

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

By Dr. Edward C. Papenfuse, Jr.,
State Archivist and Commissioner of Land Patents
February 3, 2005

On the Proposed Budget for the Maryland State Archives for fiscal year 2006



Madam Chair, 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 and the Director of our Underground Railroad Project, Chris Haley. Our Chief Financial Officer, Van Lewis, is out on medical leave this week, and can't be with us today, but he will be available for any fiscal and accounting questions you might have and has contributed to the fiscal responses in my testimony.

Mr. Stoops has again this year presented a full, fair and accurate assessment of the current state of the Archives budget and, as well, that of the fiscal year 2006 request which is before you for consideration. I suspect that anyone evaluating the Archives budget would naturally come to the same conclusions: that we are not allocated the funds necessary for us to thoroughly carry out our legally mandated duties, and, just as important, that we are not adequately supported with general fund appropriations to carry out the work that we do perform on a daily basis.

You will find our Annual Report in the form of the minutes and agenda of the Hall of Records Commission, which we publish electronically on our web site (see the most recent minutes at: <http://mdsa.net/megafile/msa/stagsere/se1/se14/000020/html/coversht.html>) which we encourage you to visit. As a sampling of the treasures of the Archives we have prepared an exhibit in the Senate Office Building entitled "Four Centuries of Stories." I have included brochures for the exhibits as an appendix to these remarks. I should point out that because we have no funds for such undertakings, the Senate supported the cost of mounting the exhibit and the brochures. Hopefully, once the new House of Delegates building is completed, we will be doing something similar for the House.

I would like to share one story associated with the Senate office building exhibit which is not a part of the narrative. In the first case we display the original seals of State Government, an exhibit soon to be supplemented by a new issue of our seal poster financed by the Secretary of State's Office. One of the seals is there because of the keen interest of an eleven year old who saw it on temporary exhibit in London over twenty years ago, and proudly brought a facsimile home to his father who promptly gave it to the Archives. The facsimile is on display in the case and is a hitherto unknown great seal of Maryland used during the reign of Queen Anne, the monarch after whom our capital is named.



First and foremost today, I am very pleased to report that we have made significant progress in establishing an electronic archives for Maryland that is unrivaled anywhere in the country, and possibly the world. We have begun to assemble and implement a robust, dependable and secure

electronic storage facility for the most important electronic record material being generated by government today. We have done so in a way that improves public service in general but also in a way that helps us achieve our mission as an archives which is to preserve permanently for posterity the historical record of government. The success of the future depends upon how well we learn and build upon the past. It is our mission to ensure that the knowledge critical to building our future well is preserved and readily accessible.

I will address our two major electronic archives initiatives in a moment, but permit me to point out a few smaller but equally important projects that we have accomplished this year to both the immediate benefit of the public and the permanent preservation of the historical record. All were accomplished through grants and in kind support to the Archives, projects in which we used our meager general funds for partial matches and expert management personnel, much like the biblical story of the loaves and the fishes. Four such examples are:

