

EVIDENCE

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Working with Historical Evidence: Genealogical Principles and Standards

Long-unresolved dilemmas, technological advances, and the problems both cause have fired an intense reevaluation of the principles by which the genealogical community analyzes and evaluates evidence. From this effort, a strong conviction emerges: the traditional and simple division of historical materials between “primary sources” and “secondary sources” is no longer adequate to describe either the nature or the quality of evidence. Assuming that premise, what kind of framework does meet the needs of historical researchers?

By Elizabeth Shown Mills, CG, CGL, FASG

Novice researchers look for plainly stated “facts”—names, dates, relationships, and descriptions of events they then confidently copy into their “family records.” Skilled genealogists, on the other hand, know that historical evidence has many nuances and that reality, like the platitude about beauty, lies in the judgment of the beholder. Discussing the contrast between *what actually happened* (“facts” or “truth”) and oral or written *statements about what happened* (history), the historian Barbara Tuchman writes: “Truth is subjective and separate, made up of little bits seen, experienced, and recorded by different people. It is like a design seen through a kaleidoscope; when the cylinder is shaken the countless colored fragments form a new picture. Yet they are the same fragments that made a different picture a moment earlier.”¹

Truth, reality, and facts, where history is concerned, are expressions of perception and judgment. The reliability of any historical statement depends upon the perception of the participant who first reported or recorded it. The reliability of a genealogical conclusion, in turn, rests not just upon the accuracy of the original informant(s) but also upon the researcher’s understanding of what the informant(s) meant to say, as well as the researcher’s judgment in a number of other matters: the

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In addition to the colleagues whose works are cited herein, the writer thanks several others for their perceptive critiques of the present essay, particularly: Cameron Allen, J.D., FASG, professor emeritus of law, Rutgers University; David L. Greene, Ph.D., CG, FASG, editor of *The American Genealogist*; James Hansen, Reference Librarian, State Historical Society of Wisconsin; Claire Prechtel-Kluskens, J.D., Archivist, National Archives and Records Administration; and Walter Lee Sheppard Jr., CG Emeritus, FASG.

1. Barbara W. Tuchman, *The Guns of August* (New York: Macmillan Co., 1962), 441–42.

choice of sources, the thoroughness of the investigation, the analysis of information, the correlation of details, and the conclusions drawn—for starters.

To apply Tuchman's analogy to family history: the reliability of any published work depends upon the skill of the individual who gathered the fragments into the kaleidoscope, shook the cylinder, and attempted to describe the resulting picture. The image any researcher sees will vary at different stages of the research process—one reason why a *thorough* collection of history's scattered bits and pieces relating to a matter will yield a more reliable picture than an incomplete one. Even so, different genealogists who take up the same kaleidoscope may see different pictures, because they add to the mosaic their own experience.²

Perception and judgment also form the crux from which scientific and historical research part ways. Recently, a participant in an online genealogical discussion group posed a question: has anyone worked out a "scientific" approach for assigning a surety value to each source, based on the evidence that exists for a particular relationship—a rating system by which an overall score can point to the probability of accuracy? The inquirer then added, "I'm anxious to avoid assigning a surety value that could be clouded by personal judgment."

That writer clearly values scientific principles. Formulas and processes devoid of personal judgments are important tools of scientific investigation, enabling researchers to replicate valid results over and again. But *personal judgment*—shaped by skill, experience, and a host of related perspectives—is the tool with which *history* is reconstructed. The natural inclination of novices to distrust personal judgment, lest inexperience cloud their conclusions, is also understandable; but history has no formulaic safety net. The hallmarks of scholarship that history and science hold in common are basically these: thorough investigation, thorough recording of steps taken, thorough documentation of all findings, and thorough explanation of conclusions. Beyond that, history is a product of perception and judgment, as well as "facts."

While formulas do not exist in historical research, *principles* do. Some are static or consistent; others evolve as resources expand, technologies change, and educational levels rise. Traditionally, standards of sound genealogical research have been in lockstep with those of history and law, not science. Yet significant differences exist between the purposes and practices of these disciplines. Thus, the rigorous standards genealogy has developed in the twentieth century borrow selectively from all the older fields to which it is commonly compared.

