pyramid Mall Background Information folder, State Planning Office, Pyramid Mall files). Would a large mall only five miles away undo those plans?

Governor Richard Snelling directed the State Planning Office to coordinate various impact studies conducted by state agencies. Among the impacts studied were regional employment and income, traffic flows, loss of prime agricultural land, stream and air pollution, state and town expenditures and revenue, population growth and increased demands on local services from education to public safety. The impact reports were gathered in 1977 and 1978. In October 1978 the Pyramid Mall proposal was rejected by the State.

The reports from agencies, consultants, and from Pyramid Mall and its opponents are fascinating reading. Some provide a snap shot of Chittenden County's retail environment some thirty years ago. For example, University Mall had, at the time, one occupant: Zayre's. There were a number of "mini-malls" built around a single major store, such as Gaynes or, in two cases, Ben Franklin stores. Some of the reports

highlighted the need for better coordination of the permitting processes within agencies, such as storm water permits within the Agency of Natural Resources. Others underscored the need for moving beyond municipal zoning to regional or statewide planning to address the broader impacts of large developments. And yet others noted the economic and social divisions exacerbated by the proposal. Shouldn't farmers, for example, be able to sell their land for development to escape the economic and other strains of agriculture?

The reports are also fascinating when viewed from our current perspective and the development that subsequently took place at Taft Corners. How, for example, does the projected peak traffic flow of 1,075 cars per hour in 1978 compare to current traffic patterns at the Corners?

Underlying this are core questions about the nature of planning. We are living in someone else's future. Is the present development of Taft Corners the future envisioned by past planners? If not, why not? Which, if any, of the impacts projected in 1977-78 have come to pass? Can municipal, regional or state plans be sustained in the face of continued development pressures?



This, in turn, emphasizes a role of archival records. Can we use the archival records from the State Planning Office from 1977-78 to better understand and evaluate planning? A sound, comprehensive archival management program can provide the metrics we need to better measure the long term results of our deliberations and actions. In order to do so, however, we must know how to improve the appraisal of records to identify records with archival value. We need to manage those records so they, and information they contain, are accessible to those who can use them.

The information on the Pyramid Mall debate of thirty years ago comes from two State Planning Office boxes the Archives recently acquired under the new authorities enacted in 2003 (currently found in 3 V.S.A. §117). Those records had presumably been in the Office of Policy Research and Coordination, a successor to the old State Planning Office. Since 1996 they had been in the record center in Middlesex. Their existence, much less their content, was largely unknown. They existed, but were effectively inaccessible.

The Archives recently began to test new appraisal and processing approaches through work with the two boxes on the Pyramid Mall. How, for example, do these records fit within the larger planning functions? How can we trace that function across changing mandates, corporate names (State Planning Office to Policy Research and Coordination, for example), and administrative placement? How can we present the information so it is accessible and useful to current planners and others? As we develop those tools we will share them through our website.

Planning, as a collective, structured effort to describe not only who we are but also what we want to become, is an important government function. At the municipal level it would be useful to compare original town plans against what actually evolved, for example. It is important not simply to preserve such records but also to make them known and accessible. Let's plan on it.

In Memoriam

John A. Williams (1908-2006). Colonel John A. Williams passed away on December 26, 2006. Col. Williams directed the State Archives from 1963 to 1974, when the position was known primarily as Editor of State Papers or State Historian.

During his tenure Col. Williams edited and annotated eight volumes of the State Papers of Vermont series, more than any other director of the Archives. He was an amazingly productive editor, publishing the Laws of Vermont, 1781-1784 in 1965; the Laws of Vermont, 1785-1791 in 1966; the Laws of Vermont, 1791-1795 in 1967; the Laws of Vermont, 1796-1799 in 1968; Journals and Proceedings of the General Assembly of Vermont, 1791-1792 in 1970; Journals and Proceedings of the General Assembly of Vermont, 1793-1794 in 1972; and the Journals and Proceedings of the General Assembly of Vermont, 1795-1796 in 1973 (the latter three volumes he edited with Marlene Wallace). In 1968 he edited and published the Public Papers of Thomas Chittenden, 1778-1789; 1790-1797.

Col. Williams continued his love of Vermont after his retirement publishing histories of the Battle of Hubbardton, Mount Independence, the First Congregational Church of Essex Junction, and the Lake Champlain Yacht Club.

Under Col. Williams the Archives began to move beyond the publication of annotated volumes of government records. Most notably he, with Marlene Wallace, began a document conservation program that restored many of Vermont's early government records.

On a personal note I greatly appreciated Col. Williams continued interest in the Archives. I looked forward to the occasional letters of support, usually typed by his wife Joyce, encouraging us in our work and expressing support for our adoption of a full archival management program. We are grateful for his many contributions to making Vermont's history more accessible and to the development of the Vermont State Archives.

Voice from the Vault

By Gregory Sanford, State Archivist

The Year of Good Cars and Open Meetings

In the mid-1960s, through a series of fortuitous events, I found myself in possession of a 1957 Thunderbird. Car aficionados and readers of a certain age will recall that classic two-seater with fondness. As a testosterone-laden eighteen year old I simply thought of the car as a potential babe-magnet. That potential was never realized since my head projected over the windshield. Consequently I would arrive to pick up my date with various insects embedded in my forehead. This, in the eyes of said dates, seemed to detract from whatever cache I was accorded because of the car.



These thoughts surfaced since I was recently wandering about in 1957. In my wanderings I came across two 1957 bills that addressed open meetings and the keeping of minutes of public meetings. Eventually combined and enacted, the new law marked the beginning of our modern open meeting and right to know laws. It is, as Sunshine Week approaches, appropriate to observe the 50th anniversary of Vermont's open meeting law.

Senate bill 35 of 1957 required that the meetings of all public agencies, including municipal government, should be open to the public. An exception was made for executive sessions, but no rules, regulations, appointments, etc., could be made in executive session. Anyone who violated the act could be fined up to \$500.

The bill noted that public agencies were created "to aid in the conduct of the people's business" and were therefore accountable to the people under Article 6 of the Vermont constitution. Senator Fred Fayette, a proponent of the bill, further linked the bill to the constitutional requirement that the doors of the general assembly be open "for the admission of all persons who behave decently, except only when the welfare of the state may require them to be shut." If that was the standard for the general assembly, why shouldn't public agencies follow suit?

While the senate moved to open public meetings, the house, with House bill 141, sought to require that minutes be kept of all public meetings and made accessible. This, of course, warms an old archivist's heart since the house clearly understood that records are evidence of government's transactions and thus key instruments of accountability.

Despite their "good government" credentials, these bills faced opposition. Cy Godfrey of St. Albans felt the bills would "hamper local government" because people would be "shy if they thought that everything they said was to be printed." Therefore people would be reluctant to serve on local committees and boards. Mr. Godfrey concluded with an aside that the "bill was introduced to increase the circulation of newspapers."

On this point Mr. Godfrey had an interesting ally, Stuart Martin of Vermont's own nascent television station, WCAX. Mr. Martin "believed in the principles of the bill" but suspected "it was introduced to increase

[newspaper] circulation because he felt that at least in the State of Vermont we were already receiving cooperation from government agencies and that it was an unnecessary action."

Allow me a digression. Not for the first time in these pages I regret the lack of time to more fully explore issues. In this case, why were the bills, which had overwhelming support from print journalists, seen as both unnecessary and as a ploy of competitors by WCAX? My guess is the answer lies in part in the state of television's technology. Cameras were less mobile; film was, well, film; and the lack of an inter-state isolated the Burlington-based WCAX. Not to mention that in 1957 we had not yet become culturally acclimated to television's intrusions or to lust after our Warholian fifteen minutes of fame. Reporters from local papers on the other hand only had to lug a note pad to the meetings to present a story. What a difference fifty years can make; now print journalism is at a disadvantage in covering fast breaking stories; digital cameras allow television to intrude itself almost anywhere; and we, the people, have become, if not more media savvy, at least more aggressive in the pursuit of media attention.

Okay, where was I? Mr. Martin was not alone in his suspicions of the print media. Mr. Wilson of Chelsea stated his sympathy with the bill "but felt the press should clean its own house before asking government agencies to open their doors and he did not think the abuses were as bad as the press made them sound." One wonders if this was former Governor Stanley Wilson of Chelsea who had his own issues with the press; the record does not say.

Most of the proponents were indeed from the print media with David Howe of the Burlington Free Press and the Rev. Edward Foster of the Catholic Tribune taking the lead. They and other speakers decried growing government secrecy at the federal and state levels. They carefully said they had no particular Vermont officials in mind (though throughout the hearings oblique references were made to particular offices that routinely resisted openness). The proponents conceded that "everyone at some time or other has had an axe to grind with newspapers." But they, argued, open government was not simply a concern of the press: it could aid public officials in avoiding missteps and was, at its core, the essence of democracy.

As Rev. Foster argued, "History shows that people may act in passion, ignorance, or even selfishness. But it shows likewise that there is no safer custodian of their liberty than the people themselves. Faith in democracy does not ignore human frailty, but is affirms that there is more to human nature than frailty." To that I can only add, "amen" and happy birthday to Vermont's open meeting laws.

Voice from the Vault

By Gregory Sanford, State Archivist

Government: One Big Nuclear Family?

We have long celebrated our government's system of checks and balances, achieved in part by apportioning authority among the executive, legislative, and judicial branches. Chapter II, Section 5 of the Vermont Constitution requires that the three branches "shall be separate and distinct, so that neither exercise the powers properly belonging to the others."

In reality our system is more a balance, than separation, of powers. Each branch jealously guards its own prerogatives; the checks and balances are part of a continuously unfolding effort to map the border lands between each branch.

While constitutionally separated, not that long ago the executive and legislative branches went about their business cheek to jowl within the statehouse. The six executive officers were in the statehouse alongside 246 representatives and 30 senators. The Supreme Court was next door at 111 State Street.

These thoughts emerged while reading records relating to the construction of a statehouse fallout shelter in 1961. It was, of course, the depths of the Cold War and Vermonters, who have occasionally been portrayed as self-absorbed, assumed Montpelier would be high on the Soviet Union's target list. We therefore prepared for the unthinkable and built a fallout shelter so the operations of government could continue in the event of a nuclear attack.

The shelter was in the basement beneath what was the senate municipal and corporate institutions committee room (now the senate appropriations room). Stairs in the committee room led down to the shelter, which was protected by granite walls and a brick ceiling. An air supply was hooked up in the "state house shop," which was a utility space under the old speaker's office immediately behind the statehouse. A water line was run into the shelter with the understanding that Montpelier's water system was buried deep enough to prevent contamination by radiation.



There were, from my perspective, some interesting quirks in the plans. The planners apparently assumed a nuclear attack would occur in the winter since news stories reported that the ice on Berlin Pond would protect Montpelier's water source. A chemical toilet for the shelter was left above ground, in the committee room; it was assumed that sandbags in the windows would protect against radiation.

It was not these quirks, however, that got me thinking about the separation/balance of power. You see the fallout shelter could hold 30 people. To quickly recap, the 1961 statehouse held six statewide officers (and staff), 246 representatives, and 30 senators. If my limited math skills serve me correctly, there seems to be a significant gulf between the number of statehouse residents and the capacity of the shelter.

I mentioned this to some senators who failed to see a problem. Thirty senators, space for 30; what exactly was the problem? If, after the nuclear attack only the senate survived, well we had had a unicameral legislature before (1778-1836). I conducted no such poll among house members.

The record, however, suggests the shelter would also hold at least some executive officers. For example, the shelter included extensions to Governor F. Ray Keyser's phone lines.

This led to speculation about how collegial it would have been in the shelter. While it may appear quaint to us today, there once was a time when the relationship between governors and legislators was

strained, each accusing the other of inaction. This was particularly true in 1961 when the Republican legislature and Republican governor found themselves at such loggerheads that the session lasted 209 days, not adjourning until August 1st.

After finding the list of post-attack food supplies, I began to think determining who got sheltered probably entailed a lot of self-selection, in the sense of, "No, no; you go." Denizens of the shelter would survive post-attack Vermont by feasting on six cases of chopped meat; two cases each of rolled oats and applesauce; and a case each of powdered milk, cheese, peanut butter, and yellow cornmeal.

If the list of food seems a tad sparse that is because it was assumed it would be safe to resume the business of government outside the shelter within two weeks of the nuclear attack. This is pure speculation but after two weeks of eating canned chopped meat the risks of radiation poisoning might have paled in comparison to staying in the shelter.

I recount this past disaster response planning for two reasons. First, I would like to commend the City of Montpelier and the State for the extensive preparations they have made in the event of a spring flood. We all hope that those preparations will not be needed. Still, planning is a lot better than hoping. Certainly their planning seems more thorough than our initial plans for responding to nuclear attack.

The other reason is to highlight our ongoing work to make the archives holdings more accessible. We found the 1961 fallout shelter story in the records of Sergeant at Arms Wallace Whitcomb (by the by, the sergeant at arms was one of those assigned a place in the shelter). We did so as we added information to our online archival record series database. This is a continuous process and I encourage you to regularly check the database to see what records have been added and are available for research. The database is at: <http://vermont-archives.org/research/database/series.asp>.

The root of archives is ark; that is, a place you put things (think of Noah's Ark, Ark of the Covenant, or even of Raiders of the Lost Ark). For the thousands of years humans have put their most valuable records in archives the assumption has always been that people would have to visit a place to do their research. New technologies, in this case the web, are changing that assumption; we can now make information broadly available beyond the walls of the archives. In this case we are making information *about* our records available online.

As resources become available we hope to begin making the records themselves accessible online. Indeed, we have already begun to do so. The 1777, 1786 and 1793 constitutions are now available, as are the full texts of gubernatorial inaugural and farewell addresses, post-1870 proposals to amend the constitution, and post-1836 veto messages. Again, putting text online is resource-intensive but we think the fallout will be positive.

Voice from the Vault

By Gregory Sanford, State Archivist

Myths and Documents.

One of the enduring lines from George Orwell's *1984* is: "He who controls the present, controls the past. He who controls the past, controls the future."

I often think of this line when I encounter folks attempting to achieve a future outcome by manipulating Vermont's past. When done often enough we come to accept such manipulations as historic realities and incorporate them into our own rhetoric.



At the Archives, for example, we regularly receive requests for copies of the "escape clause" in the Vermont Constitution. This purported clause allows Vermont to withdraw from the United States. A variation, which we call the Brigadoon theory, is that this escape clause opens up every hundred years, presumably starting in 1791. After all, would Vermonters, after 14 years of independence (1777-1791), simply embrace statehood without leaving a way out? The requests come from across the political spectrum: those who do not like a national administration; oppose national foreign or economic policies; loath the federal income tax; or fear gun control or other potential restraints on individual freedom.

The truth, drawn from documents, is less satisfying; there is no, nor has there ever been, such an escape clause.

These thoughts emerged while reading news stories on current efforts to withdraw Vermont from the union. I have before me a news release by two Vermont supporters of secession. Part of their argument is based on historical facts of dubious reputation. Let me illustrate by juxtaposing italicized quotes from the press release with quotes from historical documents.

"Vermont did not join the Union to become part of an empire." At the January 1791 convention on whether Vermont should ratify the U.S. Constitution and join the union Nathaniel Chipman argued, "But received into the bosom of the union, we at once become brethren and fellow-citizens with more than three millions of people; instead of being confined to the narrow limits of Vermont, we become members of an extensive empire..." Chipman goes on to enumerate the advantages of joining this empire, the United States. His arguments carried the day and the convention voted for ratification 105 to 4.

"Vermont more or less sat out the War of 1812, and its governor ordered troops fighting the British to come home." Yes, Governor Martin Chittenden did order Vermont troops home from Plattsburgh, but they refused to return, explaining "that when we are ordered into the service of the United States, it becomes our duty, when required, to march to the defence of any section of the Union. We are not of that class who believe that our duties as citizens or soldiers are circumscribed within the narrow limits of the Town or State in which we reside, but that we are under a paramount obligation to our common country, to the great confederation of States."

"Vermont fought the Civil War primarily to end slavery." And yet in 1861 when Governor Erastus Fairbanks convened the special war session of the Vermont legislature he warned not about slavery but that, "The Federal capital is menaced by an imposing and well armed military force, and the Government itself, and the national archives, are in imminent peril." Jeffrey Marshall, the head of Special Collections at UVM, has read

thousands of Civil War letters from hundreds of Vermonters. He reports that only a "handful" of the Vermont soldiers cited slavery as the reason they were fighting; they instead directed their ire at the secessionists, who they characterized as treasonous.

"After the Great Flood of 1927, the worst natural disaster in the state's history, President Calvin Coolidge (a Vermonter) offered help. Vermont's governor replied, 'Vermont will take care of its own'." Whatever Governor Weeks might have actually said, the reality is that Vermont's congressional delegation successfully lobbied for \$2.6 million in federal flood relief. In addition Governor Weeks accepted a check for \$600,000 from the Red Cross to help with flood recovery.

And so on. My point is neither to argue with our current secessionists nor denigrate the beliefs of the authors of the press release. Heck, most of us have, at one time or other, probably cited some of the historical "facts" the authors used. I am simply arguing the importance of having accessible public records to evaluate the rhetoric of public figures.

Locating, understanding and interpreting public records will never be as much fun as mouthing our cherished myths. Public records are, however, evidence of the actions we actually took as a State. They too can be pulled out of context or selectively (mis)used to prove a belief. And yet, I would argue, the stories they hold are as dramatic, and instructive, as those found in Vermont mythology.

That is why I think it so important that we pay more attention to teaching Vermont history and civics in our schools. It is why using Vermont's historical records is so important to learning to become engaged citizens. To learn how to identify and interpret those records creates an intellectual skill that is essential to navigating through our "information age." If we do not learn how to effectively evaluate information in all its myriad forms we will never be able to perform our responsibilities as citizens. To paraphrase Mr. Orwell, "Whoever understands the past, understands the present; whoever understands the present can plan for the future."

Voice from the Vault

By Gregory Sanford, State Archivist

What is Past is Prologue

Inscribed on the National Archives and Records Administration building in Washington, D.C. is the quote, "What is Past is Prologue," taken from Shakespeare's *The Tempest*. Regular readers realize that the quote is often applicable to this column's examination of "current" events within the context of historical antecedents.

The current event, actually events, that occasion this month's column directly touch on the Archives. The legislature just appropriated \$1.7 million for site preparation for a new archives and research facility. In addition the Senate Government Operations Committee approved a measure uniting the records management program, currently within the Department of Buildings and General Services, with the Archives. Voted too late in the session for further action, the proposal will be discussed and voted when the legislature reconvenes in January.



An appropriate archives facility in Montpelier has long been a dream of Vermont researchers. In his 1846 address, "Deficiencies in our history," James Davie Butler lamented, "The fruits of our historical harvests and gleanings ought also to be garnered up in a chief place of concourse, instead of in the corner [of the State House] where they are now secluded." Butler was referring to the Vermont Historical Society and perhaps the Archives since both were housed in the state house.

What recently caught my attention, however, was a 1967 proposal to create a department of archives and libraries to be housed in a \$15 million addition to the state house. The proposal is in the records of the Advisory Committee on Administrative Coordination formed in 1966 to help Governor Philip Hoff restructure government (the two boxes of Committee records, identified as record series PRA-150, are referred to in our online record series database at: <http://vermont-archives.org/research/database/series.asp>). The committee's charge was to create, where possible, super agencies organized along functional lines and to enhance the governor's control over dozens of independent boards and commissions.

The proposal came from the Subcommittee on Archives and Records chaired by Aeronautics Commissioner Edward F. Knapp. Whatever conflation of thought between aeronautics and archives led Governor Hoff to appoint Mr. Knapp proved fortuitous. The subcommittee took its charge seriously and gathered extensive professional input on archival management and libraries.

Their proposed department would be under a commissioner appointed by the governor. It would consist of a library and an archives division. The library division would be created by combining the state library, minus the law library which would be moved under the supreme court, with various independent public library services and boards. The archives division would be formed from the archives under the secretary of state, the public records commission, a micrographics program for town records, and birth, death and marriage records that would be transferred from the department of health once they were 70 years old.

Olney Hill, the public records director, supported the merger as long as the archives and library divisions had equal status. He lamented that researchers had to visit three different sites to study government archival records and thought the proposed new building was essential given the lack of space for records. The commission also discussed whether to recommend a single advisory board for working with agencies on recordkeeping or to create advisory boards within each branch of government.

The library community was split on the proposal, opponents noting that they had already studied the department of libraries' needs and had a bill pending to implement their recommendations. The Vermont Historical Society was initially included in the scope of the new department, but the VHS's director, Charles Morrissey, demurred. He noted that the VHS was not a state agency, but, he added, the state was statutorily required to provide it with space. He recommended a space for the VHS near the new archives and library building. The health department had concerns about control of the birth, death and marriage records.

Ultimately the subcommittee's recommendation was not acted on, primarily because the new building was not funded. Without a building, consolidation would not work. Many of the issues identified by the archives and records subcommittee persisted, or worsened. Now, forty years later, some of that vision—an adequate archives and research facility and a consolidated records program—are moving toward realization.

I would be remiss in not noting that the work of the other subcommittees also has currency. One proposed superagency was a natural resources agency, which just announced its own restructuring initiative. Another proposal was for a human services agency, including discussion about the role of the mental health commissioner within that agency. The proposal to close birth, death and marriage records for 70 years is back under discussion because of recent national security legislation. And this does not exhaust the parallels between the commission's work 40 years ago and today. While most of Hoff's proposals failed they were subsequently enacted during the administration of Deane C. Davis.

For students of Vermont state government, the records of the Committee on Administrative Commission are worth a squint. I hope in a few years those students can view those records in a new archives facility that reflects the benefits of a consolidated archives and records management program. Sometimes it is true: what is past is, indeed, prologue.

Voice from the Vault

By Gregory Sanford, State Archivist

RUNNING ON EMPTY

We should create a loan program and tax credits to improve the energy efficiency of existing homes and to require new construction to meet energy standards. We should explore alternative, renewable energy sources from solar to wind to wood to hydro. We should use methane from livestock manure to generate power. We should commit to conservation from energy efficient appliances to carpooling. States should be allowed to set fuel mileage targets for cars, coupled with tax incentives for buying fuel efficient automobiles. UVM should make a stronger commitment to energy research. We should be careful of committing to coal and not reduce clean air requirements. We should look at nuclear power only within the context of public safety and solutions to nuclear waste.

Thirty years can dim our collective memory. The above ideas, which sound familiar to us today, were proposed in the mid-1970s as part of Vermont's response to the 1973 oil embargo launched by the Organization of Petroleum Exporting Countries (OPEC). The resulting energy crisis opened up a collective examination of sustainable and renewable energy that anticipated current energy concerns (though climate change had not yet been added as a major component within that discussion).

That earlier energy crisis cut across all levels of society. On November 11, 1973, Human Resources Commissioner Paul Philbrook wrote Governor Thomas Salmon, "It seems apparent that we are going to be one of the first departments in State government to feel the brunt of the results of the fuel crisis. It takes little...to imagine that very early this winter we are going to have folks coming to us and saying, "We are almost out of fuel...[and] we do not have cash"...[We] ought to try to find a way to keep the fuel prices from impacting most immediately and most severely on low-income people." (Governor Salmon Papers, Box BBB, File 517). At the same

time the tourism and recreation businesses, facing a Sunday prohibition on gas sales and possible rationing, plead with the governor to mitigate the impact of high costs and limited supplies of energy on travel, snowmaking, snowmobiling, and other activities upon which their economic lives depended. Other economic interests from service stations (which had already experienced a 20% decline before the embargo) to utility companies sought state support.

Former Governor Philip Hoff, who Governor Salmon appointed chair of a Commission on

Electrical Energy, saw an even deeper problem beneath the immediate crisis. On May 4, 1973, he wrote Governor Salmon that, "The primary problem in terms of electrical energy...deals with the problem of growth...A 10.3 annual increase or growth factor means we are doubling our need for electrical energy in approximately seven years. This is intolerable.

Unfortunately, from a straight business economic point of view, it may be virtually impossible for the utility industry to operate without a continuing growth factor. As a matter of fact, the whole business economy of this nation...is built upon growth and there is not a single economist...who would dare predict what would happen to the economy...if that growth cycle were interrupted." (Salmon Papers, Box CCC, File 521).

Governor Hoff was not the only Vermonter who questioned our basic economic assumptions because of the crisis. Representative Steve McLeod of Barre, among others, felt that Vermont state government should no longer support tourism and marketing since tourism was a significant consumer of energy and should be self-sustaining rather than subsidized (Box ZZ, Folder 513). Secretary Martin Johnson of the Agency of Environmental Conservation bemoaned decisions made in the 1960s, such as a



commitment to four lane highways and motels that encouraged car-based tourism. He also expressed ire with "a fourth rate College of Engineering at the University" that frustrated Vermont's efforts to attract a solar energy research institute (Box CCC, Folder 527).

Secretary Martin was not the only Vermonter disgruntled with UVM's engineering department. Jeff McDonald of Vergennes wrote the governor that the search for alternative, renewable energy had overlooked an obvious source that could also bolster Vermont agriculture: "Vermont has 3,312 farms (1974) and 196,678 cows, plus countless other livestock...[A] cow produces 96 lbs of manure a day, or roughly 18 tons per year. This manure, in a natural process known as anaerobic digestion, will produce 38,000 cubic feet of methane gas a year...[which] can be used for heating and running machinery." Mr. McDonald went on to explain how he and a group of friends had developed such a digester but his request for a state grant lost out to a proposal to study the practicality of digesters from the UVM's Engineering Department. The department ultimately produced a report saying such digesters were impracticable. Governor Salmon sent Gilbert Parker, Director of Market Development, to visit Mr. McDonald. He reported that the digester worked and could not only produce \$5,370 worth of gas a year, but also increased the value of manure as fertilizer by \$4,790 a year. Subtracting annual maintenance and depreciation costs, Mr. Parker calculated that the digester provided a net profit of \$2,000 a year (Box K, File 92).

Many of us recall the more obvious reactions to the energy crisis: lower temperatures in public buildings,

lower speed limits on the interstate, and the Sunday prohibition on gas sales. Governor Salmon's records reveal a government and a society that, in the face of crisis, was willing to work together not only to explore new ideas, but also to revisit basic social understandings.

The range of exploration is astounding: carpooling for migrant workers in Vermont's orchards; making Vermont food self-sufficient; development of local energy sources such as a wood pellet plant in Wallingford; and a host of other ideas. This was indeed a dialogue. The Vermont Chamber of Commerce weighed in on Governor Salmon's State Energy Plan; businesses offered alternatives to ideas they feared carried competitive disadvantages; public power advocates made counter proposals to utility plans; etc.

Governor Salmon ended his 1975 inaugural with a quote from Walter Lippman capturing a similar social essence that emerged immediately prior to World War II: "We shall turn from the soft vices in which a civilization decays. We shall return to the stern virtues by which a civilization is made. We shall do this because at long last, we know that we must, because finally we begin to see that the hard way is the only enduring way." For a brief moment, it appeared we would not shrink from the hard way. And then fuel prices fell.

A final reflection: archival management is sometimes represented by the Roman god Janus who had two faces, one turned to the past, the other to the future. As the Salmon records suggest it is not often the course of wisdom to leave the past behind when trying to peer into the future.

Voice from the Vault

By Gregory Sanford, State Archivist

A Thumbnail History of Public Archives

From the Hittite kings to the Ptolemy rulers of Egypt, the emperors of Rome and China, and the reign of Charlemagne, the control of recorded knowledge was viewed as one of the pillars of a government's legitimacy. This remained true even into 19th century Vermont where Governor Erastus Fairbanks rallied support for the Civil War by telling a special legislative session that the national archives were threatened by rebel forces.

These were heady times for knowledge professionals whether referred to as royal scribes, librarians or archivists. Of course there were trade-offs. If control of recorded knowledge legitimized a regime, the succeeding regime often wanted nothing to do with the records it inherited. When Emperor Shi Huangdi consolidated his power over the Chinese empire in 213 B.C. he ordered the destruction of the previous regime's Heavenly Archives, which contained early Confucian and Taoist texts. He then replaced it with a repository more directly related to his government. The Mongols burned the great Arab repositories, while Charles V destroyed the libraries of the Spanish Moors. In the 16th century Spanish conquistadors destroyed the writings of the Aztecs and Central American cultures.

These successive losses of recorded information were devastating, particularly since vast record collections were consolidated within a few repositories. In some cultures the keepers of the records fared no better than their holdings. There is, for example, an ongoing debate whether the royal scribes of conquered Mayan city states had their fingers broken and their fingernails pulled out before being sacrificed; had the pads of their fingers cut off; or were simply sold into slavery. While I celebrate the central role archivists

once held in government, the possibility of being maimed, killed or sold into slavery probably would have influenced my career decisions.

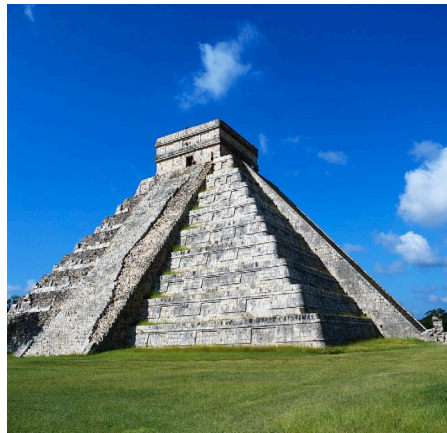
Over time, however, perceptions of the legitimizing force of government archives declined. At some point (and one can imagine a Mayan archivist playing a role here) archives became perceived as dark and dusty preserves for historians, overseen by non-threatening, mole-like archivists.

Archival theory as it developed through the early 20th century underscored a non-interventionist role where archivists simply described what records they

received. Indeed, under the concept known as the life cycle of management of records, the archivist's role did not kick in until records no longer had an active administrative role. In the first part of the life cycle the record creator controlled how the records were managed. Once the records' administrative role diminished, record managers assigned a value to groups of records directing how long the records had to be kept.

Archivists only came into play when records were eligible for disposal. They would determine which records were archival and then create finding aids, perform conservation work, and provide access and reference services, usually to a small group of academic historians. In performing their duties archivists often worked at the item level, developing detailed knowledge of their records.

That comfortable, non-activist view of archives and archivists was never as pure as some practitioners would have us believe. Decisions about which records were archival, how they were described, or



how they were made known all influenced what we knew about, and how we used, records.

As the volume of public records increased, the flaws in the life cycle approach became more evident. In Vermont, under the life cycle approach, agencies turned to the Public Records Division only when inactive records became a storage space problem. Then the Public Records Advisory Board (PRAB) would review agency requests for disposal of records on a case by case basis. Consequently similar records from different agencies or even different departments within an agency might be assigned different values and retention periods. Similar records might also be described differently, while long neglected records, whose creators were no longer around, might be lumped together under such non-descriptive descriptions as "miscellaneous" or "historical." Archivists, confronting voluminous, often inadequately described record series, could not keep up with item level processing.

These problems were exacerbated with the advent of information technologies that made the presentation of records and information dependent on rapidly changing formats and media. Failure to manage records from point of creation often meant the records were lost, left behind on obsolete technologies or irretrievable because of idiosyncratic file naming conventions.

Responses to these problems include the concept of the record continuum, functional analysis, and controlled vocabularies. A record continuum approach differs from life cycle management by having archivists and records professionals work with agencies from the beginning so that decisions about record values are incorporated into the design of recordkeeping systems. Functional analysis focuses on what we do rather than who does it. This provides stability for managing records in an environment where agencies are constantly renamed or restructured. Finally, controlled vocabularies provide a way to consistently describe functions, activities and record types across bureaucratic boundaries. For more information on functional analysis and controlled vocabularies visit our website at: <http://vermont-archives.org/records/vclas/thesaurus.htm>

These approaches allow us to develop general schedules governing activities and records common to all agencies. A general schedule provides agencies with a common framework for determining how long records must be kept.

Managing records from point of creation reduces the amount of processing since archival records have already been appraised and organized prior to arrival at the archives. To further address processing workloads, the focus is now on initially providing brief descriptive and contextual information on record series rather than more detailed descriptions requiring the physical handling every individual record. This alerts potential users to what archival series exist without having to wait for processing backlogs to be addressed. There is also the possibility that future users can help flesh out these brief series descriptions by sharing what they discover during their research.

Some of this work can now be seen on the Archives website. For example we now provide an online, and ongoing, database to archival record series (<http://vermont-archives.org/research/database/series.asp>), while we also have a section on managing records (<http://vermont-archives.org/records/>).

The Archives is also part of a volunteer collaborative effort with the Department of Information and Innovation and with the Public Records Division within the Department of Buildings and General Services to provide consistent professional advice to agencies on records issues. We hope to soon have a monthly newsletter for reporting on the work of that collaboration.

These are exciting times within the archival profession. As information and records are better managed it becomes easier to weave the knowledge they represent into government decision making. We are excited, while trying to keep our sacrifices metaphoric and our fingers intact.

Voice from the Vault

By Gregory Sanford, State Archivist

The Flight of the Pink Flamingo

My staff, if not quite tolerant of the housekeeping I apply to my office, at least find it a useful analytical tool for probing my psyche. Recently a staff member, spying a stack of yellowing newspapers under my desk, speculated that this was a carry over from my youth when I must have hidden girlie magazines under my bed away from the prying eyes of parents (as if this hiding place was not well known to parents across the ages).

Not so, I hastily defended myself. The pile reflected articles that caught my fancy as potential material for this column. Here, for example, was a column from November 2006 decrying the demise of the pink flamingo lawn ornament two months short of its 50th anniversary. The flamingo was invented by Don Featherstone of Union Products (he went on to become company president). For aficionados, the way to tell whether you have an authentic flamingo is to look for Mr. Featherstone's signature on the tail.

The article noted how the pink flamingo's sustained success was, in part, the result of changing public perceptions of its value. Once a humble lawn ornament available in 1957 for \$2.76, it became a symbol of American kitsch and, in the hands of baby boomers, a challenge to the boundaries of high art and good taste. Jenny Price, the article's author, linked the flamingo's demise to its acceptance by the art community. In the 1990s, for example, the Museum of Contemporary Art in Los Angeles sold the flamingo in its gift shop. Mr. Featherstone attributed the demise to more mundane reasons such as the rising costs of resin and electricity. Since this column is to inspire rather than depress, I should note that the copyright to the flamingo has been purchased and a New York company will be resuming production.

The rise, fall and resurrection of the pink flamingo lawn ornament could be an analogy for the Archives during my career. Okay, that may be a stretch but remember I am trying to justify that pile of yellowing newspapers. The State Archives—indeed, archives in general—were created as places to preserve and make accessible essential evidence of the commitments and actions of the institutions they serve (in my case, state government). As I have recounted before, over time that initial rationale changed and the Vermont State



Archives became less associated with institutional evidence than with historical research. When I was

hired (October 1982) the Archives, then known as State Papers, primarily focused on annotating and publishing 18th century records.

Just as we applied changing cultural values to the flamingo, changing popular perception relegated archives to being a preserve for historians, including the unfortunate linking of archives to "dark and dusty."

In my early years I applied the skills I had learned in academic manuscript repositories, arranging and describing records and creating detailed finding aids to help researchers locate information. Much of this work reinforced the idea that the archives was a historical, not institutional, function. In the second phase of my career we began to promote the Archives as an institutional resource for providing context to current public dialogues, the "continuing issues" section of our website being a prime example (<http://vermont-archives.org/govhistory/governance/index.htm>).

Currently the Archives is engaged in providing guidance for managing records and information so that essential evidence, born in a digital world, can be kept accessible. These efforts are reflected in part by the "managing records" section of our website (<http://vermont-archives.org/records/>).

The newest effort is a voluntary collaboration between the Archives in the Secretary of State's Office and the Department of Information and Innovation and the Department of Buildings and General Services (Public Records) within the Agency of Administration. The goal of the collaboration is to provide guidance on how to incorporate good recordkeeping practices into paper and digital systems.

The collaboration launched a newsletter in September, the first issue explaining our origins and goals and noting an agreement on policy for managing records in all public agencies (<http://vermont-archives.org/records/standards/pdf/RecordsManagementPolicy2007.pdf>).

The newsletter can be found at: <http://vermont-archives.org/records/iSTART/newsletter/pdf/iSTARTNewsletter200709.pdf>

The October and November issues will look at recommended file formats for records of continuing value. In December we will begin to look at policies for managing electronic communications, such as e-mail.

As a result of these programs, cultural understandings of the Archives, like those of the flamingo, are changing again.

Voice from the Vault

By Gregory Sanford, State Archivist

Wells Goodwin and the Memory of War

I have long been haunted by Wells Goodwin. I confess I do not know much about Mr. Goodwin of Newbury except that the Vermont general assembly honored him on the occasion of his 100th birthday on November 9, 1894. According to the resolution (No. 350, Laws of Vermont, 1894), Mr. Goodwin was the last surviving veteran of the War of 1812 living in Vermont. I stumbled upon the resolution several years ago when looking for something else. I made a note of it since I found it to be poignant.

According to the resolution Mr. Goodwin had served until wounded at the Battle of Niagara (also known as the Battle of Lundy's Lane) in Ontario on July 25, 1814. It was one of the bloodiest battles fought on Canadian soil, with both sides suffering about 900 casualties. Wells Goodwin was one of the 572 wounded among the U.S. troops serving under Generals Winfield Scott and Jacob Brown.

Half a century later, during the Civil War, the aged General Scott still remembered the valor of the Vermonters at Lundy's Lane and reportedly said, "I want your Vermont regiments, all of them. I have not forgotten the Vermont men on the Niagara frontier."

It is the Civil War that stirs my empathy for Wells Goodwin. The last veteran of the War of 1812 living in Vermont had no one left to share living memories of that service. By 1894 that war was cast in the shadow of Vermont's great Civil War sacrifices and in Newbury, and across the state, veterans of that conflict received our attention and honor. In one battle, the Wilderness (May 5-6, 1864), Vermont troops alone suffered more casualties than the entire U.S. force at Lundy's Lane. Who wanted to listen to Mr. Goodwin's recollections of his long ago war when the horrors of the Wilderness, the Seven Days, or Gettysburg were so fresh?

Of course, time constantly shuffles the deck and Gilbert C. Lucier of Jay eventually assumed Wells Goodwin's role. When Mr. Lucier died on September 22, 1944, he was the last Civil War soldier residing in Vermont, surrounded by veterans of World War I and in the midst of a global conflict against which even the Civil War paled in terms of human tragedy. When Harriet H. Holmes of Northfield, a Civil War nurse, died on August 5, 1945, Vermont's last direct link to that conflict was gone. By then Vermont's WWII veterans held our attention and respect.

And now the veterans of World War II are fading from the scene. There are reportedly less than 4 million WWII veterans left nationally (figure from 2004) and they are passing at a rate of a 1,000 a day. A glance at the obituary pages confirms that terrible attrition. There are fewer than 6,000 WWII veterans currently living in Vermont.

Sadly, each generation produces new veterans of military conflict; there are currently, according to the federal Department of Veterans Affairs, 54,531 veterans living in the state. The current conflicts in Iraq and Afghanistan will add to that total even as time does its relentless subtractions from earlier veterans.

In many cases the passing of those generations of veterans appears to go unremarked. In the quick research I did for this column I could not readily find reference to the last Mexican War or Spanish-American War veterans living in Vermont. We are even uncertain about who was the last World War I veteran living in Vermont. It is believed that honor went to the late Rollin Jack Grace, who in 2002 became the first recipient of Vermont's Veteran Medal.

This Veterans Day we should give pause and reflect on all those Vermonters who have served in our country's wars, whether in time shrouded conflicts or during the current war.

Resources for Veterans

The Vermont Office of Veterans Affairs has discharge records for most Vermont veterans. This is a particularly useful resource since the 1973 fire at the National Personnel Records Center destroyed nearly 80% of the Army and Air Force discharge records held by the federal government.

The Veterans Affairs website is at: <http://www.va.state.vt.us/>.



The Veterans Affairs' claim assistance program helps all Vermont veterans access information on federal health care and monetary compensation programs. It also provides a first in the nation "Thank You" booklet listing all available services for veterans. For a copy of the booklet call (888) 666-9894 or (802) 828-3379.

The State Archives holds various records related to Vermont's military activities. Go to the Archives record series database and you can search by various terms (war, pensions, etc). The site is at: <http://vermont-archives.org/research/database/series.asp>. The Archives is currently improving access to Vermont's adjutant general and other military records and will add a new finding aid to the record series database once completed. In the meantime, the current finding aid can be accessed by going to the Buildings and General Services website at:

http://www.bgs.state.vt.us/gsc/pubrec/referen/finding_aid.htm.

Voice from the Vault

By Gregory Sanford, State Archivist

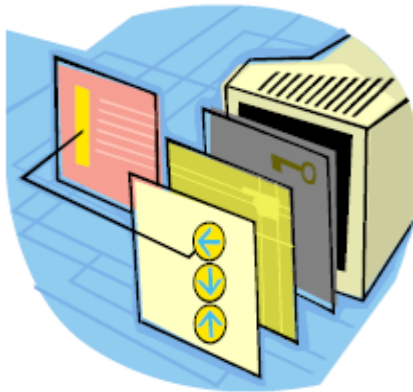
Centralized Data Processing; The View from 1957

By 1957 there were fears that government had grown too unwieldy and inefficient. There was no way to project revenue, track expenses, or even understand the basis of department appropriations. There were over a hundred independent departments, boards, and commissions whose missions and productivity were unknown. While the governor had to sign all personnel changes for each employee, no one knew precisely how many employees there were or how many positions were vacant.

Act 283 of 1957 appropriated \$35,000 to fund a commission to study state government. The act was modeled after similar efforts in other states, collectively known as "Little Hoover Commissions" after a study of the federal government headed by former President Herbert Hoover. The Vermont commission was headed by Deane C. Davis of National Life.

While not specifically enumerated among the commission's statutory charges, support for a central processing unit to address common fiscal, personnel, inventory control, and statistical analysis activities across state government quickly emerged. In its final report the commission noted, "Data processing is partly here. Central data processing is on its way in Vermont. A central service is more economical than that conducted by many separate installations. Several states are now engaged in a painful process whereby each is converting separate services into a consolidated, centralized service."¹

Several commissioners had experience with "mechanical" processing, including Deane Davis whose National Life Company used punch card data machines. It was also in 1957 that Tom Watson, Jr., brought IBM to Essex. IBM served as a consultant to the commission.



Eight state departments already used various data processing (punch card) machines. Agriculture used IBM equipment for accounting and statistical analysis. Motor Vehicles used IBM punch cards to track car accidents. The Unemployment Compensation Commission (the most mechanized program in the state government) used IBM's system for benefit determinations, statistical studies, employer history and rating, wage earning records and other controls. The Department of Health used punch cards to track vital statistics and to monitor public nursing programs. Vermont Life was using punch cards to track subscribers. Forests and Parks, Tax, and Fish and Game utilized Agriculture's equipment to track costs and for statistical analysis. In addition, the Highway Department was starting to use data processing to prepare payrolls and track labor costs.²

The commission looked across the Connecticut River to view the problems of letting each department generate its own processing system. Rolf Haugen of the University of Vermont political science department and a consultant to the commission was dispatched to Concord to investigate the governor of New Hampshire's warning that his state had gone too far in using IBM machines. Haugen reported that "what he meant by going too far was that too many departments had individual installations, and they were not using them economically." Consequently New Hampshire's "Department of Administration and Control doesn't have the information it needs" and was looking to consolidate data processing.³

The uses of mechanical data processing met the commission's mission of enhancing government efficiency. The commission and the IBM consultants thought government should be viewed at a functional, rather than structural, level.

¹ Commission to Study State Government, The Operation of Vermont State Government, Report to the General Assembly, 1959, page 66, State Archives Record Series A-088, Box 1, Folder 22.

² Commission to Study State Government, Feasibility Study of Data Processing, Introduction, page 4, State Archives Record Series A-088, Box 2, Folder 23.

³ Commission to Study State Government, Minutes, August 8, 1957, page 16, State Archives Record Series A-088, Box 1, Folder 14.

Once core functions were identified government could be restructured so that agencies and departments were organized along functional lines. Thus all revenue functions would be centralized under an agency of revenue, including tax and other departments. An agency of finance would oversee the fiscal affairs of the state through centralized accounting. An agency of personnel would provide a centralized program governing state employees. Beneath these agencies would be departments, also grouped by function, such as departments of regulation; labor; conservation and agriculture; and public safety.

Centralized mechanical data processing would draw information from the departments to the agencies in order to give the governor and legislature a global view of key functions and facilitate budgeting and administration.