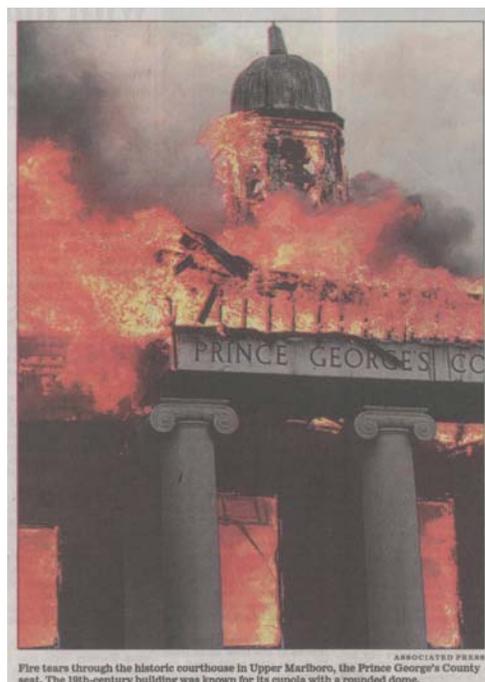
- 1) <http://mdihp.net> (user name: **Guest** password: **Guest!**). This was a project funded with a federal grant to the Maryland Historical Trust. Here we have on line searchable files on all historic properties in Maryland (except those in Baltimore City which the Federal Government would not fund) that have been nominated for recognition by the Trust. As it is a dynamic web site, easily edited and updated by an editorial feature we designed, it is hoped that it will continue to be updated by the Trust and funding will be found for Baltimore City.
- 2) <http://mdslavery.net> (for some biographical files that have copyrighted materials in them a user name of **aaco** and a password of **aaco#** are required). This is the result of a federally funded grant to the Archives, more of which you will be told shortly. What is not generally known is that the grant that supported publication of my Atlas of Historical Maps of Maryland, made it possible to include searchable historical maps on this web site, a major contribution to our sense of time and place that is not only of use to those interested in the history of slavery, but also anyone interested in Maryland and Maryland county history generally.
- 3) <http://aomol.net> (for some biographical and document packet files that have copyright materials in them a user name of **aaco** and a password of **aaco#** are required). It is our hope that this site will be where searchable text of all critical documents relating to Maryland Government and History will be found. Since its inception the site has grown from 72 volumes to nearly 700. Resources have permitted us only to focus on a limited number of records such as session laws, and records transcribed by volunteers such as the earliest court proceedings of Somerset County. At times interested groups provide funding for their special interests, such as the Baltimore County Genealogical Society which has insured that much of the early histories of the county would be placed on line here, and the Questers of Kent County who have funded the preservation, transcription, and the on line presentation of the earliest records of that county.
- 4) <http://mdgovpics.net> is a public service web site that we developed with off the shelf software for the cataloguing of our extensive photographic collection and applied to the particular needs of the governor's photographic staff. As their photographs are part of the permanent historical record of government, we helped create an on line method of preservation and delivery of the images that makes more efficient the work of the photographers and saves the public and government considerable reproduction costs. At the same time the traditional costs of

cataloguing and providing access to the permanent images of State Government are being reduced drastically with most of the burden transferred to the moment of initial creation and use and not at the traditional, much later point, of transfer to the Archives.

Most of you are familiar with the records initiatives *mdlandrec.net* and *plats.net*. To provide just a little background - - Responsibility for recording, preserving and providing access to land records is shared jointly by the Maryland Judiciary and the Maryland State Archives. The Real Property Article Sections 3-301 and 3-302 charge the Clerk of the Court to record and index land records and to provide the Archives with duplicate security copies. Sections 9-1009 and 9-1010 of the State Government Article generally task the Maryland State Archives to preserve and provide access to permanent records of all branches of government as well as other designated categories of historical records.

We have been working with the Judiciary to combine the robust recordation and indexing features of ELROI with the comprehensive archival preservation and access features of *mdlandrec.net* to create a single complete system. This seamless system is a model for providing cost-effective and efficient recordation and retrieval of land record images and indices. Under the plan currently being implemented, ELROI provides the front-end recordation and verification component. *Mdlandrec.net* makes available index data and the land record images that have been archived.

Both *mdlandrec.net* and *plats.net* provide effective public service. Both projects, though, start with the concept of providing a secure place for the archival, security copy of these important records. The fire that gutted the Prince George's County Courthouse provided a vivid reminder of the necessity for such safeguards, not only with regard to Court records, but all permanently valuable records. Not so visible or stark is the danger posed by the potential for loss of electronic data or records.



I am pleased to report that, with the help of the Judiciary, we are making significant progress on both *plats.net* and *mdlandrec.net* projects. During the second quarter of fiscal year 2005, Archives staff added 33,245 images to *plats.net*. As of December 31, 2004, there were 869,056 images available on-line for the use of court staff, title professionals, private researchers, and the general public. System users accessed 307,192 plat images during the first quarter, 80.9% of them from their homes and offices.

During the second quarter of fiscal year 2005, Archives staff added 7,117,539 images to *mdlandrec.net*. This figure includes scanning of 57,864 index images and 3,870,951 land record images. Additionally, Archives has generated archival microfilm of 3,188,724 images of recent filings from ELROI, and provided security duplicates for use in the courts as follows: 1,634,192 images on microfilm and 1,554,532 images on CDs. All of these images have been incorporated into *mdlandrec.net*, the archival system for managing preservation of and access to these materials.

To date we have put up and made accessible 40,988,145 images in *mdlandrec.net*. Our ambitious plan calls for all land record instruments and their indices to be on line by the end of Fiscal Year 2006, an estimated 162,000,000 indexed images.

As I mentioned briefly before, we disagree with the recommendation to cut the \$75,000 targeted for use in the publication of the *Maryland Manual*. The *Maryland Manual* has been published since 1898. The publication of the manual was cancelled before its last schedule run due to budget cuts. We should not go through another cycle without publishing the definitive work which describes the management team as it presently exists. It is most fitting and proper to document the current structure and management of the State of Maryland at this time, and I would, therefore, respectfully request that you not favor this particular recommendation.