Numerous recent debates, articles, and white papers in the genealogical community have scrutinized the forces that shape modern principles of working

2. A concise example appears in a recent issue of *The American Genealogist* [TAG], wherein Neil D. Thompson, Ph.D., FASG (an attorney and longtime genealogical editor, with a doctorate in history), and Harry Macy Jr., FASG (editor of the *New York Genealogical and Biographical Record*), debate the interpretation of an assembled body of genealogical evidence. See "Enigmas no. 11: The Connection between John Latting of Oyster Bay, Long Island, and the Pratts," TAG 74 (April 1999): 122–27.

with historical evidence. The present paper synthesizes the circumstances, concepts, and concerns that have refined these principles and their application to genealogy. It sets forth a framework for the more precise evaluation of historical data. Then it outlines the four basic types of proof arguments by which researchers can validly support a genealogical conclusion. Subsequent papers in the present issue of this journal illustrate the manner in which acceptable cases are built for each type of situation.

EVOLUTION OF GENEALOGICAL STANDARDS IN AMERICA

Historical research is firmly rooted in legal doctrine. In past centuries, writers of both family and public history frequently were lawyers by profession. As history grew into a scholarly discipline of its own, it diverged from the practice of law and assiduously divorced itself from genealogy—a rift obvious from perusals of the early issues of such serials as the *William and Mary Quarterly*. Meanwhile, lacking institutional support, genealogy has developed much more slowly as a discipline with solid and distinctive standards. The tremendous strides it has made throughout this century have basically stemmed from the four initiatives described below.

Post–World War I

In the 1920s, George Andrews Moriarty, Donald Lines Jacobus, and a handful of New England-based scholars set for genealogy a high bar that few contemporaries took seriously. Focusing upon an era whose history and genealogy had, for centuries, been prostituted for economic and social gain, Moriarty published a model work in 1925. His objective, he counseled, was “to point out the path in which those who desire to deal with medieval genealogy in a serious manner must travel. . . . *No statement will be made without citing the original document relied upon for it*, so that the reader may judge for himself . . . the value of the evidence and decide whether the conclusions reached are justified.”³ That same and other bellwethers for the critical evaluation of historical data were set and maintained by Jacobus in the scholarly journal he launched, *The American Genealogist*.⁴ Indeed, Jacobus’s standards were so rigorous that he is credited with creating the Jacobus School of genealogical scholarship.

Early World War II

Two academicians and an archivist, gathered in New York City in December 1940 for the annual meeting of the American Historical Association, founded the American Society of Genealogists—structuring it to foster scholarship in genealogy and to recognize family historians whose works best exemplify scholastic

3. George Andrews Moriarty, “The Royal Descent of a New England Settler,” *New England Historical and Genealogical Register* 79 (October 1925): 358–78, particularly 359 for quote. Italics added.

4. Jacobus also created the classic *Genealogy as Pastime and Profession* (1930; rev. ed., Baltimore: Genealogical Publishing Co., 1967), whose concerns and standards are as relevant today as they were when he first penned them.

standards.⁵ Out of their organization evolved most of genealogy's major educational and standard-setting bodies of the next several decades, including the National Archives–based National Institute for Genealogical Research, the Samford University–based Institute for Genealogy and Historical Research, and the Washington, D.C.–based Board for Certification of Genealogists.

Bicentennial Era

America's two-hundredth birthday celebration awakened a national interest in family history and sparked a major leap in genealogy's handling of evidence. Although a work of fiction is popularly hailed as the genealogical symbol of that era (Alex Haley's *Roots*),⁶ three scholarly works have done far more to shape the quality of research produced by family historians. Noel C. Stevenson, a doctor of law, wrote the first substantial treatise on the subject of evaluating evidence from a *genealogical* viewpoint.⁷ Richard Lackey, Stevenson's fellow Fellow in the American Society of Genealogists, compiled a slim guide whose title soon became a virtual mantra for teachers and serious enthusiasts, *Cite Your Sources*.⁸ Meanwhile, Val D. Greenwood, an attorney and accredited genealogist in the employ of the Church of Jesus Christ of Latter-day Saints, wrote the now-classic *Researcher's Guide to American Genealogy*, a tome that has surely been used as a text in more institutional-level genealogy classes than any other work.⁹

1990s

The present decade has seen a wild surge of interest in genealogy, far beyond that of the seventies. Again media-driven (this time, by the glitz of the Internet and the World Wide Web), family history exudes a fresh allure that has drawn in tens of millions. The numbers are intoxicating, the excitement indescribable, and the results treacherous on a massive scale. Like most novice family historians,

5. The founders were Arthur Adams, Professor of English and Department Chair, Trinity College; historian John Insley Coddington, previously of Harvard University but then of Olivet; and Meredith B. Colket, an archivist who had joined the staff of the new National Archives in 1937. In the six decades since its founding, the American Society of Genealogists has awarded fellowships to only 143 genealogists; under its bylaws, its ranks are limited at all times to 50 living fellows.

