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The North Carolina State Archives Research Fee Saga

Larry E. Tise and Druscilla R. Franks

North Carolinians in 1903 acted through their General Assembly to establish one of the earliest state history programs in America and hired as their first archivist R. D. W. Connor, who would become the first archivist of the United States thirty years later. Connor and his followers pursued with a vengeance the practice of public history and archives. They established many precedents in the handling of archives which have been utilized throughout the United States--from basic archival practices to the first state public records law in America. The earliest state microfilming program was begun in North Carolina, as well as the first and most comprehensive attempt to collect the public records of county and municipal governments. More recently, attempts have been made to establish a firm court precedent for the concept and practice of replevining public records out of custody. A Fort Knox type of security system has also been established, and experimentation with a fee system for supporting genealogical reference work has gone into effect. The last of these innovations will be the subject of this brief article.

Like all other state archival institutions, the North Carolina State Archives has been besieged in recent years by geometrically increasing demands for reference services. As is the case with most of these institutions, the area in which requests have grown most quickly is in providing data for persons undertaking genealogical research. The level of demand from persons doing more traditional historical research has not increased nearly so dramatically. Over a period of five years, the number of visitors to the Archives Search Room has increased by more than 5,000 or an average of more than 1,000 per year. The number of letters which must be answered increased an average of about 1,100 per year. Aggregate figures for reference services during the 1978 calendar year were as follows:

<u>Service</u>	<u>Anticipated Number</u>	<u>Actual Number</u>
Search Room Visitors	15,000	16,499
Mail Information Requests	12,000	14,003
Microfilm Reels Used	31,000	39,681
Call Slips Used	30,000	64,020

All of these services were handled during the year by 4.3 persons including portions of the time of a senior archivist, three junior archivists, one part-time records clerk, and a temporary clerk. This same staff which handled reference services was also responsible for doing much of the maintenance and preservation work on records in custody as well as some rearrangement of

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existing record files.

Until near the end of 1977, this small staff had been barely able to handle the workload. They were accustomed to using periods when visitation to the Search Room was lighter and the number of letters to be answered fewer to perform other essential archival functions. At that time it required a maximum of three weeks for replies to be made to written inquiries. During the last few months of 1977 when the Archives would normally have experienced a reduced number of letters, however, the quantity of reference requests became almost unmanageable. Working to full capacity, the reference staff suddenly found themselves with more than 800 letters to be answered, all of which had arrived in the past two weeks. They also found that the number of patrons using the Search Room and the types of services the patrons requested were increasing dramatically from week to week. In order to reduce the backlog and to close out the calendar year with every letter answered, the Archives had to stop its other activities and assign all archival staff that could be spared to the task of answering letters.

Having survived this experience at the conclusion of the year, the Archives decided at the opening of 1978 to look at alternatives to what was becoming an untenable situation. Dr. Thornton Mitchell, administrator of the Archives and Records program, made an analysis comparing the volume of work to the available resources. In February he recommended three possible alternatives: add additional personnel in the Search Room; divert all Archives personnel to reference work; or reduce the level of service rendered to the public. Areas where reductions might be made were also suggested: closing the Search Room one day a week; discontinuing reference services by mail to non-North Carolina researchers; transferring certain archival functions to other programs of the Division of Archives and History; or charging a search room and handling fee for undertaking research in response to out-of-state inquiries.

No one wanted to reduce services or invest all archival staff in the reference function alone if it could be avoided. Since it was not possible to add personnel immediately, the Archives searched for strategies that would ensure the continuation of basic reference services while allowing the Search Room staff to accomplish other archival tasks as well. The concept of a search and handling fee which could be used to provide additional Search Room staff to answer inquiries began to look increasingly attractive. If a fee could be charged that would cover the basic costs of answering letter inquiries, it seemed possible that over a period of time the Archives might be able to make this unpredictable reference service self-sustaining and reduce the drain on the remaining archival work.