The commission was clear, however, that the efficiencies of mechanical processing could not be achieved simply by buying the technology. Deane Davis, again drawing from his experience in the insurance industry, noted that, "The bigger the operation, the more economy there is involved in using electronic machinery. The larger insurance companies have already gotten machines. We [National Life] have been planning on ours for five years. We have three men spending full time planning for what will be three years hence. In the state...is the long range planning function adequately provided for?"⁴

Later Davis returned to his concern for the need to plan. "I feel that this development of electronics, if we could expedite a practical system for planning for it [sic]. You can't just decide you want one. You have got to start way back, getting punch cards lined up so they are useful. We [National Life] had lots of things that had to be done over. It is a long term proposition. The quicker we get started on centralization, the better. It is a field where you are lost without proper advice and preparation."⁵

Against this caution he also painted the promise of centralized processing. "Suppose ten years hence we had centralized accounting, and had electronic computation and recordation equipment, the amount of information that would be available would be a great help toward business management of the administrative branch of state government...If you are going to have real management, the electronic thing would be undoubtedly in the cards for the state."⁶

In 1959, by Act 328, the legislature adopted many of the recommendations of the Little Hoover Commission through the creation of a department of administration, which included the authority to establish and maintain central data processing facilities. The ideals of centralized computing, and Deane Davis' caution that its success depended on effective long range planning, however, have not been consistently addressed. Consequently those issues often re-emerged in subsequent studies. The vision of information technologies creating government efficiency is not new; nor is the need to plan in order to truly achieve those efficiencies.

⁴ Ibid.

⁵ Ibid, page 35.

⁶ Ibid.



In response to November's column on Wells Goodwin and the Memory of War, a reader wrote in to say that the last Mexican War veteran living in Vermont was *John Goodwin*, Wells Goodwin's son. John Merrill Goodwin was born in Ryegate on 17 July 1820 and died in Newbury on 8 September 1910. The information was drawn from *Goodwin Genealogy, History Of Ryegate, Vermont, Miller & Wells*.

Voice from the Vault

By Gregory Sanford, State Archivist

Minute by Minute: An Archival Challenge

It started as a simple project. After the Archives law of 2003 gave us administrative control over the state's archival records, we created a database of all record series currently identified as archival. An online version of that database is available at: <http://vermont-archives.org/research/database/series.asp>.

We now are consolidating fragmented record series under single entries. For example there were multiple "series" for the minutes of a single board. What could be simpler than moving these fragments under a single board minutes series so they would be easier to locate? Little did we know.



The first fragment was for the board's minutes, contained in six volumes, from 1913-1959. In addition there was a "series" consisting of security microfilm of board minutes from 1959-1969, though there was no mention of a reference copy of the film. There were then a number of discrete "series," broken down by time periods, entitled "taping recordings" for board meetings from 1969-1972; 1970-1979; 1971-1977; 1971-1980; and 1972-1975. The tape recordings were designated as exempt public records, unavailable for public inspection. The cited reason was that some tapes might include recordings of executive sessions.

To further complicate things we located two additional series that were not designated as archival but which contained related material. One was a "series" consisting of a single microfilm roll containing "commissioner's inactive files;" the other was called "supporting material" for the board. A look at the container lists for each series revealed that both series held board minutes. The department within which the board operated has retained minutes from 2000 to the present, presumably some of which are in digital form. The department, however, was unclear about what older minutes it had, where, or how to access them.

Our "simple" task was rapidly unraveling. Why did the tapes have overlapping dates? Why were executive sessions (exempt) captured on the same tapes as open meetings? Were there official minutes for those recorded sessions? Were the thirty-plus-year old tapes still viable and was there still equipment available for listening to them? Why were the series described so differently instead of being consistently identified as minutes? Indeed, why were so many distinct series created for the minutes of this one board?

I have not identified the board because its long term "record keeping" practices are not uncommon across government and because, no matter how idiosyncratic its recordkeeping, it managed to preserve 94 years worth of minutes. Finding and accessing the minutes is the challenge.

All of which leads us to the use of information technologies. All too often we focus on the *technology* not the *information*. Yet from my professional perspective effective IT systems must be based on effective recordkeeping systems. Unfortunately, Vermont has lagged behind professional record and information management practices, creating an uncertain foundation upon which to build effective IT systems.

The case of the board minutes provides numerous examples of issues that must be addressed in planning for record and information systems. To cite a few:

- Record types must be consistently identified and managed as a unit. In this case there should have been a single record series for board minutes. This in turn supports the need for controlled vocabularies so the series was clearly identified as board minutes and not variously described as "tape recordings," "supporting material," or "commissioner's inactive files." Inconsistent nomenclature would be a challenge to search engines.
- Record formats and media must be constantly managed. Just as analog tapes decay and market forces move away from audio tape technologies, digital records depend on being migrated across generations of hardware and software. Some of the tape records are over 30 years old and may be decaying, while reel to reel and cassette tape players are becoming more difficult to find. A digital format certainly would not survive thirty, or even five, years without a management plan.
- Changing formats present challenges for keeping related records associated. The board minutes are captured on paper, analog tape, microfilm, and digitally. In a digital world related records may be captured as text, e-mail (plus attachments), databases, etc; how are those relationships maintained over time so the records are known and accessible?
- What legal requirements need to be addressed, and how, in recordkeeping systems? How can exempt public records be readily identified and segregated in responding to a public records request? Recording open meetings and executive sessions together without a means of segregating them presents interesting problems in responding to a legal discovery request. So would the failure to associate digital records with any legal conditions governing access.



These are important considerations for paper and digital records. What brings them to the fore is government's commitment to information technologies and pressures upon administrators to roll out IT systems as quickly as possible. The sustained planning needed in developing a digital environment is often seen as an impediment; we believe that somehow the technologies by themselves will automatically supply solutions. As last month's column on data processing in 1957 demonstrated, however, the need for long term, sustained planning for information projects has been understood for decades.

To better understand the pressures to implement new systems consider that over the past seven years the state has spent over a hundred million dollars on IT. There are over 330 IT positions within state government. In contrast, there are four records and archival management positions (three in the Archives and one in Public Records). That places a burden on the records program to convey management tools without being perceived as impediments as well. Such record and information tools must be developed and shared in an environment without a tradition of good recordkeeping.



Despite this imbalance we are making progress. As noted in previous columns, tools for managing records and information are being regularly added to the Archives' "managing records" web pages at <http://vermont-archives.org/records/>. The voluntary collaboration among the Archives, Public Records, and the Department of Information and Innovation, known as iSTART, is also developing

tools that are made available through its newsletter at <http://vermont-archives.org/records/iSTART/newsletter/>. We are excited by the opportunities though success may take more than a few minutes.

Voice from the Vault

By Gregory Sanford, State Archivist

Planning for a New Archives and Research Facility

In his 1846 enumeration of "Deficiencies in our history," James Davie Butler opined that the "fruits of our historical harvests and gleanings ought also to be gathered up in a chief place of concourse, instead of in a corner [of the statehouse] where they are now secluded." I recalled Mr. Butler's remarks as I again begin work with the Department of Buildings and General Services and the General Assembly on locating, designing, funding and building a new archives and research facility. It is a sad metric of the success of my tenure that I have been having these discussions since 1985.



In recent years I have heard from a number of municipalities who have built, are building, or are planning to build new offices, including space for their records. It might be useful to share some of the issues we have considered in planning a new facility.

Selecting a site entails several concerns. First is the security of the building from natural disaster. In Montpelier this primarily means having a site that is above the flood plain. There are, however, considerations. One site we examined would have had a 50 or 60 foot cliff just 15 feet behind the facility, exposing the building to water runoff and rock slides. The built environment around the facility can also be an issue. I learned of one municipal vault which was next to a brewery that regularly vented steam. This may have contributed to some condensation problems in the vault. A key goal in our site planning is to be near the primary creators and users of archival public records.

The site should be near fire and other emergency services. While our citizens do not often give it thought, the loss of records affecting title to land would be costly and unsettle their ability to document ownership or compliance with state and local permits. Vaults should be at least four-hour fire-rated.

Sprinkler systems can help mitigate the risk of fire, though in designing a vault there should be consideration of how to evacuate the water after a fire. When we built the current vault back in the early 1980s the standard was not to have any penetration of the vault by water lines, including sprinkler systems. It is now understood that water damage is easier to repair than fire damage and sprinkler systems are allowed. In designing a new facility you have to decide what kind of sprinkler or fire suppression system to install (wet pipe, dry pipe, misting, chemical, or gas) and understand the advantages or disadvantages of each, as well as their costs. Where municipal water systems are not available make sure the water pressure meets the needs of whatever system you choose.

Since money is always a factor, the footprint of a building can be reduced through the use of high density (mobile) shelving. That requires sufficient floor load-bearing capabilities; the National Archives of Australia suggests a floor loading of 250 pounds per square foot for mobile shelving.

One of the most difficult calculations is how much space is needed for future acquisitions. Our current space, capable of holding about 1,500 cubic feet of records, is by far and away the smallest vault among state archives. In 2005 we examined five other states with populations of less than a million. Their vault capacities ranged from North Dakota's 15,000 cubic foot capacity to Delaware's 95,000 cubic feet. Since that report North Dakota has added another 25,000 cubic feet of capacity.

We also examined trends in other state archives in order to plan for a facility that met our 10-year needs. We learned that between 1986 and 2004 the volume of state archives holdings grew by 171 percent. We also learned that a new facility spurs growth as pent up backlogs of archival records are transferred to the archives; the average annual growth was 15 percent per year for the first ten years, when growth settled at about five percent per year.

We knew Vermont, with relatively weak records management programs and a vault capacity frozen at 1,500 feet for two decades, had a significant backlog of archival records eligible for transfer if a new facility was built. We identified some 15,000 cubic feet of court records alone that could be transferred if we had the space. We continue to hear from agencies that would like to transfer their archival records to a secure facility which could provide reference services (thus alleviating reference burdens in agencies). We recently learned, for example, about 1,000 cubic feet of Act 250 permits in state offices that could be acquired. A new municipal vault may encourage boards and commissions to deposit their records with the clerk as well.

One of the great unknowns in planning space is the impact of digital records. Currently computers have accelerated the growth of paper records (see my June 2006 column <http://vermont-archives.org/publications/voice/pdf/CrowingAboutPaper.pdf>). But we are working on standards and guidelines for managing digital records as digital records. Once implemented by agencies we anticipate the volume of paper records will decline. How do we factor digital records into the design, not only in planning for space but also in providing access; should server rooms be added or arrangements made for offsite storage with online access?

I have focused on storage of the records, but we are a reference service and the new facility should be able to accommodate users (nationally, new facilities can lead to an average increase in use of 30 percent) and provide the effective retrieval of records while keeping line-of-sight control of the reference room. The reference room will need to accommodate access to a proliferation of record formats including paper, digital, audio, microfilm, etc.

And there is a less tangible, but nonetheless important consideration. We are not planning for warehouses, but for facilities that reflect the value of the records to the community. As Tom Wilsted wrote in *Planning New and Remodeled Archival Facilities*, "Archives bestow legitimacy on a state or a nation and enhance its stature in the eyes of its people. Archival buildings not only provide a place to house the archival record but are also a visible sign of its value and symbolize the importance or a country's, state's or...[municipality's] cultural heritage." James Davie Butler would agree.

NOTE: There are numerous sources for learning about planning archival facilities. Tom Wilsted's book, mentioned above, is a good source for getting an overview of planning considerations. Even though he is addressing larger archival facilities there is much a municipality could learn about and apply to their particular setting. There are also online sources. To learn more about storage environments or sprinkler systems, for example, go to the Northeast Document Conservation Center's publications online at: <http://nedcc.org/resources/leaflets.list.php>. And, of course, we would be happy to help you locate information for helping to plan a new archives.

Voice from the Vault

By Gregory Sanford, State Archivist

The Right to Know and the Right to Privacy

News coverage of the 2007-2008 legislative session has focused on the usual suspects: health care, energy, our aging transportation infrastructure, campaign finance, etc. A less noted, but nonetheless significant theme of the session is public records. A very cursory search of legislative bills turned up 20 bills relating to public records. Of these, eight address in whole or in part privacy issues and nine address access or disclosure.

This breakdown is an indicator of our ambivalence about records. On one hand we celebrate open records; on the other we worry about the disclosure of personal information within public records.

For example, H.452 (and S.76) proposes "to make available to the public the names of businesses, including dairy farms, registered with the agency of agriculture, food and markets." S.59 wants to expand the definition of public record to include audio and video tapes and DVDs. H.340 seeks to "permit, for any purpose, public access to criminal conviction records maintained by the Vermont criminal information center." S.236 would "clarify the manner in which electronically stored information is subject to court proceedings to discovery rules regarding the production of documents and tangible things."

On the other hand, H.35 seeks to exempt "information revealed by a participant in a counseling session conducted by a law enforcement agency or emergency services employee." H.335 seeks to "make confidential all reports, records, and other information obtained or produced by the victim's compensation program during the processing or investigation of a claim." H.459 would prevent telecommunication companies from selling "subscribers' personal information, or any other data pertaining to a subscriber, to a third party without the written authorization of the subscriber." S.246 would "prohibit the courts from allowing the general public to have unlimited electronic access to criminal and family court records." H.397 wishes to restrict "public access to information contained on a death certificate." S.220 would protect library patron records.



While many of these bills will not pass, the scope of the topics; their tensions between openness and privacy; and their ad hoc nature demonstrate why public agencies occasionally grapple with understanding access to records requirements. Which public records are open; which are exempt; and which are open but may contain exempt information?

A few bills attempt to step back and take a larger view of public records. H.826 proposes a study on "how the personal information of Vermonters is collected, how such information is used and shared with others, and if the personal privacy interests of Vermonters require additional protection." S.229 addresses access to records, including actual costs for copies; a public records act review committee to review exemptions to the public records act; and a public records advisory board to offer opinions when access to a public record has been denied.

S.351, a bill near and dear to my heart, takes a different tack by focusing on the effective management of public records. It proposes consolidating the state's record management program, currently in the Department of Buildings and General Services, under the State Archives within the Office of the Secretary of State. The goal is to create a single, authoritative voice for assisting agencies in the management of their records. Within that goal is the need to provide such assistance from the point of record creation instead of the current system

when agencies often seek help in retroactively managing records that have become too voluminous to handle effectively. In a digital world in particular it is impossible to retroactively apply management steps. The federal and the other state governments have recognized the need for consolidated records programs; Vermont is one of 13 states where archival and records management remains administratively fragmented.

I will address S.351, and what it means to you, in future columns. For now, I pose this question: can you articulate a balance between the desire for transparency and access to government information with concerns about personal privacy? I hasten to add that privacy concerns are not limited to public records as the business world constantly seeks to collect and mine data to track consumer trends, target potential customers, evaluate credit ratings, etc. It has often been remarked that a right to privacy is chimerical; there is so much data being collected and shared that privacy no longer exists.

A February 18th opinion piece in the *New York Times*, for example, noted how hard it is to delete voluntarily supplied personal information from Facebook, YouTube and other private sector services. It also noted the reaction to Facebook's Beacon system that notified users' friends—without the users' consent—about online purchases. The piece explained how hard "identity management" is in a networked world and how voluntarily supplied personal information can come back to haunt you.

In terms of public records the rub, as always, is in the details. If you are convicted of a criminal offense have you waived a portion of your right to privacy and your conviction records should be available online? Or does posting the records create a burden on re-integration into society? Would the details of an individual's death embarrass the family, or do you have a right to know any health issues in your neighborhood or state? Does putting your real property/grand list information online expose you to robbery or does it enhance your marketability of title by allowing potential buyers to know something about your property, town tax rates, etc? Should the library books you check out be protected information? What about the books your children check out; do they have an equal right to privacy or do you have parental rights that condition their right to privacy?

The balance is elusive. Legislative efforts to address openness and privacy can find themselves in conflict; more often than not they are addressed in an ad hoc manner that obscures potential conflicts or inconsistencies. Just as often the myriad bills that effect public records go unnoted by the public. So, I ask again: can you clearly define your right to know and your right to privacy?

Voice from the Vault

By Gregory Sanford, State Archivist

Learning From TV: The First Years of ETV

The instructions might sound familiar to readers of a certain age. In 1970, when an early viewer of Vermont Educational Television complained that reception in the Brattleboro area was poor, he was told to turn the switch on his TV to UHF; turn to Channel 41; and then aim his UHF (as opposed to VHF) antenna at Mt. Ascutney. The station recommended that he move the antenna within a three foot arc until he found the best reception.

Vermont Educational Television (ETV) was established by Act 23 of 1966 through an appropriation of \$2.3 million to the University of Vermont "for the construction and equipping of an educational television network for the state of Vermont." ETV went on air on October 16, 1967, broadcasting Monday to Friday from 9 a.m. to 2 p.m. and 7 p.m. to 10 p.m.

There was great, though not universal, excitement about the possibilities of using a publically-funded television station to provide not only distance learning for schools but also a forum for informing the public about government programs and initiatives.

A 1969 survey of Vermont's supervisory school districts reported that 42,000 students watched ETV either in the classroom or in the evening. A majority of the schools polled found the station "very worthwhile." Bellows Falls schools reported, for example, that 475 students watched ETV for 13 hours a week for science, social studies and history classes. In one Brattleboro school 140 students watched five hours a week in support of language, music, science, and social studies classes. Much of the programming was locally created though Sesame Street, the Civilization series, and other national programs were available.



Many of the programs were designed to inform Vermonters in general as well as school children. ETV's program director Garry Simpson and the station's governing board, featuring legislators, a representative of the governor, and representatives from UVM, the state colleges, and education worked with government agencies, schools and others to develop programs on public issues (one of the early ETV directors who remains familiar to us is Weston Cate of East Montpelier, a teacher who became the long time director of the Vermont Historical Society).

State programs used ETV to expose broader audiences to their efforts. For example, in 1970 the Alcohol Rehabilitation Services helped create such programs as "To Your Health" (13 minutes); "Alcohol and the Human Body" (15 minutes) and "A Message in Every Bottle" (20 minutes). These were shown at several different times to meet school schedules. In 1970 the Development Department granted ETV \$13,500 to help create programs on land use, zoning and planning, housing,

poverty, and air and water quality (the Archives holds several of these films). There was a monthly Governor's Press Conference as well as a series on issues before the legislature. Another series featured "Vermont School Reports." Students also contributed to the programming; a series called "Twenty Below" was the product of a two-year collaborative effort among the students at 17 Vermont high schools.

In its early years Vermont ETV was wholly funded by public money (fund raising came later) and not all citizens, or legislators, saw it as an appropriate use of taxpayer money (in 1971 the state allocation to ETV was \$542,000). One Rutland viewer called ETV a "taxpayer created monster" and proclaimed that he would "prefer

my young to memorize a Beer Commercial or two than the trash on ETV." (Governor Deane C. Davis Records, Box 1A, Folder 15). A Montreal viewer complained about the growing number of Public Broadcasting Corporation shows that were being used, even though they consisted of "cheap, cheap jazz spots and some political propoganda items which may be of interest to black left-wingers." (Davis Records, Box 7B, Folder 22) The Quechee Lakes Corporation complained about anti-development biases in a program by Vermont Natural Resources and demanded equal time. Within a year of ETV going on air Governor Davis had to fend off an attempt by some legislators to severely curtail state funding.

Some complaints and opposition were the inevitable outgrowth of concerns about government, and specific agencies, funding programs about their efforts. Could such programs be unbiased? Still, a review of the early programs shows a remarkable effort at creating an informed citizenry attuned to current issues. While many of the programs looked at the state's growing interest in land use and environmental protection, other programs such as "State Spending: Where Do We Go From Here?" sought to convey the difficult financial aspects of meeting growing expectations for services against a relatively small state budget.

What is of particular interest to me is the expectation that new technologies could be used to inform citizens, provide distance learning, and serve a host of other public services. Today we are witnessing the same expectations inspired by another new technological tool: the worldwide web. Can we learn anything from ETV's early days that might help frame our current expectations for the web? Will the same demands for slicker productions, commercial opportunities, and national programming over local productions re-shape those expectations just as they did for commercial and public television? Please stay tuned.

Voice from the Vault

By Gregory Sanford, State Archivist

State Archives and Records Administration: An Odyssey

Odysseus famously took ten years to complete his journey home from the Trojan War. With the passage of Act 96 (S. 351) the State Archives and the Public Records Division within Buildings and General Services recently reached home after their own odyssey. I wish I could say it only took ten years, but that is a story for another day.

Under Act 96 the functions, staff, budgets, and equipment of Public Records will be integrated with the State Archives on July 1st to create a new division of State Archives and Records Administration (SARA) within the Secretary of State's Office. This will create better opportunities for providing professional advice and guidance for managing public records from point of creation to final disposition, whether that means destruction or transfer to the Archives.

Part of the vision that led to Act 96 was to allow agencies to manage their records and information as key business assets for informing decision making and measuring program outcomes. The mission includes providing effective guidance so that records are retained only as they have a legal or administrative purpose. This in turn will reduce the risk of litigation, including the costs of legal discovery, while improving government's ability to efficiently respond to public records requests. Underlying all of this is the ability to manage records and information at the enterprise level so that related records, and the mandates governing

them, can be viewed across bureaucratic boundaries. All of which sounds good, but how will this be achieved? Partnerships with agencies and the Enterprise Project Management Office (EPMO) within the Department of Information and Innovation will be important components of the program. Through a Targeted Assistance Program (TAP), modeled after a federal program, agencies can contact SARA for assistance on records management projects. Each project will have a defined scope, schedules, milestones, and outcomes and will be conducted by agency teams working with SARA. See: <http://vermont-archives.org/records/tap/index.htm>

The partnership with EPMO is important to implementing an enterprise approach. EPMO business analysts do process mapping to create a graphical depiction of agency business processes. SARA record analysts will work with the business analysts, and the participating agencies, to identify and manage the records produced by these business processes. The partnership among business and records analysts will allow some pooling of resources, sharing of information, and using of common terminologies

for describing business processes and the records they produce. This, in turn, creates a consistency that supports the identification of related or similar processes and records across agency boundaries. This ongoing collaboration is known as iSTART (for more on iSTART see: <http://vermont-archives.org/records/iSTART/newsletter/index.htm>).

This more proactive approach will positively impact the other record services. The ability to identify related or similar business processes and the records they produce will allow SARA to develop general record schedules so, where appropriate, similar records can be managed similarly. This replaces the long-standing practice of viewing each agency request to store, reformat (microfilm or scan), or dispose of records as unique and assigning retention requirements in an ad hoc manner. For example, identifying all permitting processes and their associated records should help breakdown traditional agency information "silos" so permitting activities and records can be viewed across agencies, enhancing access.



Greg Sanford, Sec. Markowitz, and Gov. Douglas at bill signing.

Beyond improved accessibility, managing records from the point of creation will allow agencies to better identify which records need to be retained for how long. This can reduce storage and reformatting costs. An analysis of one group of records found that stored or reformatted files could be reduced by at least 40% simply by weeding out duplicate or transitory records from long term files.

So what does this mean for you, whether you use the current programs to store your records or you need to research in those records? Initially you will see little change as we work on the immediate issues of transition and refine strategies for achieving our vision. For the near term the Archives will remain at the Secretary's 26 Terrace St. Office in Montpelier and the record center services will remain in Middlesex, though there may be some limited movement of personnel or records. The ultimate goal is to physically unite SARA in Middlesex once a proposed archival and research center is built (if the current capital construction request is approved, construction could start as early as this fall).

As changes are implemented we will keep you informed. I started by talking about our odyssey toward integration. Where we have arrived is not home, but a new, better embarkation point. We look forward to working with you as we start our new journey.

Voice from the Vault

By Gregory Sanford, State Archivist

Voting on Vetoes

After all these years I still find absolute delight in the unanticipated question, particularly those that challenge my own assumptions. For example, as the House prepared to vote on the governor's veto of S. 278, the campaign finance bill, we were asked whether speakers of the House had ever voted on overrides. The question was important because the vote was going to be close. Those who felt speakers couldn't vote pointed to House Rule 76, which restricted the speaker to voting "in cases of elections by ballot, or when the House is equally divided, or when the speaker's vote, if given to the minority, will make the division equal" (in which case the measure would be defeated). Those who supported the speaker voting noted Chapter II, Section 11 of the Vermont Constitution which said a vote of "two-thirds of the members present" was required to override a veto. "Members present" did not make an exception for the speaker, therefore the speaker should be counted among those voting.

My assumption, based on recent history, was that speakers had never voted on overrides. The Archives, of course, is based on records-based evidence, not assumptions, so I delved into previous veto votes. I was surprised to learn that initially speakers did vote. In 1839 the first veto vote, following adoption of the modern veto system in 1836, included the vote of the speaker. In the second veto vote (1845), which was also the first successful override, the speaker again participated. Indeed, as late as 1892 there was evidence that speakers even voted in roll call votes, regardless of whether it was a casting (tie-breaking) vote.

These discoveries answered the immediate question of whether speakers had ever voted on vetoes though, in some mythical free moment, this requires further research. When, and why, did speakers stop voting on vetoes and roll calls, for example? I suspect the answer lies in the

rules of order that underlie the rules of the house and senate, but that research must await another day.

Actually veto questions became quite frequent as the legislative session wound down. We received numerous inquiries about why the legislature upset its "tradition" by not including, as part of adjournment, a resolution providing for reconvening to address any vetoes. This question we were prepared for through one of our "continuing issue" web presentations <http://vermont-archives.org/govhistory/governance/Vetoes/vetoes.html>. The "tradition" of veto sessions only dates to 1995.

In 1994 Governor Howard Dean used the pocket veto on nine bills. A "pocket veto" is when a governor refuses to sign a bill received after the legislative adjourns. As a consequence the legislature lacks an opportunity to vote on overriding a pocket veto. In response to Governor Dean's use of the pocket veto the legislature adopted the practice of including, as part of adjournment, a resolution calling for reconvening to address any bills the governor vetoed following adjournment. First exercised in 2000, this practice eliminated the pocket veto. It says something about our awareness of the processes of self-government that within eight years we came to assume that veto sessions were a tradition.



Why did the 2008 session fail to include such a resolution? Various political motives were bandied about by pundits and politicians, but the truth of the matter is that vetoes are extremely hard to override. This also became a frequent question, though often couched in terms such as why the Democrats, with large legislative majorities, were unable to override any of Governor Douglas's vetoes. The 2007-2008 Legislature, however, is not the first general assembly to discover how difficult it is to achieve the two-thirds majority required for an override (or even, prior to 1913, when only a simple majority was required for an override). Since

1836 only six vetoes have been overridden; this includes years when the Republicans held overwhelming legislative majorities (though often they were addressing vetoes by Republican governors).

The success of vetoes is all the more remarkable as they increasingly become a policy tool, rather than a response to "hasty" (poorly drafted) bills or bills that raised, in the eyes of a governor, constitutional issues. Initially, vetoes primarily addressed drafting flaws (Governor Douglas's veto of H. 203, relating to inheritances, on May 22nd fell within this category, noting that the bill inadvertently created a six month gap between the repeal of the existing law and the effective date of the new proposal). In 1869, for the first time, a governor cited a constitutional problem with legislation as a cause for a veto. Increasingly since the 1980s governors have used the veto against bills they have policy disagreements with. The use of the veto over policy differences explains, in part, why the veto has become more common. Governor Dean (1991-2003) holds the record with 21 vetoes. Governor Douglas (2003-) is second with, to date 13 vetoes, followed by Governors Snelling (1977-1985; 1991), Kunin (1985-1991) and Mead (1910-1912) with eight vetoes apiece (obviously lengthening gubernatorial tenures may

also play a role in how many vetoes a governor issues).

Over the past year I have increasingly used this column to address different aspects of archival management from the need to manage records throughout their life cycle (particularly in a digital world) to physical plant considerations. Reference is another core component of archival management. Within a public archives, reference is frequently shaped by the need to provide accessible information that can inform decision making. At a time, for example, when vetoes have become more important, it is useful to provide information on how the veto has evolved and how the legislature has responded. Our web presentation on the veto, as with other "continuing issues" on our web page <http://vermont-archives.org/govhistory/governance/index.htm>, provides one example of how we try to shape records and information into context for decision making.

After all these years, finding ways to unlock information so it can be used to inform policy remains my favorite aspect of archival management. With the launch of the new State Archives and Records Administration on July 1st we hope to develop additional ways to make information accessible to you.

Voice from the Vault

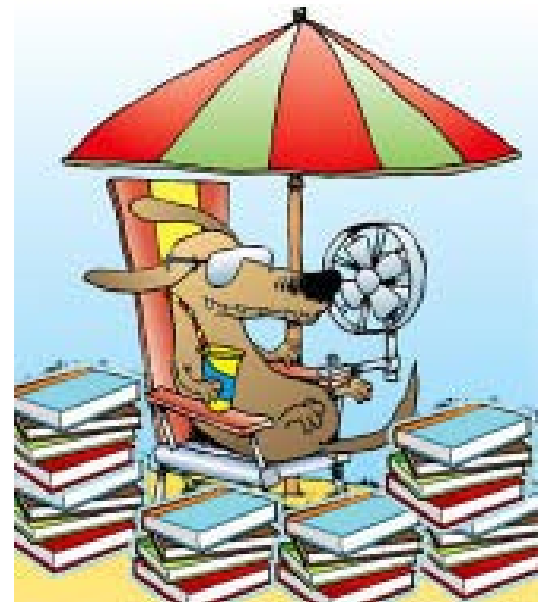
By Gregory Sanford, State Archivist

The Dog Days of Summer

The "dog days of summer" originally referred to the days when Sirius, the Dog Star, rose at the same time as sunrise. More generally they now refer to the period from July 3rd to August 11th as a period of stagnation brought on by hot, humid weather. This year there is nothing stagnant about the dog days of summer for the new Vermont State Archives and Records Administration (VSARA).

VSARA came into being on July 1st through the merger of the Public Records Division within the Department of Buildings and General Services with the State Archives within the Office of the Secretary of State. This new division within the Secretary's Office is responsible for providing records and archival management services to state agencies. Created through Act 96 of 2008, VSARA's authorities are primarily found in 3 V.S.A. §117 and 3 V.S.A. §218.

We have been spending our days doggedly addressing the myriad administrative details associated with the merger and laying the groundwork for a sustained review of our existing programs and how they further our mission. At the same time we are working with architects and Buildings and General Services on the design and construction of a new archives and reference facility at the Middlesex record center. If all goes well (and that is always a fateful phrase) we will slowly be consolidating our operations at Middlesex as construction moves through several phases. By January 2010 the physical consolidation of our offices should be complete.



Several of you have inquired about what all this will mean for the management of municipal records. Initially there will be few visible changes as we look at our current services. Existing municipal record series and disposition orders will remain in effect. Lisa May and the micrographics unit will continue to microfilm municipal records under the current system.

One immediate change will be that questions on municipal record scheduling and retention should be directed to Tanya Marshall rather than Mark Reaves. Tanya, who is in effect my deputy, is our senior records analyst in charge of appraising records and establishing record schedules on how long records need to be preserved. Tanya can be reached at (802) 828-0405 or at tmarshall@sec.state.vt.us.

Another change is the addition of two record analysts. On July 7th we welcomed Scott Reilly and Katie Sherman to our staff. They will work under Tanya's supervision. The record analysts will directly assist public agencies in identifying what records are produced by what mandates and business processes and what legal, administrative or other requirements govern how long the records should be retained. This more active partnership with public agencies has several goals, most notably in developing a common vocabulary for describing similar business activities and record types. Another goal would be to establish, where appropriate, common retention periods for similar records. This will replace the current, more reactive practice of addressing requests on an ad hoc basis which has led to thousands of

disposition orders incapable of supporting a consistent and comprehensive (enterprise) approach to public records.

We have already encountered the pent up desire for more consistent guidance on managing records. To avoid being overwhelmed by hundreds of individual requests we are asking public agencies seeking to update their record management programs to submit requests to our Targeted Assistance Program (TAP). TAP is described on our website at: <http://vermont-archives.org/records/tap/index.htm>.

In other words, instead of trying to address individual requests from 246 municipalities, and thus recreate the failed ad hoc approach of the past, we are asking for municipal clerks or treasurers to identify specific records project, organize a project team, and then submit their request to Tanya. Given the limited resources of municipalities we recommend that TAP proposals be developed in connection with the Vermont Municipal Clerks and Treasurers' Association, the Vermont League of Cities and Towns, an active county association of clerks, or some other organization that can help sustain a project. As I write this I understand that the municipal treasurers are exploring a possible TAP request.

When appropriate the Enterprise Project Management Office (EPMO) of the Department of Information and Innovation will join the partnership for a more complete business/workflow analysis and to add an enterprise approach that may contribute to a more comprehensive application of record management practices, including the management of digital records.

VSARA is also developing training opportunities and tools for those responsible for managing public records. As with most of our initial efforts, the focus will be on state government records officers but we will also develop workshops and other tools for custodians of public records at the municipal level. Many of you may have attended one such presentation, given by Tanya on June 3rd at St. Michael's College.

These are, for VSARA, hardly the lethargic dog days of summer. A lot is going on; a lot remains to be done. We recognize that it will take time to turn our records program in a new direction. To effectively address decades of good faith but ad hoc and even inconsistent approaches we need to proceed in a thoughtful and structured way. We ask for your patience as we seek to improve our services. I believe that by working together we can create a program that will make us all more effective in our jobs while allowing our public records to become a resource for Vermonters.

Voice from the Vault

By Gregory Sanford, State Archivist

Webster and the Battle of Bennington

While it may reflect poorly on my abilities as a pet owner, I confess that my dog Webster is unfamiliar with the Battle of Bennington (August 16, 1777). What Webster did know on August 15th of this year was that it was morning, I was home, and therefore it was time for us to stroll down to Laird Pond. Numerous neighbors driving by on their way to work stopped to inquire why we were out and about on a Friday. Most assumed I was taking advantage of the all too rare sunshine to play hooky and stay home. When I explained that it was a state holiday my neighbors offered good natured, but nonetheless pointed, remarks on state employees and obscure holidays.

Battle of Bennington Day suffers from misunderstanding and neglect. One sure sign of this is the lack of the commercial exploitation that we use to observe, and obscure, more celebrated holidays. There was nary a car, furniture, or mattress sale to be found on the 15th, while the card racks at local stores were bereft of Bennington Battle Day offerings.

Periodically brave souls sally forth to give the holiday its historical due. This year Senator Bill Doyle offered an opinion piece on why the battle was important (Times Argus, August 10th and the Free Press on August 15th), while Mark Bushnell used his Sunday, August 17th column in the Rutland Herald/Time Argus to likewise explain the battle's role in the subsequent surrender of Gen. John Burgoyne at Saratoga, one of the pivotal events of the American Revolution.

But as I strolled along the peaceful and familiar back roads I fell into thought about Vermont as a war zone and the common threads of the human experience. As most of you know, Vermont occupied a disputed territory claimed primarily by New York and New Hampshire. In 1777, against the backdrop of the American Revolution, Vermont issued its own declaration of independence and called itself into being through the adoption of a state constitution. It was the first self-created state and, as a revolution with the Revolution, raised a host of sticky political issues for the original thirteen states.

That is a story for another day. The point was that New York continued to try and assert its jurisdiction over Vermont while the British army used the Champlain Valley as a major military corridor. While Vermont's revolutionary leaders declared that New York and Great Britain had abrogated the social contract, leaving us in a state of nature, free to create a new political entity, others retained allegiance to New York and/or Great Britain. Speculators and settlers whose title to Vermont land came from New York opposed the new state in defense of their property and labor. The British army was operating in the Champlain Valley while British loyalists in Canada, with their Native American allies, conducted raids against Vermont settlements.

These raids are long forgotten but were terrifying realities to Vermont settlers. In early 1777, for example, 14 Vermont soldiers under Capt. Thomas Sawyer accompanied Moses Pierson to his farm in Shelburne to prepare his crops. Pierson had abandoned his farm the previous fall because of enemy raiders. In March the troops were attacked by Native Americans under the command of a



British officer and were driven into a blockhouse which was then set on fire. The Vermonters managed to defeat the raiders, killing the British officer and at least 12 others, but at the cost of three killed. These skirmishes were repeated in other frontier towns. Residents of Vermont's frontier towns were left with the difficult choices of staying with the hope that local and state militia could offer protection; withdrawing until it was safe to return; or accepting the protection of Vermont's enemies.

The latter course was not without additional risks. In July 1777 Ira Allen on behalf of Vermont's Council of Safety, which functioned as the state government, warned New Hampshire's revolutionary government that every town that accepted British protection changed Vermont's line of defense and, "as Some Disaffected Persons eternally Lurk in almost every Town, such become Doubly fortified to injure their Country." Vermont looked to ways to remove such "Disaffected Persons."

For several years Vermont's revolutionaries had used their militia, notably the Green Mountain Boys, to frustrate New York's efforts to assert its jurisdiction. New York surveyors had their instruments broken and were escorted out of state. New York's Vermont courts were disrupted, most famously at the "Westminster Massacre." New York sheriffs and their posses were set upon when they attempted to arrest Vermont supporters. Settlers holding New York title risked having their homes destroyed and being expelled from Vermont.

In March 1778 the Vermont legislature created courts of confiscation. These courts seized and sold the property of Tories who opposed Vermont. This not only eliminated enemies of the state, as defined by the legislature, but also provided much revenue for the new state government without having to resort to taxes. Tories who were evicted from their land were arrested and imprisoned until they could be escorted out of state.

Occasionally the courts made allowances for the wives and families of the Tories (while this was often done for humanitarian reasons, in some cases there may have been an attempt to recognize that the treasonous behavior of a husband may not have been shared by the family). The wife of Tory Jeremiah French was expelled to join her husband "now in the armies of the Enemy" but was allowed to take "two feather beds and bedding not exceeding eight sheets, six coverlids or blankets, five plates, two platters, two basins, one quart cup, & knives & forks if she has such things, [and] her own and her children's wearing apparel." All other "moveables" were to be sold to pay for transporting her out of state, while the family's real property was seized and sold.

In 1941 Mary Greene Nye, in her introduction to *Sequestration, Confiscation and the Sale of Estates* (State Papers of Vermont, Volume 6), lamented that the "whole field of sequestration...is almost entirely unrepeat." While Vermonters have long celebrated the political and military feats of our founders, we have largely ignored the social and economic realities of being in a war zone surrounded by powerful and inimical interests. In recent columns I have focused on the new Vermont State Archives and Records Administration and the need to manage public records. Another role of the Archives is to encourage the study of state government over time. My own preference, as long time readers know, is to not only see the past as passed, but also to look to the past for clues about who we are and how we respond to different situations and issues.

And this is where my thoughts led me as Webster and I walked toward Laird Pond. There is a constancy to human nature. Vermont's revolutionaries restricted the freedom of expression of those who opposed them; they waged a guerilla war to keep New York from establishing the infrastructures of government and to tie down a superior military force; and they cleansed the state of opponents. We see similar responses today within the far too numerous trouble spots of the world. What, if anything, can a better understanding of how we once responded to internal and external threats tell us about the events of our current world?

Voice from the Vault

By Gregory Sanford, State Archivist

The Essential Services of Government

The international collapse of financial markets and a declining economy and job market forced Vermont state government to cut programs. The question was, what services should be cut? In his 1933 inaugural Governor Stanley Wilson explained the problem.

"The great increase in the cost of our government aside from war time expenditures and those due to the [1927] flood has come about because the people acting through their representatives in previous legislatures have been constantly demanding that more be done for them through state agencies. We speak of essentials of government. The actual essentials of state government are few. Not long ago the state spent nothing for highways, public health, care of the insane, care of tubercular persons, public welfare, conservation, agriculture, forestry, industries, and supervision of public service corporations and but little for education and debt service. If we should eliminate expenditures for these endeavors now, we could run state government for a tenth of its present cost.

For practical purposes we must now define the essentials of state government to be those endeavors which are either necessary for the continuance of the constitutional functions of the state or which may properly be handled by the state and which the people had rather pay for and have the state carry on than to go without the service or provide for it through local taxes.

...To shift burdens from the towns to the state does not relieve the burden of taxation, although it may effect a different distribution of that burden and may secure greater efficiency. To cut off a state endeavor that is deemed essential will not relieve the burden, it will simply cast it on the several communities.

Probably we have no state endeavors that do not have merit. Some are absolutely essential to the continuance of our functioning as a state. Others are essential according to modern standards. Some are desirable only if we can afford them."

Governor Wilson's need to reduce the cost of government sounds familiar as does his rather plaintive ruminations on what constituted the "essentials of state government" and which services to cut. Wilson's statement that "not that long ago the state spent nothing on highways," etc. did not recognize the incremental growth of state responsibilities for the services he noted. For example, the 1777 Constitution gave the courts jurisdiction over "the Care of Persons and Estates of those who are non compotes mentis." The 1779 "Act for relieving... Idiots; impotent, distracted and idle Persons" required state support for the mentally ill who could not be provided for by either their families or towns. In 1835 the state began to periodically make appropriations for the Brattleboro Retreat and in 1841 made the first general appropriation for the insane poor. In 1884 the state assumed responsibility for the support of mentally defective paupers and in 1891 opened the Vermont State Hospital for the Insane in Waterbury.

The same incremental growth of state services occurred with education. For example the state provided free textbooks starting in 1894; took over the State Normal Schools (now the Vermont State Colleges) in 1896; created a state school fund of \$1.2 million in 1906; and between 1925 and 1933 routinely appropriated money for a Community School House Fund which provided towns with matching funds of

up to \$100 to improve rural schools. Such long term incremental growth applied to all the services Wilson mentioned.

In a few cases Governor Wilson actually expanded the costs of some of the services he enumerated. He supported appropriations to forestry and highways in order to create jobs for unemployed Vermonters. He also had the commissioner of forestry employ men to cut wood on state land to be distributed to the unemployed for heating their homes.

The incremental growth of essential services was not linear and at various times state support was reduced. Starting in the 1923, for example, education experienced a series of cuts reducing the clerical staff of the Department of Education from 10 to six and reducing the department's cost of administration from \$31,000 to \$29,000 by 1928. Still, local pressure for educational support continued and by 1932 state expenditures for education had grown by 21½ percent since 1924 (during the same time period state expenditures for highways grew by 186 percent).



Wilson noted the tensions among services that could be provided more effectively by the state rather than by individual municipalities and the risk of dumping the costs of some services on the towns. Under Vermont's one town/one representative apportionment system the poorer rural towns had long used their vast legislative majorities in the House of Representatives to centralize the collection and redistribution of funding for services. In the 1890s the legislature passed levies on town grand lists for the support of highways and education to the advantage of the poorer towns. In 1931 those smaller towns supported the inauguration of a state income tax rather than levies on the grand list in order to alleviate local property taxes. They also supported creation of a state highway system in 1931 and other measures that increased the state's responsibilities and costs for essential services. It was not until the reapportionment of the house in 1965 that the smaller communities lost their ability to shift costs from the towns to the state.

In turn the state, despite its Republican fealty, was quick to respond to federal programs by passing enabling legislation to benefit from New Deal programs. Wilson, for example, successfully encouraged the legislature to pass enabling legislation so Vermonters could take advantage of housing loans through the Federal Home Loan Bank. Wilson also supported new sources of taxation and celebrated a new tax on electric energy that generated \$239,154 in 1932, further noting that the "tax has not been passed on to the consumers through increased rates."

While it is easy to draw parallels between Wilson's Vermont and ours, it is his core question that remains important to us today: what are the essential services of government?

To read Governor Wilson's 1933 inaugural speech, visit our website at: <http://vermont-archives.org/govhistory/gov/govinaug/index.htm>.

Voice from the Vault

By Gregory Sanford, State Archivist

Election Questions

Election seasons always bring a spate of questions from the news media and others looking for context, seeking to confirm superlatives ("this is the first..."), or, I occasionally suspect, seeking something fresh after everything has been said. While I am writing this in October so more questions may be lurking out there, I thought I would share some of the questions we received.

We were asked whether a Vermonter had ever run for president. Howard Dean sought the Democratic presidential nomination in 2004 but, of course, fell short (though his use of the internet for mobilizing supporters and fund raising presaged the current candidates' use of digital communications). Calvin Coolidge did serve, but was no longer a Vermont resident when he ran. We believe the honor falls to John Wolcott Phelps of Guilford who ran as the American Party's candidate in 1880. He received 1,045 votes in the national election.