6. For independently created, evidence-based analyses of this "family saga," examined from the disparate standpoints of genealogy, history, and journalism, see: (AFRICAN HISTORY) Donald R. Wright, Ph.D., "Uprooting Kunta Kinte: On the Perils of Relying on Encyclopedic Informants," *History of Africa* 8 (1981): 205–17. (AMERICAN HISTORY) Elizabeth Shown Mills, CG, and Gary B. Mills, Ph.D., "Roots and the New 'Faction': A Legitimate Tool for Clío?" *Virginia Magazine of History and Biography* 89 (January 1981): 3–26. (GENEALOGY) Mills and Mills, "A Genealogical Assessment of Alex Haley's *Roots*," *NGS Quarterly* 72 (March 1984): 35–49. (CONTEMPORARY JOURNALISTIC INVESTIGATION) Mark Ottaway, "Tangled Roots," *The (London) Sunday Times*, 10 April 1977 (special section).

7. Noel C. Stevenson, J.D., FASG, *Genealogical Evidence: A Guide to the Standard of Proof Relating to Pedigrees, Ancestry, Heirship, and Family History* (Laguna Hills, California: Aegean Park Press, 1979).

8. Richard S. Lackey, CG, FASG, *Cite Your Sources: A Manual for Documenting Family Histories and Genealogical Records* (New Orleans and Jackson: Polyanthos and University Press of Mississippi, 1980).

9. Val D. Greenwood, AG, *The Researcher's Guide to American Genealogy* (Baltimore: Genealogical Publishing Co., 1973); a revised edition was subsequently issued in 1990.

Web-grown genealogists are largely unschooled in research principles. Some learn quickly by devouring knowledge as well as names; but vast numbers remain untutored in the critical analysis of evidence and enthralled by some illustrious ancestry claimed for their "family name." Unfortunately, they are also empowered with electronic tools that permit them to broadcast—instantly and worldwide, for other neophytes to replicate—an endless galaxy of mangled identities and supernatural trees rooted in the murky wonderland of cyberspace.

The genealogical community welcomes the influx but recognizes its potential to undermine family history's progress as an intellectually valuable pursuit. Crisis being the twin of opportunity, the field has accepted the challenge of educating such massive numbers outside any institutional system of education. That exigency has generated a scrutiny of almost all precepts by which families are studied and evidence is analyzed—much of that effort being made by the Board for Certification of Genealogists. The result has been another marked advance in the maturity of the field, beginning with an increased emphasis upon documentation, methodology, and record interpretation—and drawn from the interdisciplinary study of economics, genetics, geography, law, medicine, military and monetary systems, politics, and psychology, as well as all aspects of history.

Fulfilling a long-overdue need, a specific standard of proof has been crafted to cover the distinctive concerns of genealogical research. Terminology has been refined to eliminate conflicts between genealogical applications and usage common elsewhere.¹⁰ Criteria for the analysis of evidence have been codified to the extent that such intangibles as perception and judgment can be,¹¹ and other aspects of genealogy's intellectual and professional development are on the cusp of change. The present paper builds upon the footwork of all the cited predecessors, but its structure is an aggregate of concepts by those who have led the current movement.¹²

10. The most significant problem in this regard was the use of the term *preponderance of the evidence*—a legal standard whose genealogical use was promulgated by the attorney Stevenson. However, in its legal application the term stands for a low standard of proof: anything slightly more probable than not. Stevenson's genealogical colleagues, being unwilling to accept that low a bar, redefined the term to apply only to cases that hovered between the legal status of *clear and convincing* and that of *beyond reasonable doubt*. In 1997, to eliminate the conflict between legal and genealogical usage, the Board for Certification of Genealogists abandoned the term, and most genealogical scholars have followed suit. See Christine Rose, CG, CGL, FASG, *What Happened to the Preponderance of the Evidence?* (San Jose, California: Rose Family Association, 1998).