Before making any major changes in reference procedures, however, the Archives decided to examine the practice of other states. In April the North Carolina Division of Archives and History undertook a national survey of all state archival institutions, asking if they charged search fees, whether they were making reductions in their reference functions, and how they were planning to deal with what was presumed to be a national increase in requests for assistance from archival institutions. Responses were ultimately received from all the other forty-nine states. The results may be summarized as follows:

No search fee	42
Time limit on search	4

Fee charged	6
No search offered	4
Considering a fee	7

The responses suggested that nearly all state archives were facing similar problems, but few had made any basic decisions regarding solutions for the future. A few had responded by reducing the amount of time spent on any single search (Alaska, Arizona, Hawaii, and Oregon). A few had eliminated searches for letter inquiries entirely (Arkansas, Iowa, Kansas, and New Jersey). Six had initiated a search fee of from \$1.00 for each inquiry up to \$11.00 per hour of search service (Hawaii, Kansas, Maryland, Montana, Oregon, Pennsylvania, and Vermont). Seven states were actively considering the initiation of a search fee (Florida, Michigan, Nevada, North Carolina, Oklahoma, Virginia, and West Virginia). The major conclusion we drew from the survey was that other states were finding themselves in a similar situation, but that a solution to the problem had not yet emerged.

After compiling the survey results, final conclusions were formulated regarding North Carolina's solution to the problem. A three-person committee was established to make firm recommendations on steps to be taken. The committee made four recommendations, all of which were adopted immediately:

1. The Search Room would be closed on Mondays (along with our museum and historic sites) to allow the staff time to catch up on letters and to do other needed archival work.
2. A search fee of \$2.00 per letter received from non-North Carolina residents would be charged, the revenues from which would be used to provide additional temporary staff in the Search Room to handle reference requests.
3. Detailed statements on the types and limits of available reference services would be prepared to be issued both to Search Room patrons and correspondents.
4. The Search Room would be closed two days near the beginning of each calendar year to enable the staff to make an inventory of archival holdings and return fugitive records to their proper place.

The recommendation to close the Search Room on Mondays was implemented on July 1. Also on July 1 the Archives began to notify correspondents that a search and handling fee would be collected beginning October 1. If the search fee was not included in out-of-state letters of inquiry after that date, they would be returned to their senders. The various materials and staff capabilities necessary to operate the system were then prepared for full implementation. To make these changes legal and to insure that the Archives had the authority to collect and make use of the search and handling fee, the Archives' governing body, the North Carolina Historical Commission, was asked to adopt the necessary regulations governing the system. Although public complaint about Monday closings and the search and handling fee had been anticipated, the Archives' staff was pleased and somewhat surprised that almost no complaints were registered.

Most of the few complaints that have been received relate to the rather

impersonal reply used to inform correspondents of the search and handling fee requirement. With the initiation of the new policy, two forms had been printed. One notice, simply explaining the requirement, is returned with all out-of-state letters received without a search and handling fee. The second notice is sent to those correspondents who have either sent an incorrect amount for the search and handling fee, or who have sent an estimated amount for the cost of copying any documents found (with or without the search and handling fee). This form explains that the Archives is unable to accept the correspondent's payment because of statutory requirements, informs them of the search and handling fee, and offers to conduct a search, if so desired, upon the correspondent's returning the original letter accompanied by the \$2.00 search and handling fee.

As the public became aware of the search and handling fee requirement, several misunderstandings developed. For example, several correspondents believed the fee requirement meant that for \$2.00 they could get their entire family history researched. Others assumed that they would receive a list or even copies of all wills (or estates records, marriage bonds, or any other series of records) pertaining to a specific surname and county. It soon became apparent that some type of policy statement was needed which would define precisely what the term "search" referred to, types of searches possible, and types of questions which could not be handled. Such a statement was written and printed and is now sent to each correspondent whose letter does not comply with the Archives' requirements.

This policy statement begins by informing the correspondent of the search and handling fee requirement (eliminating the necessity to enclose the statement which merely describes the fee). In addition to specifying the amount of the fee, the statement explains that the purpose of the search and handling fee is to help defray the cost to the taxpayers of North Carolina of rendering a reference service by mail to non-residents of the state. The statement also explains that, after accepting the correspondent's letter, the Archives will send to the researcher a report of the search conducted, including a statement of copying charges. It is made clear that the preservation and protection of North Carolina's public records, not genealogical research, is the primary responsibility of the State Archives,

The policy statement then gives examples of requests which the Archives can respond to:

- a. Do you have a record of Revolutionary War (or Confederate) service by Elijah Coor of Craven County?
- b. Do you have a marriage bond for Elijah Coor and Grace Jones, about 1800?
- c. Do you have a will or estate record for Elijah Coor of Craven County, about 1840?
- d. Does the 1850 Census Index for North Carolina report the surname Coor?
- e. Does the record of probate of the will of Elijah Coor appear in the Craven County court minutes for May Term 1840?