Here I must pause and apologize to long-suffering readers since the 1880 election produced one of my favorite campaign quotes, one that has appeared in previous columns. A New York Democratic newspaper contemplated Vermonters influencing the Empire State's 1880 vote, warning that, "From the slums of the Green Mountains, the unclean alleys and blind lanes of Woodstock, Bethel, and Pompanoosuc, are to come the brawlers who shall terrify the peaceful citizens of Cow Bay and Mackerelville [NY] and vote the Republican ticket early and often."

That New Yorkers feared Vermonters influencing the Republican, not American Party, vote leads to another question we received. The most interesting form of the question came from a reporter assigned a story comparing the Republican allegiance of Utah to the Democratic allegiance of Vermont in presidential elections. Unknown to the reporter, the assignment was serendipitous in that there is an earlier Utah/Vermont link: in 1912 only Vermont and Utah voted for the Republican presidential candidate William Howard Taft. Vermont was the most Republican state in the nation for over a century and did not vote for a Democratic presidential candidate until the Lyndon Johnson/Barry Goldwater race of 1964. Utah occasionally faltered in its Republican fealty and in 1936 only Vermont and Maine voted for Alf Landon, the GOP presidential candidate. To show how things have changed, some reporters of more recent vintage called to inquire whether Vermont had ever voted Republican.



Alexander Twilight

An unanticipated question was whether Vermont had ever elected a woman of color to the legislature. The answer is yes, Louvenia Bright of South Burlington served in the Vermont House for three terms between 1989 and 1994. Many readers are aware that Alexander Twilight of Brownington became, in 1835, the first African-American to be popularly elected to a state legislature.

Since we hold campaign finance records we routinely receive calls about trends in campaign spending. Media costs are one of the drivers of campaign spending and the first reported use of radio was by Frank Partridge, who ran in a special election for the U.S. Senate in 1932. The first reported use of television advertising was by Robert Stafford in his 1958 race for lieutenant governor. Paul Gillies, who once read through all our campaign finance

reports, discovered that the majority of statewide candidates prior to 1945 funded their own campaigns (at the time only primary expenses had to be reported; victory in the Republican primary was tantamount to election. As a further side, there were no contested Democratic primaries for statewide office from 1916 until 1960). The first candidate to report not spending any personal money was Robert Stafford in his 1964 primary for the Republican nomination to the U.S. House; all of the \$587 he spent was from contributions.

Finally, as is often the case when there are at least three candidates for governor, we received questions about what would happen if none of the candidates received the constitutionally-required majority. The election is then decided by the joint assembly, which occasions further inquiries about any cases when someone other than the plurality candidate was chosen. That last occurred with the lieutenant governor's race in 1976. Several legislators, who would have voted for the plurality winner, knew that the candidate was about to face criminal charges related to his insurance business. They consequently supported the second place finisher providing enough votes to put him over the top in the joint assembly vote.

There have been a few scattered other examples of the joint assembly choosing someone other than the plurality winner. The most spectacular case was the 1837 state treasurer's race when the third place finisher, who had received only 3.7 percent of the vote, was elected by the joint assembly. Of course history often provides mixed messages. In 1837 the third place finisher refused to serve. Since the joint assembly had fulfilled its constitutional obligation by electing a treasurer, they could not hold a second vote. Ultimately the governor appointed a treasurer to fill the vacancy.

Those interested in learning more about our electoral past can visit our website to learn the results of state officer races (<http://vermont-archives.org/govhistory/elect/index.htm>); see state officer campaign finance totals (http://www.sec.state.vt.us/seek/fin_seek.htm); follow the original arguments over a direct primary (<http://vermont-archives.org/govhistory/governance/Primary/direct.htm>); or learn about the majority requirement for election (<http://vermont-archives.org/govhistory/governance/Majority/majority.htm>).

Voice from the Vault

By Gregory Sanford, State Archivist

On Deer Herds and Public Records

My reading chair at home is surrounded by precariously stacked books that I work through in a rather desultory fashion. Recently, Charles Fish's *In the Land of the Wild Onion* surfaced. Mr. Fish traces the course of the Winooski River, pausing here and there to reflect upon geology, stream dynamics, fish and wildlife, waste treatment, history and a host of other fascinating subjects.

Two themes that flow through the book are management and professionalization. For example, in the chapter "The Deer Hunter," Fish examines the state's long term efforts to manage the deer herd within changing contexts such as environmental trends (extensive forests to extensive clear cutting to reforestation), human populations and development, and the cultural role of hunting. Fish writes that "to look at the details and language of a profession is to see the world through different eyes. The only hope for the survival of a healthy deer herd or indeed many wildlife species, plant and animal, is through management broadly



understood...[W]ildlife management is based on two disciplines: the biological sciences especially as they contribute to ecology (organisms in their environment) and the theory of management as control...Management as control assumes an instrumental relationship to the thing managed." Fish is not entirely comfortable with the concept of managed "wildlife," conscious of what is being lost. Still, "with an increasing human population and the physical and economic means to plant ourselves in ever more remote areas, management is critical."

As Fish talks with Vermont's botanists, geologists, fluvial geomorphologists, and other experts he is continually struck not only by the importance of trained professionals for understanding our complex world but also by the love these professionals bring to their work. This included the staff of the wastewater treatment plant in Montpelier, all of whom have to be certified in their work. Ron Mercier of the Montpelier plant exemplifies the professionalism and joy that Fish routinely encountered. Mercier felt he was a "lucky" man: "The work is varied. I do computer work, I do drawings, I figure things out and set things up...knowing that you're really accomplishing something, keeping the river clean."

As is often the case I found myself filtering the words before me through my current work at the Vermont State Archives and Records Administration (VSARA). Though it may be a stretch to equate public records with wildlife I found myself comparing records management with deer herd and other management activities highlighted by Fish. Unmanaged records cannot sustain a healthy "herd," as evidenced by our increasing difficulties in responding to public record requests, distinguishing records of short term value from records of long term legal, administrative, or information values, or in finding the resources ("bucks" if you will) to support the professional management/control needed for good recordkeeping.

While the state has attempted to manage public records since at least the 1930s, professional skills and management techniques have not kept pace with the changing environments in which records are created and used; nor for that matter with new species of records. Many of the traditional management practices, for

example, still reflect paper records and seek to manage voluminous paper files generated by an increasing array of public services. Though the vast majority of government records are born digital, there are still directives in place that require those that have to be kept ten years or longer to be printed out and, in some cases, microfilmed.

Over the decades some 4,000 separate record series and 10,000 disposition orders have been approved, but many of them are for agencies and departments that have been abolished or combined into something new (for example Fish and Game is now Fish and Wildlife); some series are inactive; some have become catch alls for new types of records that only loosely, if at all, meet the original series description; etc. This makes it hard to even understand the size of the herd, much less its health.

In a few cases established management practices lumber on despite the changing ecologies of government records. Take the humble time report, for example. Every two weeks state employees fill out their timesheets, often electronically, and then print them out so they can be signed. Agency business offices enter the data from the sheets into Finance's database and then mail the signed timesheets to Finance, which in turn sends the records to VSARA to be filmed. The film is treated as a permanent copy, though access to the records is limited by the need to hand crank through the microfilm reels to find individual time sheets. After filming, the paper copies are sent back to Finance, which in most—but apparently not all—cases mails them back to the original creating agency where they must be retained three years.

VSARA is addressing these management issues in a variety of ways. One was the creation of a professional class of record analyst. The record analysts work directly with agencies, through our Targeted Assistance Program (TAP), to update or create more current, standards-based management plans (we are currently talking with Finance about a TAP initiative). The analysts work with agency attorneys, business officers, and IT staff to understand the "natural habitats" in which records are created and used. Similar to the classification systems used by the botanists and other professions visited by Fish, the analysts have developed a common vocabulary so similar activities and the records they create are consistently described across bureaucratic boundaries.

We are also working with the Department of Information and Innovation's Enterprise Project Management Office and the Attorney General's Office, through a collaborative effort known as iSTART, to develop guidelines from managing digital records as digital records (the most recent example is a best practice for imaging found at: <http://vermont-archives.org/records/standards/pdf/ImagingGuideline2008.pdf>). We are now exploring a program, similar to Connecticut's, where agencies can self-certify that they meet these standards and can therefore dispose of the paper records once scanned.

Like Mr. Fish, I am impressed by the professionalism and joy of the many agency and VSARA personnel who are making all this possible. Like the flora and fauna of the Winooski Valley, I strongly believe that we will all benefit from the improved flow of government records and information. To keep pace with the work of VSARA please visit our website at: <http://vermont-archives.org/records/>

A note regarding last month's column: The elections have passed and I am happy to report that Chester A. Arthur did very well. Several readers contacted us after last month's column and chided me for not including President Arthur among Vermonters who had sought or attained the Oval Office. Mr. Arthur did not make the list (nor did Calvin Coolidge) since I had restricted the list to those who were Vermont residents at the time of their campaign or presidency. President Arthur was a New Yorker at the time of his presidency. Upon re-reading the column I realized that I did not make this point as explicitly as I should have; for that I apologize.

Voice from the Vault

By Gregory Sanford, State Archivist

NOTE: As the new Vermont State Archives and Records Administration takes shape it is necessary to focus our limited resources on our core mission, which is to provide professional, standards-based guidance to public agencies on the management of their records. Consequently the difficult decision had been made to phase out some services, including reformatting (microfilm and a limited scanning program). Our reformatting unit will close down in early February. For those who are still using the service we will be providing additional information over the coming month. While programmatically the decision is sound, it is very difficult. Our reformatting staff has given years of good service to Vermont, often working with aging equipment and limited resources. For that service we extend our heartfelt thanks and best wishes.

Records Management, Then and Now

The new technology had "come to rank with the sulpha drugs, penicillin and electronics as one of the things which science has brought to make life more simple and pleasant." What was that new technology? Microfilm. The paean to microfilm quoted above is from the *First Annual Report of the Public Records Commission* released on September 1, 1944.



Microfilm had gained public awareness as the result of V-mail, the microfilming of correspondence between Americans in the armed forces and their friends and family back in the States. V-mail stood for "Victory mail." By "miniaturizing" letters the military was able to reduce the volume of mail that had to be transported. For example, thirty-seven mail bags, weighing 2,575 pounds, could be reduced to a single mail bag weighing 45 pounds.

The 1944 report went on to opine that "despite a certain romanticism which has clung to microfilm, there is no doubt that as an aid to the compression and preservation of records it has great possibilities. Furthermore, with technical advances resulting from war experimentation and with the accumulation of experience which ripens any new method, we will undoubtedly see improved instruments and methods, and lowered costs, resulting in spreading use of photography in archives work."

Okay, in my personal experience I don't recall attaching any romanticism to microfilm, nor do I recall it making life more pleasant. Still, I find the 1944 Public Records Commission report fascinating. I was reading it for context to our ongoing efforts of bringing the new Vermont State Archives and Records Administration (VSARA) into reality. Created on July 1st through the consolidation of the Public Records Division with the State Archives, VSARA is seeking to integrate the previously distinct archival, public records, and information management programs. We are also working to improve our

services to agencies through active partnerships that can analyze the administrative and legal processes through which records are created.

It is interesting how closely our current vision parallels the vision of the early Public Records Commission. The commission, for example, supported what was then an emerging professional field. "Records administration is emerging as a specialized field, a body of experience in records management is being built up, centering in America at the National Archives in Washington; and records problems, everywhere akin but nowhere identical, can be treated in a systematic fashion." The commission's call for professional records staff and standards is echoed in VSARA's development.

The commission also supported active partnerships with agencies, sending staff to work with agencies in identifying and scheduling records according to their administrative and legal values. This had to be an active partnership since "officials busy each in his own department cannot be expected to devote to the records the sustained attention which the serious and complicated nature of the problems demands." Actively trying to understand the functions and activities of individual offices was essential because of "the spread of government functions from the general and the rudimentary to fields as specific and divergent as the hatching of trout and the vocational guidance of children." VSARA is seeking to re-establish the commission's vision of active partnerships through record analysts charged with working with agencies, primarily through our new Targeted Assistance Program (TAP).

While celebrating microfilm the commission was also aware of the limitations of applying technologies without establishing solid records management plans. "Before one starts, however, it is well to realize that the photographing of records of trivial content does not by magic make the records important and worthy of preservation. In a wave of enthusiasm it is quite possible to waste money in photographing trash. The photograph of records inaccurately filed, lacking clear finding devices and with important documents missing, does not permit ready and satisfactory reference."

The commission also recognized that microfilm was not an effective technology for semi-active records where additional material has to be added or existing records amended or deleted. "For certain files the necessity of adding material in sequence at a later date lessens the desirability of reel film," the commission cautioned. It elaborated that "to change the order of items once they have been filmed, or to insert items..., requires splicing which is possible but undesirable."

In our digital age the commission's cautions are often summarized as "garbage in/garbage out" and, as the volume of digital records explodes, many agencies are finding that insufficient or inconsistent metadata and other descriptive standards can make locating records difficult if not impossible. VSARA is working with the Department of Information and Innovation and others to address metadata and other issues.

While it is comforting to realize that sixty years ago the commission supported many of the initiatives we are currently undertaking, the 1944 report also occasions concerns. The commission's support for professionally trained staff actively working with agencies eroded over time as the records programs confronted declining resources and inconsistent high level support. Applying professional records and information management prior to employing technology also became inconsistent and too often microfilm was simply used to miniaturize increasingly voluminous records without an analysis of content or legal and administrative need. The filming of semi-active records reduced the staff to physically scratching off images of amended, sealed or expunged records from the film and, where appropriate putting the amended on a separate film, complicating research. It appears that a similar disconnect between record and information management and our use of digital technologies, including scanning, is occurring. Indeed, though we once hailed microfilm as gift of science, we have not reassessed it as a records management tool in a digital world. It is currently not uncommon for digital records to be printed out to allow for filming or even scanning. Instead we need to develop guidelines so we can manage digital records digitally.

And so, just as we have often urged others in this column to use government records for context we use the 1944 report as a guide and a caution. You can follow VSARA's work, from our Targeted Assistance Program to standards development to guidance on managing digital records by visiting the "managing records" section of our website at: <http://vermont-archives.org/records/>. We welcome your thoughts and comments.

Voice from the Vault

By Gregory Sanford, State Archivist

The Black Flies of My Mind.

I confess that I am not the most linear of thinkers. A note from Ginny that the column is due today releases thoughts like a black fly hatch, darting, swarming, and biting for attention. For example, this is being written two days after the inauguration of President Barack Obama, which released from some recess of my mind thoughts about the 1896 inauguration of William McKinley. Vermont, in recognition of giving McKinley a higher percentage of its vote than any other state, was the only state accorded a special reviewing stand at the inauguration. A more wobbly mental black fly leads me to recall that Vermont made a special cross of butter for McKinley. I will leave it to your mental black flies to recall William Jennings Bryans' Cross of Gold speech, to which the Vermont cross alluded.

These thoughts disappeared into the swarm as I began to think about the reaction to President Obama's inaugural speech. I read the speech before I watched it on the evening news. I was moved by his words and thought of the echoes from the inaugural addresses of Lincoln, FDR, and Kennedy that could be seen in the President's words (a black fly reminding me that Governor Richard Snelling read all Vermont inaugurals as he prepared his own address in 1977 quickly disappeared but you can see the result on our inaugurals page at: <http://vermont-archives.org/govhistory/gov/govinaug/index.htm>).



Ondis, the woman who (mostly) tolerates me watched the inaugural first and, when I arrived home, expressed some disappointment in the address. I understood her reaction once I watched the inaugural because the context of the speech, the crowd and the emotions it released, overwhelmed the words.

An archival black fly wandered by, leading to thoughts about the importance of context to the documents we preserve. Our media/image-driven world allowed us to share the emotional context in ways that could never be captured simply by reading the text. How could we ever recapture the immediate contexts of other documents from our pre-connected past? In some cases contemporary news accounts provide at least some context. For example, I can feel the discomfort that Edna Beard, the first woman elected to the Vermont legislature, must have felt after being allowed to pick her house seat first and then being forced to sit, alone, for over an hour as no male legislator chose to be her seatmate (let's tip our hat to Horatio Luce of Pomfret who finally stepped forward "amid a storm of laughter and applause"). What, I wondered, was the reaction/context to the seating of Alexander Twilight of Brownington, who in 1836 became the first African-American elected to a state legislature?

Thoughts then swarmed about doing a column for Black History Month (February). Vermont has a proud history of treating African-Americans as citizens from the 1777 Constitution's prohibition of adulthood servitude, to early "kidnapping" laws to prevent African-Americans in Vermont from being sold into slavery, to our defiance of the Dred Scott decision by noting that in Vermont African-Americans were citizens and thus not subject to the ruling. Balanced against this is the evidence that racism did indeed exist here from the harassment of Lucy Terry Prince in the 18th Century to Governor Phil Hoff's oft-stated belief that his political career was temporarily de-railed by his support of the Vermont-New York project that brought African-American children to Vermont.

Archival thoughts, however, returned, making a leap from the relationship between documents and their historical context to some responses to last month's column on the history of microfilming Vermont records and what we believe about records. Some agencies expressed initial concern that we would no longer be filming their records. Those concerns were mitigated, for the most part, when we explained the curious evolution of microfilming. Microfilm is the best medium for the long-term preservation of records that cannot be maintained in their original formats. However, at some point in our state's records program past it became common practice to simply send records to "Public Records" to be microfilmed. Consequently many records have been microfilmed that do not have long-term preservation needs. Over time agencies came to believe that microfilm was the only appropriate medium for those records.

Other agencies, which had been using our small scanning operation to have their records imaged and stored on CDs, also came to believe that CDs were the only appropriate medium for their records. Yet as we have discussed in other columns, CDs are not an archival medium and have limited value even for short-term records (see, for example, the January 2006 column on "End of Year Ponderings on iPods and Progress" at: <http://vermont-archives.org/publications/voice/index.htm>). We will be working with these agencies through our Targeted Assistance Program (TAP) to appraise the records, determine justifiable retention periods, and identify the best medium for keeping the records. In tight budgetary times this will lead to long term cost-savings.

Several municipalities also raised concerns about our discontinuing of microfilm services. These municipalities had used the service to create security copies of land records in case anything happened to the originals stored in their municipal offices. This is an appropriate risk management decision that is encouraged by the Vermont State Archives and Records Administration. We are actively working on alternative strategies and services that meet the new standards for reformatting land records recently issued by the Property Records Industry Association (PRIA). We will keep you posted as we develop plans. In the meantime one of our record analysts, Katie Sherman, is available to answer any questions you may have related to municipal records at Catherine.sherman@sec.state.vt.us.

My mental black flies continue to swarm, taking my thoughts here and there, but Ginny is tapping her foot waiting for this column. I better finish and not bug her any more.

Voice from the Vault

By Gregory Sanford, State Archivist

A Moving Experience

It has been noted that as an interior decorator I tend to follow an early compost style. To my everlasting chagrin on more than one occasion a visitor to my office has felt moved to observe, "I thought an archivist would have a neat office."

Consequently as I pack up my office in anticipation of moving to Middlesex I am constrained to become something of an archeologist, working my way through layers of stuff. Why am I packing? The Redstone staff of the Vermont State Archives and Records Administration will be relocating to our new offices at the old record center in Middlesex.

This is part of the ongoing construction and renovations that are occurring at Middlesex and will unite the Redstone and Middlesex staff in a single location. While the construction of the new vault will not be done, pending funding, until November 2009, the renovation of the office spaces and reference area will be completed by mid-February. The move includes the record analysts (Tanya, Scott, and Katie); Louise, our Administrative Procedures Act clerk who doubles as our Legislative Clerk processing original acts and resolves; Kathy our notary supervisor/reference room supervisor; Christie, our reference/processing person; and myself. To avail yourself of those services you will now go the Middlesex office starting the week of March 16th.

Since we will not be able to move the records from the Redstone vault until the vault work is completed later in 2009, access to those records will be by appointment. As plans are tightened we will provide information through our website (<http://vermont-archives.org/>).

All that, as I write this column, is in the future; right now I have to deal with the detritus of over 20 years at Redstone. In some ways my office cleaning traces the evolution of VSARA. For example, crowded on my bookshelves are volumes such as **Beneath the Footnote** and **Words Into Type** that are vestigial remnants of the days when this was the State Papers Division and my job title was Editor of State Papers. In that former world the office was primarily engaged in the annotation and publication of 18th century government records. These books will be left behind.

There are also a few scattered volumes on paper conservation. These books date to the 1970s when the publication program was largely set aside in favor of conserving our 18th century records. There used to be a small conservation lab as well, but that was dismantled as we ended the item by item conservation of documents. Now those books will be left behind as well.

More book shelves are weighted with professional archival literature, studies and journals, reflecting our transformation into the State Archives. These tomes will make the trip and provide useful information and context for managing archival records.

Stepping across the hall for a moment are shelves containing disposition orders and other records capturing the expansion of the Archives into VSARA. The records are primarily associated with the old Public Records Division and provide documentation of the decisions of Public Records' records management activities. Though under VSARA new approaches are being implemented for records management the legacy records help document the over 4,000 record series and 10,000 disposition orders established by Public Records,



which will remain until superseded, and provide a limited but still useful view of the world of agency records.

Returning to my clutter, the remaining shelves hold an overflow of reference books. These include Vermont Reports, which hold Supreme Court decisions, various biographical compilations, mostly from the 19th century, of government officials, and some reports from previous records projects, such as the indices to newspapers and town records generated by the Work Progress Administration during the New Deal.

While we don't hold newspapers (they can be found at the Department of Libraries), the indices are occasionally useful in researching an issue, providing, for example, dates for when certain events may have occurred. There are additional reference materials relating to our records, including studies of government and of topics such as glebe lands. We are not a reference library but the reference books are helpful to staff in developing context and meaning to certain records. There is also a small collection from my own reference library providing national contexts for things like voting and the evolution of women's rights. Almost all of these will make the trip to Middlesex, though it does force a rethinking of the purpose of our reference library and what is really needed, and by whom.

What usually attracts the visitor's eye is the jumble of boxes scattered around the walls of the room. These are projects, some done, some in progress, and some halted because of an immediate lack of resources, usually time. All of these will be organized, appraised, and where appropriate moved.

Left behind will be memories of over two decades of working here: Sitting with the late Cola Hudson as he shared memories of legislators captured in our photo collection. Watching Kim Royar develop a census of wolves and other animals by going through old bounty records or Charlie Cogbill building a database on pre-settlement forests by noting what trees were blazed as part of old town surveys. Working with Peter Comart to develop a project for the Redstone grounds that helped launch the Vermont Youth Conservation Corps or watching Dick Mallary carefully and wonderfully puzzling through the visual clues in a farm scene photograph to give a likely date for when the picture was taken. Some memories have become well-burnished stories, like my standing argument that the vault door was not four hour fire-rated. I finally noticed a metal tag at the bottom of the door saying it was two hour rated. The triumph was short-lived as two workmen arrived and changed the label to say four hours.

It has been fun; there is much of Redstone I will miss. This is off-set by the prospect of moving to a facility that can finally accommodate our vault needs, improve our reference space and allow our new division to work together at a single site. I look forward to acquiring new memories and spinning new stories. And I look forward to seeing you at Middlesex.

Voice from the Vault

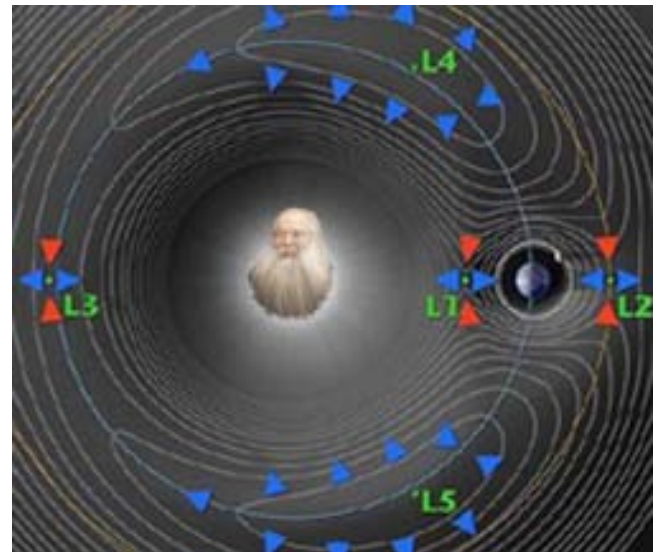
By Gregory Sanford, State Archivist

Home on the LaGrange

While I hope this column has some gravitas, it won't have much gravity. Let me explain. Astronomers have identified places where there truly is no gravity. Known as Lagrangian points, they are voids in space where the gravitational pull of surrounding heavenly bodies effectively cancel each other out. The earth has five Lagrangian points the most stable of which (L4 and L5) circle the sun, respectively, 60 degrees in front and behind the earth's orbit.

Given their complete absence of gravity scientists view the points as celestial flypaper; objects caught in them are suspended in time and space. NASA will be sending two probes into L4 and L5 in the hopes that these suspended objects will provide information on how the solar system was formed.

No, this not another attempt to explain how so much "stuff" accumulated in my old Redstone office over the course of a quarter century (I am, by the bye, now successfully ensconced in Middlesex). Rather Lagrangian points stir thoughts about the archival function and our role in government. Too often archives are perceived as Lagrangian points where objects are suspended in place and time, holding objects that help explain our origins; objects that remain unobserved until someone with sufficient resources probes their depths.



Observers of the Vermont State Archives and Records Administration realize that we have taken a different course, launching probes *from* the vault in order to share our information with as broad an audience as possible. We have had some success and have received some national and even international recognition for our efforts. And yet it still feels as if our efforts are inadequate.

This feeling of inadequacy was once again inspired by public dialogues emerging from an ongoing legislative session. Take, for example, the bundle of issues surrounding whether to relicense the Vermont Yankee nuclear power plant. We have discussed Vermont Yankee (VY) since it was first proposed and built. On February 25, 1983 Richard Saudek, the public service commissioner, wrote Governor Richard Snelling about how to create a VY decommissioning fund. He wrote that several decommissioning methods had been considered, with one "well-considered proposal" calling "for disassembling the reactor and burying the radioactive portion at an approved burial site. Vermont Yankee projects that this will cost \$72.7 million in 1981 dollars. With seven percent inflation, this cost rises to \$423 million by the year 2007 when it is projected Vermont Yankee will cease operations." He then went on to discuss a couple of different strategies for creating "a state decommissioning fund."

Three years later, on June 13, 1986, Public Service Commissioner Gerald Tarrant, responding to Burlington Mayor Bernie Sanders' suggestion for shutting down VY, wrote Governor Madeleine Kunin of his reservations. In particular he was not sure Sanders was right in thinking that 30 percent of the

power currently provided by VY could be off-set though conservation. He thought such conservation efforts would take "closer to 15 than 3 years to reach those levels" and that it would "require consumer participation rates far in excess of those experienced in the last 15 years by most conservation programs..."

I recite these examples as part of my ongoing efforts to demonstrate that the State's archival records can provide context to "current" issues, thus informing our public dialogues; this column is but one example of those efforts. I hasten to add that there is a paucity of archival records that document our evolving discussion of VY. What I found was primarily in gubernatorial records and largely dealt with responses to "incidents" at the power plant. Providing two, somewhat arbitrarily chosen, records on an important issue such as Vermont Yankee obviously does not create much, if any context.

There are innumerable other current issues that have antecedents caught in VSARA's Lagrangian point, which leads to my current feelings of inadequacy. How can we better identify and present the records-based information we hold? How do we move beyond a general sense that we have a right to know toward an understanding of what we need or want to know? How do we address the gaps in our holdings that limit our ability to provide a fuller context?

VSARA was created, in part, to answer the last question. By implementing a modern, comprehensive, and standards-based records management program we hope that government can better document its core functions and activities. The other questions are more difficult to answer. To simply say digitize everything and put it online is inadequate. It does not address the costs of such a massive digitization program or the even more expensive indexing required for locating information germane to any particular issue possible ("indexing" covers a host of realities in a digital and connected world).

VSARA does not have the resources, nor is it necessarily part of its mission, to conduct extensive research, in a timely manner, to interject records/context into every important issue. Vermont's universities and colleges also lack the resources to conduct such research (though I continue to encourage them to explore possible partnerships with us). Advocates can and do research at VSARA but their searches, understandably, are for records that support a particular perspective. Reporters are on deadline and don't have the time or resources to research a fuller context than what is needed to tell today's stories. Indeed, few among us have the time, training, or inclination to spend hours doing research in archives.

I take pride in what the staff has accomplished within our limited resources. The Society of American Archivists recognized their work with an award for our "continuing issues" initiative (<http://vermont-archives.org/govhistory/governance/index.htm>). I was humbled to recently read a talk by a Canadian archivist to New Zealand's archival organization extolling our efforts to make archival records part of the public dialogue.

As pleasing as such recognition is we still need to explore ways to expand beyond our Lagrangian point. I welcome suggestions from you, the long-suffering reader of this column. Perhaps I misspoke at the beginning; this is an issue of some gravity.

Voice from the Vault

By Gregory Sanford, State Archivist

Socialized Medicine: The View from 1944

What exactly is socialized medicine? This question received quite a bit of attention in the discussions of the Rural Policy Commission in 1944 as it planned for a post-war Vermont. Much of this discussion is captured in the July 1944 publication: "Rural Health After the War, A Report of the Fourth Meeting of the Vermont Rural Policy Committee."

The report began by noting that 30 percent of Vermont's draftees were rejected for military service "because of poor health." The committee noted that while the health of Vermonters had improved in some areas, "there are still plenty of health problems, particularly in relation to health education, health regulations, the prevention of illness, and medical care. These are things we can do something about."

At a two-day meeting of the commission, six county rural policy committees reported on their discussions. The Bennington committee explored preventive health programs such as "well-baby clinics" and noted the problem of including small towns in health plans. Caledonia's committee "discussed the health and rehabilitation problems of disabled veterans," adding that "in some cases, after signing waivers in connection with their discharge, veterans have developed service-connected ailments (as malaria and mental ailments)." Franklin County also mentioned the mental health problems of veterans, though linked it to "the inability of many draftees to adjust themselves to army routines," rather than combat-related stress. Franklin also

highlighted dental problems stemming from the lack of available care and poor diets. Washington County promoted better health education programs, while Windsor County wanted a "hospitalization plan for everyone."

Chittenden County covered a variety of topics including "socialized medicine, hospital insurance, and 'health care for all.'" The committee "members who spoke in favor of these things seemed to look forward to some means by which everyone might have the services of a physician when necessary whether or not he is financially able to pay for them." The meeting notes added that "no one present could adequately describe just what socialized medicine means."

Dean Carrigan of UVM's Agricultural College took a crack at explaining socialized medicine. He defined it "as the providing of medical services by government, with government retaining control of the facilities. Vermont people are more interested in cooperative medicine than in socialized medicine, he believed." Another definition was offered to the effect that "any plan is socialized that is financed by taxation...If a town voted money to get a doctor, the practice of medicine is socialized to the extent of the money put in..." An analogy to education was offered: "There is a socialized form of education (the public schools, toward the maintenance of which everyone has to contribute)."

Beyond discussions of socialized medicine, the study of post-war health care in



Vermont is fascinating. Everyone agreed that the lack of doctors, particularly in rural areas was a problem. In 1944 there were 390 physicians in Vermont, 257 of which were considered active (below the age of 65). Of these there were 95 in Chittenden County, creating a ratio of one doctor for every 725 county residents. In contrast Essex County had two physicians, for a 1 to 2,695 ratio. That disparity was one reason the idea of a public health nurse in each town was generally supported. The committee also feared that doctors returning from military service would prefer to practice in the larger communities, not in rural areas.

The state committee's overall recommendations are interesting in light of our ongoing discussions of health care. Clearly the committee grappled with, to use their terminology, finding a balance between cooperative and socialized medicine. The committee recognized that a third of Vermonters could not afford regular health care. It expressed its belief that "it is an important part of our program to educate the people to accept the principle that society should assume a part of the financial responsibility for the physical and mental well-being of its citizenry, and to cooperate with a health program, and further consider the public nature of the program, not on a basis of charity (either by those who receive the benefits and/or those who contribute), but to accept these as we do our educational system, namely, any money used on health is not an expense, but a good investment." Perhaps illustrating the tension between the supporters of cooperative and socialized medicine, the committee went on to say that it "feels that a tax-supported bill points to universal socialized medicine unless the services under the bill are limited to those who are unable to pay for such services, either through cooperative associations or private means."

This short space cannot do justice to either the scope of the post-war rural policy

committee activities or even to just its health care discussions. Within the same folder, for example, is "Nutrition Report For Vermont Post-War Planning," which focuses on the need for good nutrition and nutrition education in order to reduce health care costs. It found that "nine percent of the 473 infants and preschool children examined had nutritional defects" while five percent of the 2,892 school children examined also had nutritional defects. It attributed Vermont's poor diets to "traditional food habits," "lack of knowledge of adequate nutrition," and "inadequate income." In another foreshadowing of current discussions the report recommended school lunch programs, which where in place had shown "a marked improvement in the physical condition of the children."

For anyone interested in learning more, the reports can be found in record series PRA-063, Box PRA-00301. Seeing you in our Middlesex reference room would be just what the doctor ordered.

NOTE: If you are interested in other health care studies, the 1932 study on medical costs is available in our "spotlight on records" section at:

<http://vermont-archives.org/research/spotlight/records.htm>



Voice from the Vault

By Gregory Sanford, State Archivist

VSARA's First Year

A year ago July 1st the Vermont State Archives and Records Administration (VSARA) was launched. It has been, within the current economic climate, an interesting year for launching anything. Still, as our first anniversary approaches, significant progress has been made.

The expansion of our authorities to include records management necessitated drafting a new mission statement based on our statutory mandates found in 3 V.S.A. §117. The new statement emphasizes our record management responsibilities and allows us to prioritize our efforts within a context of dwindling resources. A personally difficult decision was to drop archival management down the priority list, largely because of the pressing need to modernize and standardize record management practices. The statement is at <http://vermont-archives.org/about/mission/mission.htm>.

Within records management it was clear that we had to forge active partnerships with agencies to assist them in meeting legal requirements for having a current and comprehensive records management program. With consolidation we therefore created a record analyst unit under the direction of Tanya Marshall. The hiring of Scott Reilly and Katie Sherman as record analysts marked a move to professionalize records management by requiring formal records training.

A Targeted Assistance Program (TAP), modeled after a similar program at the National Archives and Records Administration, was created as the vehicle for working with agencies. Agencies formally agree to participate in TAP through a memorandum of understanding and commit to forming a TAP team including the agency record officer, business office, and legal counsel. This required defining the duties of agency record officers and having agencies assign a staff person as record officer or as record liaisons. A series of workshops were given to increase awareness of record management benefits. The record analysts help agency TAP teams identify what records they produce or acquire and identify legal requirements governing those records in order to determine how long they have to be retained as well as whether the public records were open or exempt from disclosure.

TAP also required developing a suite of tools to support a consistent approach to creating agency records management programs. One key tool is VCLAS which provides a common vocabulary for describing functions, activities and records. Under the old system agencies identified records in an ad hoc, idiosyncratic manner so that common activities/records across agencies lacked a common nomenclature. In an extreme, but not uncommon, approach agencies might simply identify records as "miscellaneous," "historical," or simply "old files." That obviously made it impossible to know what records were in any series thus described.

One product of VCLAS is the ability to create general schedules that agencies can use to develop consistent record series titles/retention periods for records commonly found in offices. Three general schedules have already been approved. Agency specific record series are also developed through TAP with the Professional Responsibility and Labor Relation boards being the first entities to have approved schedules.

There are numerous TAP efforts under way, with several more pending signed agreements. The Vermont Municipal Clerks and Treasurers' Association requested a memorandum of understanding form and we will begin a TAP with them as soon as the form is signed. We look forward to working with the VMCTA in creating new schedules for municipal clerk and treasurer records.

The collaborative effort with the Enterprise Project Management Office within the Department of Information and the Attorney General's office, known as the Information Strategies Taskforce on Archives, Records and Technology (iSTART), continues though the consolidation has streamlined that work. The goal is to establish best practices that among other things will allow digital records to be managed as digital records, eliminating requirements to print out or microfilm the records. Another goal is to build recordkeeping rules into the implementation of enterprise technologies; without those rules the likely result would be to re-create the record management problems experienced under the old paper-based system.

There have been many difficult decisions as the new program took shape. It was decided to drop the reformatting section. Though the reformatting/microfilm staff were able and dedicated, a careful analysis of the unit revealed a host of issues. There was a perpetual backlog of filming projects; for example approximately 88 percent of the record series at the record center scheduled to be filmed



had not had any filming done in three years or more. Several semi-active records series were routinely filmed, requiring re-filming or the physical scratching off of images every time the files were changed. Conversation with several agencies revealed that they were only filming the records because their often out of date disposition orders required them to do so. The fact that the records were often unmanaged meant that transitory records were intermingled with records with longer retentions and unnecessarily filmed. Combined with aging film equipment and the need to control what came into the record center rather than focusing on managing what was already here, our analysis supported this necessary, but nonetheless, difficult decision.

In March the Archives staff at Redstone moved to Middlesex uniting all of VSARA's staff at one location. The renovated reference room was opened, new policies and procedures put in place, and the workflow has improved. Requests for birth, death or marriage records as well as agency requests for files are now addressed in two days (walk in vital record requests are handled immediately). Genealogy requests are also usually handled within two days, but no more than a week.

The capital bill contains money to complete construction of new vault areas and other work that will allow us to complete the move to Middlesex (currently some archival records remain at Redstone and are available only by appointment). The work should be done by the end of this year.

So this has been an exciting, if occasionally exhausting, year. It could not have been done without a great staff willing to identify and implement new procedures. I hope anyone who is interested will stop by and enjoy the new reference room. For those who may want to know more about what we are doing go to the managing records section of our website at: <http://vermont-archives.org/records/>.

Voice from the Vault

By Gregory Sanford, State Archivist

The Veto and the Archives

The impasse between the legislative and executive branches threatened to shut down government. Observers worried not only about the immediate impasse, but the likelihood that, if left unresolved, things would only get worse "by the course of migration, the influx of foreigners, the multiplication of corporations, the investment of large capital in banking, manufacturing, and other establishments; and which will bring, in their train, a variety, and, perhaps, conflicting interests." Those interests would pursue their own narrow agenda at the expense of the Vermont's founders' commitment to civic virtue and the broader public good. The year was 1835, the observers were the Vermont Council of Censors, and the issue was how to check "hasty or improvident" legislation influenced by these narrower, conflicting interests.

Since the 1820s tensions had grown between the executive branch, which consisted of the governor and an executive council, and the unicameral legislature. The issue was whether the executive branch could block hasty and improvident bills despite the lack of a constitutional veto authority. The legislature, which consisted only of a House of Representatives, declared that the executive could not block legislation. The executive branch responded by refusing to return bills it had perused and found wanting. An attempt to create a veto authority faltered in 1828.

The Council of Censors, the sole body charged with proposing constitutional amendments, tried again in 1835. It noted that the house, in which each town regardless of size had one representative, could pass legislation supported by representatives from towns holding only a quarter of the state's population. The executive branch, elected on a statewide basis, was accountable, in the Censors' eyes, to a broader constituency. Without a check on the House's authority Vermonters confronted "so many *additional, amendatory, explanatory and repealing* acts, in continued succession" that there was no statutory stability. To confront this instability the Censors proposed two constitutional changes. One was creation of a Senate, partially based on population, as an additional check on poorly thought out bills (the executive council would be eliminated). The other proposal was for a gubernatorial veto power. This would provide a "safeguard against hasty and improvident legislation." As an aside, this also led to the creation of Lamoille County so the state's informal, but rigidly observed Mountain Rule could be applied to the Senate; the addition of Lamoille County meant there were now 14 counties, seven on each side of the Green Mountains.

The proposed amendments were adopted in 1836 and in 1839 the first gubernatorial veto was issued. A second followed in 1845, which was overridden. Many of the early vetoes echoed the caution against hasty or improvident legislation. The rationale for vetoes began to expand as governors issued vetoes citing constitutional grounds starting in 1869. A 1910 veto extended the governor's reach to include interpretations of the U.S., as well as Vermont, Constitution.

The legislature almost never overrode vetoes; override votes frequently gave unanimous support to a veto. In 1900 Governor William Stickney became the second governor to have a veto overridden, despite his contention that the vetoed act was unconstitutional. It is worth noting that Stickney, a Republican, was overridden 163 to five in the House and 23 to five in the Senate; 194 of the 246 representatives were also Republicans as were all 30 senators.

At the time an override only required a majority vote; still the veto was a powerful tool. Even when Governor John Mead issued a record eight vetoes in 1910-1911, none were overridden. A majority did vote to override Mead's veto of a tax bill but the speaker determined that tax bill votes required two-thirds of the members to be present; since that quorum was not present the veto was sustained. In 1910 the legislature proposed a constitutional amendment raising the override threshold to two-thirds of those present and voting; it was ratified in 1913. The two-thirds threshold was a more difficult, but not insurmountable barrier. In 1921 Governor James Hartness vetoed a bill equalizing the property rights of men and women; he was overridden, again by a legislature overwhelmingly controlled by members of his own party.

Another override occurred in 1925, but the next did not occur until 1981. By the time the next override occurred in 1990, the power of the veto was clear. Of the 90 vetoes issued prior to the 1990 override, only five had been overridden. Perhaps as a result, by the 1980s governors began to use the veto for policy reasons, not necessarily as a tool to prevent hasty legislation or constitutional issues. Also by the 1980s gubernatorial administrations began routinely to stretch beyond the informal two-term tradition and the number of vetoes, often citing policy differences, also climbed. Governors Snelling and Kunin each issued eight vetoes, tying Mead's total. Governor Dean issued a record-setting 21 vetoes, while Governor Douglas now has 17 vetoes. To the degree that the state budget is the ultimate expression of policy, the 2009 veto of the state budget—the first time a budget was vetoed—provides evidence of the veto as a policy tool. Prior to 2009 budget veto two supplement budgets were vetoed (one overridden) and in 2005 a budget veto was averted when the governor's objections were addressed in a special session

The balance of powers among the branches is never static; each branch seeks to push for advantage, while defending what it sees as its prerogatives from encroachment. When Governor Dean used the "pocket veto" to kill nine bills after the 1994 session adjourned, the following year the legislature began enacting, as part of the adjournment resolution, the authority to reconvene to address any post-adjournment veto. Since then there have been six "veto" sessions, though no veto was overridden. The 2009 override of the budget veto occurred during a special session, not a veto session.

The other changing context was the occasional election of a governor of one party, with a legislative majority held by another party. This tension, established by the electorate, has begun to alter the veto again. As one party approached attaining veto proof legislative majorities the possibilities of overrides became greater. Thus in 2009 for the first time a governor had two vetoes overridden. The 2009 budget veto was also the first overridden in a special session.

To learn more about the shifting balance between the executive and legislative branches, as expressed by the veto, visit our veto history: <http://vermont-archives.org/govhistory/governance/Vetoes/vetoes.html>; see also the June 2008 Voice from the Vault column at:

<http://vermont-archives.org/publications/voice/pdf/VotingOnVeto.pdf>.

Let us return for a moment to the push to create a veto authority in the 1820s and 1830s. The 1835 Council of Censors believed that the framers of Vermont's 1793 Constitution meant to grant some limited legislative authority to the executive council. Over the 30 years following adoption of that constitution, "so long as the framers of the constitution, or their contemporaries, continued to take part in the councils of the state" that limited authority was recognized. Now, however, "those patriotic men have passed away, and others have succeeded to their places..." The Censors concluded that without the living memories of the founders the original intent of the constitutional powers of the executive council was lost and had to be remedied by amendment.



The passing of the Revolutionary generation during the 1820s occasioned a great deal of concern. The realization that we could no longer rely on the living memory of our founders gave rise to an interest in preserving the government archives, as evidenced by Secretary of State William Slade's 1823 publication of some of Vermont's important early state papers.

The recent veto battles further illustrate, and expand, on the importance of government archives. No one could be expected to know the evolving use of the veto or the legislature's responses to vetoes. Even recent memory can be faulty; some of our callers, who had observed government for years, could not recall whether the 2005 budget had been vetoed (it had not, but only because of changes made at a special session). Simply preserving records related to vetoes, however, is no longer enough. Those records and the information they contain need to be made accessible to decision makers and the public in ways that are most useful for taking action or forming opinions. That is why we have used the continuing issues section of our website to synthesize important information related to key processes of government (<http://vermont-archives.org/govhistory/governance/index.htm>).

Continuing issues is just one way we are trying to make information available to you. I hope you take an opportunity to visit our website at <http://vermont-archives.org/>.

