

Preserving and Accessing Maryland's Archival Heritage
Testimony before the Public Safety and Administration Subcommittee
Appropriations Committee
Maryland House of Delegates

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On the Proposed Budget for the Maryland State Archives for fiscal year 2007



Madam Chairman, Members of the Committee:

My name is Ed Papenfuse, Archivist for the State of Maryland and Commissioner of Land Patents. With me today is my Deputy, Tim Baker; the Director of Artistic Property, Preservation and Public Outreach, Mimi Calver; Chris Haley, our EEO officer and Director of our Underground Railroad research project, and Van Lewis the Director of Fiscal Administration for the Maryland State Archives. We appreciate the thorough analysis of our budget by Chantelle Green and have no issues with her assessment of our budget.

From a programmatic standpoint the Archives is doing well. From the budget and personnel perspective, however, the Archives still lacks the General Fund support to adequately and completely carry out our legally mandated duties to protect and make accessible the Archival heritage of Maryland.

The Archives is the conscience of State government and the protector of the collective memory of our triumphs and failures as a society. On a fundamental level, the Maryland State Archives must be the repository for security copies of the records which constitute the collective memory of our world in whatever format they exist, taking care of course, not to save too much and overwhelm our capacity to

evaluate and absorb the accumulated wisdom. We are also the custodial agency for the State's fine arts collections and the chief advocate for the appropriate superintendence of the crown jewel of Maryland's historic structures: The Maryland State House.

For your reference and further reading, our Annual Report is provided on our web site in the form of the minutes and agenda of the Hall of Records Commission, which we publish electronically following each meeting. See <http://www.mdarchives.state.md.us/msa/intromsa/hrc/html/hrc.html>

Permanent Electronic Records Initiative

This past year was one of unprecedented advances for our electronic archives program. Supported almost entirely by the Judiciary and in particular, the Land Records Improvement Fund, we have been able to complete much of the infrastructure requirements for our server rooms in Annapolis to accommodate the mdlandrec.net initiative. We now have online over one hundred twenty million of the estimated one hundred fifty million extant land record images. What this means is that for 89% of all land records there is a representative image, most taken from the security microfilm, for all land records ever recorded. The using public and the title community have responded with praise and in near overwhelming numbers. In October of this past year, we had 855 people researching land records outside the courthouses. By February 17 of this year, just five short months later, we had over 5,000 title abstractors, lawyers, and private citizens testing mdlandrec.net. By Fall, on schedule, we expect to have the remaining images on line. That will not mean that the work is done. In fact we must improve the quality of those images over the next several years as part of the ongoing efforts to raise the quality of the recorded instruments that we provide on line.

Implementing mdlandrec.net has not been without its difficulty. To accomplish what we were asked to do in a shortened, accelerated schedule, we engaged the services of nearly all microfilm scanning contractors, many of the paper scanning contractors and all of the sheltered workshop scanning resources in this area. Managing contractors at times can be challenging, but equally challenging has been the uneven quality of the security microfilm, and the degree to which it had either deteriorated or was poorly scanned by the vendors. This is not meant to serve as any direct criticism, but rather should remind us of our collective responsibility to ensure the completeness, accuracy and integrity of the permanent record material that is entrusted to our care at the time of its creation. We have also had some concerns raised from a few quarters about what we are charging for the implementation of mdlandrec.net. While any monies received from mdlandrec.net are a direct return to the public through support of the Archival program, it should be pointed out for the record, that unlike any other contract or memorandum of understanding for a public service, we have not deviated from the estimated costs I provided both legislative Committees at the outset of the project, and in fact have accomplished more within that estimate than we agreed to initially. Initially we thought we were only going to provide 10 years of image backfile conversion, but instead the scope was expanded to include images of all land records, without increase in the total cost encompassed by the MOU with the Judiciary.

You can monitor our progress on the mdlandrec.net project by visiting the web site that we set up for a group of the clerks of court referred to as the Land Records Access Committee. The web site is <http://www.lrac.us> username: *guest* password: *guest!* Attached to this testimony is the introductory page to the web site, and the summary table taken from the site describing current status.

The *plats.net* project continues to be a success story as well. By the end of this past year, the Archives had

made available 995,236 images on-line for the use of court staff, title professions, private researchers and the general public. System users accessed 418, 908 plat images during the second quarter of this fiscal year. Significantly, 91% of all images accessed during that time were from the homes and offices of the interested public.

New Budget Initiatives

Most of the new money in our budget request this year is for two documents, in which, because of Washington's Birthday falling just prior to our budget hearings, there has been considerable interest in the press and among the public generally. With your permission I would like to place those documents and the other initiatives into the larger context of what we hope to be doing with the new appropriations requested in the budget.