Maryland law requires that the State Archives compile, edit and print the *Maryland Manual* every two years, as provided in the State Budget (Code State Government Article, Secs. 9-1026, 9-1027). Yet, General Funds have not been appropriated for printing the manual since 2001. While the electronic version of the Maryland Manual is an important permanent historical record which we do preserve in quarterly slices in time, there is a necessary place for the printed book in our culture which we ought not to ignore and ought to continue to provide. No matter how far we have come in making the electronic record permanent and accessible, books derived and enhanced from that electronic record are critical to our cumulative and readily available understanding of our world. Even if all teachers and the public generally had electronic access to the Maryland Manual, the printed version with its accompanying CD remains a critically valuable reference work, well worth the investment of making it publicly accessible in book format.

In his Operating Budget Analysis Mr. Stoops also makes note of the Archives' responsibility for care and conservation of permanent record material in danger of being lost. He correctly points out the Archives' responsibilities for care and conservation of the fine art collections owned by the State. He suggests that our goals with regard to conservation will unlikely be met due to limited funding. It is indeed a sad fact. There simply has been no General Fund support for taking care of the State's fine art, although some agencies, such as the General Assembly, have assisted in the restoration and preservation of works of art displayed on their walls and any loans to other institutions require their assuming any necessary conservation costs.

As we have done with many other under-funded areas of responsibility, we have sought private donations and grant money to help offset the lack of General Funds. In June 2003, the Maryland State Archives received a letter from Ms. Eila Bennett, President of the Kitty Knight Questers of Kent County, Maryland. The Questers, a service organization with 900 chapters based in the United States and Canada, promote education and seek to encourage the preservation, restoration and conservation of historic buildings, sites and antiquities. The organization's founder, Jessie Elizabeth Bardens, summarized the group's motivation by saying, "The powers of the mind are memory and imagination: without memory, we have no past; without imagination, no future".

In seeking to preserve the past and the memory of Kent County's history, the Kitty Knight Questers donated a total of \$1750 toward the restoration of two volumes of Kent County Court records covering 1694 to 1739 which were in danger of complete deterioration. The Kitty Knight chapter received a grant from the Maryland State Questers for \$875 and raised the balance of the necessary funds in their local chapter by May 2004. With these special funds, the staff of the Maryland State Archives' conservation laboratory repaired tears, cleaned debris, reinforced unstable bindings, and removed corrosive materials that were accelerating the deterioration of the paper and loss of information.

Additionally, the staff of the *Archives of Maryland Online* scanned and transcribed the restored volumes, and placed fully searchable text and images of the original volumes online. The paper volumes were then retired from circulation with all access to the records now through the digital version. The Questers were so pleased with the results that they plan to visit the Archives and are currently seeking additional grant funds to restore a third volume of Kent County court records.

While the concern and generosity of the Questers, and other citizens like them are certainly appreciated and encouraged, the State has a responsibility to uphold its part in the public-private partnership. The Archives cannot hope to meet all of the dire conservation and preservation needs of its collections without the support of general funding. Borrowing from Ms. Bardens and the Questers, the public trusts us with its collective memory, and only with a secure, preserved past, can we confidently move forward to imagine the future together.

Another important grant initiative is our Legacy of Slavery Research Program (<http://mdslavery.net>). The Maryland State Archives continues to support, encourage and develop innovative strategies and resources for the study of African American history. Buoyed by the enthusiasm of staff, volunteers, local historians and grants awarded in 2001 from both the National Park Service and the Department of Education, the Archives has created and shared prototypical learning programs, studies and exhibits for teachers and students at various age levels. In Fiscal 2005, the Archives brought together primary and secondary materials to produce study packets that engaged both grade school students in an Annapolis, Maryland ROOTS Camp sponsored by the Kunta Kinte-Alex Haley Foundation and elementary and middle school teachers in the Reginald F. Lewis Maryland African American Museum of History and Culture Fall Teacher's Institute. Thousands of runaway slave and domestic traffic ads, census records, committal notices, jail dockets, and laws extracted by full time staffers and student interns over three years, are indexed in a database which supplies invaluable documents for these educational presentations. An interactive mapping element developed by the State Archivist also served to fuel the imaginations of the 12 to 15 year olds present at the ROOTS Camp.