Voice from the Vault

By Gregory Sanford, State Archivist

A Dutch Treat: Accessible Information

The oil embargo of the 1970s focused everyone's attention on energy issues, including conservation. The Dutch, for example, noticed that within a suburb of Amsterdam some houses were using a third less energy than their neighbors. The houses were single family dwellings, all built at the same time. They were all the same except for one thing: some houses had their electric meters in the first floor hallway, the rest had them in their basements. The houses with the meters on the first floor were the ones that had the lower energy use. Since the families in those houses regularly walked by the meters the information they needed to make energy use decisions was accessible and visible.

That is one of the outcomes we at the Vermont State Archives and Records Administration (VSARA) are striving to achieve: put government information and records on the "first floor" where it can be more accessible and visible; where it can support decision making. This goal is shared by many. The federal government has, for example, <http://www.data.gov/> through which government information is made easier to find and use. The goal of data.gov is "to improve access to federal data and expand creative use of those data beyond the walls of government."



Maryland has created <http://www.statestat.maryland.gov/> to make "state government more accountable and efficient." Within the StateStat site users can navigate through information on how federal stimulus funds are being spent, where; the government budget; and the status of environmental clean up efforts in the Chesapeake Bay.

While these two examples are government-sponsored, in Vermont a similar effort comes from a partnership between the Ethan Allen Institute and the Public Assets Institute. That partnership created a Vermont Transparency website <http://www.vttransparency.org>. Jack Hoffman of the Public Assets Institute explained that while the information on the website is all public it is often difficult for the average citizen to locate within the various agencies that create it or through the numerous agency websites.

While these are worthy goals there are certain barriers that have to be overcome before they can be achieved. Paul Cillo and Jack Hoffman of the Public Assets Institute recently discussed, from their perspective, some of these barriers. Their perception is that agencies primarily create or acquire records and information that only meet their specific functions and mandates. A broader vision of how that information may be of use to other agencies or to the public is frequently absent. As a consequence it is difficult to share or use that information across bureaucratic boundaries.

For their specific interest in presenting information on government budgets and budget making, for example, they discovered that legislative and executive branch data did not use consistent criteria or categories, complicating the ability to compare how the two branches developed their budgets. Even within single government units they found that some databases were built in ways that limited how they could be queried; in other words, even though the data existed its use is limited by how the database was designed.

These experiences, while limited to trying to gather and comprehend budget information, are not uncommon. Trying to overcome them and to develop a more global view of recordkeeping touches on what VSARA is attempting to do. I recently discussed some of our activities in my June column http://vermont-archives.org/publications/voice/pdf/VSARA_Year1.pdf. I won't reiterate those points here, other than to note our efforts to develop a common vocabulary so government functions, activities, and records are consistently described across government.



One of the benefits of replacing distinct archival and records management programs with VSARA is the ability to develop active partnerships with agencies. In the past, for example, the Archives was largely a passive repository for whatever public records agencies, usually under specific statutory mandates, chose to deposit with us. Those records often came long after they had accomplished their immediate purpose; gubernatorial records, for example, only came to the Archives once an administration ended. The context of record creation, the arrangement of the records, etc., were often unclear or lost.

Now we actively work with those who initially create and use the records. This allows records to be consistently managed, in accordance with legal requirements and business and administrative needs, across the continuum of their existence. VSARA's record analysts assist agencies in making decisions about their records by helping identify legal requirements, understanding business processes, etc. While the records are under the legal custodianship of the creating agency the analysts provide a more global context for making decisions about the records, breaking down some of the barriers identified earlier.

Managing all records from point of creation also helps identify the approximately two percent that are archival and will eventually come under the custodianship of the Archives. Point of creation management is also essential in a digital world. Digital records provide all sorts of advantages, particularly in terms of access and use, but they also are dependent on transitory hardware and software, are easy to alter (intentionally or not), and can, as noted above, be locked into systems that limit how they can be queried and shared. Therefore it is impractical if not impossible to wait until they are at the Archives to manage them.

All of which leads back to those Dutch houses. We are now renovating our house of government records against a context of an economic downturn that is leading to a rethinking of government itself. The decisions agencies make about managing their records through our Targeted Assistance Program will determine how accessible and useful that information will be. It is admittedly slow and occasionally tedious work. Most of you will never see that work. And yet we hope someday soon you will notice that the information you need is right there in the first floor hallway.

Voice from the Vault

By Gregory Sanford, State Archivist

Of Duct Tape and Special Sessions

Traditional marriage is at risk in Vermont. No, no, not that one; it appears to be doing fine. I am talking about the long standing union between car fenders and duct tape. Duct tape is no longer good enough to get your car inspected. I am currently organizing a Tape Back Vermont campaign.

I thought of imploring the governor to convene a special session of the general assembly to address this unprecedented attack upon the customs and usage of home autobody repair. This required some preliminary investigation on the history of special sessions.

The governor has the power "to call together the General Assembly, when necessary, before the day to which they shall stand adjourned" (Chapter II, Section 20, Vermont Constitution). That language has remained the same since the 1777 constitution (when it was found in Chapter II, Section XVIII). The governor calls for a special session through a proclamation that sets the date and explains the necessity for the session

There is no definition of what constitutes "when necessary" and special sessions, also know as extra or extraordinary sessions, have been convened for a variety of reasons (I was unable, alas, to find any relating to duct tape).



Special sessions are not a continuation of the regular session, though since 2005 that distinction has blurred. Usually a special session must deal with new matters, excluding bills introduced from the regular session. Bills introduced in special session that do not pass, die and do not carry over to the regular session. Special sessions are different than veto sessions. A veto session occurs if a legislature, as part of its adjournment resolution, includes language allowing it to re-convene in the event of a veto; this practice, which is not consistently followed, began in 1995.

There have been, to date, 25 special sessions. The first was in 1857, called in response to the burning of the statehouse. Since the statehouse was uninhabitable the senate met in the Washington County Courthouse and the house met in the Congregational Church. Establishing a precedent, the special session did not limit itself to the subject set out in the gubernatorial proclamation and passed laws altering the name of Mary Jane Sullivan, incorporating the Orange County Hotel Company and the Hammond Female Institute, and other measures not related to reconstructing the statehouse.

Even proposals relating to the statehouse were not limited to reconstruction. Bellows Falls, Burlington, Castleton, Clarendon, Middlebury, Northfield, Rutland, and White River Junction petitioned to become the state capital as an alternative to re-building in Montpelier.

Based on the gubernatorial proclamations, of the 25 special sessions six were called to deal with fiscal problems; six to respond to federal legislation; four because of war; and three to respond to disasters. The others addressed issues ranging from the need to establish a primary to fill a vacancy in the U.S. Senate (1940) to addressing questionable railroad dealings in southwest Vermont (1867).

Once convened, almost every special session took up measures besides those enumerated in the proclamation and several dealt with one or more of the categories identified above. The September 1941 special session, convened to address a fiscal crisis at the University of Vermont, also declared that a state of "armed conflict" existed between the United States and the Axis countries. This triggered statutory language to increase the pay of Vermonters in the military. That action is the origin of Vermont's so-called declaration of war on the Axis prior to Pearl Harbor.

There are some interesting trends. For example, of the six special sessions addressing fiscal problems, five have occurred since 1975. (Hmm, maybe that is my hook: special sessions have become the duct tape of state appropriations.)

Another recent trend, based on the 2005 and 2009 special sessions, is a partial blurring of the lines between special sessions and regular and veto sessions. In 2005 the senate adopted a rule that would have allowed bills from the regular session to be taken up or a veto to be addressed. In 2009 both chambers adopted such rules.

I am prattling on about special sessions since we recently added to our website a history of special sessions to our "continuing issues" section. Continuing issues, as long time readers may recall, is our attempt to link the concept that archival records have a continuing value with the belief that there are certain core issues of government and governance that each generation needs to grapple with. We strongly believe that archival records help provide context for deliberating on such issues.

In some ways the Archives is government's duct tape, holding together the deliberations and actions of government for inspection.

I encourage you to visit our continuing issue page at: <http://vermont-archives.org/govhistory/governance/index.htm>.

Voice from the Vault

By Gregory Sanford, State Archivist

Vermont's Economic Bill of Rights, 1944

"An abundant life to us means the right food, housing, clothing, education, medical care, vacations and other recreation for all people who are willing to give as well as to receive... We feel that the purpose of a social security program, in so far as that is humanly possible, should be the liberation of man from the fear of want and of insecurity. In no true democracy should any substantial portion of the human personality be forced to live weighted down by such fears."



Thus opined a 1944 committee charged with proposing a "social security program for rural Vermont." The committee was, in turn, part of the Vermont Rural Policy Committee which was planning for post-war Vermont. The social security committee consisted of three remarkable Vermonters: Arthur Packard, the long-term head of the Farm Bureau; the Rev. A. Ritchie Low of Johnson; and rural sociologist Robert M. Carter of UVM's Agricultural Experiment Station.

Committee members tied their understandings of a "true democracy" with a belief that we must live our lives in accordance with "Christian ideals." While this sounds jarring in the context of our current, multi-cultural society, the committee unabashedly felt that if Christian ideals always stood "first in our own lives, then we are safe to strive for abundance in more material things. To this end we urge our fellow Vermonters to associate themselves with the local church of their choice. In this way we shall more firmly take hold of those things that are abiding and eternal."

Another, unstated, inspirational source may have been President Franklin D. Roosevelt's 1941 "Four Freedoms" speech (which also inspired Norman Rockwell's famous paintings) and his 1944 proposal for an "economic bill of rights." Vermont was at the time the most Republican state in the nation; only Maine and Vermont never voted for FDR. And yet echoes of the four freedoms and the

economic bill of rights can be heard in the committee's report. FDR, for example, asserted that "We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence;" this was the social security the sub-committee envisioned.

To achieve social security the committee recommended that:

- "An adequate supply of food of the kind and quality prescribed by our nutritionists is essential."
- "Minimum needs for the individual in the way of shelter, clothing and fuel must be provided."
- "Regardless of their economic status our men, women, and children must be assured medical, nursing, and hospital attention."
- "Our present unemployment insurance laws should be extended to embrace the remainder of Vermont's working population, and would include our agricultural workers, domestic workers, the self-employed, and other groups."
- The social security system should be extended so that "a contributory system may provide the aged with some assurance that they may live out their days without becoming a burden upon their children, or even a public charge."
- "A measure of leisure should be assured every worker in every line of work without discriminating against any occupation."
- "Financing of the proposed...measures would be accomplished by contributions, often called taxes, from both employers and employees."

The report is not only remarkable in the scope of its recommendations but also offers insights into archival management and archives-based research. The Vermont Rural Policy Committee's post-war planning reports are in record series PRA-068, Commissioner of Agriculture records, 1933-1961. The four boxes in this series obviously are not a comprehensive record of the commissioner's office for those 28 years; indeed, they do not contain a complete record of the Rural Policy Committee (archival record series can be searched at <http://vermont-archives.org/research/database/series.asp>).

How did these records reach the safe harbor of the then Public Records division, but not other commissioner records that might be archival? Our administrative files do not provide that information. This begs the larger question of how appraisal decisions are made about what is archival and what is transitory. The new combined archival and records management program is trying to make those decisions more transparent and as we develop record schedules they are posted on our website under "Managing Records" <http://vermont-archives.org/records/>.

The incompleteness of the record underscores the reality that researchers should always check for related records in other repositories. For example, Special Collections at UVM has Rural Policy Committee records, as well as records on Arthur Packard and Robert Carter. Even within our records a researcher would have to examine legislative, gubernatorial and other series to see which, if any, of the social security recommendations were debated or enacted. Researchers would need to also examine national records, such as FDR's economic bill of rights, or, more generally, records documenting the New Deal/World War II context when many turned to government to solve larger social issues.

This in turn suggests that Vermont repositories, which have traditionally acted independently, should consider ways to coordinate collecting policies, coordinate how we describe records to make cross-institutional searches easier, etc. Some steps have been taken in this direction, but more needs to be done.

Too often the processes of records and archival management are not fully realized by researchers. There is not a complete understanding of how records end up in repositories or of decisions about how to describe records, or how (or if) information about records are made available. Archival public records are often described as tools to achieve government transparency; we must begin to make our own processes more transparent as well.

To read the full social security report, visit our website at: <http://vermont-archives.org/research/spotlight/records.htm>.

Voice from the Vault

By Gregory Sanford, State Archivist

A Bridge to the Past

The passage of time can occasionally add irony to events where none was intended. Take for example the symbolic burning of the ferry *Henry Proctor* on August 26, 1929. The burning symbolized the transition from reliance on ferries to the opening of the Lake Champlain Bridge. Eighty years later New York and Vermont are scrambling to re-institute a ferry service in the wake of the bridge being declared unsafe for travel.

The closing of the bridge has had profound impacts on local economies and lives. In 1929, however, the bridge was celebrated as achieving a new transportation revolution. An estimated forty to fifty thousand people gathered for the official opening of the bridge, which had taken 15 months and a little over one million dollars to build. Local towns and civic groups supported a parade of floats and marching bands while Governor Franklin D. Roosevelt of New York and Governor John E. Weeks of Vermont sat in review. The parade stretched for an estimated 15 miles, while the Burlington Yacht Club led a flotilla of boats to the site. Planes flew over and, in one case, under the bridge.

A 1927 compact between New York and Vermont created the Lake Champlain Bridge Commission, consisting of six members, three from each state. The commission had the authority to construct, maintain, and operate a bridge; that is the Lake Champlain Bridge. In 1937 the commission's authorities were expanded to include construction and maintenance of the Rouse's Point Bridge. Over the years the commission also considered additional bridges across the lake. For example a 1967 report by the commission looked at seven possible sites for an additional bridge. The commission also oversaw the replacement of the original Rouse's Point Bridge, which was finished in 1987. On December 11, 1987, the commission was abolished and its duties were transferred to the respective transportation agencies of the two states.

Through the cooperation of the New York State Archives, the bridge commission's records were transferred to the Vermont State Archives in 1989. The records include minutes and reports of the commission, traffic reports, design and construction drawings, repair and maintenance records, correspondence, and photographs. To get more detail on what is in the series go to our online record series

database and you can either enter the record series number (A-058) or search by Lake Champlain Bridge Commission (the database is at: <http://vermont-archives.org/research/database/series.asp>).

Archives are bridges to the past. Consequently they are often perceived as historical societies, while in truth archives hold institutional records that have a continuing legal or administrative value. Our institution is, of course, Vermont state government. The bridge commission records were preserved, in part, because of the information they held on the design, construction, and maintenance of the bridge. Even though the decision was to replace, rather than repair the bridge, the records have other potential uses from understanding its design as a historic structure to understanding the stresses it experienced between 1929 and 1987, when the commission records end. We hope that the current interest in the bridge will encourage you to visit and review the records (please note - the oversized drawings are still at Redstone and can only be viewed by appointment until construction at Middlesex is complete).



Announcements

Beginning November 30, the research room at Middlesex will be closed on Mondays. It will be open from 9:00 am to 4:00 pm on Tuesdays through Fridays. Other services will retain regular state office hours.

On November 30th Christie Carter will retire after more than 21 years of service as the assistant state archivist. Christie's career spans our days as the State Archives to our current role as the Vermont State Archives and Records Administration, from our days at Redstone in Montpelier to our new home in Middlesex. She helped bring order to many of our record series (including the Lake Champlain Bridge Commission); designed our first web page; and helped hundreds if not thousands of researchers find the records they needed. Christie helped design and create our exhibits and on more than one occasion kept the state archivist from making an exhibition of himself. For all this and more we hope you will join us in thanking Christie for her contributions and in wishing her the best in future endeavors.

Voice from the Vault

By Gregory Sanford, State Archivist

The Whole of the Moon

I recently encountered studies on how culture influences the way we perceive things. Western cultures, for example, tend to focus on objects, analyzing the object's attributes and categorizing it in order to discover rules governing its behavior. East Asian cultures focus on context "noticing relationships and changes and grouping objects based on family resemblance rather than category membership."¹ Westerners have less complex social networks and value individualism and autonomy; thus they tend to see social and physical objects as distinct and separate. East Asian cultures have complex interdependent social networks; thus they tend to look for relationships among objects.

The perspectives are different, one more analytic, the other more holistic; neither is "right" or "wrong." Galileo focused his analytical skills, bolstered by his telescope, on the moon, adding to our understanding of the moon as an object. The ancient Chinese took a more holistic approach, looking at the moon's relationships to other forces and thus discovered its influence on tides (a connection Galileo never made). Both approaches furthered our knowledge.



This cultural influence on perception perhaps explains why Vermont state government traditionally attempted to manage its records as distinct objects, narrowly categorizing records into series without examining the record's complex relationships with the functions they support and with other records, especially those created through similar functions conducted by other agencies. For decades records management focused on the physical object, a record, created by an individual agency or department, without taking a more holistic view of the government functions the records support.

Consequently it is often difficult, if not impossible, to locate similar or related records—and the information and knowledge they contain—across bureaucratic boundaries. The relationships among records have not been documented and the dependency on accessing records through government structures (which we routinely restructure) rather than the functions they support compounds the problem.



The problems associated with viewing record series as distinct objects have long been recognized. This has been particularly true in recent decades as we turn to information technologies to create, store, manipulate and transmit records. Information technologies lend themselves to more global—more holistic—views of information. They do not, however, automatically create those holistic views; indeed, they cannot if information is idiosyncratically categorized at the agency or department level.

As early as 1957 the Little Hoover Commission noted that fragmented recordkeeping was a barrier to developing "centralized data processing." See <http://vermont-archives.org/publications/voice/pdf/CentralizedDataProcessing.pdf> (my December 2007 column).

The Vermont Information Strategy Plan, launched by Governor Richard Snelling in 1991, identified agency-based "silos of information" as a barrier to improving government services and effectiveness. In 2003 Governor Jim Douglas commissioned the Vermont Institute on Government Effectiveness to look at the use of technology to improve government services and their 2005 report echoed the image of information silos as a barrier.

With the creation of the Vermont State Archives and Records Administration in 2008, a new effort was launched to take a holistic view of government records and information. That work is being done by a record analyst unit under the direction of Tanya Marshall. Tanya and her staff are using functional analysis and a faceted classification approach to break down the information silos so that records and information can become a business asset to government and citizen alike.

In brief, functional analysis is the study of how things are related and dependent on each other for their existence, value, or significance and faceted classification is a way to break down these relationships and dependencies into basic concepts (facets). VSARA uses a system, called the Vermont Functional Classification System (VCLAS), which consists of five core facets: agencies/departments; legal requirements; government functions; activities/services; and record types. VCLAS provides a mechanism for uniformly and systematically defining, describing and managing public records. The system also enables VSARA to look across the universe of Vermont's public records and identify relationships and dependencies not only among records, but also among agencies and departments, legal requirements, government functions, and the activities or services performed.

VSARA's record analysts are doing more than changing how the state categorizes and defines its records; they are attempting to transform our institutional culture so the existence, value, and significance of government information will be better understood and utilized. Their work combines Galileo's analytic focus on the moon and the ancient Chinese view of the moon within a network of forces. Or, to paraphrase the Waterboys, they will allow us to see not just the crescent, but the whole of the moon.

¹ *Richard E. Nisbett and Takahiko Masuda, "Culture and point of view," published in the September 2003 Proceedings of the National Academy of Sciences of the United States of America and available online, as of December 14, 2009 at <http://www.pnas.org/content/100/19/11163.abstract>.*

Voice from the Vault

By Gregory Sanford, State Archivist

Combing the Archival Record

Thanks to my daughter Dosia, I recently encountered a series of excerpts from self-help books of the Italian Renaissance. For example, to improve your memory, when you nap take your shoes off, cover your head with a light cloth and, upon waking, comb your hair with an ivory comb and eat six raisins and six juniper berries. Ondis, the woman who (usually) tolerates me, suggested that I was reaching a point where a comb, much less an ivory one, was superfluous and why bother with juniper berries when we could drink gin. While these modifications seemed reasonable, my memory has not achieved the anticipated improvements.

One of the advantages of records is that we don't have to rely exclusively on memory. By combing through archival records, for example, one can extend one's memory beyond the boundaries of personal experience and recollection.

What inspired these thoughts are the current studies and reports on improving government efficiency and effectiveness in a time of reduced resources and looming deficits. These studies include the Joint Legislative Government Accountability Committee's work with the Public Strategies Group; the Vermont Commission on Judicial Operations; and the Tiger Teams examining certain executive branch units.

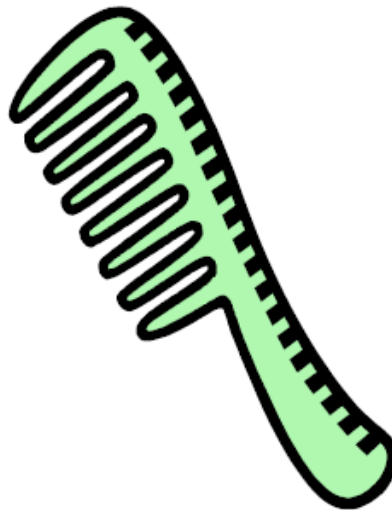
One does not have to comb through the records for very long before encountering similar studies. A quick sampling includes 1957's Commission to Study State Government (the "Little Hoover Commission"); 1969's report on the "Reorganization of the Executive Branch" by the Committee on Administrative Coordination; 1977's Governor's Cost Control Council; 1991's Vermont Information Strategy Plan; and 1998's Blue Ribbon Commission on State Government Performance and Work Force Needs (which, in turn, drew on the 1994-95 Performance Restructuring Pilot Project and the 1997 Study on the Function and Structure of Government).

And that quick combing barely scratches the surface of studies on government. Such periodic government navel contemplation is absolutely fascinating to me. It provides glimpses, over time, of how we define essential services, how we view government organizationally, and how (or if) we implement recommendations from the studies.

Economic downturns and growing demands for services against limited resources inspired many studies. These quests for "efficiencies" and "effectiveness" were frequently coupled with a sense that government structures had become too unwieldy. The 1957 Little Hoover Commission bemoaned the "administrative sprawl" of over a hundred independent agencies that lacked "cohesion...direct lines of responsibility and accountability" and often resulted in "overlapping and duplication of effort." It recommended that the "major departments of state government" be reassembled and streamlined "to gain increased efficiency and economy." The 1977 Governor's Cost Control Council examined "efficiency in administration," "increased responsiveness to the public," and both better "continuity in planning" and improved "interdepartmental planning and coordination." The 1998 Blue Ribbon Commission on State Government Performance and Work Force Needs sought to "increase efficiency and to improve citizen...satisfaction while controlling costs."

It is possible to see antecedents to current recommendations in these previous reports. The 1998 Blue Ribbon Commission on State Government Performance, like the 2010 Challenges For Change report, called for performance-based budgeting. One of the Vermont Information Strategy Plan (VISIP) reports called for a technology-based client-centric approach to the delivery of human services, foreshadowing another current recommendation.

The studies reveal changes in organizational thinking. Many studies called for re-structuring agencies and departments to improve lines of responsibility while eliminating or consolidating some boards and commissions. The Little Hoover report called for creating an agency of



administration by drawing together the divisions of accounting, budget and management, personnel, public buildings, public records, purchasing, and taxes. It also called for the elimination of all smaller agencies "carrying on related functions."

Other studies view government from a functional, as opposed to structural, perspective, usually in connection with the use of information technologies (IT). This linking of function and IT dates back to at least the Little Hoover Commission's recommendation for centralized data processing to support certain functions across departments. One of the strongest ties between functional analysis and the effective use of IT came out of the Vermont Information Strategy Plan (VISP) launched by Governor Snelling in 1991.

A collective view of the reports can also reveal the ebb and flow of ideas. While Little Hoover recommended grouping financial functions together to be supported by centralized data processing, the 1977 Cost Control report bemoaned that "combining the functions of centralized budget control, management analysis, data processing systems' development and facility operation into a single department has hampered the efficient use of these

statewide services." The report called for a separate Department of State Information Systems "to improve relations between the data processing operations and user agencies." The role of information technologies in these reports deserves its own study.

There is much to be learned from these government studies of government and from the subsequent efforts to implement their recommendations. Reading the reports, however, leaves one feeling almost quixotic because they reveal an unintended irony. Many, such as the Blue Ribbon Commission, realized that improved government performance will only come "if state agencies engaged in an ongoing strategic planning process...guided by uniform principles and considerations." The fact that every few years a special commission or committee echoes that recommendation suggests that a sustained planning process continues to elude us.

Many of the reports mentioned above can be found on our web page under "Spotlight on Records:" <http://vermont-archives.org/research/spotlight/records.htm>.

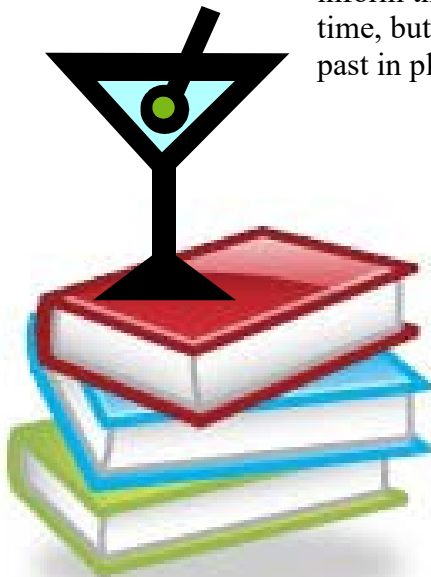
Voice from the Vault

By Gregory Sanford, State Archivist

Information Management, Archives, and Planning

When we last left off the state archivist was napping, eating raisins, and keeping a glass of gin at hand in an effort to improve his memory (see *Combing The Archival Record* at <http://vermont-archives.org/publications/voice/pdf/CombingArchivalRecords.pdf>). The fact that I am once again writing about government planning is less a reflection of a continued spotty memory than a deep seated interest in such planning and its (potential) connection to archival records.

Last month I provided a rather idiosyncratic and breathless rush through a sampling of recent government planning initiatives as, at least partially, captured in archival records. Looking at records created in the past to inform the present's efforts to shape the future is not only an interesting conflation of time, but also an essential approach to successful planning. Too often we ignore the past in planning our organizational future.



What role will the past, the record, have in Vermont's current planning efforts? What role could or should records have? In other jurisdictions good record and information management is directly linked to policy development. The 2003 management framework for "information assets" developed by the government of Alberta is just one example. Alberta notes that "implementing the information management framework will build public confidence in government planning and decision-making" by providing everything from greater transparency in planning to "a common approach to information management [that] will facilitate more effective cooperation, increased sharing of information, and the optimization of the future value of information." For the report see: <http://www.im.gov.ab.ca/imf/pdf/IMFrameworkReport.pdf>. Alberta's framework is similar to what we are doing as explained in the January 2010 column <http://vermont-archives.org/publications/voice/pdf/TheWholeoftheMoon.pdf>.

While effective information and record management is important to government functionality, much less planning, what about archival records? A few public administration experts have looked at the role of the "past" in government planning. A good summary is Christopher Pollitt's *Time, Policy, Management: Governing with the Past*. I have neither the skill nor space to summarize Pollitt's numerous points, but a major point is that "there are very often elements of the past that prefigure the proposed new policy/programme/organizations and experience which may yield suitably contextualized 'lessons' about aspects of the new initiative."

That is a little high falutin' but he offers some quick examples: "As the saying goes, 'there's nothing new under the sun.' Performance pay for teachers? It was tried in the nineteenth century. Allocating public service delivery to autonomous agencies and boards? Ditto. Close measurement of staff performance? This was the root of the 'scientific management'...at the end of the nineteenth and the beginning of the twentieth centuries....Performance budgeting? Attempts were made in the U.S. Federal government soon after the Second World War, and then again, and again, over the succeeding decades."

Well, you get the picture.

In this case Pollitt is arguing that the "past" provides context for decision making. It is worth noting that Pollitt is not an archivist nor are archives particularly prominent in his book.

He does, on occasion, mention records and in doing so loops back to the idea of information management, such as addressed in Alberta's framework. "One curious aspect of recent practice in a number of advanced Western [countries] is the way in which the business of recording the past of one's own organization has fallen into decay at precisely the same time that politicians and 'policy wonks' scour other sectors or countries for examples of 'best practice.' Yet in many ways analytical logic would point the other way. Policies and practices are frequently very sensitive to contexts. Thus it may be easier to learn reliable lessons from the past of one's own organization...(where many contextual features will remain reasonably constant) than from other jurisdictions, however 'advanced' or exotic."

Okay, all of this may sound more esoteric than exotic but it is important to consider whether you are in a private or public administration or work in municipal or state government. Planning without context is a risky business.

Voice from the Vault

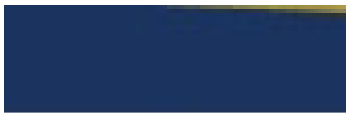
By Gregory Sanford, State Archivist

The Private Life of Public Records

Dr. Elisabeth Kubler-Ross, in her 1969 book *On Death and Dying*, famously laid out five stages of dying: denial and isolation, anger, bargaining, depression, and acceptance. I have long played with the idea of writing about the five stages of public records legislation: enthusiastic acceptance since who isn't for open records and government accountability; confusion since we understand so little about the context, meaning, and specific applications of our public records laws; anger once the participants realize that the laws, established or proposed, might actually apply to them; bargaining in order to craft bill language that clarifies the bill applies to everyone else; and once bargaining fails, rejection.

I don't have the wit or wisdom, or the requisite cynicism, to fully develop the categories of public record legislation. Still, over the years, I remain fascinated by how complex and frequently emotional our public record debates are.

I was recently a most reluctant observer of an effort to add an exemption to our public records law (1 V.S.A. §317) that would clarify that donors to university and colleges could be granted anonymity if wished. The proposal was initially greeted with strong legislative support. This, however, was followed by widespread negative editorials, creating legislative confusion/caution, leading to rejection.



Given the limited space of this column let me look at just one of the issues raised: the right to privacy. Vermont statutes mention such a right (1 V.S.A. §315) but never describe it beyond stating that "all people...have a right to privacy in their personal and economic pursuits..."



Several commentators asked why Vermont didn't have a stronger privacy provision. No answer was forthcoming, so come with me back to 1974 as Watergate was winding down and Nixon resigning. In Vermont two records bills were drafted. One, drawing on a new Federal Freedom of Information Act, set out a right to inspect and copy public records; the other addressed the protection of personal information in public records. The former bill became our public records act; the latter, Senate Bill 33 of 1975, died in committee.

S. 33 came out of a report by the Committee on Administrative Coordination on "Confidentiality, Privacy, and Security of Information: Data Collection, Storage and Use By Public Organizations in Vermont." The report was delivered to Governor Tom Salmon in October 1974. It noted that "in recent years there has been a quantum increase in the amount of information collected, stored, used and dispersed by individuals and more importantly, by organizations." The committee reviewed the Vermont Statutes Annotated to identify laws governing the collection and use of information; it gathered agency forms used to collect information and interviewed agency heads; and it reviewed federal and state laws as well as the emerging literature on data gathering and privacy,

The findings are interesting and, in many cases, familiar. The committee noted the lack of coordination among agencies in managing information; a point often made in this column. It identified 341 separate agency forms used to collect personal information and identified those that were protected by statute, regulation, or by "the discretion of the administering officials."

The committee recognized that "the need for information by government is real and legitimate...but it is the responsibility of government to insure that personal information is selectively gathered, properly used, and protected

against unauthorized, or authorized but unwarranted, disclosure and dissemination." The committee determined that "collected data must serve a legitimate public purpose" and "the public purpose must significantly outweigh the potentially damaging results to the individual of untimely or unauthorized disclosure of the data."

S. 33 incorporated most of the committee's recommendations, including strong civil and criminal penalties for the unauthorized disclosure of protected information. It also included creation of a five member information review board that would:

- Compile and categorize policy statements from agencies on the collection and use of personal information.
- Review such statements for consistency with statutes and require changes when necessary.
- Establish and maintain a central data element register (what data are being collected but not including personal identifiers);
- Hear and adjudicate specific agency or citizen complaints regarding personal information policies, and
- Report annually to the governor and general assembly.

The idea of an information review board, with numerous variations, is still periodically proposed in legislation. Those proposals, like S. 33, have not been enacted. It is one of the ironies of S. 33, the un-enacted companion bill to our public records law, that we do not know why it died in the Senate judiciary committee. The record is silent; the privacy bill died a very private death.

The privacy report and S.33 are on our spotlight on records section: <http://vermont-archives.org/research/spotlight/records.htm>.

PostScript: Another issue that came up in the recent legislative committee testimony was the number of exemptions that exist outside of 1 V.S.A. §317. The media complained that such exemptions were not compiled. Actually VSARA has a database to the records laws at <http://vermont-archives.org/records/access/index.htm>. The number of exemptions really depends on what question is asked: the number of statutes; number of exemptions (Sec. 317 is one statute but has 39 exemptions); or the number of protected record types (if you search our database by "exemption," for example, you will find approximately 60 exemptions related to one type of record: client confidentiality).

Voice from the Vault

By Gregory Sanford, State Archivist

The Case of the Missing Efficiencies

In my youth I devoured the Hardy Boy mysteries. While I occasionally bemoan my advancing years, I am glad my youth embraced the Hardy Boys before the old titles were updated, starting in 1959. The Frank and Joe Hardy of my youth had chums, rode in coupes, fought "swarthy foreigners," or confronted mad scientists who put promising technologies to questionable ends. This was particularly true of electricity. As the country celebrated the growing number of laborsaving devices powered by electricity, Frank and Joe risked life and limb confronting darker applications of this force.

More often than not their wired opponents were once decent men (I don't recall women villains) who became deranged by tragedy or injury. I am sure many of us remember the bewiskered Eben Adar from *The Disappearing Floor* (1940) who invented furniture that glowed and automatically turned off when you slept and who grew plants electrically (he is also memorable for having a soft spot for the Boys' formidable Aunt Gertrude). As these inventions suggest Eben wasn't really a bad guy; he wanted to use technology to improve society. Alas a temporary mental disarrangement left him the pawn of a gang of thieves.



The early Hardy Boy books are a wonderful example of our fascination with the promise of technology. Even in the hands of villains, technologies such as those applied to electricity held limitless possibilities.

What occasioned these thoughts was reading H. 792, the bill seeking to implement many of the Challenges for Change recommendations for making government more efficient and effective. The number of times "electronic" or "electronically" appear in the bill would have made Eben Adar proud. It is a sign that our faith in technology is undiminished; information technology will surely lead us to the promise of improved services for less money.

"But wait," says your inner Hardy Boy, "haven't we been spending millions on information technology for decades? Shouldn't we already be effective and efficient?" That sounds like a mystery.

Despite having once read the Hardy Boys' Detective Handbook (1959) my initial sleuthing on IT costs was not up to Frank and Joe's standard. I did call on a couple of chums (to protect their identities let's call them Chet Morton and Biff Hooper) who provided two different sets of figures. Chet, for example, used the 2007 report on Charting the Course Toward Vermont State Government's Information Technology Future which identified \$36,513,185 in IT expenditures in Fiscal Year 2005. Biff, however, looked at agency budgets and reported \$4,558,981 in IT expenditures in FY 05. I suspect the difference might be because Biff looked at the Department of Information and Innovation's (DII) budget, not at broader IT investments and maintenance expenditures, but in truth I remain clueless.

Still, the mystery (let's call it the Case of the Missing Efficiencies) remains. If IT is the solution to inefficiency, after spending hundreds of millions on computer systems over the years shouldn't we be pretty darned efficient by now?

One clue is the complex inter-relationships among government agencies and departments. An obvious example is the interplay among the judiciary, law enforcement, corrections, and social services. If the workflow among these distinct entities is not understood or IT "solutions" are employed only within one unit, then efficiencies not only won't be found, but new inefficiencies might be created. Our record analysts, for example, found one

agency hand-entering data into its computer system – data that is created in a system maintained by another agency. Because the two systems are not compatible, the information is transmitted on paper by a fax machine on a weekly basis. This is not, alas, an isolated event. Our agencies often find themselves replicating data and working around technological inefficiencies caused by inadequate or narrow planning.

Examples of weak or non-existent coordination among agencies are diminishing but still abound. Without communication, much less coordination, overlapping functions; cross-agency but connected business processes; and related (and occasionally conflicting) legal requirements cannot be understood. Treating each agency's, department's, or division's business requirements and technology needs in isolation is one reason the broader efficiencies envisioned in Challenges for Change have not already been realized through information technology.

There are, however, clues for a better outcome this time. DII is encouraging agencies to use enterprise-wide technologies and processes to support, among other things, inter- and intra-agency collaboration. Enterprise systems by themselves won't create cooperation or coordination, but DII's Enterprise Project Management Office (EPMO) is assisting agencies with professional project managers to make sure projects are well designed and business requirements are well understood. Since EPMO works across government it can identify where business requirements overlap. We, the Vermont State Archives and Records Administration (VSARA), also have an enterprise view and, among other things, help agencies match legal requirements to recordkeeping requirements. Again this creates a broader view that can support greater effectiveness by coordinating responses to common legal mandates (agencies confront myriad complex, shifting, uncoordinated, and overlapping laws and rules in establishing their programs and recordkeeping systems).

EPMO and VSARA maintain an informal collaboration known as Information Strategies: Taskforce on Archives, Records, and Technology (iSTART) that allows them to exchange their business, project and record analyses. Where appropriate, iSTART also develops guidelines on everything from record formats, to scanning to metadata and electronic signatures; go to: <http://vermont-archives.org/records/iSTART/>.

Creating a new culture that values effective information management and cross-agency communication and coordination takes time. How to accomplish that against tight deadlines driven by a financial crisis is a mystery we must solve; otherwise the case of the missing efficiencies will never be cracked.

Voice from the Vault

By Gregory Sanford, State Archivist

Center for Research on Vermont Lifetime Achievement Award.

Unbeknownst to Gregory, we are hijacking his column this month. On May 4, UVM's Center for Research on Vermont presented Greg with their lifetime achievement award. Below is the speech by Connell B. Gallagher, Library Professor Emeritus, retired Head of Special Collections at UVM.

D. GREGORY SANFORD

Center for Research on Vermont Lifetime Achievement Award

Where do you begin to describe Gregory Sanford and his contributions to the state of Vermont? He's so big you cannot miss him, and he is such a giant that he gets in the way of everything around him. He has left his mark everywhere from small town rural Vermont to the University, and most particularly on Vermont state government.

Greg came to Vermont from Connecticut; yes, he is a flatlander not a mountain man. He is a self-proclaimed sixties hippie, and where else do eastern hippies go than to the Green Mountain State where they can revel in the woods. He thought he'd try his hand at carpentry to earn a living, but he finally admitted that "the basic skills of carpentry eluded me," so he thought next that he would try a turn at history. He hitched a ride to UVM where he met Professor Sam Hand, and that changed everything, at least intellectually. This meeting would lead him to Special Collections and eventually to a career in archives.



I have known Greg Sanford for about 35 years. He came to UVM at the same time as the Senator George D. Aiken papers, but he arrived after we unloaded the trailer-truck. Greg started to work on Justin Smith Morrill and U.S. foreign policy in the late-19th century, but Sam quickly steered him to George Aiken and the 1936 presidential race. A version of his masters' thesis "You Can't Get There from Here: The Presidential Boomlet for Governor George D. Aiken, 1937-39" was published in Vermont History magazine in 1981. Just as Greg was finishing the master's degree, there was an opening at the Center for Research on Vermont, and he filled that post until the arrival of Kris Peterson-Ishaq in 1979. He has served the Center in many ways from that time on, presenting eight Research-in-Progress Seminars, papers at the two Center multi-year NEH funded conference series Lake Champlain: Reflections on Our Past and We Vermonters: Perspectives on the Past, serving on the Board of Editors for the Occasional Papers series, and serving five terms on the Executive Committee, including one as the first Chair of this

body. With Kris in place, Greg was free to take a job at MIT in 1978 working with oral historian Charlie Weiner on a project with a group of scientists. He picked up a lot of historical project management experience in this job, and he learned a lot about archives because he was closeted with Helen Samuels, Head of the MIT Archives & Special Collections Department, a woman who loved to talk and theorize about archives. When he returned a year later, Charlie Morrissey hired him to coordinate activities on the George D. Aiken Oral History Project, and Greg produced a 200 page user-friendly summary of the interviews with Aiken entitled "The George D. Aiken Oral History Memoir" in 1981.

When the old Chittenden County Courthouse burned the same year, Greg dropped everything to help me and my assistant Tom Connors to save the records in the basement. We worked for four full days in the dark with flashlights while a salvage company demolished the building over our heads. The records had been thrown on the floor and were well watered by the fire department. Since this was in April, many of them had frozen as well. We were able to save approximately 300 boxes of 18th, 19th and 20th century records, including County divorce case depositions from 1820-1920, and we loaded them into Greg's pick-up truck. This is a little known piece of Greg's biography, but a sign of things to come as he moved closer to a career in archives.

When Greg's predecessor, Marlene Wallace left the State Papers Office in 1982, Assistant Secretary of State Paul Gillies recommended Greg to be the new Editor of State Papers, and he was hired by Jim Douglas. Greg was later to morph this position into that of State Archivist, but at this time he was happy to have a full-time job in some aspect of the history profession. He did not realize yet that he was slowly becoming an archivist. Greg moved into the Editor's office in the basement of the Pavilion building and set up shop. The work in the courthouse prepared him for another basement job, though this time he did put a framed picture of a landscape on the wall to simulate a window, and there was electricity. Greg reviewed the small collection of papers under his purview, carried on the preservation work of his predecessor, and he and his staff of one continued to publish volumes in the State Papers series, but these were of more contemporary records relevant to issues before the General Assembly. Though he was in the basement, he was starting to see the light. Almost from the beginning, Greg acted as a state archivist. He was an educator, a person who went out to towns to meet with clerks and to help them with their records, and who met with Supreme Court officials to help them to design a program for the preservation of the records of the Court. He did some teaching as well, and he expanded the preservation lab and the staff. Greg wanted to create an active state archives that met, and even anticipated the needs of the modern legislature, contemporary state offices and the general public. Greg's vision of the state archives was not a dusty one.



When the archives was moved to the Redstone building and physically joined with the Secretary of State's office, it



became part of the information and publishing wing of that office. Greg set up a fully functioning reference collection in a search room for patrons to use. He recognized the value of context in doing public policy, and he wanted to inject the historical record into the contemporary debate. He became the first truly "public" archivist. He worked with the Secretary of State and the Governor to craft legislation to establish the Vermont State Archives and to give the agencies of state government a blueprint for what to save and how to save it. He established a culture in Montpelier that stressed the importance of records in making public policy.

The archives staff embraced technology and created a website with a section called "Continuing Issues of Government and Governance" to field questions from legislators, the press and the public, and to provide answers and pathways through the historical record. Greg added a "spotlight on records" section and informed the relevant legislative committees about the reports that were put online. The site is rich and teeming with information, and it is updated frequently. For this and other outreach and advocacy efforts, the Vermont State Archives received the prestigious Philip M. Hamer and Elizabeth Hamer Kegan Award, from the Society of American Archivists in 2002.

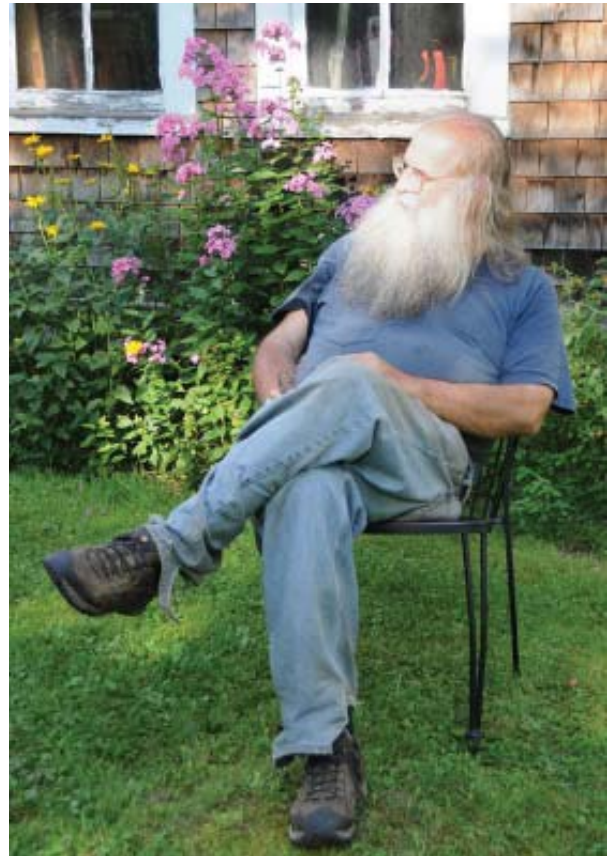
Greg wrote weekly columns, including "Voice from the Vault," for state publications to educate staff and to prod them to take their custodial responsibilities seriously. He was very active on the Vermont Public Records Advisory Board, and he brought in other archivists from around the state to help with appraising current state records and establishing retention and disposition standards for them. He led the Vermont State Board of the National Historical Publication and Records Commission (VHRAB), a board that encourages and helps large and small historical organizations to apply for and receive federal grants for preservation and access projects. And I can say from

experience that Vermont, under Greg, has one of the most active state boards in the country with results visible throughout the state.