State House Master Plan

It is generally agreed that the visitor experience to the State House urgently needs upgrading, from the signs on the grounds to the exhibits which are now more than 20 years old and very much showing their age. An important element of this reinterpretation is the recreation of the Old House of Delegates Chamber to its appearance of the mid to late 19th century. This is a significant period in state history that is completely overlooked in the present interpretation of the building. The \$150,000 provided for in the operating budget of the Artistic Properties Commission budget will be used primarily for professional consultant services on how to bring the State House exhibits and interpretation up to 21st century standards. Once the master plan is complete, a capital appropriation will be necessary to implement the plan. Ongoing support will be needed in the amount of \$70,000.00 per year for the Archives to hire and retain a professional curator for the State House Trust.

Conservation

Second is the \$89,378 for the Commission on Artistic Property to conserve three important works in the state's art collections: Charles Willson Peale's two monumental portraits of *William Paca* (on display at the Maryland Historical Society) and *William Pitt* (on display in the Committee Room of the State House) and the Thurgood Marshall memorial on Lawyer's Mall. While this is a welcome beginning to the conservation needs, it should be noted that conservation survey of the state's art collections in 2000 and 2001 revealed that some \$5 million is needed to bring the collections up to an acceptable condition. In addition, the Commission on Artistic Property had no programmatic funds for any activities whatsoever, including supplies, services or professional development. For a Commission that manages art collections very conservatively valued at about \$30 million, this is a very serious budget deficiency. Commission staff are already discovering that paintings that had been classified in good condition during the 2001 conservation assessment are now exhibiting deterioration. Clear evidence of deterioration is visible even on the most high-profile portraits, such as those of the four Signers in the Senate Chamber. If left without treatment, paintings in poor condition will have to be removed from public view in order to abate their loss.

George Washington Speech

Third is \$600,000 towards the acquisition of the personal copy of the speech in which General George Washington resigned his commission as Commander-in-Chief of the Continental Army in the Old Senate Chamber on December 23, 1783. It is by far the most exciting and the largest single new component of our

budget request this year. The Archives has already raised \$625,000 in matching gifts to complete the acquisition of this document, pending legislative approval of the budget request. Included in the purchase will be Dr. James McHenry's letter to his future wife describing the great occasion in detail. With your support, this will be an extraordinarily important addition to the interpretation of the Old Senate Chamber and the historic events that took place there in the early days of our nation's history. In the supplementary materials to my remarks today is a feature article about the document from the SUN of February 23, 2006 and an editorial from the previous day.

NICS

In order to comply with the requirements of the federal Brady Law, (public 103-159 amending section 922 of title 18, United States Code), the State of Maryland Department of Public Safety and Correctional Services (DPSCS) and the Archives have cooperated with the Federal Bureau of Investigations (FBI) National Instant Criminal Background Check System (NICS). Certain persons, including convicted felons, fugitives from justice, minors, individuals with history of mental illness, anyone dishonorably discharged from the military, expatriates and illegal aliens are restricted from purchasing weapons.

While existing databases provide much of the information required to make Brady Law determinations, records in the databases only begin in 1981 and are not complete. The Maryland State Archives, as repository of many of the court records for the state, is an invaluable source of information for researching disposition of arrest records to determine if Brady Law restrictions apply to individuals purchasing weapons. Original paper records at the Archives are critical for fulfilling these NICS requirements. Funding has been provided in the form of a re-grant of federal funds through DPSCS to the Archives. The Archives bills DPSCS on a fee for service basis and, in essence, agreed to assign a Research Assistant to conduct research of disposition requests received from the FBI/NICS as requested pursuant to the FBI/NICS program. The problem has been that not enough funds have been allocated for this purpose and no funds were ever allocated to provide the matching funds required by the federal grant. The Department of Budget and Management is attempting to rectify this situation with a General Fund allocation to provide the balance of the funds that are necessary.

The Archives Now and In the Future

We are most grateful for the consideration of the budget items before you. The funding for the reference staff to support the NICS program and the conservation allocation for the artistic property both represent a step in the right direction. I hasten to point out, though, that while in the aggregate our budget seems to be getting a boost this year, there is really very little improvement in the areas that represent our core operations. Consistently over the past couple years our budget has been described by your analysts as "austere" and existing in "survival mode." We continue to exist in an environment where nearly 75% of what it costs to keep the Archives doors open and provide current level of service is derived from special funds income that we earn from innovative web-based public services such as mdlandrec.net and plats.net.

We hope that, in considering the budget of the Archives, the committee will keep in mind that baseline requirements are not always provided for in the budget. We need to remind ourselves, for example, that for there to be an authoritative record of State Government in the *Maryland Manual*, for the historical records of the State to be properly described and cared for, there needs to be a core staff of dedicated professional people, civil servants, fairly compensated by the tax payers of this state, rewarding them for the

guardianship and explanatory roles that they play. Today, as I speak, there are insufficient general funds to support that staff, and no general funds for any significant operating costs whatsoever.