11. *The BCG Standards Manual* (Salt Lake City: Ancestry, for the Board for Certification of Genealogists, in press).

12. The evolution of current concepts can be seen in the following sampler from the last two years:
 SCHOLARLY PUBLICATIONS: Val D. Greenwood, AG, "Evaluating Evidence," *Genealogical Journal* 25 (1997): 51–62; Norman W. Ingham, Ph.D., CG, "Some Thoughts about Evidence and Proof in Genealogy," *The American Genealogist* 72 (July–October 1997): 380–85; Thomas W. Jones, Ph.D., CG, "A Conceptual Model of Genealogical Evidence: Linkage between Present-Day Sources and Past Facts," *NGS Quarterly* 86 (March 1998): 5–18; Helen F. M. Leary, CG, CGL, FASG, "Evidence Revisited—DNA, POE, and GPS," *OnBoard: Newsletter of the Board for Certification of Genealogists* 4 (January 1998): 1–2, 5; Elizabeth Shown Mills, CG, CGL, FASG, *Evidence! Citation & Analysis for the Family Historian* (Baltimore: Genealogical Publishing Co., 1997).

POPULAR PRESS: Donn Devine, J.D., CG, CGI, "Evidence and Sources—And How They Differ," *Ancestry* 15

REEVALUATION OF TRADITIONAL STANDARDS

Traditionally, the evaluation of historical evidence has rested heavily upon a fundamental question: *Is this a PRIMARY source or a SECONDARY source?*¹³ Theoretically, the distinction is simple: whether or not the source was created by an individual who actually participated in (or otherwise had firsthand knowledge of) the matter under discussion. Within this basic framework, critical analysis has also required the historical researcher to apply a number of tests relating to characteristics of authenticity, contemporaneousness, credibility of informants, and so forth.

However, the fundamental question is *deceptively* simple—a point well made recently when a historical writer polled colleagues in another online discussion group. Recognizing the nebulous stages through which a prime source can morph into an inferior one, she asked:¹⁴

Which of the following do you consider a “primary source”?

- A. a collection of original letters or documents
 - a1. above microfilmed
 - a2. above mimeographed
 - a3. above photocopied
- B. a typescript of above
 - b1. above microfilmed
 - b2. above mimeographed
 - b3. above photocopied
- C. pamphlet/booklet/book printed from above
- D. above with
 - d1. introduction
 - d2. commentary between letters
 - d3. editing
 - d4. paraphrasing

The dilemmas that are obvious here are ones faced daily by both family and institutional historians as they use published editions of censuses, deeds, diaries, letters, wills, and other documentary materials. Historical researchers, for example, generally consider *The Papers of George Washington* to be a primary source.¹⁵

(May–June 1997), 26–29; Mills, “Building a Case When No Record ‘Proves’ a Point,” *Ancestry* 16 (March–April 1998): 26–31.

CONFERENCE PRESENTATION: Leary, Mills, and Rose, “Evidence Analysis: Definitions, Principles, and Practices,” audiotaped seminar, 1999 NGS Conference in the States, available as Richmond W-17 (Hobart, Indiana: Repeat Performance, 1999), with printed matter of the same title published in *Virginia: Where a Nation Began: Program Syllabus* (Arlington, Virginia: NGS, 1999): 41–48.

13. Law also considers this question but has additional layers of complexity, according to whether the case is at trial in a civil or criminal court.

14. Juanita Leisch, “Define a Primary Source,” *Conference on Women and the Civil War* <cwccw-chat@egroups.com>, posted 7 July 1999.

15. Available in multiple series: Colonial Series, W. W. Abbot et al., eds., 10 vols. (Charlottesville, University Press of Virginia, 1983–1995); Revolutionary War Series, Philander D. Chase et al., eds., 9 vols. to date (1985–); Confederation Series, Abbot et al., eds., 6 vols. to date (1992–); Presidential Series, Dorothy Twohig et al., eds., 8 vols. to date (1987–); and Retirement Series, Twohig et al., eds., 2 vols. to date (1998–).

