

# Voice from the Vault

By Gregory Sanford

## The Value 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 19<sup>th</sup> 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? The legislative intent was clear in the early (1780s)

laws creating the archives within the Secretary of State's office: 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://vermont-archives.org/govhistory/governance/>). 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.