The scope and elements of the educational presentations are meant to relate and take the students and their teachers into the complicated world of slavery era Maryland. Case studies of famous and unknown heroes are displayed to explain the horrible nature of slavery and how desperately people sought to escape its hold on freedom. Maps are incorporated to help modern children and adults accustomed to public transportation, cars, bicycles and skate boards imagine the distance, time and energy it would require to physically run and hide from one end of the state to the other. Census record statistics inform the audience that not all Blacks were enslaved and consequently, how important it was for free Blacks to carry identifying documents such as certificates of freedom with them so that you were not instantly mistaken for a runaway and thrown into jail or bondage. Stories such as those of Abraham Brogden emphasize the seriousness of the time when a husband could be sentenced to prison for encouraging his wife to be free. The program seeks to remind educational institutions that there are remnants of slavery in existence today that students can visit to continue their study such as Hampton Plantation in Baltimore County.

In your packets you will find some representative material that the Archives incorporates into our Underground Railroad presentations through the *Beneath the Underground: The Flight to Freedom and Communities in Antebellum Maryland* (<http://mdslavery.net>) website. I encourage you to visit the links to learn more.

With regard to the other recommended action item contained in the Legislative analysis and in response to the recently completed Legislative Audit, I would like to offer the following. Mr. Stoops' analysis contains a recommendation to add budget bill language that would withhold funds until such time as our staff can restructure the Archives budget to portray and report our budget in a manner that would treat each of the two largest projects as separate programs within the budget. Currently, staff resources, equipment, supplies etc., for the two largest projects within the Archives are represented in the budget across multiple programs. The request, which is a reasonable one, would have us consolidate those programs in such a way as to make the analysis of the budget easier. We agree with this approach. Consistent with the same recommendation from the Legislative Auditor, and with our Chief Financial Officer leading the way, we have been working to implement better accounting. We respectfully submit that restrictive budget bill language is not necessary, and that our budget will be restructured to report more clearly our costs and expenditures for mdlandrec.net, and any other special funded project we implement, before the start of the fiscal year 2006.

The suggestion in the Legislative Audit that the Archivist "participated in several transactions related to the publication of a book which may have violated State ethics laws" is an unfair implication that ought to be rectified on the Audit Reports web site. On more than one occasion before this Committee, and more often before the Hall of Records Commission and in Department of Budget and Management budget deliberations, I have been encouraged to find grant funds to support activities that the Archives should be doing but could not afford. I sought private grant money for this endeavor and donated a great deal of my own personal effort to it with *all* proceeds going to the Archives Fund. As a result, the Archives was able to preserve and make accessible one of the finest collections of Maryland maps anywhere. The Archives was also able to provide for the future as all proceeds from the sale of the publication accrue to the benefit of the Archives. In addition, the benefactor who along with the initial grant to the Archives provided an interest free loan to assist in publication, to date has forgiven as a gift to the Archives nearly over one quarter of the loan while at the same time we have paid back approximately one quarter of the loan from the proceeds of sales.

I asked the Office of Legislative Audits to withhold publication of the audit to allow the Ethics Commission to review the matter. Despite my immediate referral to the Ethics Commission of the concern raised by the auditors, the auditors chose not to wait for the Ethics Commission response in releasing their findings. Permit me to quote from an email that I sent to the Auditors which accompanied a fax preview of the private letter to me from the Ethics Commission:

November 12, 2004

*Bruce A. Myers, CPA
Legislative Auditor
Department of Legislative Services
Office of Legislative Audits
Maryland General Assembly
301 West Preston Street, Room 1202
Baltimore, MD 21201*

Dear Mr. Myers:

The mail copy of the attached fax has yet to arrive at the Maryland State Archives. Because I was concerned that it had not yet arrived, I called the State Ethics Commission and asked them to fax me a copy.

Permit me to call your attention to the following:

- 1. "The Commission determined that your primary purpose in obtaining the grant money and loan for the book project was to generate funds for the Maryland State Archives."*
- 2. "The Commission determined that you did not receive a personal financial gain, and, although there may be some benefit to your personal or professional prestige from the publishing of the book, it is difficult to distinguish that gain from the benefit to the State."*
- 3. "Based on the information gained during our investigation related to the grantor's requirement that the book be published by a reputable publisher and the fact that a regional publisher would promote the book in a more beneficial way for the Maryland State Archives based on the regional interest of the book and the Maryland State Archives' past relationship with the Johns Hopkins Press, the Commission will not pursue a further investigation of this matter."*

...