After all, these series contain documents written by and to historical figures; and the fact that they have been transcribed, edited, indexed, and published usually *add* to their perceived value. Thousands of counterparts could be cited, all routinely treated as primary sources within institutional history, while a myriad of other volumes of more obscure records have been abstracted, edited, or transcribed for publication by genealogists. More cautious scholars tend to qualify their evaluation of such material by creating a bibliographic category, “*Published Primary Sources*,” but a scrutiny of their texts and notes often reveals that they were indeed comfortable with reliance upon the published version.

The dangers of treating “published primary sources” as *primary* sources is well illustrated by the celebrated Civil War diary of Mary (Boykin) Chestnut. For much of the twentieth century, the collected body of Mrs. Chestnut’s musings was hailed as a masterpiece of insight into the war-torn South. Most scholars knew her “diary” through two editions, one published in 1905 and the other in 1949.¹⁶ A comparative study of the two—or comparison of both with her original journals—provides cause to question the viability of labeling any *publication* a “primary” source. As with many well-known historical “diaries,” the manuscript Chestnut offered the public suffers in candor and contemporaneousness. With a view toward publication, she heavily purged and amplified her original jottings, first in the 1870s and still further in the 1880s. But those alterations are the mere beginning of a far worse chain of “good intentions” gone awry.

When the Chestnut “diary” did appear in print, posthumously, its editors and publishers injected many modifications of both attitude and fact. As just one of many examples, the friend who had inherited Mary’s 1880s-era manuscript insisted that it be cleansed of material politically incorrect in the early-twentieth century. Thus, the first edition reports the 1861 death of Elizabeth (Boykin) Witherspoon, first cousin of Mary’s mother: “Killed by family troubles.” The editorial excisions made in Elizabeth’s regard abused the trust of social historians, political historians, and genealogists of both black and white lines, by purging the fact that Elizabeth had been murdered by her slaves.

The second edition of Chestnut’s manuscript committed fresh sacrileges. As yet another version would point out in 1981, the 1949 editor “appears to have . . . let nothing stand in the way of readability, and he took great liberties with the text to achieve this end.”¹⁷ Those efforts—made while knowing there was no possibility of having the author approve or correct the changes—altered dates and silently omitted passages the editor had trouble interpreting, material relating to people

16. Isabella D. Martin and Myrta Lockett Avary, eds., *A Diary from Dixie, as Written by Mary Boykin Chestnut, Wife of James Chestnut, Jr., United States Senator from South Carolina, 1859–1861, and Afterward Aide to Jefferson Davis and a Brigadier General in the Confederate Army* (New York: D. Appleton, 1905); Ben Ames Williams, ed., *A Diary from Dixie by Mary Boykin Chestnut* (Boston: Houghton Mifflin, 1949).

17. C. Vann Woodward, introduction, *Mary Chestnut’s Civil War* (New Haven: Yale University Press, 1981), xxviii–xxix.

and relationships unfamiliar to the editor, and comments Mary had made in French. The 1949 editor also added (without so noting) passages she had chosen to delete from the original diary, and he omitted or failed to identify quotes.

Modern technology offers many options to surmount the problem of depending upon abstracted and edited publications. Microforms, photoduplication, and scanned digitization are all increasingly common today—and increasingly valuable. Because much archival material is simply being worn out from handling by so many researchers, the use of image copies is often mandatory; but it is not without risk. Two generic examples illustrate the panoply of deceit to which researchers are now vulnerable.

- Working with a scanned image supplied by an online correspondent, a genealogist recently invested considerable effort and expense in resolving a conflict in evidence. The depicted correspondence provided a list of the male writer's children. A descendant had used this letter as a key "proof" when he applied to join a prestigious lineage organization through one of the named sons. But the genealogist could find no other document linking the man of the son's name to the man who had penned the letter; and the socioeconomic details of their two lives were strikingly incongruent. When the original copy of the letter was located and examined, the fraud was evident. With a computer, a scanner, and popular photograph-retouching software, the "wannabe" descendant had erased the name of an actual son, lifted from elsewhere in the document a given name that matched that of his ancestor, and copied it to plug the hole in the list of offspring—with due attention to matching "background trash" on the original document to hide the alteration.
- In an earlier era, when tools of documentary prestidigitation were less sophisticated, a purveyor of false pedigrees in the Louisiana parish of Natchitoches created numerous spurious documents by penning his inventions onto blank pieces of timeworn paper he had found wrapped around individual packets of court documents. In other cases, he simply inserted alterations onto the face of valid records. Attentive users of the originals sometimes discern the frauds from surface evidence such as differences in ink. However, the microfilmed editions of those collections (satisfactory reproductions though they are) entirely mask the alterations.