Early in his tenure at the archives, Greg realized that the very founding documents for Vermont were at the New York State Library. The 60,000 documents included the papers of the Ethan and Ira Allen, other Vermont Revolutionary War figures and papers of early Vermont leaders and politicians. The collection had been purchased by the New York State Library from antiquarian collector Henry Stevens Sr. of Barnet, Vermont in 1874 and it was later badly damaged in the 1911 library fire. The records were on the whole inaccessible. I remember that it took a tremendous effort by Greg to convince the officials in New York to join in a cooperative project to have the papers restored and microfilmed so that each state would have better access to the documents. Using his famous charm and diplomacy over a period from 1985 to 1989, he won the support of Jim Corsaro at the N.Y. State Library, attracted grant funding from the NEH, and put together a professional staff to carry this project to success. Greg will be remembered for a lot of contributions to Vermont history, but this project will be at the top of the list.

Greg served on many Vermont state boards, commissions and committees as we have seen, including the Vermont State Bicentennial Commission and the Governor's Commission on Native American Affairs, and was very enterprising in New England and on the national scene. He was an active member of the National Association of Government Archives and Records Administrators (NAGARA), a steering committee member of the Council of State Historical Records Coordinators, and a member of the Council of State Archivists. Greg served as a member of the Executive Committee of the New England Archivists (1984-90) and was elected President of this group in 1988. He received the coveted NEA Distinguished Service Award for exemplary service to the archival profession and archives in New England in 2002.

Greg has written dozens of articles in local, regional and national publications, edited volumes of state records and he has given numerous talks and lectures on Vermont history and archival theory, and on the model program he created for the Vermont State Archives. He has written many successful grant proposals as well that have moved the archives forward. The joining of the Vermont State Archives and Vermont State Records into a single agency in 2008 was the realization of a dream long held: "It made a great deal of sense. This gives us an opportunity to manage records throughout their lifecycle." Now the two units are physically joined in the records storage facility in Middlesex. Greg's new challenge is to convert this space into a working, functioning archives with a reading room and a reference collection, to continue to provide context for the deliberations of state government, and to breathe life into the ongoing work of the archives. It's deja vue all over again in a much larger space. Greg has finally made it out of the basement, and this time there are windows.



Gregory Sanford, because of your love of Vermont, your tireless efforts to create a state archives worthy of its history, your support of Vermont institutions like the Center for Research on Vermont, your advocacy, your writing and teaching, your mentoring of others, and the large footprint you will leave behind, the Center for Research on Vermont is proud to present you with the Lifetime Achievement Award for enduring contributions to research vital to the state and citizens of Vermont.

Connell B. Gallagher
May 2010

Voice from the Vault

By Gregory Sanford, State Archivist

No Column Left Behind: In Which the Archivist Goes to School and His Attention Wanders

Okay, this was supposed to be pretty straightforward. I was going to note how Act 10 of 1870 allowed towns to voluntarily abolish their district school system in favor of having a single town district. This would bring Vermont's "over 2,000 little educational republics, practically independent of each other and of all the world" into a more manageable town-based system [1869 School Report]. Vermonters generally ignored this voluntary vote; only 40 towns adopted the town system by 1892 (15 of whom subsequently voted to return to the district system). So in 1892 the state passed the "vicious act" (Act 20) mandating the adoption of the town system.

Okay, so far so good. I could take those events and contrast them with recent public dialogues over mandatory versus elective consolidation of school districts, yet again suggesting how archival records can provide context to our discussions and actions.

Lamentably I thought I would put some frosting on the cake and take a squint at the records of the 1912-14 Commission to Investigate the Educational System and Conditions of Vermont (Record Series PRA-024), which strongly recommended further school consolidation since Vermont still had a couple thousand small districts.

The commission's records were somewhat disappointing in terms of consolidation, but offered many distractions. These included a July 1914 set of principles promulgated by Vermont's union school superintendents. The principles started with: "We believe that increased emphasis should be placed upon the fact that the school is for the child; that the study of the child and the development of its powers is the chief concern of the teacher; that the course of study should be related to the life of the community; and that the public should provide adequate and equal opportunity for every child." Other principles included: "We believe that the maximum number of pupils taught by one teacher in both graded and rural schools should be limited by law" and "We believe that the welfare of the individual child should not be sacrificed to the requirements of an inflexible system of grading and promotion."

Attention wandering, under my inflexible "no column left behind" program, I began to mentally lay out several unanticipated columns. Commission documents, for example, envisioned a school role in promoting the health of the students. On June 7, 1913, Charles S. Caverly, president of the state board of health, argued that schoolhouses can be cheaply constructed and maintained in a sanitary condition: "Dirt-tight floors, jacketed stoves, windows of the right size and placed properly, black boards of the proper material and located properly are not luxuries that any town in Vermont should not be able to afford..."

The idea of schools responsible for healthy students and the image of a jacketed wood stove made me think of the wonderful film, *A Town Solves A Problem* (available on the Vermont Historical Society website under library; moving images collections). This 1947 film set in Pittsford narrates how the teacher at the local one-room school and her husband the school custodian (who feeds the wood stove) organize support for a town meeting vote to purchase a stove so students could have hot lunches.

I began thinking about the evolution of school lunch programs and next took a squint at Record Series PRA-104 which contained two volumes of newspaper clippings compiled by the Department of Education from 1952-1965. One of the first clippings I saw was a December 18, 1953, *Free Press* editorial wondering "Should school consolidation be further encouraged by legislation?" It was too late to turn back to that topic (but in my defense

I did not get caught by another question in the editorial: "Should the State assume the cost of hospitalization of those unable to pay").

Instead my eye was caught by a December 29, 1952, *Free Press* clipping headlined "Vermont Will Run Out of Funds for Hot Lunches by Late March." This provided some clues that, once pursued, gave me a new context for *A Town Solves A Problem*. While the film suggested Pittsford was taking on the costs itself, since 1921 (Act 57) the state had been paying up to 50 percent of the costs "in installing equipment and facilities for furnishing lunches to the pupils of public schools." In 1945 Act 59 allowed the state board of education to accept federal funds to expand and maintain school lunch and milk programs. It was this program the *Free Press* was discussing; specifically how Congress was consistently and progressively underfunding Vermont's school lunch program. In 1949-50 federal funds fell \$7,000 short; by 1952-53 Vermont had to cover a \$35,000 shortfall.

The clippings from 1952-53 also revealed how the Department of Education's role in the healthcare of students was growing. The department studied the health issues of over 51,000 students; that, however, is an issue for a future column.

The federal hot lunch program addressed, in part, health issues by improving diets through surplus agricultural products. A January 5, 1953, *Newport Express* editorial perceived contradictions in the food programs: "Over and over physicians and medical journals tell us that the average American over eats, and many people die of troubles caused by too great a consumption of food... Yet we are told that a school lunch program is doing great things for health among students resulting in better school work, and school lunches tend to teach us to eat more."

The *Express* noted the shortfall in federal funding and the "staggering" amount of food being provided Vermont schools: 1,455 gallons of concentrated orange juice; 14 ½ tons of peanut butter; 16 tons of canned tomatoes; 12 tons of dried beans; 10 ½ railroad carloads of apples; 23 ¼ tons of honey; 11 ½ tons cheese and so on. The editorial huffed to a close with: "We can only add that in many instances there is much waste, and in some cases comparatively little benefit."

And so I find myself far from my original impulse to write about school consolidation. It is one of the wonderful things about archival records: they can take you to unanticipated places and issues. Why not come to Middlesex and see for yourself?



Gov. Douglas, Sec. Markowitz, and Greg Sanford cutting the ribbon on the new archives facility in Middlesex on June 10.

Voice from the Vault

By Gregory Sanford, State Archivist

Pity the Poor Exemption

They hide in the thickets of statute and case law. They are insatiable hunters, attacking your right to know wherever they find it. They are carriers of a wasting disease that can wither our public records law. They are, we all agree, the cataracts that cloud government transparency.

I am, of course, talking about exemptions to Vermont's public records act (1 V.S.A. §317). Recent legislative sessions, editorials, and political campaigns have raised a hue and cry over exemptions and the insidious threat they pose to our freedoms. They are so elusive they defy easy enumeration; reporters, candidates, and open government advocates count anywhere from dozens to hundreds of exemptions. At one recent primary debate the moderator, a newspaper man, gave up, sputtering that there were "a ridiculous number" of exemptions.



This may be my fault (it is, as my staff likes to say, "all about me"). Years ago I became intrigued by the first exemption listed in §317, which broadly exempts "records which by law are designated confidential or by a similar term." I decided to go in search of these exemptions. Initially I put the results up in narrative form on our webpage; later Tanya Marshall, our chief record analyst, compiled the exemptions into an online database. The database allows you to search by agency, exemption or keyword and is found at <http://vermont-archives.org/records/access/>.

While there are 39 exemptions listed in §317 we found 228 other statutes containing exemptions. Well that is not exactly right and here is where my true culpability begins to emerge. The database actually lists 267 statutory exemptions, but that includes the 39 exemptions of §317. The list also includes 31 statutes that require some type of compliance with providing a record (not necessarily an exemption) and 12 statutes that govern fees for providing copies of public records. Some statutes—and remember, for the most part I am counting statutes, not exemptions—may have more than one exemption.

But you say, "who cares; one exemption is one too many in an open society." Clearly the news media and almost all the current statewide candidates perceive the exemptions negatively.

Since the database guides us to the various habitats in which the exemptions lurk, let the hunt and extirpation begin. Searching by exemption, the first category is address confidentially, which derives from 15 V.S.A. §1152 and is designed to protect the address of victims of domestic violence, sexual assault, or stalking. The great thing is, if we eliminate this exemption, it is referenced in six different statutes and we would quickly drop from 267 statutory exemptions to 261.

If we search by "client confidentiality" we find 77 statutory exemptions; this should be fertile hunting ground indeed. For example, 12 V.S.A. §1612 exempts medical patient information; 12 V.S.A. §1705 exempts personally identifiable HIV testing results; and 18 V.S.A. §9333 prohibits the use of genetic testing results in certain situations; etc, etc. If we can eliminate these 77 statutes we are now down to a mere 190 exemptions.

The temptation would be to move on to personally identifiable information (147 statutes) but that would be like shooting exemptions in a rain barrel. After all, who would want to exempt their personal tax information from disclosure by the Tax Department (exemption #6 in 1 V.S.A. §317)?

Okay, okay; I am yanking your chain. My point is that "public record exemption" has become such a negative reference symbol in our public dialogues that we lose sight of some of the privacy and other concerns they are designed to protect. All aspects of our public records laws should be routinely revisited and, if necessary, repealed or clarified; that is essential. But we should not automatically assume—as much of the current dialogue does—that exemptions are inherently evil.

As we expect and approve more and more government services, government by necessity gathers more and more information about our lives to determine need, eligibility, and other criteria. Consequently we need safeguards to protect the unwarranted disclosure of this personal information, particularly in the absence of a comprehensive law protecting personal information. We should not lose sight of the fact that our public records law was designed to make government, not the lives of citizens, more transparent. We also live at a time of heightened security concerns and therefore create exemptions for ongoing criminal investigations; computer codes and encryptions embedded in certain government information systems; and details of vital infrastructures.

As an aside, it is interesting to note our (appropriate) dis-ease with personal information in public records and our much more cavalier attitude to the vast amounts of personal information collected, sold, and manipulated by internet providers, credit card companies, retailers, airlines, etc.



I think a more robust story must be told than can be provided by simply counting the number of exemptions or by sputtering that, whatever the number, it is "ridiculous." Without a better understanding of why an exemption has been made we will never know if it strikes an appropriate balance between your privacy and your right to know. Without understanding the intent of an exemption we cannot easily judge whether it is being misapplied. No citizen should be exempt from developing a better understanding of our records laws.

Note: For our failure to adopt laws protecting personal information see the April column at <http://vermont-archives.org/publications/voice/pdf/PrivateLifeOfPublicRecords.pdf>.

Voice from the Vault

By Gregory Sanford, State Archivist

Tolerating Equality: An Archives Month Story

In describing the role of religion in Vermont Samuel Williams wrote, "It is not barely *toleration*, but *equality*, which the people aim at. Toleration implies either a power or a right of one party, to bear with the other; and seems to suppose, that the governing party are in the possession of the truth, and that all the others are full of errors. Such toleration is the most that can be obtained by the minority...." Vermonters, however, "carry their ideas of religious liberty much further than this; that no party shall have any power to make laws or forms to oblige the other; that each denomination may lay themselves under what civil contracts and obligations they please;...that all denominations shall enjoy equal liberty, without any legal distinction or preeminence whatever." (Samuel Williams, *The Natural and Civil History of Vermont*, Volume II, 1809; pages 382-383).

I have always been intrigued by this statement because it forces me to think about whether my own actions and assumptions reflect a sense of tolerance or equality. In terms of Vermont, Williams' uplifting sentiments were more aspirational than descriptive.

With the normal caveats about broad generalizations, for much of Vermont history our treatment of Catholics often fell short of equality or, on occasion, even tolerance. For example, as a result of petitions to the 1835 legislature an "Act to prevent the establishment of monasteries, nunneries and other superstitious communities within the State" was drafted. It was carried over to the 1836 legislature but does not appear to have been enacted.

To the degree that Vermont Catholics were associated with our Irish or French-Canadian communities, religious prejudice was combined with xenophobia. You can see this in the Anti-Masonic movement of the 1830s, the American (Know-Nothing) Party of the 1850s, and the State's flirtation with the Ku Klux Klan in the 1920s. Catholic churches around the state were periodically targeted by arsonists. Even within the Vermont church there were tensions between Irish and French-Canadian Catholics exacerbated by language differences. We did not elect a Catholic governor until 1972.

Samuel Williams' belief that Vermonters practiced religious equality rather than mere tolerance was only slowly realized. During that time other religions have arrived, shifting the contexts for our dialogues over equality and tolerance (as an aside, Article 3rd of the Vermont Constitution still requires "every sect or denomination of christians" to "observe the Sabbath...").

All of which is somewhat besides the point of this month's column. October is Archives Month. Archives Month is promoted nationally by the Council of State Archivists and celebrates the many roles records play in our lives, from documenting our rights, privileges, and obligations, to tracing our family histories, to providing contexts for understanding the world around us.

In Vermont historical/archival records can be found in municipal clerk offices, local historical societies and libraries, academic repositories, museums, the Vermont Historical Society, the State Archives and Records Administration and elsewhere. Within these repositories there are myriad stories of our society captured in historical records of all ilk.

As long-suffering readers know, I love the contextual weave stitched from our historical and archival records. I am never happier than when I encounter records that illuminate the threads of our democratic dialogues. Our

collective and individual responses to tensions such as those between tolerance and equality become, across time, part of the fabric of our society. From Florida to New York, Williams' 200 year old warning that tolerance, unlike equality, can be withdrawn continues to play out, adding to that fabric.

There are, beyond my own interests, myriad other joys that users of our documentary heritage experience. As I was writing this a genealogist came in to explain how she had discovered an ancestor who was one of Abraham Lincoln's pall bearers.

Over the years I have been privileged to watch people practice their sense of wonder by researching in records. I have also swapped stories with other local archivists, including municipal clerks, sharing moments when we, or the records we hold, have been able to help someone. One town clerk recently explained how she helped a family trace land records to show how their father had donated land for a playing field for local children. As a result the family's generosity will be recognized by a plaque placed at the field.

During Archives Month I encourage any of you who have experienced a eureka moment while looking at a Vermont historical record, to submit a short (one paragraph) "archival story" to me at gsanford@sec.state.vt.us. We will try to post as many as possible on our website at <http://vermont-archives.org/research/archmonth.htm>. Thank you.



Houston Studio Photograph Collection (Vermont State Archives).

Vermont Sesquicentennial Parade, Military Unit.

Main St., Montpelier. August 30th, 1941.

Voice from the Vault

By Gregory Sanford, State Archivist

Archives Month: A Good Story

When we last met, Governor Jim Douglas had proclaimed October Archives Month. Though I am writing with only a week left in October, it is safe to say, "what a month it has been:" the parades, the car and furniture sales, the fireworks! Okay, I am kidding, except maybe about those fireworks.

The fireworks were fueled by the importance of records to government accountability. October began with the Vermont Supreme Court issuing a ruling in *Shlansky v. City of Burlington and Burlington Police*. The ruling, among other things, confirmed the public record exemption for "records which are relevant to litigation to which the public agency is a party of record..." It also reaffirmed that the motive of the requestor cannot be a factor in responding to a public records request. The ruling is at: <http://info.libraries.vermont.gov/supct/current/op2009-291.html>.



Shlansky was followed by several other access to records issues. These included the different responses to requests for copies of videotapes of two traffic incidences involving candidates/officials. While the videotape of one candidate being stopped for speeding was quickly released, the refusal to provide the videotape of the other candidate's DUI stop is now being challenged under the public records law. In yet another case the ACLU is seeking the release of information on the procedures and criteria used by law enforcement officials to approve the tracking of citizens through their cell phones.

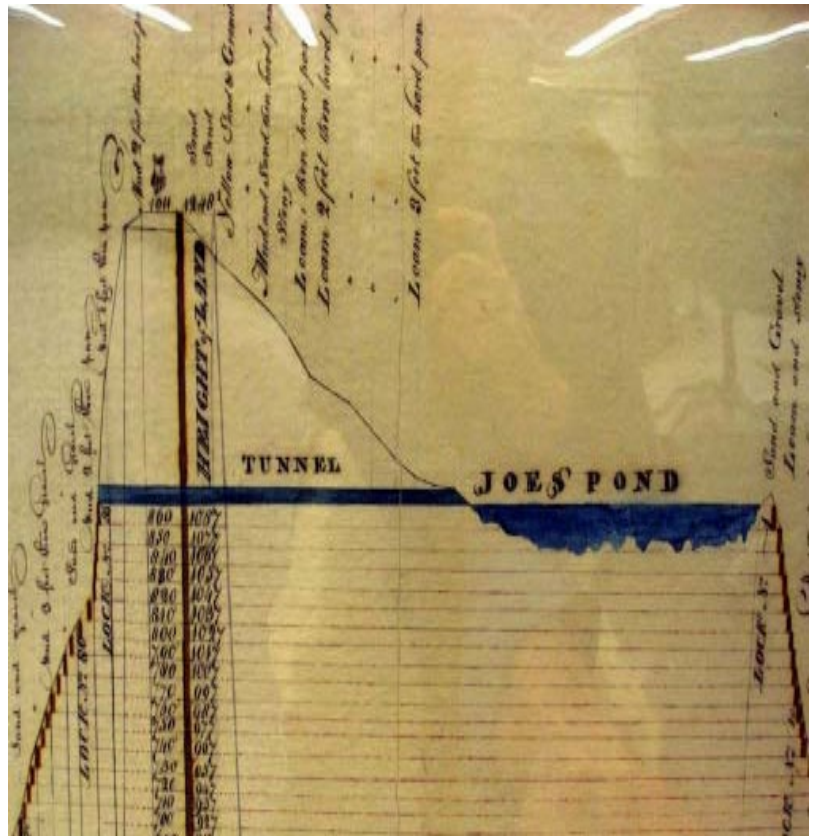
October also marks the closing weeks of the election season and again record issues lurk within the headlines. While politicians are said to run on their record, there is an equal tendency in some races for candidates to interpret an opponent's record first and then run against it ("my opponent voted for higher taxes or fewer services or..." Well, at this point, you can probably recite the litany of accusations in your sleep). Reporters, operating with reduced resources, confronted the challenge of evaluating competing accusations. Many reporters, not to mention opposition researchers, did check records against the allegations. Nancy Remsen of the Burlington Free Press deserves special mention for trying to untangle roll call votes to get at the truth of various charges and countercharges.

Thanks to Vermont Public Radio's Vermont Edition, Vermonters had an opportunity to listen to two Canadian archivists exploring the evolving roles for archives in helping citizens engage in public dialogues and democratic decision-making. Terry Cook is one of the world's leading

archival theorists and teachers; while Wendy Smith, who is a student of Terry's, just completed an internship at the Nelson Mandela Foundation in South Africa. They were in Vermont, along with Helen Samuels, another leading archival thinker, to review and discuss VSARA's evolving archival and records management initiatives. I hope in a future column to share our discussions with them. For now I simply note that Dr. Cook called senior record analyst Tanya Marshall's information management work as "the best such system I have seen in the world and its implications for good governance are amazing." So congratulations to Tanya for this well deserved praise.

Perhaps my favorite Archives Month activity is the "archival moment" stories on our website <http://vermont-archives.org/research/archmonth.htm> Custodians and users of historical records were asked to give brief stories about an archival moment they had experienced. These could include documenting a right, finding an answer to a long asked question, revealing a new line of inquiry, locating an interesting family story—well the possibilities are almost limitless. Municipal clerks, historians, genealogists, archivists, and a whole host of other folks responded with stories. I encourage you to visit the website. You will find the story of the California researcher who discovered a Vermont family's journal in San Francisco, which became the basis for a book and also led her to buy a home in Vermont. Or there is the map dealer who discovered a map of a proposed canal from Lake Memphremagog to the Winooski River, including plans for a canal tunnel leading from Joe's Pond. There is the researcher who used wolf bounties to document wolf populations in early Vermont; the climatologist who uses farm journals and military records to document early weather events in Vermont; and there is my old friend and colleague Paul Gillies explaining the joy of discovery after long hours going through town records. There are many, many more stories which I hope you will take the time to read.

And so it was a good month in which historical records and those who care for and use them had a moment to share their experiences. They are back at work now in their archives and their research, just as those seeking public records continue to pursue access, and journalists carry on perusing records to give context to political pronouncements and assertions. Records, after all, are a constant part of our world.



Voice from the Vault

By Gregory Sanford, State Archivist

Archival Management: Alchemy or Science?

Once upon a time, alchemy and chemistry used to hang out together. Even after the publication of Robert Boyle's *The Sceptical Chymist* in 1661, which distinguished chemistry from alchemy, some folks continued to conflate the two. Hennig Brand, for example, wobbled between alchemy and chemistry, believing he could convert human urine into gold. In 1675 he procured fifty buckets of urine and, after a series of experiments, produced first a noxious paste and then a translucent waxy substance. The waxy substance tended to either glow or to burst into flame when exposed to air. Hennig had discovered phosphorus (a name derived from Greek and Latin and meaning "light bearing").

While the commercial potential for phosphorous was quickly recognized, acquiring the necessary raw material in bulk was a challenge. Soldiers were enlisted to create a sufficient production stream, but the process was less than ideal. Finally in the 1750s the noted Swedish chemist Karl Scheele discovered a means of production that did not involve urine.*



All of which reminds me of various professional discussions on whether archival management is a science, practice, or what? Certainly some of our allied professions self-describe themselves as sciences and one can get a degree in library and/or information "science." European archivists are more comfortable in calling our profession "archival science" than practitioners in the U.S., Canada, or Australia.

I asked several colleagues for their thoughts and most expressed reservations about "archival science." Canadian archivist Terry Cook responded, "While two atoms of hydrogen and one of oxygen under the same physical conditions at any place on earth at any time will produce one molecule of water, two records creators, one function, and the need to record evidence of some identical task or transaction in different countries in different centuries will never produce the same archival record."

Dr. Cook's observation is correct when reviewing past, and most current, archival practice, which often smacks more of alchemy than science. That is in itself important to know; from creation to appraisal to description there is constant, and often idiosyncratic, intervention in a record's life. As a researcher you are at risk if you assume that the records held in archives always got there as the result of a systematic, scientific process and are therefore pure representations of "the truth."

Closer to home, actually just down the hall from my office, Tanya Marshall had a different answer based on her work analyzing Vermont government records—yes, there is, or at least could be, archival science. Tanya and the record analysts are systematically studying record creation and breaking our public records down to their basic elements or facets. A facet can be a record type, a legal requirement, an activity, a creating entity, a function, a domain, etc. For a fuller explanation of the classification system go to <http://vermont-archives.org/records/vclas/index.htm>.

The accuracy of facets can be tested through observation. For example, if licensing has been accurately defined as an activity you should find the same types of records in all licensing activities, whether you are licensing an attorney or a massage therapist. The process will always begin with an application and end with a decision.

Within this it is important to adhere to consistent definitions; for example, you need to be able to distinguish between the activity "licensing" and the activity "permitting."

This approach allows a more systematic view of records and the processes that produce them across government. In turn that provides a structured platform to compare and evaluate business practices and information flows within government. This, in theory, could aid government restructuring/re-thinking exercises. Too often, however, these efforts border on alchemy, believing that by simply changing one process in isolation or by adding more information technology government will magically be transformed into a gold standard of efficiency and effectiveness.

The analysts' systematic deconstruction of records into base elements also allows government officials, researchers, and others more flexibility. Traditional practice is to create an inventory or finding aid focused on distinct record series, often described without a larger understanding of legal, administrative and functional contexts associated with the records. That may work, to continue our example, if you simply want to know about a specific licensed architect. It does not work if you want a broader examination of government's licensing activities: what do we license, why, and how, for example. Under the analysts' system people can experiment with combining different facets to create new or broader views of information.

This all may be more than the casual reader wants to know about archival management, though it is important for everyone to understand that archival management is, indeed, management. This does not answer whether archival management can be more science than alchemy. Tanya's conceptual model may provide an answer; at a minimum you're in luck since her work will turn the dross of public records into, if not into gold, at least something that is light bearing.

*The story of Hennig Brand is recounted in Bill Bryson's *A Short History of Nearly Everything*.

Voice from the Vault

By Gregory Sanford, State Archivist

The Sex Life of Dragonflies and Government Recordkeeping

Most people, alas, don't find records/archival management a particularly titillating topic. Therefore I usually start my column with some misdirection, attempting to ensnare readers before they realize they are reading about records. This month I appeal to the reader's prurient interests and offer a sex column.

Female dragonflies, according to those who study such things, possess "sperm storage organs." These are special sites which incubate sperm, keeping it alive for months until the female is ready for fertilization. Male dragonflies, however, are only concerned with passing along their own genes. To them, the thought of the females cheerfully flying about, slowly incubating the genes of rivals is not a happy one. So, over time, the sexual organ of the male dragonfly evolved to include a little scoop. This allows the male to empty out the female's storage organ before filling it with his own seed.



Government is like that. New administrations, secretaries and commissioners arrive in Montpelier and immediately clear out the records of the previous occupants. They then refill the various storage organs of government with records of their own programs and initiatives. I confess that the analogy is not exact since in many cases those leaving government clean out their own record storage units before departing.

The news media comment on these transitions often speculating on the legacy of the departing administration. This impulse to quickly define a particular administration's legacy raises numerous interesting issues, notably the tension between continuity and change inherent to our democratic system of government.

In other words, to what degree are we documenting the continuities of government and to what degree are we documenting the initiatives and actions of specific administrations or state officers? Obviously these are not mutually exclusive efforts, but they require decisions over what files should be left in situ for continuity of operations; what records should be sent to the state archives to ensure long term access; and what records can be disposed of without violence to statute or administrative need?

For example an incoming gubernatorial administration needs immediate access to agreements with other states and other polities. Since it needs to work with, and eventually appoint, members of the myriad government boards and commissions it needs documentation of who is serving and their dates of appointment. Ongoing negotiations and other actions not completed by the departing administration also need to be at hand. Those records are left in situ.

What should go to the state archives or can be disposed of are closely related since those decisions ideally come out of established information management plans. Most records have a limited shelf life. The professional rule of thumb is that only two to five percent of all records are archival and need to be kept accessible over time. Identifying the legal and administrative values of the records in order to make such determinations is the role of records management. As noted in numerous other columns it is the role of the Vermont State Archives and Records Administration (VSARA) to assist agencies and offices in developing records management plans.

It is hard to believe given all that has been accomplished, but VSARA has only been around since 2008 and so a lot of work remains to be done. Ideally we will eventually help create a recordkeeping culture and systems where records will be tagged from point of creation with information about their administrative and legal

values; whether they are open or exempt public records; and how long they need to be retained. Despite some progress, we are not there yet.

What, for example, is the value of all the correspondence governors receive from citizens, whether Vermonter or not? Historically such correspondence has been the bulk of gubernatorial records deposited with the archives. Yet such correspondence does not, at least directly, document policy creation and implementation; provide evidence of legal commitments; or, quite frankly, document much of anything about an administration.

All too often people communicate financial, medical or other personal information to the governor in hopes of getting some form of relief. In other cases citizens detail personal information as context to their opinion on a particular issue ("my child has AIDS and I think government should..."). Is there an expectation of privacy for those who write the governor? Is there a burden on government to review each of these tens or even hundreds of thousand letters and redact personal information?

Should such records be preserved at all? The argument for preservation is that the correspondence provides unique insights on the issues of interest to Vermonters (and others). Could we understand the heat and emotion surrounding the civil unions debate, for example, without such correspondence? Should letters from individuals seeking a State service and detailing personal information be directed to the appropriate agency and not retained as gubernatorial correspondence, as is done in other jurisdictions? These are the types of discussions we hope to have with the incoming administration.

But these are specifics. My main point is that we, like the female dragonfly, have to develop strategies to control what we store so that is accessible and viable when we need to germinate the best policies for governing ourselves.

Voice from the Vault

By Gregory Sanford, State Archivist

Watching the Wheels Go Round and Round

Not so fast, cautioned Daniel Buck in January 1791, as Vermonters contemplated joining the Union. Our "...affairs of government were managed, as it were, under the eye of the people, and the machine was so small that every one could look and see how the wheels moved, and for this reason it was observable, that the people were all politicians."

Well, we went ahead and became the 14th state – even Daniel Buck voted aye in the end – and here we are 220 years later trying to defrost the windshield so we can go back to watching the wheels go round. As with all complex issues there is not a consensus on what caused the frost in the first place or on how to clear it. Still, having prominent public dialogues swirling around public records does an old archivist's heart good.

As these dialogues play out I will occasionally offer various archival and historical perspectives. So here goes.

A lot of the current buzz revolves around "transparency." For example, H. 73 is entitled "An Act relating to establishing a government transparency office to enforce the public records act." Okay, are transparency and accountability the same thing? No. If you participated in a public meeting and watched the public body discuss, amend, and approve a measure, you experienced "transparency." If the public body did not keep and approve minutes on whether there was a quorum, the language of the adopted proposal, and how the board voted, you did not experience accountability. Without official minutes you are left with hearsay, not evidence.

We should be cautious when we use transparency and accountability interchangeably. Article 6, Chapter I of the Vermont Constitution calls for accountability as do the declarations of public policy prefacing our open meeting and public record laws (1 V.S.A. §§311 and 315). Transparency does not have a legal pedigree. There is a long history of case law and interpretation built up around accountability, not transparency.

Speaking of case law and legal interpretation, there have been several recent cases involving accountability, access to public records, and whether you can be charged to inspect rather than copy a public record. The latter case involved the Agency of Natural Resources attempting to charge the Vermont State Employees' Association for inspecting certain public records. Superior Court Judge Geoffrey Crawford ruled there was no authority to charge for inspection. Indeed, the statement of policy to the public records act (1 V.S.A. §315) states: "It is the policy of this subchapter to provide for the free and open examination of records..."

The Vermont Supreme Court first tackled access to public records in 1906. State Auditor Horace Graham denied Percival Clement's request to inspect vouchers. Clement had bolted the Republican Party in 1902 to run for governor as a "Local Option" candidate. In 1906 he would again bolt to run as the Democratic gubernatorial candidate. Graham felt that Clement was using his "idle curiosity" to cause political mischief. Besides, fulfilling the request would pull Graham from his true public duties which, at the time of the request, meant preparing his biennial report to the legislature.

The Court ruled in Clement's favor: "The right to examine documents includes the right to make copies from them...When examination is sought for a public purpose, the interest of a citizen and taxpayer alone, without any other special or personal interest, is sufficient;" and "The fact that it is an inconvenience to permit the

examination of the vouchers, is not a sufficient ground for refusing that right.” *Clement v. Graham*, 78 VT 290 (1906).

In the ongoing dialogues on public records there are diverse perspectives. Proffered solutions are based on how one defines the problem. Yet, there is a lot that is unknown – what exemptions are most frequently cited in denying access to public records; which exemptions are most frequently contested in court; which exemptions, based on court decisions, have been most often misapplied; what is the impact of technology on public record creation and accessibility; etc.

It is all fascinating to me, but I cannot cover everything in a single column. There is, however, one approach that is, to me, the most likely to produce meaningful and sustainable results. That is to support the effective management of public records under existing requirements (3 V.S.A. §218), coupled with training on public record requirements for state employees.

Okay, this may appear self-serving since the Vermont State Archives and Records Administration (VSARA) has the statutory authority to work across government to help create record management plans. We have only been in existence since July 2008 but our work is already helping agencies develop plans, including for records commonly held by most agencies (see for example our record schedule section at: <http://vermont-archives.org/records/schedules/index.htm>). We have an online “right to know” database so people can examine the public records law and its exemptions for themselves (<http://vermont-archives.org/records/access/index.htm>). We are working with almost 30 agencies and departments through our Target Assistance Program (TAP) and offering much more than I can recount here.

It is not easy; our resources are limited; and good recordkeeping has traditionally been more celebrated than practiced. Agencies are confronting their own resource issues and demands. In order to sustain our work and produce timely results, top-level support is essential. Both Governor Peter Shumlin and Secretary of State Jim Condos have publicly stated their belief that good records management and training are crucial for moving forward. Indeed, during the first week of his administration Governor Shumlin had VSARA talk to his immediate staff about public records issues and he has committed to having agencies work with us through TAP and other initiatives. Daniel Buck would approve.

Voice from the Vault

By Gregory Sanford, State Archivist

The Complexity of Simplicity

Even the simplest of things can involve complex systems. To make a pencil you need a forest, bauxite, coal, and rubber (or substitute) for the wood dowel, the aluminum eraser holder, the graphite “lead,” and the eraser. You need processes to log and mine; transportation systems to bring the raw materials to their respective plants and the pencils to market; and manufacturing facilities for everything from turning bauxite to aluminum to producing the actual pencil. This interplay of the simple and the complex is described in Jeffrey Kluger’s book, *Simplexity*.

As I listened to testimony on H. 73, a public records bill, I remembered Kluger. The testimony touches on accountability and accountability is simplexity itself.

Article 5 of the 1777 Vermont Constitution stated, “That all power being originally inherent in and consequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.”

What could be simpler? But why weren’t judicial officers included? Why did the 1786 Vermont Constitution condition accountability by adding “in a legal way” between “at all times” and “accountable to them” (language that remains, now as Article 6)? There are reasons, but they are complex.

Complexity isn’t a bad thing and can be simply resolved. For years the legislature grappled with how, within the public record definition, to keep up with proliferating record formats. The definition mentioned “papers, documents, machine readable materials;” computer databases came and went from the definition like Brigadoon; and videotape, DVDs, and other formats were queuing up for inclusion. In 2008 the legislature resolved this by dropping mention of specific formats and simply adding “regardless of physical form or characteristics.”

Sometimes “simple” solutions create complexities. Back in the 1990s legislators encountered, as candidates, wildly divergent charges for copies of voter checklists. Each municipality had its own formula for determining the actual cost of providing copies. Legislators wanted, if not uniformity, at least standards for understanding how charges were determined.

The 1995-96 legislature amended 1 V.S.A. §316 to address this concern. It was simple. The secretary of state established by rule an actual cost schedule for copying records, including charges for staff time after the first half hour but “only for the time directly complying with the request...” Complexity then raised its head.

What did “time directly complying with the request” mean: only the time physically spent copying (and this was still largely a paper/copier world); time locating the requested records; time retrieving it from off-site storage; lawyers’ time to see if the record was exempt in whole or in part? And so on.

I wish I could say these questions are resolved, but they remain subject to debate. Some have managed to creep into H. 73. Let me digress.

In *Vermont State Employees’ Association v. Vermont Agency of Natural Resources* (Docket No: 517-7-10 Wncv) Judge Geoffrey Crawford denied the State’s assertion that actual cost charges could be applied to staff time used to provide records for *inspection*. Judge Crawford, however, acknowledged the State’s argument that new technologies require a digital record to be “copied” before it could be inspected: “The clear distinction between inspecting and copying when the [Public Records] Act was originally adopted no longer matters so much...” I think that simple explanation misses more complex issues but I won’t go there.

Consequently, H. 73 would allow charges for *inspecting* as well as for copying records. There is, understandably, disagreement about this. Another “simple” fix, however, has gained support. Private parties who prevail in a public records case should be awarded legal costs. Judges no longer “may,” but “shall” award legal costs.

Advocates for the change argue that court costs, even without hiring a lawyer, deter citizens from appealing a denial of access to records. Even if a citizen substantially prevails, some assert, litigation costs are rarely awarded. Making public agencies financially liable for inappropriately denying records is, therefore, essential to restoring accountability.

Further testimony suggested this might not be a simple solution. Should there be a “level playing field” with government eligible for litigation costs when it prevails? This would discourage “frivolous” law suits; but who defines “frivolous record request?” The public records laws are the only ones where the citizen, not government, is charged with enforcement. Can you charge a citizen for exercising a right?

What if there is more than one plausible interpretation of an exemption; if the denial was made in good faith but was overruled, should the government have to pay (and, some add, taxpayers, not the government, ultimately pay)? What does substantially prevail mean? If you are denied access to ten records and the court says you have rights to five, is that substantially prevailing? How do judges determine the awarding of costs? What if the winning lawyer’s rates and hours are way above average Vermont rates or the lawyer submits questionable charges; should the lawyer be fully compensated? How many record cases have there been and how often were costs not awarded the prevailing party?

Testimony continues. After all these years I still find such dialogues fascinating. Accountability is simplicity.

On February 4th a *Free Press* story on H. 73 was headlined: “Reforming Vermont’s public records access proves difficult.” Two days later a *Free Press* editorial proclaimed “Accountability is a simple issue.” My response to both is “Yes.”

Voice from the Vault

By Gregory Sanford, State Archivist

Opening Government Information

In 1810 Peter Durand, a British merchant, patented the tin can. Within three years the first commercial canning factory was opened. By 1846 new inventions allowed tin cans to be manufactured at the rate of 60 an hour, ten times the previous rate.

The tin can was a tremendous advance in the long term storage and transportation of food. Some credited it with improving nutrition and health by allowing for the year round availability of fruit and vegetables. Though tin cans eventually raised their own health concerns, for most of the 19th and 20th centuries they were considered an unadulterated boon.



There just one nagging problem: how could consumers open the cans without either destroying the contents or injuring themselves? Early cans were fairly heavy and users had to open them with a hammer and chisel. Soldiers—and tin cans made the transportation of food for armies easier—used their bayonets. Some shopkeepers opened the cans for customers.

Ezra Warner of Waterbury, CT came to the rescue when he patented a can opener in 1858, which was described as a crudely shaped combination of a sickle and bayonet. The key can opener—still found on some sardine cans—came along in 1866. William Lyman of Meriden, CT invented the first rotating wheel can opener in 1870, which was improved upon in 1925 with the two wheel can opener we are now familiar with. In 1931 the first electric can opener, using the two wheel design, was sold. The pop-top joined us in 1959.

The evolving interplay between creating a new storage container (1810) and then figuring out how to effectively release its contents (1870) is fascinating. All of which leads us to the use of information technologies and access to records.

The March 5, 2011 New York Times carried an article by John Markoff entitled, “Armies of Expensive Lawyers, Replaced by Cheaper Software.” In 1978 a law suit involving five television studios launched a discovery process (locating documents germane to the case) that examined six million documents and cost \$1.1 million, mostly to pay for months of research by lawyers and paralegals. In contrast a January 2011 discovery search analyzed 1.5 million documents for less than \$100,000.

Between those two law suits records had become largely digital, computer speeds increased, and new applications were developed to unlock specific records from millions of files. These applications can find specific words, patterns of words, and even patterns of behavior within records. Of equal, if not greater importance, the need to plan and manage records from their point of creation became widely recognized as key to improving access and retrieval.

And so we come at last to Vermont public records. There has been much discussion of late over how (or whether) to recapture labor costs associated with responding to public record requests. House Government Operations, for example, heard testimony from agencies that had to respond to “voluminous” record requests involving everyone from their attorneys to their IT staff.

Certainly, trying to integrate searches of both digital records and legacy formats (paper, microfilm, etc) in responding to public record requests can be challenging. Those challenges increase given our long history of neglecting effective records management. This failing is exacerbated by digital records which need to be managed from their point of creation. We have talked about all this before in previous a column.

The most common objection we hear from agencies is the amount of time it takes to effectively plan their information systems. In a state government of reduced resources and increasing demands there is an understandable tendency to seek short-term IT responses over long-term planning.

The benefits of effective planning are, however, immense. There are ready examples of this. When you visit your local library, in person or online, you find information structured so you can identify categories of books (fiction, non-fiction, poetry, etc); you can search by subject (gardening, for example); and find where the book is located.

State government can appear as a dysfunctional library where books are simply thrown on shelves without a common classification system; common subject headings; or any way of knowing whether they are accessible or not. This saves immense amounts of up front costs, but kicks the can down the road by increasing long term retrieval costs (if retrieval is possible at all). Even the advent of new, improved “can openers” cannot improve access to unlabeled or mislabeled information containers.

Which raises the question of whether those seeking public records should be expected to pay the additional costs associated with retrieving poorly managed records? Can we legally define and discourage “voluminous” record requests in a world where vast amounts of well-managed data can be easily accessed? Should we charge for the right to inspect public records at the same time we are providing more and more records for inspection, free of charge, online? These questions deserve more than canned answers.

Voice from the Vault

By Gregory Sanford, State Archivist

Reproduction Rights: Typewriters, Photocopiers, and Computers

In 1963 Secretary of State Howard Armstrong was, according to newspapers, in an “unhappy state of mind.” He wanted a Xerox 914 copier because, as he wrote Rep. Richard Mallary of Fairlee, “it just is not possible for me with the increased workload due to corporation work to have this material copied on the typewriter and then proof read by two employees. That system is archaic in this day of electronic equipment which is available to an up-to-date office.” (Record Series A254, Container 00001; File 26). To acquire and sustain a photocopier Armstrong had increased fees for certified copies to a dollar, but the legislature did not allow him to use that increase for a revolving equipment fund.

Photocopiers did, of course, become common throughout state government and the country. They were, in the words of archivist Richard Cox, “the most profound and powerful office technology” prior to the personal computer.

The vast proliferation of copies presented challenges to records managers and archivists—which of the multiple replications of a document within and across agencies needed to be preserved? The new ease of making copies also had an impact on request for records. The original public records law, Act 231 of 1976, specified “photocopying equipment” in determining charges for copies of public records. In 1996 (Act 159) that language became “copying equipment” in recognition of computers.

As Captain Beefheart once sang, “she wears her past like a present”^{*} and thanks to H. 73 the “transparency” bill, all this past is wearing on the present. Are computers “copying equipment”? In a digital world what is the original and what is the copy? Is it possible nowadays to inspect a record without a “copy” being made? What, if anything, does that do to the right to inspect public records for free but be charged for copies of them?

Indeed 1 V.S.A. §316 which contains the “copying equipment” language is rife with contentious issues. If a public agency may “charge and collect the cost of staff time associated with complying with a request for a copy of a public record,” what does “complying” mean: time locating the records; time photocopying or creating printouts; time creating queries to extract data in response to a request; a staff lawyer’s time redacting exempt public information? Is there an obligation to manage public records so exempt information is tagged from point of creation, eliminating the need for legal review in response to copying requests? Is the need to create new queries to extract information from databases creating a new record—something agencies do not have to do and can charge for if they choose to?

There are just some of the questions legislators are grappling with as advocates from across the spectrum weigh in on H. 73. In trying to define the mechanics of our right to know and of government accountability the legislators are part of a tradition as old as Vermont. Our access to public records law is based on Article 6, Chapter I of the Vermont Constitution. That article was initially adopted at the 1776 constitutional convention in Windsor—a convention that by design did not leave any public records of the delegates’ deliberations.