Sincerely yours,

*Edward C. Papenfuse
State Archivist and
Commissioner of Land Patents*

Finally, before moving to my closing remarks, let me speak for a moment about something that is not reflected in the budget and there is no effective way that such information can be included. The Archives benefits substantially from the efforts of a competent and energetic volunteer corps managed by a dedicated archival staff. I have maintained for many years that to augment our efforts, whether it is through grants, special fund income or even our internship and volunteer programs, that there needs

to be in place adequate staff resources, funded through the general fund, to solicit, identify and manage these additional resources. Often what the staff manages so effectively is hidden from view and not taken into account in explaining the need for their general fund support. For example, during Calendar Year 2004, volunteers contributed 8,800 recorded hours to the Archives, worth at the minimal salary level of an archivist approximately \$140,000 to the state. What is important to stress is that all volunteer efforts require staff management time of varying degrees of hands on involvement. It is this cost that should be funded from general funds, or at minimum, benefits provided 'regular' state employees should be extended to contractual employees at a charge to the general fund.

In closing permit me to reflect on what the future should hold for the Archives. Thirty years ago the first of this month, when I began my tenure as State Archivist, I set forth a plan for the care, preservation, and access of Maryland's Archival heritage. With the support and encouragement of the Hall of Records Commission, the Governor and the General Assembly, a facility was built to withstand the needs of the Archives to the year 2000. It has served us well and indeed has been the model for such archival facilities as the National Archives complex at College Park, and through one of our former employees has influenced the redesign and recent re-opening of the National Archives building on the Mall in Washington.

We are now five years into over crowding and the lack of proper archival care for thousands of cubic feet of paper permanent records and for the mirrored security copies of our pioneering electronic archives. We also know that the Fine Arts Collections needs to be housed in less expensive and better-protected space. In sum, we are renting too many inadequate facilities (annex archival storage since the year 2000 consists of three commercial warehouse spaces without adequate climate and security controls or natural disaster protection). It is time for implementation of a new thirty-year plan. In some respects you have already visualized the future for us. The General Assembly has approved, and through the Capital Budget, appropriated, funds for building modular archival storage in Howard County for The Johns Hopkins University. This session, you are considering funding the same type of facility for the University of Maryland. We believe the approach to building temperature and humidity controlled modular structures to house permanent records is a great concept, and we are working on a Capital Budget item for next year to build accordingly.

programs. As a result the State spends a considerable amount of money for records storage in high cost office space, instead of properly disposal or transfer to less expensive archival management. We have begun a dialog with the Department of General Services to explore transferring the responsibility for administering the records management program in Maryland to the Maryland State Archives. We cannot, however, take on this responsibility without the resources to be successful, and that includes a fully funded management staff.

In the past the Archives has not been allocated the funds necessary for us to thoroughly carry out our mandated duties and, just as important, that we are not adequately supported with general fund appropriations to carry out the work that we do perform. I believe that the Department of Budget and Management recognizes this and I am hopeful that we will be discussing a plan for ensuing fiscal years that will present a more realistic baseline general fund for the Archives.

Finally, I would like to return to a concept 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. At present the principal of the fund amounts to nearly one million dollars, the interest from which provides matching funds for our internship programs and other value adding programs of the Archives such as the explanations of the records found in the Archives of Maryland on Line and our on line guides to records (available at <http://mdsa.net>). It is an important principle of all that we do at the Archives that there be a return to this endowment on a persistent basis derived from the specially funded public service projects that we undertake. For example, my sole motivation in seeking a grant for the production of the map book was to benefit the conservation of one of the largest gifts ever made to the Archives while allocating any and all profits made from the sale of the book to the Archives Trust fund. It appears that will mean approximately \$60,000 in revenue to the Endowment over the sale of the books as well as a steady stream of income from the sale of copies of the images created for the book. With all such endeavors, a clear percentage of all costs including indirect costs should be deposited as principle in the Archives Endowment. I argue for 5% as a necessary requirement for investment in the future. It is a concept that has general acceptance in the private world- known to accountants as a "Depreciation Reserve," and 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 an idea that is not generally applied to the mandated functions of State Agencies. In the case of the Archives it is a principle that we are adhering to in the entire fee for service projects of the Archives that we devise, in order for us to continue to be entrepreneurial and creative in how we cope with the future of the Archives.

Thank you for your time and your consideration of our requests to keep the *Maryland Manual* funds in the budget, and to forgo any restrictive budget language on the promise that we will restructure our budget accounting as requested.

I would also like to extend an invitation to the Committee to visit the Archives for a tour and a fuller presentation of what we are doing, at a time that is convenient for you.

Thank you.