Such instances create obvious quandaries: Is a transcription of an original work a primary source—when the original author was someone personally involved in the events of record? If an abstractor or editor is presumed to have carefully maintained the intent of the original, does the product still qualify to be considered a primary source? If the original letter or petition is microfilmed or digitized, is that "image copy" a primary source also? To this last question, most genealogical scholars today would like to answer yes. To the other questions, their answer is an emphatic *no*—but that negative view puts them at odds with many colleagues in historical disciplines.

In truth, neither technological reproduction nor hand copying nor editing lie at the root of the problems historical researchers have when they try to discriminate

between conflicting information according to whether it comes from a “primary source” or a “secondary source.” The real problem is that *any* type of source can contain information based on primary or secondary *knowledge* of the subject matter—or on both at once. Robert Charles Anderson, FASG, points to this problem in his introduction to a major genealogical reference work issued in 1997:

Many researchers classify newspapers as “secondary” sources—ones created after the fact—and they evaluate the evidence supplied by newspapers accordingly. More than any other source, however, newspapers are not so easily categorized. Of two items on the same newspaper page, one can be the best evidence available anywhere on a given point, and another can be of no evidentiary value at all. Only comparison with other sources allows the determination of the value of a piece of evidence from a newspaper.¹⁸

The same situation can exist with virtually every type of historical record. When the South Carolina planter Joseph Stanyarne appeared before colonial officials in 1756 to memorialize 300 acres he had bought the year before, he recited the chain of title back to the original grantee of 1703. Stanyarne surely had primary knowledge of his own purchase of that property. Yet he would have had only secondary knowledge of the transactions by which the land had been granted, inherited, leased, and sold by others for more than five decades before him.¹⁹ Nonetheless, historical researchers who apply the traditional division of materials into “primary sources” versus “secondary sources” would likely adjudge this document *primary* because of its antiquity, the personal involvement of the deponent, and the fact that it seems to be an original (or at least official) piece of writing.

Obviously, technology has merely aggravated situations that already existed. These long-unresolved dilemmas, technological advances, and the problems both cause have fired an intense reevaluation of the principles by which the genealogical community analyzes and evaluates evidence. From this effort, a strong conviction emerges: *the traditional and simple division of historical materials between “primary sources” and “secondary sources” is no longer adequate to describe either the nature or the quality of evidence.* Assuming that premise, what kind of framework does meet the needs of historical researchers?