^{*} “Pachuco Cadaver” Captain Beefheart, Trout Mask Replica.

Voice from the Vault

By Gregory Sanford, State Archivist

Records Management and Zombies

You certainly appear dead, but before burial your friends and relatives want to be sure. To avoid premature burial in the days before embalming and cremation pretty much settled the matter there were various ways to test one's deadness. These included jamming needles under fingernails, slicing feet with razors, and in what appears to me a surefire method, inserting a red hot poker in the place we generally agree "the sun don't shine."*

Inadequate testing could lead to horrible consequences from having to read *Pride and Prejudice* and *Zombies* to watching what will undoubtedly be a summer blockbuster on Abraham Lincoln and the undead. Of course waiting too long to bury the dead can be equally macabre. I am, of course, referring to *Price v. Town of Fairlee* (No. 2010-125; April 29, 2011; <http://info.libraries.vermont.gov/supct/current/op2010-125.html>).

Public records left lying about after their legally adopted "interment" date may come back to haunt you. Ballots cast in Fairlee during the 2006 elections are a case in point.

Under 17 V.S.A. §2590(d) ballots for state and local candidates shall be sealed for 90 days "after which time they may be destroyed" (federal ballots have a longer retention). Nearly two years after the 2006 elections and long after the 90 days had elapsed Fairlee resident Timothy Price sought access to the ballots and tally sheets. The records had not been destroyed as allowed by statute and Mr. Price wished to examine them to see how effectively they had been counted (readers may recall that the 2006 elections saw the outcome of the state auditor race reversed after a recount). During Mr. Price's sustained suits to gain access to the records Fairlee destroyed them.

We don't have the space for details, but in April the Vermont Supreme Court found that since the ballots had not been destroyed and were only sealed for 90 days they had become public records on the 91st day, available for inspection. The Court also addressed the destruction of the ballots and may have opened the door for more serious penalties in the future for the unauthorized destruction of public records.

Meanwhile like *Godzilla*, some public records became re-animated by exposure to nuclear power. Entergy filed a lawsuit against the State causing a legal hold to be placed on all public records relating to Entergy Nuclear Vermont Yankee LLC or Entergy Nuclear Operations Inc. A legal hold means that even records eligible for destruction under an approved record schedule cannot be destroyed; it is the equivalent of the red hot poker (to put a hold on your records at the record center go to <http://vermont-archives.org/records/handbook/pdf/VSARA0009.pdf> and http://vermont-archives.org/records/handbook/forms/VSARA-20_RetentionHoldRequest.doc).

I all too often hear, even from record officers (sigh), that managing records is too burdensome, too distracting from "real work." Good records management, however, helps identify when records no longer have a legal, administrative, or informational purpose, allowing for their orderly destruction. This is not to hide information, but rather to facilitate access to records that do have current value. Indeed, good records

management can facilitate the identification of any records that may need to be temporarily held beyond their retention period.

Whether it is the legal and credibility costs to Fairlee because it did not destroy records when it could and did when it probably shouldn't have, or the need for agencies to review all their extant records that may be subject to a legal hold, failure to manage records is rarely a good practice and can raise grave issues. To learn more about VSARA's record management program go to:

<http://vermont-archives.org/records/>.

* I unearthed this information from Mary Roach, "*Stiff: The Curious Lives of Human Cadavers*"

Voice from the Vault

By Gregory Sanford, State Archivist

Food for Thought

Serendipity and a short attention span play significant roles in selecting column topics. I was going to write a reflection on the first three years of the State Archives and Records Administration, established in July 2008. I decided, however, to use other outlets for those reflections and write instead about our project to put a legislative history of the public records act online.

So there I was being as diligent as a rather weak central nervous system allows, rooting around in Governor Tom Salmon's records ([Record Series A-183](#)). His Committee on Administrative Coordination supported strengthening the existing open meeting laws and adding a new law to address public records. Then I got to Box [A183-00006](#), at which point my planned column unraveled.

There, nestled next to "Administrative Coordination," were two folders marked "[Governor's Commission on Food, 1975-76](#)." What could be the harm if I took a quick squint? Gov. Salmon's press announcement on why he was creating the "Emergency Commission on Food" warned that "never have food prices spiraled so high. There are people in this country who are finding it difficult to afford to eat." Therefore "we must now re-examine our entire food production system. We must reach out for new ideas and new techniques. We must re-evaluate Vermont's position in the market place, especially our dependence on external sources of food and the high price that this dependence demands."

Those of you of a certain age will remember this as the time of an energy crisis fueled by the OPEC oil embargo. The committee's responses to the crisis are fascinating. There are numerous overarching recommendations such as developing an "input/output economic model...for determining the importance and impact of various sectors of the State's economy" to determine the value of Vermont agriculture to the State's economy. There was a call for the State taking the lead in "assessing the fundamental resource base of land and water and develop plans for their allocation and utilization" for agriculture, forestry, tourism and "other resources related industries."

Then there are page after page of specific recommendations. We should attempt to bring dehydration facilities to Vermont so we could have local food in the winter. The State should support the development of "food cooperatives, farmers' markets, small scale food processing and direct grower-consumer sales" to increase supply of "nutritious, wholesome foods." The state should "develop plans for a pilot municipal composting project." Cheese making "should be increased and diversified, especially in the area of specialty cheeses..." The State Agriculture Department should "continue to provide meat inspection services and not yield those to the USDA, thereby preserving our present slaughterhouses." Vermont agricultural products should be given priority in all nutritional programs and nutrition should be taught in all public schools. There were a host of tax proposals to lessen property taxes on working farms. And these are just a quick harvest from a bumper crop of recommendations.

The Food Commission's deliberations were not without tensions. Some members worried that the broader mandate to achieve Vermont food sufficiency was being hijacked by the "dairy interests" with their narrower agenda. In contrast, Brendan Whittaker, who served as commission vice chair, saw broad public support for food self-sufficiency. He noted that support was "coming from both sides of Vermont's current population, older natives and "new" Vermonters.... [T]he single, perhaps the only, statewide perception Vermonters do have is that of the land."

Mr. Whittaker warned that legislators who “believe that cutting taxes and slashing at government structure is the only concern of “the people,”...are in grievous error” and out of touch with this “upwelling of feeling about food and land...” Some of the commission’s recommendations were quickly enacted. Others took longer, often by different paths than initially envisioned. Almost all remain part of our current dialogues and concerns. I hope this brief squint at the commission will cultivate enough interest so these archival records receive the research attention they deserve.

Four years ago (egads) I looked at other responses of the Salmon administration to the oil embargo; see <http://vermont-archives.org/publications/voice/pdf/runningonempty.pdf>.

Voice from the Vault

By Gregory Sanford, State Archivist

Of Doppelgangers and Public Records

I keep running into myself. This reflects, in part, my longevity as state archivist: as I create more and more records a few are substantive enough to cross the archival threshold where I encounter them while doing research. It also reflects the persistence of certain issues of interest to the Vermont State Archives and Records Administration (VSARA).

The public record laws are a case in point. Changing political, legal, and social contexts coupled with evolving information technologies continually raise questions about the adequacy and application of our laws and practices. VSARA needs to know the record laws so we can manage and help others manage public records against these legal requirements. Over the decades I occasionally played minor roles in these recurring legislative examinations of the public record laws. Consequently, as we researched the history of those laws I kept encountering my younger doppelganger and my evolving understandings of records and information management.

Our history of the public record laws can be found at: <http://vermont-archives.org/govhistory/governance/PublicRecords/>. It is an ongoing project and as time and resources allow we will continue to add to it. We welcome your ideas.

Beyond the unanticipated autobiographical encounters, I find the project fascinating as persisting tensions are revealed, hidden contexts re-emerge, and assumptions are challenged. Gaps in the documentation of the public record laws serve as reminders of the occasional gulf between our vision and our practice.

Even with gaps the research reveals an intricate weave of cultural self-perception, democratic ideals, and political realities. Right from the start in the mid-Seventies, for example, there were tensions about applying public record requirements to municipalities. Vermont's cultural self-perception was anchored in town-based democracy and thousands of Vermonters volunteered to serve in local government. One of the virtues of local government, we claimed, is that it is highly visible and thus accountable to town residents. Would applying the public record law to towns imply a lack of trust in municipal officials?

Some state officials and members of the news media testified that it was hard, if not impossible, to access local records. Supporters of local control of municipal records succeeded in removing municipalities from the public agency definition in the original public records bill (H. 276 of 1976). Two years later Act 202 put municipalities back under the public record act; the trade off was granting municipalities a form of deliberative process protection. (Exemption 17)

The contours of this debate can be traced through the links on the public agency definition and Exemption 17 sections of the new presentation: <http://vermont-archives.org/govhistory/governance/PublicRecords/Exemptions/1VSA317.htm>. I subsequently discovered more 1976 legislative transcripts of the municipal debate that we will put up as time allows.

This is but one of numerous insights gained by perusing the source documents we have online. We decided to use public records to document the public record laws for a variety of reasons, starting with the fact that it provides an example of the value of public records.

The records can help challenge our assumptions. When I first discovered the 1976 privacy bill introduced at the same time as our first public records law, I assumed it was a companion bill designed to protect personal information in public records. Research revealed, however, the bill—which failed passage—was directly tied to a State initiative to consolidate data processing. Privacy advocates worried about this enhanced ability to mix

and match personal data beyond the original reasons for collecting it. For more on the privacy bill and my original assumption, see <http://vermont-archives.org/publications/voice/pdf/PrivateLifeOfPublicRecords.pdf> and the right to privacy section in our spotlight on records (<http://vermont-archives.org/research/spotlight/records.htm>).

Source documents also allow views not available by a simple reading of the statute. For example, we extensively used what is called the original act. These show a bill's language as first proposed and all changes subsequently voted as it moves toward legislative passage. This is how we know that municipalities were specifically removed from the original public records act. Often what is deleted from the bills provide perspectives from where you can best see the battlegrounds over which public record's legislation are commonly fought. Go to the section on access to records (<http://vermont-archives.org/govhistory/governance/PublicRecords/Access/access.htm>) and click on Act 159 of 1996. Now scroll toward the end of the original act and read through all the deleted material. Here you will see attempts to address records issues that still bedevil us.

Our discussions of public records and the right to know provide an interesting mirror of our society and of our faith in government. If I stare hard enough I can also catch a reflection of me.

Voice from the Vault

By Gregory Sanford, State Archivist

A Flood of Thoughts

In 1931 H.P. Lovecraft published “The Whisperer In Darkness,” his horror story set in the aftermath of Vermont’s 1927 flood. The story’s narrator recounts tales of “bizarre and disturbing objects” found in the surging Winooski, Passumpsic, and West Rivers; tales that eventually lead him to an isolated farmhouse in Townshend.

While Irene did not match the devastation of Vermont’s 1927 flood, it did cut across the state in a similar manner. It too may someday inspire its own tales, but for now recovery, not reflection, must be the priority. It is too soon to truly comprehend the scope of Irene’s impact on Vermont and Vermonters.

Even so, it is possible to make some initial observations on the flood from an archival and records perspective. Certainly Irene reminded us of how dedicated our municipal clerks are. We have heard reports from Waitsfield to Wilmington of clerks moving public records out of harm’s way, even as the waters rose. In a couple of municipalities clerks had damaged records frozen to allow time to evaluate which could or should be saved. In other towns the records were largely unscathed but the municipal building compromised; those clerks are seeking secure off-site storage so they can continue operations while lessening the risk to the records.

State employees deserve equal recognition for their efforts to save public records. The information technology staffs of the agencies of Natural Resources and Human Services removed their agencies' servers from harm even as the flood waters rose around the state offices in the Waterbury Complex. In at least one case that initiative cost an employee his car. Paper records remained in the lower level and in the flood’s aftermath state employees tried to identify crucial records and salvage them from the mix of mud, water, and contaminants. Their work and concern is appreciated.

In comparison with the work of emergency responders, road crews, and others these stories may seem modest. And yet, Vermont is one of three states in which records affecting title to land are held at the municipal (town) level. If those records were lost it would become more difficult to prove title to your land, which could, in turn, complicate seeking relief funds. Documenting everything from ownership of structures to public rights of way is, to a degree, dependent on these land records.

The responsibilities of Natural Resources, Human Services, and the other Waterbury agencies did not end because of the flood; the need to access everything from existing environmental permits to proving eligibility for state services was exacerbated by the flood. Getting the servers back up and running as quickly as possible was important to everyone affected by the flood and in need of services.

Another group deserves special notice for their efforts to preserve records and Vermont’s cultural resources. MJ Davis of the American Institute of Conservations’ Collections Emergency Response Team; Ann Cousins of the Preservation Trust of Vermont; Jackie Calder of the Vermont Historical Society; and Martha Reid of the Department of Libraries shared communications about flood damage to cultural facilities, including municipal offices, around the state and sent assessment teams to help affected institutions.

While it is too early to assess the disaster response in terms of records, it is possible to make a couple of general observations. Distributed information systems, from off-site microfilm copies of municipal land records to networked servers, are crucial to the protection of records and information and for getting back up and running as soon as possible.

The other observation (surprise) is the importance of good records and information management to both disaster preparedness and response. A simple review of the requirements for an effective agency record management program in 3 V.S.A. §218 underscores that point: <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=03&Chapter=009&Section=00218>

If an agency adopts current and comprehensive record schedules it can better identify and prioritize which records to focus on in a rapidly unfolding disaster like Irene. If records eligible for destruction are destroyed in a timely manner then the staff doesn't have to wade through intermingled piles of water-logged records to determine what to save. Using our record center for little used departmental records awaiting destruction further reduces the volume of work at a disaster site (conversely, we cannot accept wet or moldy records after a disaster without putting the other records at risk).

On our part we have been communicating with state archivists that have already experienced wide spread disasters, such as the Gulf states hit by Katrina, or that are undergoing similar problems from Irene-related flooding, like New York. We hope to collectively draw from these experiences and the work of our professional associations to improve our disaster mitigation and response tools. We do not want those bizarre and disturbing objects in the surging flood waters to be our most valuable public records.

Voice from the Vault

By Gregory Sanford, State Archivist

Getting Steamed: Vermont's Energy Debates

Finding cheap, clean, accessible, and, in recent years, renewable energy sources has long generated vigorous public dialogue. The heat of those dialogues is often stoked by related issues such as the environmental impacts of our energy choices. Currently Vermonters are commenting on the viability and environmental impact of wind power on places such as the Lowell ridge line; debating the relative costs and risks associated with nuclear power and Vermont Yankee; and weighing in on the State's proposed 2011 comprehensive energy plan (<http://www.vtenergyplan.vermont.gov/>).

Such dialogues are a long standing tradition. In October 1794 residents of Castleton petitioned the general assembly, enumerating "the repeated injuries we sustained as to our Health and damage done by overflowing with WATER at some seasons of the year, the most fertile and valuable part of some of your PETITIONERS improved land..." The water overflow was from dams built to power local mills deemed essential to the economy. The dams penned large quantities of water to use during the drier summer months. The problem, according to the petitioners, was that when the water was drawn down it left "a noisome putrid stench which pregnates, the AIR to such a degree, as to convey sickness and death to the Inhabitants at several miles distance..."

The mill owners countered with their own petition. Their mills were "Useful and Necessary to the Public." They complained that "a Litigious Neighbor" kept bringing lawsuits against them, "the Patriotic Proprietors" of the mills, "with a view to force them to Cut down their Dam, or to Teize Tantalize, and wear them out."

So there we were, 17 years into Vermont's existence and three years into statehood, doing battle over whether the economic benefits of an energy source—dammed water—outweighed its environmental and health impacts. Water power, and particularly hydroelectric power, became one of the dominating public energy debates of the 19th and 20th centuries. By the late 19th Century Vermont governors spoke of Vermont's "white coal" and called for the full exploitation of this renewable resource. Of course, as with any energy source, there were costs and questions about who should bear those costs.

After the 1927 flood, plans were made for 85 Vermont flood control dams. One question was whether to build the dams higher than flood control required so they could be used to generate power. That sparked a concomitant debate over who should control the production of that power—the State or private utilities. Governor George Aiken fought for the State to control its natural resources and, in his 1937 inaugural, enumerated other problems with hydro power: "The fact that the cost of a development of this nature, with the expense of reservoir sites, the abandonment of farms, the loss of population, the sacrifice of recreational and industrial development, relocation of highways and other huge expenses, would run well up into the millions of dollars may be accepted without question."

Over time hydroelectric power, or at least large dam projects, lost favor because of environmental and other costs. We began to neglect or remove, rather than build, dams. Time, however, is not a simple linear progression of technologies and with the emergence of small scale hydroelectric turbines discussions about local hydro projects have revived.

"Local" may be the key word. Governor and later Senator Aiken was a leading proponent of the New York Power Authority that positioned Vermont for cheap energy, created out of state. Currently we look to large-scale Canadian hydro-electric facilities for power.

Water power has only been one part of our energy debates. Wood either used directly to heat or indirectly to create steam had its day. Wood and then coal fueled our transportation systems, notably trains. And again these energy sources raised issues. Senator Ralph Flanders noted in his autobiography that railroad engines without spark arrestors “sprayed burning brands over the countryside, setting grass and forest fires and burning down the wood bridges through which the trains passed.” (Flanders, Senator From Vermont, 1961; pp 14-15). Farmers, among others, were not pleased and yet another energy source ended up in court. Wood and coal as energy sources were then largely replaced by oil and gas.

Again, the history of energy is not a linear progression and in 1975, during the OPEC oil embargo, a gubernatorial commission re-examined wood as part of our energy portfolio. The commission’s report recommended wood-fired power plants but, after examining whether it was truly renewable, cautioned that “in the long run wood, like oil, may well be too precious for fuel and will be replaced by such energy sources as fusion power and solar derivatives like the sun and wind once these sources resolve their capital cost and energy balance problems.” The report also cautioned against further increasing reliance on nuclear power. (The report can be found on our website at: <http://vermont-archives.org/research/spotlight/pdf/salmonrpt.pdf>; see in particular p.54).

Vermont’s search for energy is long and fascinating but I am running out of steam and space. We await energetic researchers who can illuminate this history.

For more on OPEC-related energy policy see the July/August column <http://vermont-archives.org/publications/voice/pdf/runningonempty.pdf>. I offer a tip of the hat to Paul Gillies for providing the Senator Flanders quote. The quotes from the 1794 petitions can be found in Vermont State Papers, Volume X, General Petitions, 1793-1796.

Voice from the Vault

By Gregory Sanford, State Archivist

Of Serendipity and Search Engines

Crowds of naked people ran into Seymour Lake, arousing a police response. But I get ahead of myself.

Though I while away my days as an administrator, maximizing parameters and squashing the hopes of citizens, I still grab the occasional moment to research. Thus I found myself rooting around in legislative committee transcripts (Record Series PRA-102) seeking a report that led to the public records act. While doing so I found 1974 testimony on a bill regulating public gatherings in Vermont. There was a passing reference to a Northeast Kingdom (NEK) concert but I couldn't linger with the file.

Still, this serendipitous encounter encouraged a desultory questioning of NEK friends.. My inquiries didn't strike a chord until Scott Wheeler, historian and publisher of the Northland Journal, called with an unrelated question. I asked Scott if he knew of a concert that would have occasioned such a legislative response. Without hesitation he said, "Mac's Party."

Ronald "Mac" Worth of Island Pond promoted a series of successful NEK concerts. The 1973 Labor Day weekend concert however got out of hand when 30,000 people descended on Holland, population 383. Those without tickets brawled with security guards, knocked down fences, set fire to outhouses and other structures and generally raised havoc. The Newport hospital was overwhelmed treating people for birdshot wounds and other injuries while state and local police made numerous arrests. The nude swim in Seymour Lake was one of the more benign events.

The aftermath was fascinating. 1974 Senate Judiciary Committee transcripts (Record Series PRA-102, Box PRA-00887) capture legislative concerns about preventing similar events without violating constitutional protections of assembly and free speech—or inadvertently banning the Rutland State Fair. Some of the transcripts are at <http://vermont-archives.org/research/spotlight/records.htm>.

This column, however, is not about Mac's Party; it is about the processes of research and how we find things. My search began with serendipity and became increasingly refined through search tools. While seeking a report on public records I stumbled upon intriguing testimony about an unnamed but troubled concert. I used interviews to learn that the concert was Mac's Party. With that I could do an online search that led me to Governor Salmon's records, not the legislative records I had been looking in. I then used the 1974 house and senate journal indices to find the bill number (it took a while to realize that the bill was under "public assemblies"). I returned to legislative committee transcripts, this time armed with a bill number, committee names, and a date range.

Other factors, beyond research methodologies, shape what, if anything, we actually find. I still haven't found that original public records report either here or at the Department of Libraries. Not everything of potential archival value is saved or accessible. Record-keeping practices change. From the late 1970s to mid-1980s the legislature frequently transcribed taped committee testimony; it no longer does so. We instead rely on aging recordings of committee testimony. Listening is a different research experience than reading and the future of the recordings is unclear. What can be researched is dependent on what is preserved.

I could only use our archival record series database (<http://vermont-archives.org/research/database/series.asp>) to find the boxes of legislative records most likely to contain the report. That limitation reflects in part how the legislature arranged and described its records. Box descriptions simply indicated what boxes held what committee records for what dates; bill numbers or subject headings were not included (descriptive practices continue to evolve).

Searching Mac's Party with an online search engine took me to Governor Salmon's, not the legislative, records because governors use subject headings in their indices and we had digitized Salmon's index. The folder on Mac's Party in the Salmon records simply related to the towns neighboring Holland seeking compensation for use of their police and fire departments. The much richer legislative transcripts were not (could not) be found by the search engines.

In our so-called "information age" how much do we know about how information is preserved (or not) and made accessible? Our ability to search starts with how record creators understand, use and describe their records. It includes awareness of the descriptive practices of archivists or the capabilities and limits of databases and search engines. At VSARA we focus on developing standards and practices that make information and data as searchable as possible across bureaucratic boundaries (see <http://vermont-archives.org/publications/voice/pdf/TheWholeoftheMoon.pdf>). But no matter how refined our search capabilities become, I suspect, I hope, there will always be room for serendipity.

Voice from the Vault

By Gregory Sanford, State Archivist

The Web of the Council

Vermont was abuzz as an unprecedented constitutional convention started to gather in Montpelier. Unlike any previous constitutional convention, this one was apportioned on the basis of population rather than having a delegate from each town. This difference was important since one of the key amendments being voted was to replace town representation in the Vermont House of Representatives with a 150-member chamber apportioned on population.

The convention was to meet at the statehouse in January 1857. To warm the building prior to the delegates' arrival, the janitor stoked the furnace and then left for the night. The statehouse caught fire and was destroyed, leaving the convention with no place to meet. I will leave it to you conspiracy buffs to weave a tale about this fortuitous—from the perspective of town representation advocates—event that helped frustrate reapportionment for another 108 years (it is interesting that when reapportionment did come it adopted the 150 member model from 1857).

The convention actually did manage to meet briefly, though I am not sure where. They quickly defeated the reapportionment proposal and adjourned.

I recount this story as a way to celebrate the Council of Censors, a body of 13 men elected to one year terms every seven years to review the actions of government over the preceding septenary to see if government had taken on authorities beyond its constitutional limits. Equally important, it was the sole body that could propose amendments to the Vermont Constitution. If proposals were made, they then were put before a constitutional convention for ratification.

The council was largely unique to Vermont, though Pennsylvania briefly had one as well. The council's deliberations over the years provide wonderful insights into the evolution and interpretation of our state constitution. Elected on a statewide basis, it had a long history of trying to balance or replace town representation. That goal, in the eyes of successive councils, became increasingly urgent as the disparities among town populations grew. If a majority of towns holding a minority of the state's population could control legislation and constitutional amendments, our government would be unrepresentative.

The council's sole proportional representation success was the creation of a state senate in 1836. Though the senate continued corporate representation (each county was entitled to at least one seat), the remaining 16 seats were apportioned based on county populations.

The council deliberations over the years are fascinating. They urged the courts to take over the council's judicial review responsibilities. They repeatedly tried to get Vermonters to distinguish between constitutional law and statutes. In 1869, when the council was directed to propose abolishing itself in favor of constitutional amendments originating from the state senate every ten years, some censors cautioned: "The very soul of an organic law—of a constitution for a commonwealth, is permanency. The people demand some permanent law so that legislatures of partisan bias shall not trample upon the rights of minorities..."

The council also gave us our two year election cycle. In 1869, they entertained an extensive discussion over women's suffrage (the suffrage amendment was approved by the council but lost in the constitutional convention 1 to 233).

Many years ago, my friend and colleague Paul Gillies, along with numerous much-appreciated student interns, transcribed and annotated the journals of the councils. In 1991 we published the annotated journals and were pleased to see that the Vermont Supreme Court and others came to cite the council's records.

The years have gone by and new realities and opportunities arose. Recently Scott Reilly, who heads our archives unit, scanned the 1991 publication and it is now available online in a full text searchable form. The journals are at http://vermont-archives.org/publications/publicat/pdf/Council_of_Censors.pdf (the files are large; please let Scott know if you are having problems viewing the text; Scott.Reilly@sec.state.vt.us.)

In 1991, a traditional publication was what was most readily available to us. Now we primarily use our web page to share content from the archives, records management, and administrative services. Our website has, alas, become harder to navigate as we add more and more content. As we begin planning on improving the website, we encourage you to share your ideas on content and presentation. We will seriously consider your suggestions within the realities of our resources and skills; you won't be censored.

Voice from the Vault

By Gregory Sanford, State Archivist

Sexing Chicks and the Appraisal of Public Records

Egg producers faced an economic problem: it was impossible to determine the sex of new-born chicks. Weeks would go by in which the farmer had to feed hens and unwanted (and unknown) males alike. Many great minds hatched solutions only to end up with egg on their faces (Aristotle thought a long egg equaled male while Pliny thought the opposite; egg size, however, isn't a sex indicator).

During the 1920s the Japanese discovered that by squeezing a day-old chick's intestines it was possible to see slight anatomical differences in the cloaca that indicated the bird's sex. Thus males could be quickly culled and feed expenses reduced.

A good sexer sexes 1,200 chicks an hour with 98 to 99% accuracy. Trainees might have to sex 250,000 chicks before becoming proficient in recognizing the estimated thousand variations in the cloacae.*

Sexing chicks is not unlike appraising public records. We don't want to pay for the upkeep of records whose value has ended. We need ways to recognize the variations in public records so we can correctly determine which to cull, and when. Good record analysts, like good chick sexers, must quickly handle large volumes and have sufficient training and experience to develop contexts for accurately interpreting what they see.

The analogy is not precise. We prefer knowing the "sex" of a record before it is hatched. Records have more than one "sex," which can change with time. We need to know what combination of administrative, legal, or historical values reside in records and how long they persist. We need to know what functions, legal requirements, and business processes caused the records to be created. We need to know about the public entities that created the records and if the records have value to others.

Often folks think archival means old. While some of the archival records we hold are now old, once they were day-old chicks. Someone, for example, had to decide to preserve a manuscript version of Vermont's 1777 Constitution (ironically no one in government did and the State had to buy it back at an auction).

A few records are designated as archival by law. Until recently, if Vermont appraised its records it did so idiosyncratically. Microfilmed public records were considered permanent, regardless of their content or value. This may reflect a paper-world belief that if records didn't take up physical space they didn't need to be managed. We hear the digital equivalent of this when we are told there is no need to appraise records since digital storage doesn't take up physical space and is cheap; we can retain everything.

The Vermont State Archives and Records Administration (VSARA) was created in part because government recognized a need to better appraise and manage its records. Our record analysts work with public agencies, including municipalities, to appraise and schedule their records. A schedule describes the record and how long it must be retained. A general schedule covers records common across government; an agency schedule addresses records unique to an agency's functions and activities (see <http://vermont-archives.org/records/schedules/index.htm>).

Appraisal and scheduling are more than setting retention periods. This is where understanding context comes in. Prior to VSARA's creation state employee time reports were microfilmed and treated as permanent records. Our alternative approach was to guide the Department of Human Resources through a set of core questions. What are time reports? Why were they created? What purposes and functions do they serve? A purpose might be to get a paycheck or provide evidence in a dispute over hours worked. A function might be providing evidence for audits.

How long do time reports serve those purposes/functions? Are there legal requirements governing their use and retention? Are there other purposes beyond the creating agency's that have to be considered? Are there better records for documenting these secondary uses? Does the record have a continuing value and should it be transferred to the archives?

The answers shape appraisal, which in turn shapes retention. Often answering these questions helps an agency better understand and control its own business processes. In this case the answers determined that time reports were not permanent and only needed to be kept one year after audit. Since time reports are common to all agencies they are in the general schedule for “payroll management records” under “reports” (http://vermont-archives.org/records/schedules/general/pdf/GRS-1009.1103_PayrollRecords.pdf).

As agencies adopt the new schedules we can reduce the volume of time reports in the record center, including 3,916 microfilm rolls dating from 1929 to 2008, when we stopped microfilming records. It also means that the current 292 boxes of post-2008 reports won't grow indefinitely.

That is one value of appraisal applied to all government records. It may not be sexy but it ain't chickenfeed either.

*I plucked the story of chick sexing from Joshua Foer, *Moonwalking with Einstein; the Art and Science of Remembering Everything*.

Voice from the Vault

By Gregory Sanford, State Archivist

Pondering Vital Records

Dr. C.W. Peck of Brandon, in replying to a 1887 survey by the Vermont Board of Health, responded to question 38 (“What effects have you noticed caused by pollution of water...”) by saying none, but elaborated “we have had a peculiar condition of the water in Hitchcock’s pond, that we drink. It is too long a story to write, and will try and think and tell you the next time I see you, and describe the little animal in the water, as he looks under a microscope.” This, at least for me, would have instilled ambivalence about drinking from Hitchcock Pond.

Elsewhere in the report the Board recognized the germ theory of disease and cautioned that “no pig pen, stable, privy-vault, cesspool or reservoir...should be permitted to remain where... their drainings may leak ...” into a drinking source. That raised further questions about what Dr. Peck’s “peculiar condition” embraced.

Old Board of Health reports are infectious; starting in 1857 they reveal an evolving understanding of the causes and treatment of disease. Even more contagious are the vital statistics which provide unique insights into the birth, death, marriage and other vital events of Vermonters at the town and state levels. Did you know in 1858 that one in 86 Vermont births was of twins; there was one marriage for every 141 Vermonters; or that Vermonters died of the following causes: zymotic (804); constitutional (973); local (1,013); developmental (570); and violence (124)?*

Though we have long collected and analyzed vital information, why and how we collected, analyzed, or used it changed over time. A 1779 law directed town clerks to “record all marriages, births, and deaths, of persons in their towns.” The recorded information remained with the town and there was no statistical analysis. The law focused on legal concerns (paternity and inheritance); a focus that dated back to Henry VIII. Virginia was the first colony to collect vital records (1632), again for legal purposes.

By the 18th Century some states began using vital records for statistical purposes, often to document small pox and other epidemics. In 1855 an American Medical Association resolution called on the medical profession in each state to lobby for the centralized collection of vital statistics. In 1857 (through Act 63 of 1856) Vermont required town vital records had to be submitted to the State, specifically the Secretary of State.

The Civil War heightened awareness of links between sanitation and disease and the need for statistical data. In 1879 the National Board of Health was created and the Vermont Board was created in 1886. Sanitation remained a concern (hence question 38 in the 1887 survey) but data collection expanded to look at other health/disease prevention issues.

Vermont divorces were added (1898) as a vital record and in 1902 the Board of Health began directly receiving vital records from the towns. The Secretary of State was charged with indexing, binding and preserving the vital statistics compiled by Health.

From the beginning the state had problems with collecting data from the towns leading to several efforts to fill in the resulting gaps. A 1919 law, for example, required town clerks to transcribe all their vital events and transmit the copies to the State.

Testimony on the 1980 Act to Modernize and Improve Laws Relating to Vital Records included concerns that Vermont’s vital records were open for inspection and copying by anyone. Genealogists and others successfully fought to keep the records open and the records were transferred from the Secretary of State to the Public Records Division. In 2008 Public Records merged with the State Archives and the physical custody of vital records returned to the

Secretary of State's office. Health retained legal custody of the records.

Concerns about identity theft, heightened by 9/11, and opportunities presented by new technologies led the Health Department to create a digital vital records registry for birth and death records from 1909 to the present. There is currently a bill before the legislature (H. 454) designed to make that digital system the only source for legal copies of birth and death records.

Which is what led to this column: discussion of H. 454 revealed a lack of context about the evolution of vital records, making the evaluation of H. 454 difficult. The consistent link between Vermont's vital records and national mandates and initiatives; the legislative history that left multiple, but not always identical, copies of vital records at the municipal and state levels; or the use of birth certificates to confirm identity (a non-health issue) was not widely appreciated. The latter example is similar to how social security numbers came to be used as identification and eventually had to be protected.

Context is important because H. 454 in part restricts access to birth and death records. But how do you create an effective exemption for records that not only have been open for centuries, but are also widely distributed; indeed are available online?

Some of the necessary context is at the archives; not to avail oneself of it is as risky as drinking out of Hitchcock Pond.

*I am not sure why I have to do all the heavy lifting here, but zymotic causes include scarlet fever, typhus, dysentery, and cholera; constitutional include cancer and consumption; local include pneumonia and apoplexy; and violence include accidents, suicides, and, in 1858, two murders. For a national overview of vital records go to <http://www.cdc.gov/nchs/data/misc/usvss.pdf>.

Voice from the Vault

By Gregory Sanford, State Archivist

The Paper Server

Almost invariably first time visitors to the state records center make reference to the last scene of Raiders of the Lost Ark: a giant government warehouse where records are being stacked by forklifts. It is an understandable reference as visitors survey row after row of shelving holding almost 100,000 boxes of Vermont public records. Forklifts constantly move through the aisles as records center staff add, retrieve, re-file or remove boxes and files.

The second most common visitor reaction is, "why don't you just scan everything?" This is also an understandable observation given our unending faith that technology, by itself, is a solution to everything. I find it, however, a tad depressing. Let me explain.

The records center provides low cost, temporary storage for public records with diminishing legal and administrative values. Since 2008 the records center has been administered by the Vermont State Archives and Records Administration (VSARA). By statute it is used "to hold inactive records in accordance with records schedules approved by the state archivist" (3 V.S.A. §117(g)(5)).

The records center differs from the archival vaults in two ways: 1) records in the center remain under the legal custody of their creating agency and b) the center is only for temporary storage. The record schedules determine how long the records remain in the center before destruction, or, for a small subset, transfer to the archives.

That is the law; past practice reveals a different reality. Our record analysts are auditing the records in the center with some fascinating results. There are, for example, records in the center dating back to the 18th Century, suggesting a rather elastic definition of temporary. Other boxes date back to the Thirties, Forties, and Fifties.

More disturbing is the discovery that over 50% of the records have indefinite or unknown retention periods. Among the causes for this are: in the past, records that lacked a disposition order were accepted. Some records were once transferred for microfilming but the microfilm program ended in 2009 leaving those records in limbo. Some agencies are so uncertain of what they have here they put holds on their records preventing their destruction. Agency moves, consolidations, or dislocations (think Irene) often create pressure to accept records with no or antiquated schedules.

Consequently, for decades more records have come into the center than have gone out. That is why the State, since the 1940s, has had to keep building, moving or expanding the records center to accommodate burgeoning volumes of records.

I use the term "record" loosely since some record media are not managed by their creating agencies. Their information may become irretrievable before their disposition dates are reached (including possible transfer to archival custody). These record media include analog tapes dating back to the 1970s, a growing number of CDs, and even old data punch cards.

The audit gives us a much better view of what is in the center and allows better planning. Clearly having more than 50% of the records without active dispositions is unacceptable, especially since only about 3% of our shelving is open at any given time.

We are no longer accepting records from agencies that don't have active record schedules; put their records on hold; or otherwise fail to manage them. We will be working with agencies whose records were once filmed to determine valid retention periods. Some agencies have begun to apply new schedules to their records, freeing up space either by destroying records without legal or administrative value or, if qualified, by transferring them to archival custody.

Which leads back to my mild depression when I hear the mantra-like response, why don't you just scan them? Think of the records center as a 20th Century server used to store, retrieve and manage paper records. The records center issues outlined above include failure to keep record schedules current with changing mandates and practice; failure to

adequately identify and describe records; failure to establish or implement schedules; and the failure to manage record media across time.

There is no technology that can, by itself, address all those issues. Only through adequate planning and effective records and information management will we avoid replicating those same issues with digital storage. We are already seeing signs of this: expensive systems and applications failing to meet expectations because business processes were not understood; agencies spending hours looking for emails and other digital records in response to public record requests; growing demands for server space as digital records accumulate without record schedules establishing disposition dates.

If we simply assume “technology” will solve record issues, future visitors to VSARA may no longer conjure up Raiders of the Lost Ark but rather HAL, the willful computer from 2001: A Space Odyssey.

For a look at applying technology to record centers, see the January 2009 column on microfilm: <http://vermont-archives.org/publications/voice/pdf/RecordsManagementThenAndNow.pdf>.

Voice from the Vault

By Gregory Sanford, State Archivist

The Dust Blows Forward n' The Dust Blows Back Captain Beefheart, Trout Mask Replica

If you want to raise an archivist's dander make reference to "dusty archives." This is a double putdown, implying poor care and little use. Archivists, knowing dust harms record media, invest in everything from air filtering systems to storage containers to combat it.

While dust has positive attributes--without it there would be no stars or planets—it also has issues. Those dust bunnies lurking behind the sofa may contain dander (archival or not), space diamonds, Saharan dust, dinosaur bones, bits of tires, and "poisonous lead and long-banned pesticides, dangerous molds and bacteria, cancer-causing smoke particles, and a sample of all those convenient chemicals we innocently distribute through our houses in the name of cleanliness" as well as allergy-inducing dust-mite parts, the dust mites themselves, and dust mite predators including *Cheyletus eruditus* (the crab-clawed erudite).*

The changing composition of dust in our industrial world may be a factor in the rise of asthma. Ironically another factor may be homes that are so antiseptic children don't build up immunities necessary to combat asthma.

Some doctors process dust bunnies to vaccinate children against asthma. Thoughts of vaccination lead me to the current debate over whether to remove a "philosophical convictions" exemption that allows Vermont parents philosophically opposed to vaccination to have their unvaccinated children attend public schools.

Debate over government health mandates date back centuries. In 1784 and 1787 the Vermont legislature passed laws directing select boards to quarantine small pox victims; imposing fines on anyone who failed to report a small pox case; and requiring select board approval before being inoculated for small pox. Ethan Allen famously defied a similar Connecticut law mandating government approval prior to vaccination.

An 1859 Vermont Medical Society report to the legislature strongly backed small pox vaccination, opining that "upon that State or town which does not interpose its legal authority to exterminate the disease should rest the responsibility, as must the consequences, of permitting the destruction of the health and the lives of its citizens."

In 1894 the first known polio outbreak in the United States occurred in Rutland. Another significant outbreak in 1914 led to the creation of the Infantile Paralysis Unit of the Health Department. Vermont subsequently became a strong proponent of polio vaccination. Governor Joe Johnson noted in his 1957 inaugural that "During the last year and a half since the program started, Vermont has been one of the leaders in the vaccination of young people under the Salk polio program. I believe the necessary money should be provided to carry on this program and that the public should take full advantage of it."

Vaccinations were not mandated but linked to the right to attend school. In 1979 the legislature enacted Act 40 allowing unvaccinated children to attend school "if a parent or guardian states in writing that the parent or guardian has religious beliefs or moral convictions opposed to immunization." In 2008 the legislature replaced "moral" with "philosophical convictions." Now, in 2012 the debate is over eliminating "philosophical convictions."

As the above suggests, there are numerous public records tracing the evolution of this debate in the “dusty” archives. Alas I must report that outside of my quick squint, no archival dust was raised in pursuit of archives-based context to the vaccination discussion.**

It is too simple to say we, as a society, have become immune to the value of contextual information. Clearly contextual memories, rather than records, may shape one’s opinions on vaccination. Older Vermonters who experienced the fears and loss associated with polio, whooping cough, etc tend to oppose the philosophical exemption.

It is not easy to unlock archival information in response to quickly emerging public dialogues. One of our standing challenges is identifying and creating keys to unlock information without exceeding our available resources. We do so through building better tools for managing records; having online databases to our archival records; and through efforts like “spotlight on records” and “continuing issues.” (<http://vermont-archives.org/research/spotlight/records.htm> and <http://vermont-archives.org/govhistory/governance/index.htm>). We constantly explore partnerships to help enhance access and we welcome suggestions.

Public dialogues, such as the one on vaccination, touch the very heart of self-government. How do we balance the tensions between the “freedom to” make decisions about our children’s health and the “freedom from” the risk of epidemics if vaccination rates decline? Such issues are nothing to sneeze at; so please come on in and raise some archival dust.

*These dust facts did not emerge from a vacuum; they are from Hannah Holmes, *The Secret Life of Dust*. The quote is from page 12.

**The 1979 legislative health committee records also contained testimony on the adequacy of Vermont Yankee evacuation plans; funding Planned Parenthood in face of anti-contraceptive and abortion campaigns; and whether to de-institutionalize mental health care.

Voice from the Vault

By Gregory Sanford, State Archivist

Disgust and the Public Archives

Chicha, which dates back to the Incas, is an aperitif served in Ecuador. There are various chicha recipes but the one we are digesting is created at gatherings of women where boiled maize is masticated, spit into a large communal jar, and then buried and allowed to ferment. It is considered a delicacy. To me, born and raised in New England, not so much.*

Disgust is the only emotion that has to be learned through a complex mix of cognitive and social involvement. Why is a delicacy in one culture repugnant in another? Why is a stranger's saliva disgusting; the mixing of saliva in a lover's kiss sensual; and your own saliva, well just your own saliva? These are learned responses.

To the degree disgust is a defense against pathogens and disease it's easy to understand. If food smells "off" we are likely to feel disgusted and not eat it. That is why we still grimace reading a 1856 indictment of an Orleans County merchant who "...unlawfully, knowingly, and mischievously...offer[ed] for sale as good, sound, and wholesome meat...[meat that was] infected, putrid, corrupted, and unsound..."**

A little more complicated are reactions to food that doesn't immediately offend the senses but may trigger fears of disease. In the late 19th and early 20th centuries Vermonters worked for the Pure Food and Drug Act to prevent the adulteration of maple syrup; adulteration covering a range of substances best left unmentioned. Simultaneously they debated whether consumers should be informed if food had been subjected to pesticides. Now, of course, we debate labeling genetically modified food for those concerned, if not disgusted, by such modifications.

Disgust is a warning system short of the immediacy of fear but still linked to survival. It helps us avoid potential threats to our health and mortality; but can disgust also be associated with morality? Ms Herz cites anthropological studies suggesting conservatives have moral systems centered on purity, loyalty and respect while liberals give greater weight to fairness and not hurting others. Moral disgust may be a response to perceived threats to our moral systems, to our vision of a healthy society.

Archival records help measure these perceived societal threats and thus whether they are worthy of moral disgust. Some observers, for example, see a threat in the decline of the family as evidenced by high divorce rates. And yet our court records project reveals a high incidence of divorce cases as early as the 1820s and 1830s. Frequently cited causes are intolerable severity, adultery, and willful abandonment.

In 1826 the Supreme Court heard a divorce case in which neighbors confirmed the wife's account of intolerable severity, noting that "she often showed me bruises on her sides and arms where she said her husband kicked her" and that the husband often threatened to kill her. Conversely in 1833 the court heard of a wife "who scolded [her husband] and immediately went at him in a rage and struck him and scratched him..." The husband was granted the divorce on grounds of intolerable severity. In 1827 the court granted a divorce to a woman whose husband had abandoned her and "kept a strumpet."

These archival records suggest we may want to temper our disgust about moral decline until learning more; we should closely examine assumptions about a pristine past from which we have fallen.

Depending on one's worldview another sign of poor social health is the rise in litigation. Early court records, however, demonstrate Vermonters' willingness to doggedly litigate over even trivial sums, with court costs sometimes exceeding the disputed money. The case files also reveal other "modern" ills. One 1838 case, for example, was brought against a doctor for what we would now call medical malpractice. The case was

continued through 1844 and the defendant, who lost, paid \$7,080 in damages plus court costs (in terms of purchasing power the damages would be upwards of \$197,000 today).

As Ms Herz notes, “Disgust is sculpted by culture, but then guides culture.”*** As we debate labeling food, the status of cultural institutions such as marriage, or bemoan our litigious society it is important to know that each has cultural and historical contexts revealed in archival records. To debate or bemoan the health of “modern” society without consulting those records would be disgusting.