Archives are not our only responsibility. As we walk through the public buildings of Annapolis and see the public art on the walls, as we admire the statuary in Lawyer's mall of Thurgood Marshall, Donald Gaines Murray and the Children of Brown v. Board of Education, we need to remember that that these valuable and unique elements of our heritage must be cared for and interpreted by the staff of the Commission on Artistic Property. In addition to adequate staffing, its budget should include provisions for the many supplies that are required to manage, move, and store artwork, the professional development needs of the staff, and travel requirements. At the moment, the Commission has no funds for these activities. They are, however, essential to the effective management of any art significant art collection.

In order to ensure that we build well on past experience, we also need to be reminded that a good Archives begins with good records management. What we save, and how we save it from the creation of records to their deposit in the Archives, needs to be attended to on a daily basis in a thoughtfully managed environment. My grandmother used to say that 'charity begins at home.'" The same can be said about ensuring a government in which vital information about past experience and future planning is readily accessible for the decision making process and not overwhelmed by a hurricane of paper and electronic data. If we don't provide the resources to cull vital information from our lives by condensing and evaluating the vast quantities of undigested information that is thrown at us and accumulates on our desks and in our computers every day, civilization itself is in danger. The time to do this is not when boxes or backup tapes of ill organized records arrive at the Archives. The other day I was in a doctor's office where the first five minutes of the interview were spent with the doctor simply ripping out and shredding (recycling) the duplicate medical reports in the file. He said that if he did not, some vital test results might get buried amidst the duplication and he might miss some essential diagnostic information. He lamented that government required so much repetitive and useless information to the point where what was most important to know was lost in the sea of paper. Maryland government needs a through overhaul of its nearly somnolent records management program. If we manage our paper and electronic records well from the outset we will have a much better and less expensive archives. Many state agencies lack good records management programs, and while this is not yet the responsibility of the Archives to administer, perhaps it should be, as it dramatically affects our ability to implement and maintain a meaningfully responsive Archival program.

There are two fundamental resources necessary for the archives: facilities to adequately preserve the records, and a core staff who understand and care about the records.

Preservation begins with a secure and environmentally stable environment. A huge obstacle to achieving this primary objective is the lack of space in which to safely house archival material. Presently, in addition to the Archives Building in Annapolis, three substandard rented adjunct facilities hold government records. Together, these facilities store 258,109 cubic feet of permanent record material. Significantly, nearly half of that amount is held in the substandard, rented facilities. The lack of temperature and humidity controls in the rented spaces threatens the longevity of these permanent records.

To ensure the long-term viability of our permanent records and to accommodate the storage requirements of the State's fine arts collections, the Archives has developed a Facilities Program vetted through the capital budget office. Part of this plan is provided for in the five-year capital budget request. This

Facilities Program is in two, closely connected parts:

To build a new facility for storage and scanning of archival records on State surplus land in Crownsville. This facility will make it possible to move the large quantities of records now held in three separate warehouses to one central location, where they will be housed in appropriate archival conditions, scanned and made accessible, and kept secure;

To renovate and expand the existing State Archives building in Annapolis to provide for appropriate space to store the State's valuable collections of fine arts, to display the State's cultural treasures to the public and to provide conservation space for the State's records.

As to the core staff, we made modest progress just recently with the Board of Public Works' decision to allow us to convert 2.5 contractual positions to 2 PINs. It is difficult to say the least to keep talented staff given our proximity to the National Archives and to the many academic institutions in our area. That we cannot offer nearly 50% of our staff standard health and retirement benefits afforded most all other state government personnel is just not right. We can and should do better.

Finally, I would like to return to a concept I have discussed before that is fundamental to the future viability of the Archives, a concept that is not unlike the Roth IRAs and the various investment funds that comprise yours' and my ability to provide for our futures. With your support, several years ago we created a publicly accountable Archives Endowment Fund. It is an important principle of all that we do at the Archives that there be a return to this endowment on a consistent basis derived from the specially funded public service projects that we undertake, like mdlandrec.net and plats.net, projects that are the product of the creative minds of the Archives for the benefit of all Marylanders. It is a concept that has general acceptance in the private world - known to accountants as a "Depreciation Reserve," - and it is supported by at least one decision of the Supreme Court where the percentage is estimated at 7% of costs. I would prefer to call this charge an "Educational and Entrepreneurial Reserve," but however labeled, it is a principle that we are adhering to in the fee for service projects of the Archives. I am pleased to report to you that at present the principal of the fund amounts to 1.3 million dollars. We hope to continue to grow the endowment so that one day the interest from it can provide meaningful support to our education and outreach programs, helping us to explain the value and importance of the records in our care through the work of professionally trained archivists, major research projects such as our current Underground Railroad project, and the expansion and continuation of our internship program.

Thank you for your time and your consideration.