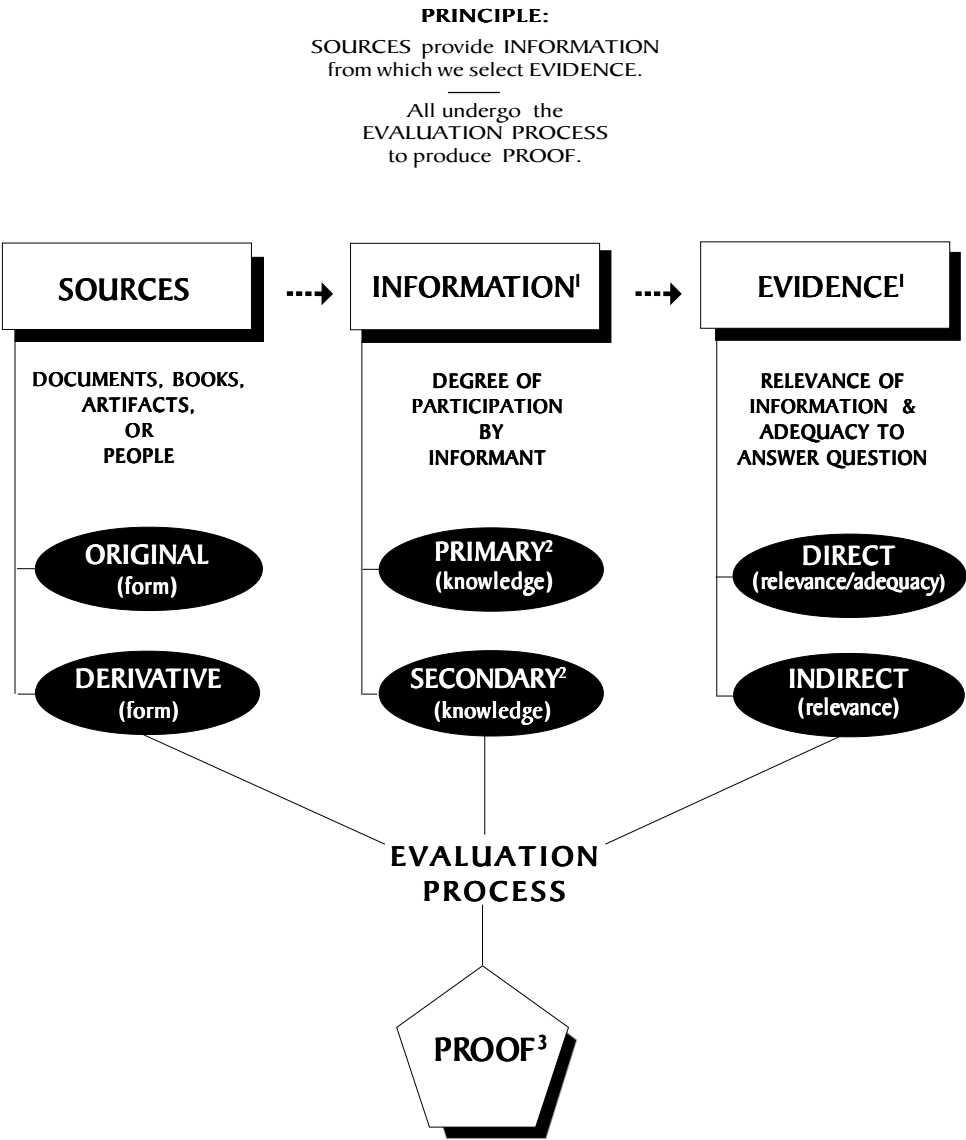
REVISED CONCEPTS

This genealogical view of evidence analysis may be summarized in two basic principles, whose application brings family history more into line with the principles of diplomatics (i.e., the field of historico-literary research that evaluates evidence by subjecting a relevant document to questions that probe its provenance and regeneration, its external and internal features, and the probable validity of its

18. Introduction to *The Source: A Guidebook of American Genealogy*, rev. ed., Loretto Dennis Szucs and Sandra Hargreaves Luebking, eds. (Salt Lake City: Ancestry, 1997), 3.

19. South Carolina Memorials, 7: 116–17, South Carolina Department of Archives and History, Charleston.

Figure 1
A Process Map for Analyzing Evidence



1. To evaluate the reliability of an information statement or to judge its value as evidence, one must first define the research question in need of an answer.
2. The evaluation of information as *primary* or *secondary* applies to each individual statement, not to a whole source.
3. *Proof* is a conclusion that meets the Genealogical Proof Standard.

textual statements).²⁰ In brief, the two basic principles of modern genealogical analysis may be described as follows:

PRINCIPLE 1

Sources provide information from which the researcher selects evidence. All undergo the evaluation process to produce proof.²¹

This basic principle emphasizes the differences between several terms researchers tend to use interchangeably but imprecisely. It also erects the framework for a far more careful evaluation of historical data. The cornerstones on which this framework rests are the following definitions:²²

- *Sources* are artifacts, books, people, and records in which information is found.
- *Information* is a statement about some aspect of an event, person, place, situation, or time.
- *Evidence* is an information statement that has undergone both internal analysis and correlation with other findings to determine (a) its probable reliability or credibility; and (b) its relevance to the issue under investigation. The more probable its reliability and the more directly relevant its assertions, the greater weight or importance one would give to an information statement in the assembly of proof.
- *Proof* is the sum of the evidence that supports a valid conclusion or assertion about some aspect of history or genealogy.

PRINCIPLE 2

Historical data have three basic characteristics: (a) its form, (b) the knowledge of the informant, and (c) the relevance and adequacy of the evidence. Within each, quality varies; and the evaluation of b and c must be based upon a specific research question.