To further explain to the correspondent what type of requests the Archives can handle, the policy statement also gives examples of requests which cannot be responded to by the Archives:

- a. Who were the parents of Elijah Coor, born in Craven County, about 1755?
- b. Who were the children of Elijah Coor of Craven County, 1800-1840?
- c. Please search for the brothers and sisters of Elijah Coor of Craven County during the last half of the eighteenth century,
- d. Please send me a copy of all the Coor wills (or estates records, or marriage bonds, or any other series of records) found in the Craven County records in your custody.
- e. Please send me anything about Elijah Coor, Craven County, 1755-1840.

Finally, the policy statement clarifies the type of research which is conducted for a military request. Because there is scant information available for a Revolutionary War or Civil War soldier, there are three standard sources checked for each per one \$2.00 search and handling fee. For the Revolutionary War there are the Revolutionary Army Accounts, Revolutionary War vouchers and the Colonial and State Records of North Carolina. (The policy statement notes that since Revolutionary War pension applications are federal records, researchers should write to the National Archives for this information.) For information pertaining to a Civil War soldier, the three sources checked for one fee are Civil War pension applications, Moore's Roster of North Carolina Troops in the War Between the States, and North Carolina Troops, 1861-1865: A Roster.

This policy statement has greatly reduced the staff time spent explaining why letter inquiries are being returned to correspondents. Now a policy statement is simply sent to the correspondent, along with his original letter, explaining why his letter was returned. The correspondent, in turn, can rewrite his letter in a manner that can be handled more readily.

The final chapter in our search fee saga is perhaps the most interesting. After we instituted the search and handling fee and began collecting it, the Administrative Rules Review Committee of the North Carolina General Assembly challenged the statutory authority of the Division of Archives and History to charge such a fee, the fee policy's discrimination against non-residents of North Carolina, and the Archives' authority to spend any funds which had been or would be received through the system.

This challenge, made less than two months after the Archives had begun collecting the fee, was quite frustrating. Just when it seemed that the Archives was on the road to solving some of the problems in handling reference requests, it appeared that the whole system was about to collapse. The Archives immediately claimed that it did have authority to charge the fee. Later, such claims became a delaying tactic so that the Archives could continue the system until specific statutory authority was granted.

The Archives quickly drafted a bill that would give the North Carolina Historical Commission specific statutory authority to establish fees of all types in the operation of the State Archives. The bill was introduced by Senator Willis Whichard and enjoyed smooth sailing until it reached the Senate Finance Committee. That committee claimed that only the General Assembly could establish fees and demanded that the bill be redrawn two times before it could be reported favorably. During the lively debates that followed, it became clear that the General Assembly had no qualms about discriminating between residents and non-residents of North Carolina. It was also apparent that the General Assembly perceived genealogical reference as a special type of service, the costs of which should be borne fully by the persons seeking the assistance. When the legislators learned that more than 90 percent of such letter inquiries came from outside North Carolina, they were convinced of the correctness of the system.

A bill was reported favorably and ratified on April 13, 1979, with the following language: "The Department may answer written inquiries for non-residents of North Carolina and for such service charge a search and handling fee not to exceed ten dollars (\$10.00), the receipts from which fee shall be used to defray the cost of providing such service." The Archives finally had a mandate to make the fee system self-supporting and to use any funds generated from the system to provide this special type of service.

The search and handling fee has had a significant impact on requests for reference services. The fee has nearly stopped inquiries from professional genealogists. It has greatly reduced the number of "shot gun" inquiries for "any" information about a particular individual; the Archives simply will not handle such requests. The fee has also nearly ended the practice of a single correspondent sending twelve letters per day asking twelve different questions. Finally, and unfortunately, the search and handling fee has considerably increased the amount of paper work and postage costs by requiring staff to return inquiries that arrive without the search fee and inquiries that cannot be handled under the new policy. Taken together, however, the results have been beneficial. The Archives' staff now believes that the search and handling fee system will be a permanent solution to a long-standing problem of providing adequate reference service to the general public while maintaining our basic archival programs.