*I regurgitate this and other tidbits from Rachel Herz, *That’s Disgusting: Unraveling the Mysteries of Repulsion*. It should be a matter of local pride that Ms Herz was inspired in her studies on disgust by being a judge at the 2008 Dirty Rotten Sneaker Sneakers contest in Montpelier.

**We were able to locate this case because of the wonderful work of Susan Swasta and Kathryn Puerini who are processing Vermont court records at VSARA.

***Page 233

Voice from the Vault

By Gregory Sanford, State Archivist

In Search of Bunny Piper

I haven't seen Bunny Piper in a while and now Beetle is dating Sheila Buxley. Of course these things happen; before Beetle started dating Bunny in 1959 he dated Buzz, who similarly disappeared.

I am not suggesting Beetle Bailey is a serial killer. Instead, Bunny reminds us that if we only view issues like we read comic strips, as a set of discrete daily events, we lose larger contexts. We forget Bunny or that Beetle Bailey's sister is Lois Flagston of Hi & Lois. We miss patterns such as the tradition of Miss Buxley always appearing in Wednesday's strip (this is less rigorous than it once was, but traditions are like that).

The Archives hold 235 years of records that provide, in greater or lesser detail, context to current issues. This column occasionally reminded us of those contexts: that we have discussed vaccinations since the 1780s, the balance between economic development and the environment since the 1790s, or a Canadian-style health care system since the 1930s and so on.

Vermonters and our guests visit the Archives to exercise their own curiosity, their own senses of wonder. Some seek their family's history, tracing their individual threads within the fabric of our history. Some visitors seek to understand the intent of particular laws, others to know more about the events of our past.

It is our constant privilege to watch the wonderfully creative ways people tease knowledge from the records. We witnessed 18th Century town boundary surveys become sources of data on Vermont's pre-settlement forests since the surveys enumerate the exact type and location of trees blazed as boundary markers. We watched old "noxious animal" bounty records become sources for attempting to understand our lost wolf populations. We observed mid-19th Century health statistics used in search of signs of post-traumatic stress disorder among the Civil War generation.

Archival records, of course, do not magically appear in our vaults. Too often in the past they were unidentified and lost or simply arrived here without context or organization. Too often they arrived as strays rescued by a concerned state employee or as part of an agency's need to relocate or free up space from "old stuff."

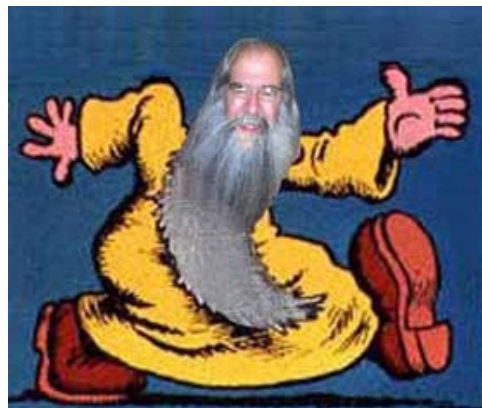
That is why in 2008 we became the Vermont State Archives and Records Administration (VSARA) so we could help agencies manage their records effectively. We can now see the ebb and flow of information across bureaucratic boundaries and help manage records from their point of creation in accordance with their legal, administrative, and archival values. This column occasionally sought to explain the processes of archival and records management.

How records are created, stored, and transmitted has undergone immense and rapid change since I first started in 1982. This re-enforced the value of creating VSARA as records became less tangible and more vulnerable to alteration or loss across rapidly changing technologies. Managing records from point of creation became essential.

Technology also offers exciting opportunities for making records and information accessible in new ways. We have used our website to bring information to you in your homes and offices; we are looking at ways to create a more inter-active presence online.

Key to meeting these challenges and opportunities is the staff of VSARA. The staff has a diversity of backgrounds, interests, and responsibilities but is united in a commitment to public service. They are a joy to work with.

For 30 years it has been my privilege to be a public servant and to serve not only my institution, Vermont state government, but also the Vermonters it represents. After 60 years Beetle Bailey is also an institution of sorts. Bunny played her role in that institution, like I have in mine. We helped move our institutions' stories forward and then stepped off stage. The story will continue without us.



Voice from the Vault

By Tanya Marshall, State Archivist

"I Found It in the Archives"

"I Found It in the Archives" is an initiative by the Society of American Archivists to tell (and remind) people that records of importance to them are being preserved, cared for, and made accessible by archivists. In government-settings -- where every public employee is a records creator and records custodian -- it often takes a village to foster and sustain records long enough for them to resurface and be re-discovered, re-used, and ultimately, re-valued. The Eureka! moment of finding something in the archives is rarely the realization that a record exists but instead the information that the record contains.

For thirty years, Gregory Sanford focused on these Eureka! moments: discoveries within the detailed texts of public records that help shed light on issues or matters long forgotten or misunderstood. From his efforts, we have learned a great deal and public employees and citizens alike have reaped the benefits of his research, scholarship, and insights.

During my tenure with the State of Vermont -- a mere nine years in comparison -- I've been on the other end. The administrative and operational aspects of records management, such as reviewing legal requirements, appraising government functions, and scheduling large sets of records for either destruction or permanent preservation, rarely takes one into the detailed content of a single record. It is also easy to get caught in the weeds -- especially with electronic records, which are far more complicated to manage than paper ones. As a result, this transition to State Archivist has been a good one. It has brought me full circle and helped remind me why I became an archivist in the first place.

This personal Eureka! moment came the weekend following Bennington Battle Day. In the spirit of the holiday, my family and I took a day trip to the Bennington Monument. As we descended down to the monument's base, the employee operating the elevator asked us if we had signed the visitors' log. Logs are, of course, in abundance in public agencies. There are logs or ledgers for almost anything and they are one of our most created public records. The employee, however, wasn't as interested in the current visitors' log as he was in telling us about the older ledger maintained in a nearby case. While touring the monument the day before, a family from a Midwestern state made a startling discovery.

After signing the visitors' log, the family glanced at the preserved ledger, which was opened to the same day -- August 18th -- but from the year 1912. To their surprise, they saw an entry from the same little Midwestern town as theirs. Yes, in the archives of the Bennington Monument, they found not only a reference to their hometown but also learned that members of their own family made the same trip to the same monument on the very same day -- but 100 years earlier. The employee beamed with excitement and said the family could not wait to get home to do some more research of their own.

Records providing written evidence of persistent legal rights, historical events, significant deliberations and decisions, and similar substantial matters are easy to review, appraise and schedule for permanent preservation. Yet, serendipitous discoveries, like the one made in the 1912 ledger at the Bennington Monument by that Midwestern family, demonstrate that one can never anticipate what might be found in public records -- or what content will be of importance and to whom and why. It's the balance of records management and archival preservation that records analysts and archivists at the Vermont State Archives and Records Administration try to strike in the work they do every day.

While I can't foresee any specific individual's Eureka! moment, I welcome the opportunities and challenges that come with serving the State of Vermont as State Archivist and look forward to fostering and sustaining a recordkeeping culture that enables archivists, public employees, and citizens to "find it in the Archives."

Tanya Marshall became Vermont State Archivist on August 1, 2012, after the retirement of Gregory Sanford. For more information about the Society of American Archivists' "I Found It in the Archives" can be found online at:

<http://www2.archivists.org/initiatives/i-found-it-in-the-archives>.

Voice from the Vault

By Tanya Marshall, State Archivist

OCTOBER IS VERMONT ARCHIVES MONTH

Riding on the heels of Vermont Archaeology Month (have you checked out the new Vermont Archaeology Heritage Center at the Vermont History Center in Barre?), October is Vermont Archives Month!

Archives Month is a national campaign to raise public awareness about the value and importance of archival records. We have our neighbors to the west, New York State, to thank for this now annual event. The New York State Archives held its first "New York State Archives Week" in October 1989 and within a couple of years several other states started hosting their own "Archives Week." Now a month long event, Vermont has been celebrating Archives Month since its inception nine years ago and, not surprisingly, the first "Voice from the Vault" appeared in the October 2003 issue of Opinions. If there is ever a question about the value of public records and archives, just read past columns of "Voice from the Vault" on our website at: <http://vermont-archives.org/publications/voice>.

VSARA Open Houses: This year the Vermont State Archives and Records Administration (VSARA) in Middlesex is hosting two public events during Vermont Archives Month. On Tuesday, October 16th and Thursday, October 25th we are opening our doors from 5:00 to 6:30 pm for open houses. Each open house will feature behind-the-scenes tours, exhibits of records from the archives, and opportunities to chat with VSARA staff. Admission is free and open to the public. For more information, please contact us at 802-828-2308 or at archives@sec.state.vt.us.

Archives "Unconference:" Also in recognition of Vermont Archives Month, the Vermont Historical Records Advisory Board (VHRAB) is sponsoring a technology-oriented "unconference" on Monday, October 22nd at the Vermont History Center starting at 10:00 am. This loosely structured gathering will address the topic "Archives on a Shoestring: Using Social Networking and Other Web Tools to Publicize Vermont Archives." Several Vermont archivists will demonstrate and discuss their use of Flickr, catablogs, Omeka, CollectiveAccess, and social media sites, including Facebook. The "unconference" is open to anyone interested in Vermont archives and manuscript collections and is also free. Please visit <https://vermonthistory.ejoinme.org/unconference> for more information and to register.

Reception and Building Dedication: Last but not least, on Wednesday, October 24th at 2:30 pm in the Statehouse Cafeteria, the Secretary of State's Office will host a reception and building dedication ceremony to celebrate recently retired Vermont State Archivist Gregory Sanford's devotion to and advocacy for the Vermont State Archives and Vermont's archival records. The General Services Building, which was renovated and commissioned in 2010 as VSARA's new home, will be officially renamed the "D. Gregory Sanford Jr. Building." The event is open to the public. Please see announcement on page 4.

Photo: Governor Jim Douglas and former Secretary of State Deborah Markowitz threaten to cut Gregory Sanford's beard at VSARA's ribbon cutting ceremony on June 10, 2010.

Opinions Vol. 14, #9



Opinions Vol. 14, #9

Vermont Archives Month!

As part of Vermont Archives Month, our office will be hosting a reception at the Vermont Statehouse to honor Gregory Sanford, our recently retired State Archivist, who served our great state for more than 30 years. In addition to celebrating Gregory's long years of service, we will also be dedicating the Vermont State Archives and Records Administration Building, located in Middlesex, to him as part of this ceremony! Please join us on this special day to celebrate both Vermont Archives Month and Gregory Sanford!

Date: Wednesday, October 24, 2012

Time: 2:30 pm Ceremony, with a reception to follow

Place: Vermont's Statehouse Cafeteria

Please feel free to bring your memories, thoughts, stories, and any old pictures or other fun things to honor Gregory!

RSVP to Nancy Lynch, if possible, by October 17th at nancy.lynch@sec.state.vt.us or at 828-2148.

*Please circulate this invitation widely to any and all of Gregory's friends and colleagues.
We don't want to leave anyone out!*

Voice from the Vault

By Tanya Marshall, State Archivist

The Road Not Taken

When I was in high school, I had to select, memorize, and recite a poem of my choice. That choice was Robert Frost's *The Road Not Taken*. The words that Frost so eloquently put to paper resulted in what is said to be his most famous – but also most misinterpreted – poem: some see inspiration, while others see regret. Scholar Eleanor Maria Sickels is often quoted as saying that *The Road Not Taken* is about "the human tendency to wobble illogically in decision and later to assume that the decision was, after all, logical and enormously important, but forever to tell of it 'with a sigh' as depriving the speaker of who-knows-what interesting experience." The poem's ambiguity is part of its lure.

The archival movement in the United States grew out of the historian profession. For that reason, it should not come as a surprise that the professional road to becoming an archivist often begins with a degree in history. History and archives have become so intimately intertwined, especially within the context of archival records, that most people assume that archivists are historians. Recently, I have been thinking about *The Road Not Taken* because I took the road less traveled, even by professional standards. Yet I have no regrets.

Moving from French to art, I landed in art history, but only because a degree in studio art did not seem as forgiving. While others were studying artists and their movements, I started breaking down the social context in which art was created. Originally I focused on the late Middle Ages, a particular time in which art, rather than text, was used to communicate but eventually moved to American architecture because research materials were far more accessible. I visited my first archives in the process, but then went down another somewhat related road and eventually diverged even more.

First twist: historic preservation (yes, I have researched and prepared my share of nomination forms for the National Register of Historic Places). Next turn: "vault girl" at a publishing company (sad but true story – and it was more like a jail cell than a vault). Split course: database administrator (oddly enough, I was told I was "too" detail oriented for this job) and fund development for non-profits (I guess I already knew private sector was not for me). I-95 down to graduate school, where I did eventually focus on archives, records, and information management, but also cataloging (metadata!), survey methodology, qualitative research, and sociology. Then Plop! I landed in Vermont, first working out of the Middlesex building we now call home, and then detouring through county houses and the Municipal Land Records Commission before I was hired permanently. So what does all of this mean?

Well, it means that the path to the profession is not as logical as it may seem. Most archivists will tell you that when they made decisions about their studies or careers they did not necessarily set out to be archivists. Instead, they came to a fork in the road or a series of forks, each presenting an opportunity to meander in another direction. So how and when does one know what road to take when one does not necessarily know where he or she is going? Perhaps it's not the ambiguity within the profession that makes it so alluring, but rather its diversity.

It also means that each archivist brings to the table a wide range of experiences tempered by the decisions made over the course of his or her lifetime. Differences within the profession are grounded by context, time, and place. The profession evolves, people evolve, and some things stay the same and some things change. What has not changed is the commitment to identify records with enduring, permanent value, and ensure that they are preserved and accessible over time. What has changed, and continues to change, is the road. And at times, taking the one less traveled will make all the difference.

Voice from the Vault

By Tanya Marshall, State Archivist

Information Orientation

When public agencies contact the Vermont State Archives and Records Administration (VSARA) for records and information management (RIM) assistance, we almost always encourage them to start with the basics and really understand their records and information use and management needs before diving into something new. Often times, agencies are in the midst of a new information technology (IT) project and something unexpected has come up. Not necessarily a road block, but definitely an issue that requires a bit more time and effort than originally planned. At this point in the project, there is probably nothing worse than hindsight 20/20.

More than a decade ago, a book called *Information Orientation: The Link to Business Performance* hit the shelves¹. Authors Donald Marchand, William Kettinger, and John Rollins – as part of an international research project – studied how organizations use and manage their records and information, along with their IT practices, and came to the following conclusion: organizations have “lower than expected payoffs for their information technology (IT) investments” when there is a disconnect, or sometimes even disregard, for the effective use and management of records and information.² In other words, IT is only one piece of the puzzle and all pieces are needed to be successful.

Even though the term “information orientation” or IO was a sign of the times, the authors introduced a maturity model that continues to be used, applied, and expanded upon. The book itself explains how organizations can become proficient records and information creators, users, and managers. Competence in these three areas, the authors argue, will ensure that IT truly supports business operations, processes, and innovations while also enhancing decision-making skills. Instead of building new IT systems for “yesterday’s strategic decisions,” priority is placed on “making better things.”³

VSARA’s Records Management 101 for All Public Agencies⁴ guideline outlines the benefits of RIM, all of which will improve an agency’s IO:

- Records and information valuable and important to an agency’s operations and functions are created and received.
- Records and information vital to an agency are retained and readily accessible.
- The right people have the right records and information at the right time.
- Records and information recognized as being permanent are preserved.
- Non-permanent records and information are destroyed when no longer needed.

Within the IO framework, each of the outcomes listed above correlates to specific but basic steps that an agency can take to improve its information management and IT practices and the behaviors and attitudes of its employees. According to Marchand, Kettinger, and Rollins, with maturity comes a “cumulative effect of information integrity, formality, control, transparency, and sharing [that] provides direct and indirect influences on proactive information use.” As an agency’s information capabilities mature, it becomes more innovative – allowing problems to be uncovered, discovered, and solved through a “smart combination of existing and new technology.”⁵

As we say goodbye to 2012 and hello to 2013, an orientation to effective information use and a refresher in Records Management 101 may be just what your agency needs –especially when it comes to pending or current IT projects. As always, our staff is ready and willing to provide assistance when needed. We are just a phone call or e-mail away.

Happy New Year!

¹ Marchand, D., Kettinger, W. and Rollins, J. (2001.) *Information Orientation: the Link to Business Performance*. Oxford University Press: Oxford.

² Ibid. pp. 2.

³ Ibid. pp. 57-58,

⁴ <http://vermont-archives.org/records/handbook/pdf/RIM101.pdf>

⁵ Marchand et. al, pp. 102-104

Voice from the Vault

By Tanya Marshall, State Archivist

The 5 Biggest “Digital” Myths That Can Cost Time, Money, and Credibility

Yes, the format for this month’s Opinions title was “ripped from the headlines” – but unlike Law & Order the following story is real and does depict actual public agencies and events. For all of the time, dollars, and interest spent on going digital, there are a number of serial “myths” that can cost public agencies time, money, and credibility. In my experience, these are Vermont’s top five.

1. We don’t have to worry about records because we won’t have any with our new IT system

This is my personal favorite, probably because I hear this one the most. I hate to break the news to anyone who has fallen for this myth, but records are simply recorded information. Sometimes information is recorded on paper and sometimes information is recorded on electronic or digital media. Information can be recorded in a structured, defined manner or in an unstructured, undefined way. Ironically, most of the valuable information recorded by public agencies is unstructured. This makes the information harder to manage and use, which is why there is such a strong interest in using information technology or “IT.” IT helps us manage our recorded information – otherwise known as records.

2. The system will do everything for us so we don’t have to think about requirements

It should not come as a surprise that this is the second myth that I hear a lot – it is sometimes blurted out immediately after Myth #1 is debunked. The reality is that systems need to be built, configured, and customized to requirements. That is what makes them work. If business, records, IT, and legal requirements haven’t been gathered, vetted, and documented, how can agencies expect to have systems that will work for them? Ever had to “work-around” a system? Fall for this myth and everything from the project plan to the request for proposals (RFP) or statements of work (SOW) to the final contract and actual system design are flawed. If allowed to go unchecked for too long, not only will the system fail but the loss of essential records is imminent.

3. We will save space

I cannot tell say how many times I have heard “we need to digitize our records to save space.” Often times the context in which this comes up is physical square footage in an office space. Seeing cost savings here is high on most agencies’ lists and the target is their physical, paper records... ever so noticeable. Remember when we talked about “unstructured” records under Myth #1? As it turns out, some of these records may have met their records retention requirement and should have been tossed long ago. Why digitize something that is no longer needed. As for any new system, if records management requirements are forgotten or seen as a “would like” function, the agency is only pushing the space issue to another venue: servers. Yes, IT managers complain that they are running out of space too. Cost-wise, what is not paid for square footage is now paid for a system.

4. Storage is cheap

I loathe this myth. Sure, storage is cheap if no one minds never accessing or using the records again. Anyone have any punch cards or floppy disks hanging around? How’s that working? Oddly enough, the IT term for this is “archiving” but a true “digital archives” could not be more different. It is true that the cost of raw data storage has not grown by much – perhaps only 1% -- in the last decade, but the volume of the digitally recorded information has grown exponentially. Further, to govern, manage, and ensure access and use of all of this digital information – over time – we need a lot of resources and those are not cheap. If the statement “storage is cheap” is made at any time during a project discussion, run and run fast. Also, if the perception is that the other resources are not necessary, what is not paid for now will certainly be paid for later.

5. We will get what we pay for

Okay, this can be both a myth and a fact. Sometimes we do not get what we pay for. Sometimes we pay a lot more for something that ultimately turns out to be nothing. The way I see it, digital recordkeeping is a lot like house building. Forgo the foundation? It is only a matter of time before the structure will fall. Dismiss the standards? Then the construction will be faulty. Invest in cheap materials? They will need to be replaced and often. We want trustworthy builders who get the required permits, build to code, and use the best materials we can afford. We want to know our options – and risks -- so we can make the best decisions. The reality is that it does take a great deal of time and money to effectively make the leap into creating, managing, and preserving digital records – and do it right.

Voice from the Vault

by Trevor Lewis, Records Analyst and Local Records Coordinator

MUNICIPAL CHARTERS

The Vermont State Archives and Records Administration (VSARA) fields many calls from town officials on records-related issues. Due to the number of calls following town meeting, we decided to use this month's column to address some questions related to town charters and also introduce Trevor Lewis, a VSARA records analyst who also serves as a Local Records Program Coordinator. Many of you have interacted with Trevor but for those who have not his "door" and "line" are always open! Trevor can be reached at trevor.lewis@sec.state.vt.us or 828-1005.

Municipal charters- both existing and potential, as well as charter amendments- often become a subject of interest in response to Town meeting season and various issues of local concern. This column will cover some basic issues associated with charters and their adoption and modification.

It's helpful to begin with the basic question of where and why municipal charters exist. Vermont follows legal doctrines under which local governments exist only as created by the Legislature and have only the specific powers clearly granted by the Legislature. Many standard municipal powers are granted by way of general statutes. Thus a town can exist, and have the same general powers as all other municipalities, without having any charter at all. A substantial number of Vermont municipalities in fact do exist without any specific charter. Charters represent specially "tailored law" adapting municipal authority to the specific needs of specific communities.

To find out whether your municipality already has a charter, as well as the contents of any charter, begin by examining the **Title 24 Appendix to the Vermont Statutes**.

If your municipality does not already have a charter, would like to put one in place, or wants to modify its existing charter, the process is set forth in **17 V.S.A. § 2645**. Like many statutes covering local government, 17 V.S.A. § 2645 choreographs a precise and intricate dance between local officials, notices, deadlines, and voters, and each of its steps must be followed with meticulous precision. Municipalities contemplating charter initiatives or amendments are often well advised to seek some degree of assistance from the Vermont League of Cities and Towns and/or municipal legal counsel. To build support and gather input, it also can be helpful to bring local legislators into the process early. A useful article (by former Deputy Secretary of State and ongoing municipal lawyer Paul Gillies) on some of the "how to" of "Reforming Local Government by Charter" can be found at:

<http://www.uvm.edu/crs/resources/citizens/charter.pdf>

One of the final steps as set forth by 17 V.S.A. § 2645 involves the Secretary of State's Office: "[t]he clerk of the municipality, under the direction of the legislative body, shall announce and post the results of the vote immediately after the vote is counted. The clerk, within 10 days after the day of the election, shall certify to the secretary of state each proposal of amendment showing the facts as to its origin and the procedure followed." In past years, the Secretary of State in general, and the State Archivist in particular, may have tended to serve as a reviewer, editor, and compliance gatekeeper of sorts for charter amendments and the supporting materials filed with this office.

Yet, the difficulty with this is that this office actually has no statutory authority in those regards; our responsibilities are merely to "file the certificate and deliver copies of it to the attorney general and clerk of the house of representatives, the secretary of the senate, and the chairman of the committees concerned with municipal charters of both houses of the general assembly." As a result, we are transitioning back to the role of simply forwarding materials received from local communities to the statutory parties and Legislative Council but without trying to serve as an evaluator or gatekeeper.

Municipal clerks should still be sure "certify to the secretary of state each proposal of amendment showing the facts as to its origin and the procedure followed" in accordance with 17 V.S.A. § 2645. In practice, most municipalities have interpreted this to be certified copies of the:

- Minutes of the municipality's legislative body showing the origins and intent of the proposal. If the proposal was made by petition, a copy of the body of the petition should be certified as well as that the required percentage of voters had signed it;
- Warnings for the two public hearings on the proposal and certified copies of the minutes from those meetings where the proposals were discussed;
- Warnings for the vote on the proposed changes;
- Ballot and the results (results can be entered on the sample ballot and certified); and
- If not included in the materials above, proposed change(s) .

Of course, I am more than happy to assist with any questions about charter-related issues or other local records and information matters. Please do not hesitate to call or e-mail!

Voice from the Vault

By Tanya Marshall, State Archivist

Local Government Archives and Records Administration (LGARA) Certificate Program.

This month the International Institute of Municipal Clerks (IIMC) will hold its annual conference in Atlantic City, NJ. Several of the sessions are eligible for credit toward the National Association of Government Archives and Records Administrators' (NAGARA) 40-hour certificate program in Local Government Archives and Records Administration (LGARA). LGARA Certificate competency areas covered by this year's conference include records management overview; electronic records management; disaster planning and response; and business continuity planning.

Haven't heard of NAGARA's LGARA program? LGARA is the result of a strong collaborative partnership between IIMC and NAGARA under the leadership of NAGARA's past president, Paul Bergeron, who is also the city clerk for Nashua, NH. The objectives of LGARA are to:

enhance the professional development of municipal and county clerks and record caretakers so that they may better manage the records that document the most fundamental events in our communities and which establish many of the legal rights of our citizens;

offer a career development goal for participants in a subject area that is critical to their profession; and

foster professional networking between NAGARA and federal, state, regional, and county local government associations, and between individual record caretakers and their State Archives.

The LGARA certificate program was created to recognize the achievements of local officials who acquire basic knowledge in records management principles and practices for the effective management and care of their records. Certificate requirements involve a minimum of 40-hours of study in at least eight of the eleven core competency areas and attendance of a state-specific workshop on public records and meeting laws. Those seeking a certificate have five years to complete the requirements after their first professional development session. The application for LGARA is \$10 and NAGARA membership is not required.

After launching helping to launch LGARA, Paul also co-chaired IIMC's Records Management Committee. The Committee worked in concert with a variety of technical experts, including Vermont State Archives and Records Administration staff members, to produce bulletins as part of the 2012 Local Government Records Management Technical Publication Series. In addition to revising existing bulletins, new titles, such as *Selecting and Using Document Imaging Systems* and *E-Mail Management*, were introduced. The technical bulletins are available for purchase by IIMC members and non-members through IIMC's website.

Together, LGARA and the Technical Publication Series are great professional development resources for Vermont municipal clerks. As Vermont's state archivist and also NAGARA's vice president, I am particularly interested in bringing the benefits of LGARA and the Local Government Records Management Technical Publication Series "closer to home." If you have any thoughts or comments about the LGARA certificate program or the technical publication series, please contact me at 828-0405 or tanya.marshall@sec.state.vt.us.

For more information, visit the websites of IIMC (<http://www.iimc.com>) and NAGARA (<http://www.nagara.org>) or see NAGARA's "Qualifying for the Local Government Archives and Records Administration Certificate" at: http://www.nagara.org/associations/5924/files/Records%20Management%20Certificate_v4.pdf

Voice from the Vault

By Tanya Marshall, State Archivist

To URPERA and Beyond!

If you are looking for some exciting “local” news on the subject of land records, here it is: Connecticut’s [Regulation concerning Real Property Electronic Recording](#)¹. Passed early this spring, the new regulation became effective on April 1, 2013, making Connecticut the 43rd state to support the electronic recording (often called e-recording) of land records.²

If you are wondering where this puts Vermont, well, if this were a contest we are clearly in the “bottom ten” of the all the states and territories. Yet, this is not necessarily a bad thing. First, it takes a while for laws to catch up with technology. Most early adopters of electronic recording had to maintain dual systems, one that met their legal requirements (usually wedded to paper) and another that met their drive to use emerging technologies. Second, early adopters also had to drive the “bus” at the same time as they were building it; developing policies, procedures, standards, and other controls as they go. So, being last, or close to last, gives ample opportunity to benefit from lessons learned while taking advantage of the latest best practices and standards. When it comes to making changes to records, no one wants to rush and be sorry.

One of those standards that the early adopters worked hard to implement is a uniform law called the [Uniform Real Property Electronic Recording Act](#) (URPERA)³. Approved in 2004 by the National Conference of Commissioners on Uniform State Laws (NCCUSL), the same organization that created the model Uniform Commercial Code that has since been enacted in every state, URPERA expands upon the Uniform Electronic Transactions Act (UETA) and the Electronic Signatures in Global and National Commerce Act (eSign).

URPERA explicitly gives land records officials the authority to accept records in electronic format and also electronically record and manage their land records in electronic format – if they have the means and desire to do so. URPERA also sets forth a set of standards to ensure the interoperability of electronic land records across jurisdictions.

Connecticut adopted URPERA in 2008 and is the first and only New England state to do so. While Massachusetts introduced legislation (H.37) this year, the bill has not moved. Therefore, if we compare ourselves to our New England peers, most are like us. We can also see from Connecticut’s efforts that it takes quite a bit of time to make e-recording a reality. Even with new regulations, it will take additional time for Connecticut town clerks who would like to implement e-recording to do so. As noted above, when it comes to making changes to records, no one wants to rush and be sorry, but having a close neighbor and friend to watch is exciting!

¹ See: <http://www.cslib.org/publicrecords/eRecordReg.htm>

² See *FAQ for Town Clerks: The [Connecticut] Regulation Concerning Real Property Electronic Recording*: <http://www.cslib.org/publicrecords/eRecordingFAQ.pdf>

³ See: <http://www.uniformlaws.org/Act.aspx?title=Real%20Property%20Electronic%20Recording%20Act>

Voice from the Vault

By Tanya Marshall, State Archivist

It's 5:00, Do You Know Where Your Records Are?

Growing up in Western New York, I, like many other kids of my generation, woke up in the morning, hopped on my bike, and headed out for the day with my whereabouts and safety being informally observed by neighbors, other parents, the lifeguards at the neighborhood pool, etc. When the street lights came on in my neighborhood of Wurlitzer Park (yes, *that* Wurlitzer – the factory buildings that cranked out organs and jukeboxes are still standing on Niagara Falls Boulevard), parents began to inventory children to make sure that any for whom they were responsible were present and counted.

As I got older and my summer adventures took me outside of the neighborhood, a daily public service announcement, which was reportedly first used by Buffalo's ABC affiliate WKBW-TV, was a standard parental control. I had to be home before local news anchor Irv Weinstein stated: "It's 11:00, do you know where your children are?" As much as this time served as a deadline or curfew for us kids, it is also served as a cue to parents that they were responsible for their children – as well as those entrusted into their care.

Over the years (ok, decades), times have changed. While some may regret the loss of the casual past, the truth is that parents have a far better idea of where their kids are at any given time. As a mother of three boys, I have first-hand experience. In summer, I sign my three boys in and out of various camps and can also see in the log when they left and returned from field trips and other excursions – and which camp adults were "in charge." When children from the neighborhood come into our house I call their parents – and our neighbors do the same – and the boys' time with friends is arranged with pick-up and drop-off times. There is a series of purposeful check-ins and checkpoints.

Records should also have a series of check-ins and checkpoints. Any record created or received in the course of government business is considered a public record and therefore public property. The public entrusts us to protect and preserve records for as long as they are legally and administratively needed. This means that knowing where our records are at all times is critical as is documenting who had access to what records—and when, why and how. Without a clear documentation of a record's chain of custody, public agencies place not only themselves at risk but also those who rely on authentic, reliable public records for legal, administrative, historic, and other purposes.

At the Vermont State Archives and Records Administration, original paper records are routinely accessed and used by our staff as well as individuals from outside of our agency. When a request is made, the location of a record is systematically tracked as it moves from its secure storage location to our Reference Room. From there, it's further tracked – right down to individual user. At the end of the day, the reverse occurs until the record is securely returned to its proper location in our storage vaults. When we send records to vendors and other contractors for microfilming or scanning services, the chain of custody documentation becomes even more essential to have as the records will no longer be, for at least a short period of time, in our physical custody. Knowing who handled our records and when – and whether or not those individuals were authorized to do so – are all standard records management controls.

While unintentional alterations or destruction can occur, there are, unfortunately, many people who steal, destroy, and alter public records for their own personal benefit. It was not too long ago that University of Vermont found itself a victim of an elaborate criminal operation orchestrated by researchers who have since been found guilty of stealing documents from several East Coast archival and research institutions.

We recently fielded a call from a municipality worried that someone had purposely altered documents recorded in its land records. Regrettably, public employees have also been known to alter or illegally destroy records. Therefore knowing who, what, why, when, and how helps everyone along a record's chain of custody.

At a minimum, a chain of custody document includes a description of the records and the dates and times that someone other than the legal custodian had access to and/or physical possession of the records. If specific activities will be performed on the records and there are additional "handlers", such as microfilm or scanning technicians, records center staff, etc., the names of those who handled the documents and the dates and times in which the records were in their physical custody, as well as the actions taken with the records, should be documented as well.

Having an auditable chain of custody is one of the only ways to demonstrate to others that we know where our records are at all times – and to hold those who had access and physical custody to our records accountable for their actions.

Security Microfilm of Land Records

Under State law, town clerks have the option of storing security microfilm copies of land records at the State Records Center in Middlesex to further protect records required to establish marketable title. There is no charge for this service but storage is limited to only security microfilm copies of land instruments recorded pursuant to 24 V.S.A. § 1154.

The transfer of security microfilm copies of land records to the State Records Center requires a *Land Records Storage Agreement*. In addition, the chain of custody of specific security microfilms from the town clerk to the State Records Center is initially documented through a *Land Records Transfer Sheet*. A completed *Land Records Transfer Sheet* must be received and approved prior to sending any security microfilms to the State Records Center.

Once approved, this information is recorded in our record inventory and management system and associated with the films once they arrive. This is the same system that we use to track boxes of records in the State Records Center and State Archives.

Town clerks may direct their microfilming vendor to send security microfilm directly to the State Record Center; however, a completed *Land Records Transfer Sheet* must still be received and approved in advance. While microfilm description information may be completed by a vendor, it is important that we receive the *Land Records Transfer Sheet* directly from the town clerk.

Need more information? Please visit our website (<http://vermont-archives.org/records/local/storage.htm>) or call State Records Center Supervisor, Chris Flora, at 828-3280.

Voice from the Vault

By Tanya Marshall, State Archivist

Vermont Archival Records

This article first appeared in VSARA's Fall 2013 "RIM Update," which is a quarterly publication by VSARA's Records Analysis and Policy Development Unit, and was adapted for publication in this month's "Opinions." To read the full issue of the Fall 2013 RIM Update or previous issues, please visit: <http://vermont-archives.org/publications/records>.

October was Vermont Archives Month, and so we would like to take this opportunity to talk about what makes a record archival. Simply put, archival records are records that have enduring value. In other words, the information contained in archival records continues to be important over a long period of time and thus warrants permanent preservation. Vermont's records custodians are on the front lines for managing public records, and thus they are well-positioned to help identify which of their records have enduring value.

On average, only about 3% of government records are considered archival, though this percentage can vary depending on the nature of the public agency's business. But what kinds of records are archival? Here are some examples.

- *Records that document persistent rights:* Recorded evidence of the ongoing rights, entitlements, or statuses of various groups, organizations, or individuals. A birth certificate is a good example of this type of essential record (imagine what you couldn't do if you did not have a birth certificate!) Birth records on file with the State of Vermont, along with other vital records, are periodically transferred from the Vermont Department of Health to the Vermont State Archives for permanent preservation as well as certification ([Series HE-212](#)).
- *Records that document significant agency policy:* Policies, procedures, rules, and similar records provide evidence about what an agency does and how it does it. These records not only show how a public agency has met its legal mandates over time, but they also demonstrate how an agency has developed. The administrative records of the Vermont State Hospital ([Series VSH-001](#)) show how the institution's approach to mental health has dramatically evolved over the past century.
- *Records providing evidence of agency deliberations, decisions, and actions relating to major social, economic, political, and environmental issues:* Recorded decisions, correspondence, meeting minutes, or similar records often document a public agency's actions and the reasoning behind those actions as they relate to significant issues that have affected a large number of Vermonters. Legislative committee records ([Series A-116](#)) can reveal the intent and rationale behind legislative actions.
- *Records providing evidence of the significant effects of agency programs and actions on individuals, communities, and the man-made and natural resources of the State:* Reports, studies, and statistics help agencies and the public measure and evaluate the effects of the policies that they implement. Archival records not only document the "why" behind agency decision-making, they also show the overall effects of those decisions over time. The Department of Tourism and Marketing's records ([Series A-077](#)) are indicative of these types of records, as the reports and statistics show the effects of over a hundred years of marketing the Vermont brand.
- *Records that substantially enrich the understanding of Vermont's history, society, culture, ideas, and people at the level of statewide prominence:* Public records that document the broader experience of Vermonters and enrich the understanding of Vermont's history can be found in many public agencies. Photographs and

films from the former Department of Agriculture ([Series A-094](#) and [A-096](#)) fit this category of archival records. Dating back as early as the 1920s, these records offer a vivid depiction of Vermont's agricultural heritage.

These categories are not mutually exclusive. As shown through the above examples, it is clear that archival records might fall under several categories.

Remember that these are only broad guiding questions to help identify archival records. For more information, see the State of Vermont's "Archives and Records Management Handbook," specifically the sections on [Vermont Archival Records](#) and [General Appraisal Criteria](#). The Handbook is online at: <http://vermont-archives.org/records/handbook>. As possible archival records are identified, contact VSARA's Records Analysis and Policy Development Unit for more guidance at rim@sec.state.vt.us.

Curious as to other archival records in the Vermont State Archives? Check out our online database! URL: <http://vermont-archives.org/research/database/series.asp>!

Voice from the Vault

By Tanya Marshall, State Archivist

HAPPY NEW YEAR TO ALL AND TO ALL A GOOD NIGHT!

On November 17th, I quietly celebrated my ten year anniversary with the Secretary of State's Office. Much has changed over the past decade. In 2003, the Secretary of State's State Archives Division consisted of four full-time employees, two of whom split their time between the State Archives and other Secretary of State functions, and a part-time temporary archivist (me). We were also in the Redstone building in Montpelier; crammed into one room that served not only as office space for 3-4 staffers but also the public research room, waiting room, and records processing area.

I am not sure why, when or how it happened, but shortly thereafter "The Most Wonderful Day of the Year" – yes, the song written for Rankin and Bass' *Rudolph the Red-Nosed Reindeer* – became, for lack of a better phrase, my work theme song. Why a holiday song sung by misfit toys suddenly came to mind every morning when I walked through the doors of the Redstone building is beyond me. But there it was – every day. I could not escape it and, despite the lyrics, I can honestly say I didn't always have the most wonderful day of the year.

But then the song went away. On March 9, 2009, we moved from the Redstone building to our current location in Middlesex and our small staff grew three sizes that day (I have already mentioned Rudolph so it seems best to also give a nod to the Grinch – maybe he stole my work theme song). But any *who*, "The Most Wonderful Day of the Year" was no more.... until recently.

Yes, it came back to me. Like the first time, I am not sure why or how it happened, but I was humming "The Most Wonderful Day of the Year" throughout the office. Whatever the reason, it stayed with me through Thanksgiving, after which it was replaced by Rodgers and Hammerstein's "A Few of My Favorite Things." While I recognize that retired State Archivist Gregory Sanford is the poet laureate of the Vermont State Archives, this does not mean that I cannot write my own archives jingle.

With a few tweaks, I think that "A Few of Our Favorite Things" is a suitable tune to celebrate the work of our staff over the past year:

A Few of Our Favorite Things

*Marginalia on paper and metadata in files
Staff retrieving records from the vault aisles
An upgraded website complete with hyperlinks
These are a few of our favorite things*

*Legislative intent and the results of election races
Optimistic researchers looking for ancient places
White gloves opening court records bound with strings
These are a few of our favorite things*

*Public open data ready to be mashed
Apostilles with seals and grommets attached
Silver halide film to which an imaged record clings
These are a few of our favorite things*

*When the leather rot
When the program crashed
When original order was shot
We simply remember our favorite things
And know that we accomplished quite a lot!*

Many, many thanks to Scott Reilly, Mariessa Dobrick, Susan Swasta, Ann Miller, Nancie Austin-Bradley, Sherrel Adams, Louise Corliss, Kathy Watters, Chris Flora, Ed MacAuley, Earle McArthur, Rachel Muse, Trevor Lewis, and Sally Blanchard for all of your hard work this past year. I think we are ready for 2014 and, at the very least, a wonderful year!

Voice from the Vault

By Tanya Marshall, State Archivist

THE TROUBLE WITH ACETATE

Acetate or “safety” film was introduced for professional use by Eastman Kodak in 1949 as an alternative to using nitrate film, which is not only unstable and highly flammable but was also the cause of several explosions and fatalities in the early half of the 20th century. By the 1950s, the American film industry was actively using acetate film for new motion pictures and converting earlier nitrate films to this new, safe format.

Around this time, programs to microfilm books, newspapers and records also took off in not only Federal, state and local libraries and archives but also in corporations and other commercial entities. While microfilm can reduce physical storage needs, the primary driver to use microfilm was preservation. Much of the paper produced between the 1850s and 1950s was created using sizing agents that caused paper to yellow and weaken over time. The result was something commonly referred to as the “brittle book” crisis: books, newspapers and records were disintegrating. Converting records to microfilm significantly decelerated the loss of recorded information and became a powerful preservation tool.

Almost all microfilm reels produced between 1949 and the mid-1980s are acetate. So what is the trouble with acetate? Acetate, unfortunately, can decompose over time if kept in less than ideal storage conditions. Several state archives have initiated the arduous process of identifying, reviewing and planning for the conversion of reels of acetate film (in some cases, 75,000-85,000 reels) to more suitable archival formats. Preliminary actions can include segregating and storing acetate photographic negatives, motion picture films, and microfilm in freezers until conversion to a new format can reasonably occur.

The New York State Archives, in an effort to alert New York public agencies of possible problems with retaining records on acetate microfilm, issued *Publication No. 15: Acetate Microfilm*¹. Last revised in 2003, *Publication No. 15* advises New York public agencies to:

1. Identify the quantity of acetate-film in their holdings.
2. Assess the level of deterioration and the extent of any damage.
3. Control the storage environment.
4. Segregate acetate material from other material.
5. Decide on an immediate remedy and a long-term strategy.
6. Conduct periodic surveys of their microfilm.

¹ See: http://www.archives.nysed.gov/a/records/mr_pub15.pdf

In the mid-1980s, the State of Vermont's micrographics program (dissolved in early 2009) was moved to the Middlesex location of the (then) new State Records Center and records were microfilmed using silver halide film, which uses silver emulsion on a polyester base. This medium is considered archival and, if properly processed and stored, has the life expectancy of 500 years. Act 243 of 1988 expanded State's micrographics program to include land records in the custody of town and county clerks. The use of the State Records Center by town and county clerks for off-site storage of security microfilm copies of lands records also became possible under the same legislative act. As a result, any records microfilmed by the State of Vermont since the mid-1980s and stored in the State Records Center, including land records filmed pursuant to Act 243 of 1988, are on a polyester-based film and have been in a climate-controlled vault.



So, you may be wondering why this month's *Voice from the Vault* is about acetate microfilm. Security copies of microfilm stored in the State Records Center are rarely accessed, but in November 2013 a request for copies of security film yielded an unpleasant find: Vermont public agencies have records filmed on acetate film and it is possible that some of these acetate films are degrading. Plainly stated, we now know that older acetate films were transferred by public agencies for storage in the current State Records Center. The records may have been filmed by outside vendors, such as the Genealogical Society of Utah and its predecessors, or the State of Vermont. Storage conditions prior to transfer are largely unknown but it is reasonable to assume climate-control vaults were not used. Any redox or deterioration on acetate film currently in the State Records Center could have started decades ago.



Sealed Acetate Film in a Metal Canister

Administrative records transferred to us in 2008, when the Vermont State Archives and Records Administration (VSARA) was created, indicate that re-filming was a common practice after the State switched to silver halide film; however, not all state agencies, towns and counties elected to have their paper records (if still available) re-filmed or their acetate films converted to polyester. The former Division of Public Records did take steps to mitigate possible deterioration by replacing some metal film canisters with acid-free boxes.

Currently, VSARA has more than 60,000 reels of reference and security microfilm in its physical custody. Now that we are aware that some public agencies, including towns and counties, have acetate microfilm stored in the State Records Center, an internal task force has been formed. By the end of January, VSARA will have a strategy and plan for identifying and reviewing acetate film. **There is no evidence at this time that having records on acetate film means that the films are deteriorating**; however, if your agency has any records on acetate film, you will be notified as soon as possible.

In situations such as this one, it is reassuring to know that we are not the only state to find ourselves in this situation – nearly thirty years after the use of acetate film was discontinued. In March 2013, the Nebraska State Historical Society requested a “one-time 2013-14 appropriation to enable the state archives to retain temporary assistance to examine 50,000 reels of county legal, land, and other records which were microfilmed prior to 1985.”² In his testimony before Nebraska’s Appropriation Committee, Society Director Michael Smith reported finding records on acetate microfilm in their secure storage facilities and that such films have the potential of deteriorating over time.

If necessary, VSARA and the Office of the Secretary of State are prepared to seek a similar appropriation from the Vermont Legislature.

Questions about microfilm stored in the State Records Center can be directed to Chris Flora, State Records Center supervisor, at 828-3280 or recordscenter@sec.state.vt.us.

² The transcript of Director Michael Smith’s March 5, 2013 testimony before the members of Nebraska’s Appropriations Committee is available online at:

<http://www.legislature.ne.gov/FloorDocs/103/PDF/Transcripts/Appropriations/Agency%2054%20Historical%20Society%203-5-13.pdf>

Voice from the Vault

By Tanya Marshall, State Archivist

BRINGING STRUCTURE TO THE UNSTRUCTURED (PART I)

It should come as no surprise that state and local governments create more records and data than previous decades. Information contained in government records, such as names, dates, numbers, and other facts and information, are essential to government functions and activities. The majority of government records are unstructured and “textheavy.” This means that unlike databases and business systems –which have pre-defined models for how records and information will be created, classified, managed, and accessed – unstructured records are essentially the opposite. There are good reasons for creating and using both structured and unstructured records, but managing, finding, and accessing unstructured records, and the information contained therein, can be a time- and energy-consuming task.

A decade ago, the Vermont State Archives faced the challenge of making sense of more than 3,500 cubic feet of records – approximately 9 million pieces of paper spanning all three branches of state government – stored in a vault inside the State Records Center. Dating from the mid-1700s to 2003, the records were a true cross-section of government functions and activities over time. Hired as the archivist responsible for tackling this project, I looked for facts about the records; however, information was limited and loosely defined. As I pondered our next steps, the State Records Center, with its more than 100,000 cubic feet and 75,000 microfilm reels of records loomed behind – as did the servers and servers of state digital records and information. It was only a matter of time before the crisis of the sheer volume of unstructured records, and to an extent structured records, in Vermont State and local governments would be acknowledged and recognized by the broader government community.

So what did I do? Rather than review each record, page by page, I developed a unique approach for quickly identifying and documenting essential information about the records. To do this, I shifted the focus to the creators of the records, which in some cases were state offices, agencies, departments, courts, boards, and commissions that no longer exist; the functions the creators were authorized or required by law to do; and the relative importance of those functions over time. By focusing on key information about the records that were already readily available, coupled with a little bit of legal research, I was able to suddenly see the forest through the trees. The best part of taking this approach is that it also aligned with the international standard for records management, specifically the notion that records serve as evidence of an event – a transaction of business, the pursuit of legal obligations, or both.

Like a puzzle, it became easier to piece together the millions of records in the vault. Conceptually, I began to see themes among the records, patterns on how they relate to one another, and even areas in which there were significant gaps. So what is this distinctive approach that I took? I produced a mechanism for uniformly and systematically defining and describing public records within the State of Vermont – an ontology called the Vermont Functional Classification System (VCLAS). Originally a branch of philosophy, ontologies play a significant role in computer science as well as information science because they provide the underlying framework for structured records and information. By combining the value of ontologies with an international standard for records, the State of Vermont was able to get a little bit closer to bringing structure to its unstructured records.

Look for next month’s *Voice from the Vault*, when we continue our story about *Bringing Structure to the Unstructured*.

Voice from the Vault

By Tanya Marshall, State Archivist

BRINGING STRUCTURE TO THE UNSTRUCTURED (PART II)

In the last Voice from the Vault, I introduced the concept of using ontologies to bring structure to unstructured records. While the word “ontology” may have been foreign to you, you rely on ontologies in your daily life far more than you may realize. Let’s use a straightforward example: have you ever noticed that it is relatively easy to find the items that you need in a grocery store – even if it is a store in which you have never shopped before? This is because the layout of grocery stores, convenient stores, and similar markets, exemplify a core ontological principle: categorization. Vegetables and fruits are under the category of “produce,” milk, cheese, and eggs are in “dairy,” etc.

Driven by the needs of its consumers, grocery stores are designed not only to help you find what you need—and quickly – but also to help you discover items that you may have forgotten or did not know that you need. The latter is another ontological principle embodied by grocery stores: relationships. This is why you might see



rolls and breads, along with condiments, while standing in line at the deli counter and bunches of bananas in the cereal aisle. Of course, these items can also be found with others like them in their respective location (and category) elsewhere in the store, but just in case, you can find items that often “go together” nearby. Related, similar items produced by the same company are often shelved together, so even if you are looking for a certain brand of a specific type of item, you will be able to find what you wanted in a relatively short period of time. Grocery stores do a great job of bringing structure to the unstructured.

Not surprisingly, online shopping works the same way – and even better. Unlike brick-and-mortar stores, which have the barrier of physical logistics when it comes to storing and shelving items (which is why frozen vegetables are in the “Freezer” section and not with fresh vegetables in “Produce”), online stores can offer and show many more product categories and how they relate to one another. A decade ago, the ontology of marketing, particularly for the promotion of products or brands, was virtually unexplored.

Today, as an online shopper, you can go one step further and even filter your search to items, brands, sizes, colors, etc. to specifically meet your shopping needs – and this is all possible because the websites of many online stores rely almost exclusively on well-defined faceted ontologies.

Now picture walking into a grocery store where everything is organized by the name of the company that produces the food or product and all foods and products are in order by their name. Would you even know to go to the “U” and look under Unilever for Ben & Jerry’s ice cream? What if you wanted some hot fudge to go with it? Well, you could start with “H” and look for Hershey – I wonder if the hot fudge is called “Hershey’s Hot Fudge” or just “Hot Fudge.” I guess we might get lucky because both start with “H.” Do you remember who makes cones?

At this point, you may have realized that this last example – of walking into a grocery store where everything is organized by the name of the company – is exactly how Vermont citizens have to find and locate the records of our state and local governments. Don't know the agency? Then you might be out of luck. Further, as a government employee, you may recognize that using the name or title of record may be how you are currently organizing and finding the records that your own agency created or produced, especially if that record is digital and not managed by an electronic records management system.

Consumers of government digital records and information – citizens and government employees – are not having their needs met and, ironically, the one thing that agencies are heavily investing in – information technology – doesn't always make the situation better. In fact, sometimes it makes it worse. (Hint: Information technology relies on having a solid framework – ontology – for managing, discovering, and accessing records and information in accordance with business, legal, and recordkeeping requirements. If any of these components are missing, then IT will fail.).

So what can VSARA and you do to bring structure to the unstructured? Look for next month's Voice from the Vault, when we continue our story about Bringing Structure to the Unstructured.

Voice from the Vault

By Tanya Marshall, State Archivist

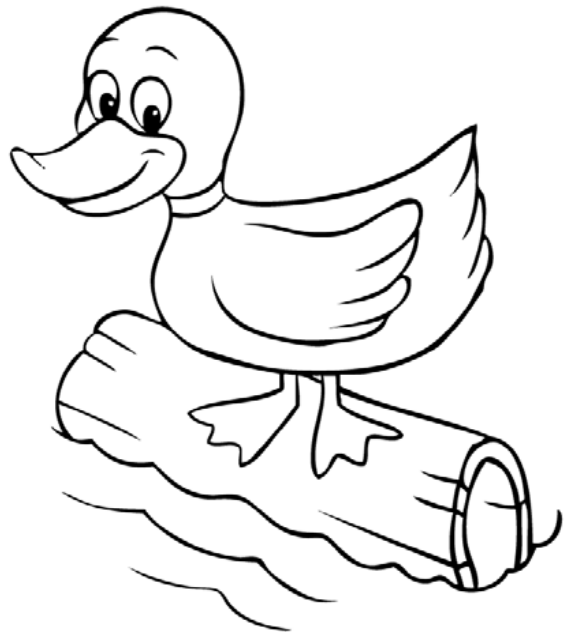
IF IT LOOKS LIKE A DUCK....: BRINGING STRUCTURE TO THE UNSTRUCTURED (PART III)

It is unclear when and by whom the following phrase was first coined, but you all have heard it before:

If it looks like a duck, swims like a duck, and quacks like a duck, then it probably is a duck.

Sometimes referred to as “The Duck Test,” it is a witty example of how (1) observations are combined with (2) knowledge to render to a (3) decision or come to a conclusion. The Duck Test is an overtly simple form of inductive reasoning, something we all rely on as we navigate through our days at both work and home. As humans, we are constantly thinking in terms of categories, relationships, and patterns. It “looks like,” “swims like,” and “quacks like” a duck.

Back in February, when I started the “Bringing Structure to the Unstructured” series, the challenge of making sense of the growing number of unstructured government records and information created every day by our local and state governments, as well as what already exists, was brought to the forefront. In that column, I wrote about how it became easier to piece together the millions of records in the State Records Center vault after I could recognize patterns among them. Last month, using a grocery store as an example, the value of using categories and their relationships to find things that “go together” was illustrated. That column ended with a question: what can VSARA and you do to bring structure to the unstructured?



Well, as it turns out, it is much easier to manage, find and access unstructured records if they are categorized and there is a pattern. As expected, patterns become evident through relationships: it “looks like,” “swims like,” and “quacks like” a duck. The Vermont Functional Classification System (VCLAS) – and the ontology that sits behind it – is all about categories, relationships, and patterns. And guess what, those categories, relationships, and patterns are captured, documented and available in every record schedule that is issued by the Vermont State Archives and Records Administration (VSARA).

While a record schedule alone will not bring you fully into structuring the unstructured, it will definitely get you closer. How? Well, that is next month's column! In the meantime, if you would like a head start, check out the VCLAS section on our website under the "category" of Records Management and the presentation on VCLAS at the 2012 Best Practices Exchange: http://71.2.17.12/bpexchange/images/presentation_pdfs/marshall_tanya.pdf



Voice from the Vault

By Tanya Marshall, State Archivist

IT'S IN THE RECORDS

On May 15, 1935, the remains of a woman and her two children were discovered on the side of what was described in newspapers across the country as a “lonely road leading from Middlebury to Bristol.” Each skull was clearly punctured with a bullet and their remains, at that point slightly exposed, were wrapped in canvas sacks with one skull resting on what appeared to be a rotted pillow. On that day, Inez Dague, during a walk with her mother, kicked what she thought was a white stone in a bed of leaves, only to uncover, to her horror, a skull. As news of the findings spread through town, resident Fred Munson came forward. While hunting in the same area in 1932, he said that he came across remains but thought they were of a dead animal. Lacking a centralized state police department, State investigator Almo Franzoni, along with Assistant State Pathologist Dr. Fred S. Kent and State Attorney John T. Conley, assisted local authorities on the case, including Addison County Sheriff Ralph Sweetand Dr. L.S. “Red” Walker of Middlebury.



Unfinished bridgework in the jaw of the oldest child, which included a gold band that encircled the entire set of teeth that was estimated to cost between \$1,000 and \$2,000, caused Franzoni to theorize that victims were summer residents of Vermont. On May 23, 1935, the Adirondack Record-Elizabethtown Post reported that this speculation was likely due to Francis West’s October 1933 account of seeing a man with a “New York automobile” acting suspicious “near the spot where the skeletons were found.” Yet, for almost three years –and despite a nationwide search, largely relying on dental records of the three skeletons and lists of missing persons – the identities of mother and children remained unknown.

Then, in the January 6, 1938 issue of The Harvard Crimson, Harvard anthropologists described how they helped Vermont authorities make a huge break in the case. At Harvard’s Peabody Museum, where the skeletons were sent in 1935, the ages of the victims were estimated as 43, 14, and 12 based on their lung bones and skulls. Categorized as “Armenian types,” Harvard anthropologists also noted that the mother had a number of fillings and both children had braces, thus confirming earlier dental reports. Locally, authorities began to connect the skeletons to Mrs. Cora Maxwell Golden of Milton who, along with her two children, Charles E. Golden, Jr. and Beulah Golden, mysteriously disappeared from their family home in Milton in 1923.

Franzoni, however, still had his doubts. The Goldenes, according to one newspaper account, were “in poor circumstances.” Therefore, they could not have afforded the dentistry work described by the Harvard anthropologists, unless, of course, Mrs. Golden’s life style had changed dramatically after leaving Milton. Also, those who knew Mrs. Golden, including her husband, who was interviewed by Franzoni shortly before he died in 1937, stated that Mrs. Golden was not of Armenian descent. In an odd twist, Inez Dague’s mother recounted that she attended grade school with Cora Golden while living in Westford.

By April 1938, the connection between the East Middlebury slayings and at least Beulah Golden was cracked. Newspapers accounts indicate that Franzoni found Beulah alive and attending high school, but refused to state her whereabouts – only noting that she was “turned over to a private family” in 1928. Franzoni did claim that he was able to trace Cora Golden and two sons, Charles, Jr. and a second son, Francis, reportedly born in 1924 in Montpelier, to Hartford, Connecticut. They were with Joseph Carter, a railroad section hand from Milton, who also disappeared in 1923. Yet, Franzoni said, no one has seen them since 1929.

Newspapers articulate the events as they happened based on witness accounts, but records in the Vermont State Archives and elsewhere may provide greater clues to this Vermont mystery. The 1930 United State Census, for example, shows that Beulah was in fourth year of high school born to parents originally from Utah, but also working as a live-in maid for the McFarland family in New Haven, Connecticut. In the 1930 Census, when Beulah was approximately 10 years of age, it was recorded that her father was born in Vermont but her mother was born in Colorado. Born to Edward Golden and Cora Mapfield Golden on July 4, 1919, her Vermont birth record tells a very different story. As do the birth certificates for Charles Edward Golden, Jr. and Francis Joseph Carter; the latter born to an Elizabeth Cora LaFlash and Joseph Napoleon Carter in Montpelier... in 1924.

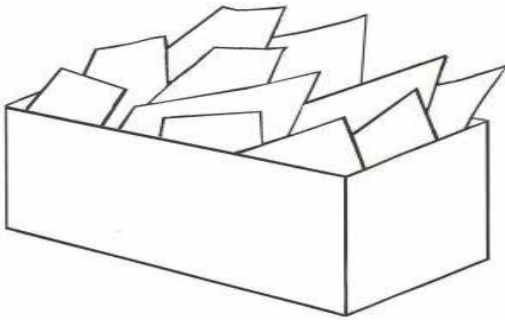
Today, the case remains unsolved and on September 29, 2014, the Vermont Department of Health quietly registered death certificates for all three victims. “Unknown” is the status of most fields, including Name, Date of Birth, Birthplace, Date of Death, Marital Status, and Residence. The Date Pronounced Dead is May 15, 1935 and the Place of Death is described as a “logging road, near Case Street, Middlebury, VT.”

Is there something more in the records that can shed a light as to the many twists and turns of the case as well as the identities of the three victims? In honor of Vermont Archives Month, the Vermont State Archives and Records Administration is taking on this challenge and we invite you to join us. If you have something in your records that may provide some clues, please share them with us! You can e-mail your findings to archives@sec.state.vt.us.

Voice from the Vault

By Tanya Marshall, State Archivist

WHAT'S PAST IS PROLOGUE



Some of you may recognize the title of this month's column as a famous quote from William Shakespeare's *The Tempest*. Others, particularly those within the archival profession, may be familiar with this phrase because it is inscribed on the statue known as Future located outside of the National Archives Building in Washington, DC. In fact, the concept of the past being a prelude to the future is synonymous with many efforts within the archival community to illustrate the continuing value of historical records. Vermont's own *Continuing Issues*, a series of web-based essays written by retired Vermont State Archivist Gregory Sanford, affirms the relevance of Vermont's past actions, documented through records, to current Vermont matters.

As we look forward to 2015, I find myself also looking at our past. An "investigation of Vermont archives," initiated in the summer of 1915, remains a key benchmark for measuring the progress we have made over the years when it comes to Vermont public records. Conducted by Augustus Hunt Shearer, Ph.D., between 1915 and 1916, the results of his study were first published in the Annual Report of the American Historical Association for 1915 and later reprinted as separate report in 1917. Following his examination, Shearer informed the State of Vermont, the American Historical Association and various other stakeholders that Vermont was a state where the "care of the public papers has been very varied" and there is "no general law for archives."

While discussing the "lack of active provision and convenient arrangement" for records, Shearer states that the care of archives is only an incidental part of the planned new addition to the east side of the statehouse building. This causes him to bemoan the fact that records would continue to be "scattered" among state offices throughout the state, therefore placing records at risk of accidental or conscious (unauthorized) destruction. In addition to using wooden filing cases to store records in non-fireproof buildings, he also finds that roles and responsibilities for records varied at any given office or location. In other words, some records custodians were unsure of their recordkeeping duties.

The significance of Shearer's investigation to the Vermont State and Records Administration (VSARA) is that he identifies the Secretary of State as the state official with the most important and valuable records and papers. Yet, he finds an office with a vault that is far too small and records dispersed among other locations, including a basement vault in the statehouse and the Secretary of State's office at Essex Junction. While inventorying the records, Shearer also discovers great variations in the completeness and arrangement of the records, but acknowledges efforts made by the Secretary of State's Office to organize the records in its custody: "[W]hile the classification here may be faulty, it is at least an attempt to bring under the same headings papers scattered in different places."

Shearer goes on to highlight efforts made in 1900 by then Governor Stickney and State Librarian Huse to "procure" Vermont state papers back from the New York State Library, which acquired early Vermont public papers from Henry Stevens, a private collector. Yet, 15 years after the return of the

records to Vermont, he reports that the Secretary of State's Office still lacks the help and resources needed to edit and publish these early papers. While looking for other records he expects to find in the custody of Secretary of State, he also learns that several have "disappeared entirely... and no one in Vermont even knows that they are not in existence."

62,462. Flash forward one hundred years and that is the total number of records-related transactions that the Vermont State Archives and Records Administration (VSARA) completed in Fiscal Year 2014, down from a record high (pun intended) of 80,232 transactions the previous fiscal year. When fully staffed, we are a division comprised of 15 employees divided into four units: Administrative Services; Records Analysis; State Records Center; and State Archives. Due to two vacancies that were very difficult to fill and a position that was primarily grant-funded and therefore limited in scope, we technically were only 12 strong for much of 2014.

VSARA's FY14 numbers reflect the challenges that we face to provide a wide range of record-related services with such a limited staff. Yet, despite our staffing issues, we were still able to perform, on average, about 100 transactions a day. These transactions range from filing and certifying records; to accessioning and accessing archival records; to transferring and re-filing agency records in off-site storage; to researching and issuing record retention requirements; and training and assisting state and local records officers and custodians.

Looking back at Shearer's findings from a century ago, the Secretary of State's Office and State of Vermont have come a long way. I am fairly certain that Shearer could not envision the vast and diverse records that we have today in state and local government. Yet, his vision and recommendations for Vermont public records remain as relevant today as they did in 1915. He argued for a systematic approach with clarity in roles and responsibilities and, most importantly, "provisions" for public records. If you look at the work VSARA did this past year, it is quite an accomplishment. I am proud of our employees and all of their hard work to serve state and local governments as well as citizens when it comes to Vermont public records and I think Shearer, if alive today, would be proud too.

Interested in reading Shearer's report? You can find a digitized version of it on Google Books.

I am pleased to announce that VSARA will be heading into 2015 with an almost full staff, although we will be saying goodbye to Susan Swasta at the end December. Susan, who will return to her home in Bennington, has successfully completed a three-year grant-funded project to process and make accessible early court records from more than four counties. Demands on VSARA to accession and centralize archival records currently scattered across the state (sound familiar?) and provide access to them via our Reference Room or remotely have grown leaps and bounds since we were established in 2008. Through Susan's efforts, these early court records are available for access and research, in many cases (another intentional pun), for the first time. THANK YOU, SUSAN! YOU WILL BE MISSED.

Voice from the Vault

By Tanya Marshall, State Archivist

DON'T LET THE DUST SETTLE

There is more than the new year to celebrate this January. 2015 is an odd number year, which means the Legislature convenes in regular session on January 7th, the first Wednesday following the first Monday. The hustle and bustle of the State House will be in full swing following the Governor's inaugural address. Administrative activities within the Vermont State Archives and Records Administration (VSARA) will also pick up, especially those functions and responsibilities that are a throw back, but still set forth in statute, to when the Secretary of State was part of the Legislative Branch.

Although archives have rarely come up in gubernatorial addresses, Governor John G. McCullough, in his farewell address upon leaving office in 1904, celebrated the "unearthing and recovery" of manuscripts and records in the Library of Congress documenting the conventions held in Vermont in 1776 and 1777 that led to our statehood. Photographed by the Library of Congress prior to being transferred to the State of Vermont, McCullough declared that the records would "remain forever as a most important part of the history of the Beginnings of Vermont" in the state's archives.

Four decades later, Governor Mortimer R. Proctor's 1945 inaugural address highlighted the work of the Public Records Commission (one of our predecessors) and the State Building Commission (a predecessor of the present-day Department of Buildings and General Services). Based on their efforts, Governor Proctor recommended an addition to the State Library Building to create a central place for "archives and non-current records of the different departments of State Government." His rationale was that "efficient service depends a great deal on past records, and these should not only be adequately protected from damage by fire, water, insects, etc., but should also be made readily available for study and use by interested persons." (For those who read December's Voice from the Vault, it appears that little progress was made following Shearer's 1915 report and recommendations for improving the housing and location of, and access to, the state's archival records.)

In 1965, those who attended Governor Philip H. Hoff's inaugural address heard him proclaim that "[w]e seek only to breathe new vitality into aspirations that for too long have gathered dust in the public archives." Placing the myth of the dusty archives aside, being able to look to the past to better understand the present – as well as the future – is the inherent value of state archives. So is looking at the archives through a new lens with a fresh perspective. Each year, whether through the records already in the State Archives or those for which we are actively trying to establish recordkeeping requirements and guidance, it is VSARA's goal to get one step further and take our programming one level higher than the year before. "Breathing new vitality" into our goal sometimes requires reorganizing and realigning our energy and resources.

To this extent, we have made some changes to not only help us become stronger but also more resourceful and effective when it comes to providing services. Records analyst Sally Blanchard is bringing her aptitude and knowledge of Vermont recordkeeping over to the Archives Unit. Sally

joins Mariessa Dobrick as an archivist under senior archivist Rachel Muse, who transitioned from Senior Records Analyst over the summer. Rachel, Sally and Mariessa will further grow our archives program and references services, including outreach, and I am very excited to see what we will accomplish in these areas in 2015.

I am equally eager to see advancements in our records analysis unit, now comprised of two senior records analysts, Nick Connizzo and Steven Dibelius, and one soon-to-be-filled junior records analyst position. Both Nick and Steven joined our staff in late 2014 and Nick serves as our digital records analyst/archivist while Steven fulfills the role of chief records officer. Those serving as records officers at the state level and records custodians at the local level, particularly municipal officials, can expect to hear from Steven and Nick early in 2015 as they work to expand provisions for the management of public records, including the management and preservation of digital records.

Given our slate of projects and initiatives for 2015, as well as a planned renovation that includes new processing workstations for our archivists, it is safe to say that VSARA will not be letting the grass or, in this case, dust, settle on its archives. Change is good and we are looking forward to sharing our progress with all of you.

Here's to 2015!

Interested in researching inaugural and farewell addresses from 1779 through present day? Find them on our website at: <https://www.sec.state.vt.us/archives-records/state-archives/government-history/inaugurals-and-farewells.aspx>.



Voice from the Vault

By Tanya Marshall, State Archivist

MUCH ADO ABOUT NOTARIES PUBLIC

There is a little known secret about Vermont notaries public that I wish more people knew. Technically, it is not even a secret. It is just the law. A law that is one of our oldest -- virtually unchanged since first adopted in the late 1700s -- but yet one of the most obscure. Before I reveal the secret, let's start with dispelling a common myth. Ready? The Vermont Secretary of State's Office does not have the statutory authority to appoint, commission, regulate, or discipline a Vermont notary public. Shocking! I know. Especially since the Secretary of State's Office has provided guidance and training to Vermont notaries public for nearly four decades. So how did this confusion start -- and who *is* responsible for appointing, commissioning, regulating, and disciplining Vermont notaries public?

Providing guidance and training to Vermont notaries public became a priority during the administration of Secretary of State James A. Guest (1977-1981). This is not a surprise. Heightened awareness of the need for evidence of the authenticity of a notary's signature or seal had been steadily increasing across the country, particularly in the area of international transactions requiring the recognition or acknowledgement of notarial acts being performed in foreign countriesⁱ. This issue, coupled with the publishing of the *Uniform Notary Act* in 1973 by the National Notary Association (NNA) in collaboration with Yale Law School, were also high on the radar of the National Association of Secretaries of State (NASS). Under Guest's direction, the Secretary of State's Office developed and provided the first guide and training for Vermont notaries publicⁱⁱ. Upkeep of the guide and training has remained in place over several administrations, although the content is not wholly in concert with the *Uniform Notary Act*, which was eventually renamed the *Model Notary Act* and revised and expanded in 1984, 2002 and 2010 with the latest version containing provisions for both paper-based and electronic notarizationⁱⁱⁱ.

Carrying on the tradition of education and awareness for Vermont notaries public, Secretary of State John Milne (1995-1999) wrote the forward to Alfred Piombino's 1996 book entitled *Vermont Public Notary Handbook: A Guide for Vermont Notaries, Commissioners, & Justices of the Peace*. Milne also contracted with Piombino to expand the training offered to notaries by the Secretary of State's Office^{iv}. Like the guide, this publication included best practices outlined in the *Model Notary Act* and also the *Uniform Law on Notarial Acts* (ULONA), which was promulgated by the Uniform Law Commission in 1982 to provide a consistent framework for notarial officers and notarial acts among the states and territories. ULONA effectively replaced the *Uniform Recognition of Acknowledgement Act* and all previous uniform laws relating to acknowledgements dating back to 1892.

Over the past forty years, several state legislatures across the country have adopted sections or all of the *Model Notary Act*, ULONA and/or the *Revised Uniform Law on Notarial Acts* (RULONA), which was approved and recommended for enactment in all states by the National Conference of Commissioners on Uniform State Laws in 2010^v. Yet, in Vermont, no legislative action has been taken. This means that no sections of the *Model Act* or *Uniform Law* have been enacted, implemented or put into practice as actual requirements in this state. There are also no administrative rules or regulations for

Vermont notaries to follow. The guidance and training provided by the Secretary of State's Office, while extremely valuable, are there for education and awareness, but not enforcement.

So, just as it has been for more than two centuries, the assistant judges in each county may appoint as many notaries public "as the public good requires" to perform notarial acts throughout the state and the certificate of his or her appointment shall be "filed and recorded in the office of the county clerk where issued" as part of the county records (24 V.S.A. § 442). Before entering upon the duties of the office, a notary public, as well as an ex officio notary, must take the oath prescribed by the constitution, and "shall duly subscribe the same with his or her correct signature" (24 V.S.A. § 442).

Notaries public hold office until ten days after the term of the appointing assistant judges expire, which is on the same date, every four years. The current commission expires February 10, 2015. A notary who wishes to maintain his or her commission without interruption needs to seek a new appointment from the assistant judges in the county in which he or she resides between February 1st and 10th, 2015. For the most part, these statutes originate from the same 1797 law which required "clerks of the supreme court of judicature" and county clerks to serve as notaries public within their respective counties and file their oaths with the Office of the Secretary of State.

This brings us to 24 V.S.A. § 183, which is nearly the same as it appeared in the 1947 Laws of Vermont and is the only notary law that references the Secretary of State:

Immediately after the appointment of a notary public, the county clerk shall send to the secretary of state a certificate of such appointment, on blanks furnished by the secretary, containing the name, signature, and legal residence of the appointee, and the term of office of each notary public. The secretary shall cause such certificates to be bound in suitable volumes and to be indexed. Upon request, the secretary may certify the appointment, qualification, and signature of a notary public on tender of his or her legal fees.

And – that's it. The cat is out of the bag, so to speak. While the Secretary of State's Office no longer binds the certificates, the laws and related processes are as old as time and after February 1st, staff at the Vermont State Archives and Records Administration (VSARA) will be working frantically to index and process incoming certificates of appointments, as signed by the assistant judges and received from the county clerks, just as we have always done.

To learn more about Vermont Notaries Public, visit our website at: <https://www.sec.state.vt.us/archives-records/statutory-filings/notaries-public.aspx>

You can also find the "blank" (form) for the certificate of appointment on the Secretary of State's Office homepage under "How Do I.." <https://www.sec.state.vt.us>

County officer contact information is also available online at: <http://tinyurl.com/VTCountyOfficers>

ⁱ Within the United States, most Secretaries of State are designated as the competent authority to issue "apostille" certifications on public, including notarized, documents originating from their respective states.

ⁱⁱ The current guide was last edited by former Deputy Secretary of State Paul Gillies (1980-1993) with subsequent minor edits by the staff of the Vermont State Archives and Records Administration

ⁱⁱⁱ The 2010 version of the *Model Notary Act* is available online at: http://www.nationalnotary.org/file%20library/nna/reference-library/2010_model_notary_act.pdf

^{iv} This edition for Vermont notaries is similar to Piombino's handbook for New York notaries, which was published in 1988 and well received.

^v An overview and the Final Act of *the Revised Uniform Law on Notarial Acts* is available online at: <http://www.uniformlaws.org/Act.aspx?title=Law%20on%20Notarial%20Acts,%20Revised>

Voice from the Vault

By Tanya Marshall, State Archivist

WILL YOU STILL NEED ME, WILL YOU STILL READ ME, WHEN I AM 164?

One hundred and sixty-four years ago, in his annual message to “Fellow Citizens of the Senate, and House of Representative” (Executive Document, No. 1, October Session, 1851), Governor Charles K. Williams, who had served as Chief Judge from 1834-1845, drew attention to the criminal code. In offering his recommendations for legislative change on the “power of pardon” vested in the governor, the confinement of “common drunkards” in the house of corrections, and other sections of the code, Governor Williams also expressed displeasure in the Legislature’s decision to create the Circuit Court in 1849.

By 1851, Stephen Royce, Jr., was the Chief Judge of the Vermont Supreme Court. The Vermont court system, particularly the Supreme Court, was three years into a reorganization that had established the Circuit Court and reduced the number of Supreme Court judges from six to three. Supreme Court judges no longer presided over county courts or “rode the circuit.” Instead, each of the four Superior Court judges was assigned a circuit of county courts. The “pronouncing by the county court” of criminal sentences, Governor Williams stated, left “to the supreme court only to fix the time for the commencement or the executive of the sentence.”

The creation of the Circuit Court, which was abolished shortly thereafter, in 1857, and other early and regular changes of Vermont Supreme Court and the Vermont judicial branch are now highlighted in a new web exhibit called “150 Years of Vermont Court Records.” Thanks to a grant from the National Historical Publications and Records Commission (NHPRC) to preserve and improve access to archival court records and an agreement between the Vermont Court Administrator’s Office and the Vermont State Archives and Records Administration (VSARA), 650 cubic feet of records from the Caledonia, Lamoille, Orleans, and Franklin county courts, covering the years 1794 to 1945, now in the Vermont State Archives and open to the public. Additional records from Essex, Rutland, Windsor, and Windham counties have also been transferred to VSARA and are available for researchers.

The “150 Years of Vermont Court Records” online exhibit, viewable through <http://tinyurl.com/VTCourtRecords>, presents images of documents found in the records, along with the stories of individual Vermonters as told through their court cases, and contextual information about Vermont’s court system. Based on initial feedback from those researching court records, we think is safe to “Yes, we still need you! Yes, we will still read you! When you are 164 ... or even 64 for that matter!”

Voice from the Vault

By Tanya Marshall, State Archivist

THE WEAKER THE GOVERNANCE, THE LOWER THE MATURITY

In early May I had the opportunity to present at the National Association of Secretaries of State's (NASS) Digital Records Forum in Seattle, Washington. I was there representing our own state as well as the National Association of Government Archives and Records Administrators (NAGARA), an association comprised of Federal, state and local government employees with recordkeeping responsibilities (I currently serve as NAGARA's president). The subject of my presentation was information governance, which essentially means managing your organization's records and information in a disciplined, coordinated and measurable manner rather than using ad hoc or haphazard methods. The primary tool or instrument that I used in this presentation is ARMA International's *Information Governance Maturity Model*.

The model is based on *Generally Accepted Recordkeeping Principles*[®], which represents a high-level framework under which records and information of any organization (for-profit, not-for-profit, government, etc.) should be managed. Each "Principle" is as important as the other and they have become the pillars of effective information governance. The "Principles" are neither surprising nor complicated. In fact, they are fairly basic:

- *Accountability*: The organization has policies and procedures to guide staff and the organization's leaders and senior management delegate responsibilities as appropriate.
- *Transparency*: Business processes and activities related to the management of records are documented. Documentation is verifiable and available to all staff.
- *Integrity*: Records created and received in the course of business have a reasonable and suitable guarantee of authenticity and reliability.
- *Protection*: Records created and received in the course of business have a reasonable and suitable guarantee of protection from loss or inappropriate disclosure.
- *Compliance*: The organization is in compliance with its legal recordkeeping requirements as well as its own policies for managing records and information.
- *Availability*: Records and information are maintained in a manner that assures timely, efficient and accurate retrieval and production as needed.
- *Retention*: Records and information are retained for an appropriate amount of time based on legal, fiscal, operational and historical requirements.
- *Disposition*: Records and information are securely and appropriately destroyed or transferred when retention requirements in a schedule or policy have been met.

One key aspect of ARMA's *Information Governance Maturity Model*, which has been integrated into broader information governance models used by legal and IT sectors, is that it provides a tool for measuring an organization's level of maturity for each Principle. The five levels are: Sub-Standard; In Development; Essential; Proactive; and Transformational. To achieve the last level, Transformational, organizations need to demonstrate (and document) that sound information

governance practices are integrated into their operations, their business processes and their systems. This means that compliance with administrative, legal and recordkeeping requirements in all areas of the organization and all of its records and information – regardless of format or media – are routine.

For many of us in the government sector, to be transformational is truly aspirational. Where we have strategies, we may lack technologies or vice versa. The applications that we use may not be designed for our business processes or our processes may not be aligned with the applications we use. The frameworks in which we operate may not be robust enough to match our needs or we don't have the right skills to operate within the infrastructure established to support us. While Level 5 may be aspirational, Levels 2-4 are readily achievable. Sound information governance practices, whether in development, just meeting the essentials, or proactively being implemented across the agency, are not only possible but simply a form of good management. For this reason, we should not expect to see any Vermont public agency at Level 1, Sub-Standard, for all eight Principles.

Every public employee, particularly those who lead our various state and local public agencies, has an important role and responsibility when it comes to managing public records. Look at ARMA's *Information Governance Maturity Model* and see where your agency ranks in terms of maturity. Perhaps you are stronger in some areas and weaker in others. Remember, it is more cost-effective to be more efficient; deficiencies in any of the Principles cost your agency time and money – and also morale: everyone relies on records and information to do their jobs.

Therefore I encourage everyone to get familiar with their agency's own records and information, along with the management requirements associated with them. After all, May is "Information Awareness Month"... in Australia, but this doesn't mean that we can't celebrate it here in Vermont! Designed to increase public awareness of information and its place in daily life, this year's theme is "Information as a Service." Good information governance and practices are highlighted and promoted throughout the month. Use the opportunity to celebrate your own information governance program, understand areas that you want to improve, and set some information governance goals for the upcoming year.

Governance Resources

- This month's title, "The Weaker the Governance, the Lower Maturity," is a phrase from an April 9, 2015, blog post by Christine Fox. Check out the full post for *Is Your Organization's Process Governance Strong Enough? Here is How to Know* online at: <https://www.apqc.org/blog/your-organization-s-process-governance-strong-enough-here-how-know>
- To learn more about ARMA International's *Information Governance Maturity Model*, visit: <http://www.arma.org/r2/generally-accepted-br-recordkeeping-principles/metrics>
- Wondering where to find the basics for Vermont records management program. See our website at: <https://www.sec.state.vt.us/archives-records/records-management.aspx>

Voice from the Vault

By Tanya Marshall, State Archivist

HAPPY 225th BIRTHDAY VERMONT! #VERMONT225th

Many would argue that the Vermont 1777 Constitution gave birth to this beautiful state we all call home. Despite being claimed by both New York and New Hampshire and not being recognized by the Continental Congress as a jurisdiction separate from New York, those residing within Vermont's borders asserted their right to "promote the general happiness of the people of this State." Originally called New Connecticut, the name Vermont was ultimately chosen and in July 1777, a convention of 72 representatives of the "freemen of Vermont" met in a tavern in Windsor, Vermont and adopted the state's constitution.

Innovative for its time, the [1777 Vermont Constitution](#)¹ was the first written constitution in all of North America. (The Articles of Confederation would not be drafted until November of 1777 and were not replaced by the United States Constitution until 1789). The 1777 Vermont Constitution was also unique in that it prohibited slavery, established free public education and gave all adult males, not just property owners, the right to vote. For 14 years, however, Vermont – sharing three of its borders with the newly formed United States of America and its fourth with the British Province of Quebec– was in flux.

Some Vermonters wanted to rejoin New York while others were intrigued by the possibility of joining Quebec. At the same time, voices to keep Vermont independent were met by voices to join the United States. The adoption of the United States Constitution in 1789 led to resolution in several areas, particularly Vermont's grievances with New York, and, in January 1791, Vermont's tumultuous ride as an independent republic ended when it petitioned the United States Congress for statehood. Within two months, on March 4, 1791, Vermont became the 14th state in the United States of America and the 14th star on the American flag.

As with the 1777 Vermont Constitution, an equal amount of people would argue that the State of Vermont was born the day it became a state. Nonetheless, Vermonters have shown over both the decades and the centuries that both "births" are notable. March 4, 2016 marks our 225th year of statehood – yes, the big 2-2-5! That is a lot to celebrate! To commemorate the event, Vermont State Archives and Records Administration staff will bring Vermont history to the 21st century by tweeting Vermont facts and pictures throughout the day on March 4th using the hashtag #Vermont225th. Be sure to check it out at <http://twitter.com/VTStateArchives>.



Want to Join in the Fun? Show your Vermont pride by tagging all your tweets on March 4th with #Vermont225th tag. Not on Twitter? No problem! Send your favorite Vermont fact, picture, memory, thought, etc., to us at <mailto:archives@sec.state.vt.us> and we will tweet as many as we can throughout the day! Just be sure to stay within the 140 word minimum!

¹ See: <https://www.sec.state.vt.us/archives-records/state-archives/government-history/vermont-constitutions/1777-constitution.aspx>

Voice from the Vault

By Tanya Marshall, State Archivist

PRESERVING LEGACIES... ONE PHOTO AT A TIME

The Vermont State Archives and Records Administration (VSARA) embarked on a special initiative this past May. Twenty-four service members who died in the Vietnam War and had Vermont listed as their “Home of Record” did not have photos on the Vietnam Veterans Memorial Fund’s (VVMF) virtual “Wall of Faces.” There had been on-going calls for photos within the New England area and as of May of this year ten states had completely filled their portion of the wall, preserving the legacies of those who died for our country.



To support this call for photos and honor those service members from Vermont, VSARA tweeted the names and military service records of each Vermont service member missing a photo. To date, four photos have been added, leaving only 20 more to go. We are certain that we can find a photo for each service member through records in local Vermont libraries and historical societies (e.g., school yearbooks and newspapers) or through personal records of the service member’s families and friends.

Please share this initiative with your families and friends (the more people who know about it, the more success we will have) and let’s fill this wall and preserve the memory of the remaining 20 Vermonters (80 already have photos on the virtual wall). Here is the list of service members we are hoping will be added to the VVMF’s virtual “Wall of Faces” in the near future.

Clifton L. Bacon (Manchester)
Roger C. Burnham (Randolph)
Allen J. Greene (Orwell)
Edward D. Henry (North Clarendon)
Wilbur W. Ivanov (Windsor)
Roger F. Jordan (Milton)
David A. La Course (West Burke)
Paul D. LaCroix (St. Johnsbury)
Perley M. Long, Jr. (Montpelier)
Bruce A. Morrison (Proctor)

John P. Nowicki (Winooski)
Edwin T. O’Connor, Jr. (Ludlow)
Bruce A. Paquette (St. Johnsbury)
Rollin C. Sargent, Jr. (Johnson)
Harold R. Smith (Winooski)
Fred D. St. George (Hinesburg)
Eugene D. Treadwell (Essex)
Alfred J. Tuttle (Union Village)
George E. Walker, Jr. (Swanton)
Louis W. Washington (Burlington)

A special thanks to Jack Thurston at NECN for helping us spread the word about this initiative, which aired on both NECN and WPTZ and is accessible online at <http://goo.gl/RuY2gQ>.

To learn more about the VVMF’s virtual “Wall of Faces” visit <http://www.vvmf.org/Wall-of-Faces>.

Voice from the Vault

By Tanya Marshall, State Archivist

OCTOBER IS VERMONT ARCHIVES MONTH!

Archives Month is a national campaign to raise public awareness about the value and importance of archival records. We have our neighbors to the west, New York State, to thank for this now annual event. The New York State Archives held its first "New York State Archives Week" in October 1989 and within a couple of years several other states started hosting their own "Archives Week."

Now a month long event, Vermont has been celebrating Archives Month since 2003 and, not surprisingly, the first "Voice from the Vault" appeared in October issue of *Opinions* that same year. If there is ever a question about the value of public records and archives, just read past columns of "Voice from the Vault" on our website at: <https://www.sec.state.vt.us/archives-records/about-us/publications/voice-from-the-vault.aspx>

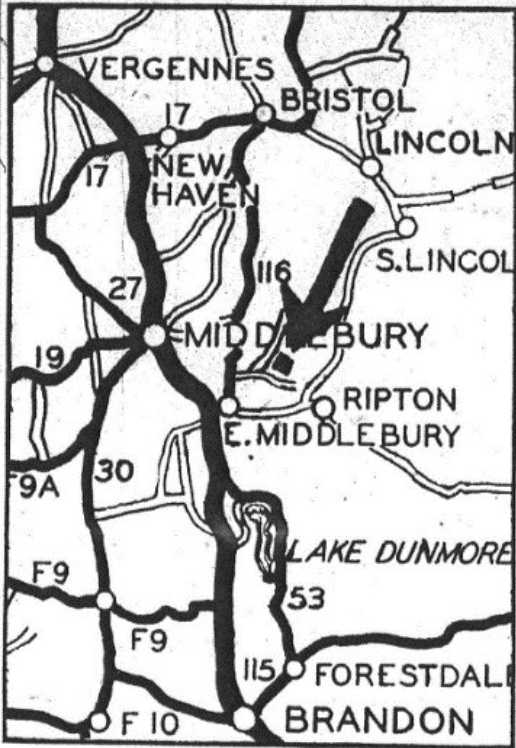
For Vermont Archives Month this year, the Vermont State Archives and Records Administration (VSARA) in Middlesex is hosting two open houses followed by guest presentations. The open houses, which include behind-the-scenes tours of the State Archives, exhibits of records from the archives, and opportunities to chat with VSARA staff, will be held on Tuesday, October 18th and Thursday, October 27th, beginning at 5:00 pm with the following presentations scheduled to begin at 6:00 pm:



Tuesday, October 18th: *Was It Murder?* Vermont State Police historian Brian Lindner discusses the State Police's ongoing investigation into the death of Pauline Gill Molony, who owned the once grand Waterbury Inn with her husband when she was found dead on March 17, 1950 under deeply suspicious circumstances. The Vermont State Police, only three years old at the time, used surprisingly sophisticated techniques in a scientific approach but Vermont's most experienced detective was still stumped. Within two years, four of the five key suspects was also dead and then, in 1953, the Inn burned leaving many to believe it was a cover up. Can the case still be solved?

(Photo of Pauline Molony courtesy of the Vermont State Police)

Where Skeletons Were Found



The arrow points to the spot in the desolate wooded section about five miles east of Middlebury village where the bones of three persons, their skulls pierced by bullets, were discovered. The location is a mile off the gravel road from East Middlebury to Bristol.

Thursday, October 27th: *It's In the Records.* Middlebury Detective Kris Bowdish and I reveal how archival records recently shed light on some of the mysteries surrounding the 1935 discovery of the skeletal remains of a mother and her two children in Middlebury. Immediately classified a homicide as each skull was clearly punctured with a bullet, a nationwide search of missing persons as well as several possible suspects left investigators empty handed and neither the mother and her two children nor their killer have ever been identified. After haunting public officials and law enforcement for more than 80 years, can archival records help solve the case?

(Map as published by the Burlington Free Press on May 18, 1935)

To see a full listing of Archives Months events being held throughout the state, please see <http://bit.ly/2016VTArchivesMonth> or contact VSARA at archives@sec.state.vt.us or 802-828-2308.