Sources (Form)

Sources have a tangible form. They can be felt, seen, and/or heard. More important from an analytical standpoint, sources have two basic traits:

- *Original*, meaning one that contributes written, oral, or visual information not derived from a prior written record or oral communication.
- *Derivative*, meaning one that contributes information abstracted, duplicated, transcribed (with or without editing), or otherwise reported from information in a previously existing source. Derivatives include, but are not limited to, materials

20. For further explication of this approach to evidence analysis, see "Diplomatics and Modern Records," *American Archivist* 59 (Fall 1996, published Spring 1998): 412–94.

21. Leary, Mills, and Rose, "Evidence Analysis: Definitions, Principles, and Practices."

22. The definitions presented in this paper are adapted from *ibid.* also.

created (a) contemporaneously with the source (example: the “duplicate originals” created when census enumerators had to submit copies to multiple offices) or years later (as with published abstracts, transcripts, translations, indexes, and databases); (b) by officials in the course of performing their duties or by private parties pursuing their own interests (e.g., describing the results of a genealogical investigation); and (c) in handwritten, digitally generated, electronically recorded, or photographed form.

Most of the questions raised online by the historical writer center upon this matter of *form*. Evaluating a *source* according to *form*—rather than attempting to classify the source by whether it contains *primary or secondary information*—solves most of the dilemmas raised in that online query. It also allows the historical researcher to scale this part of the evaluation according to the specific form the derivative takes and the number of generations it is removed from the original.

Information (Participation or Knowledge)

The quality of information is judged by the informant’s degree of *participation or knowledge*, as well as by his or her potential bias. That knowledge may be

- *Primary*, meaning that the informant was a participant in or eyewitness to the matter about which he or she provides information.
- *Secondary*, meaning that the informant was *not* a participant in or eyewitness to the matter; rather, his or her information came from hearsay, tradition, or some recorded source.

Any source may offer a combination of both primary and secondary information. *Its value is also likely to vary according to the question for which the researcher needs an answer.* For example, the following brief passage from Mary (Boykin) Chestnut’s diary, dated 23 April 1862, would earn at least three different evaluations, depending upon the question asked:

April 23rd 1840 I was married, aged 17—consequently, the 31st of March, 1862, I was 39. . . . I saw a wedding today from my window, which opens on Trinity Church. Nanna Shand married a Dr. Wilson. . . . Mrs. Nott’s two gallant boys unhurt. Deas and Henry. They were in the Shiloh fiasco.²³

Question 1: When did Mary Boykin marry James C. Chestnut?

Evaluation of Sentence 1: Primary knowledge, high probability of accuracy.

Mary was indisputably a source of primary knowledge regarding the date of her marriage. This evaluation, of course, does not necessarily mean that her information is correct. Countless individuals do erroneously recollect dates, and countless married couples have lied about their marriage dates.²⁴ However, one would be

23. Woodward, *Mary Chestnut’s Civil War*, 328–29.

justified in expecting Mary's statement about her wedding to have a high probability of accuracy.

Question 2: Whom did Nanna Shand marry on 23 April 1862?

Evaluation of Sentence 2: Primary knowledge, perhaps questionable reliability.

Again, Mary can be considered a source with primary knowledge of this marriage, given her statement that she witnessed it from her window. However, the manner in which she identified the groom (a Dr. Wilson) weakens her credibility as a source for his identification. Her phrasing implies that she did not know him and that her identification is based upon hearsay. The editor of the most reliable version of Mary's diary identifies Nanna Shand's father as the pastor of Trinity Church, which Mary pointed to as the site of the wedding. However, the editor appears to have been unable to document Nanna's marriage to anyone named Wilson²⁵—a fact that lessens still further the probability that Mary correctly identified the groom in the wedding she eyewitnessed but did not attend.

Question 3: Were Deas and Henry Nott injured in the Battle of Shiloh?

Evaluation of Sentence 3: Secondary knowledge.

In this case, Mary's diary entry is clearly based on secondary knowledge at best. She was not present at the battle. She does not say she has received a letter from them reporting that they had escaped unscathed. Never, thereafter, does she mention them by name, implying that they were not close associates.²⁶

It is no wonder that Eugene A. Stratton, FASG, observed in 1988: "I frankly do not know if we could ever come up with an all-inclusive definition of a *primary source*."²⁷ This one, often-used source shows why. Within a mere three sentences, the information statements made by the original diarist warrant three separate levels of trust. Clearly, describing the manuscript as a "primary source"—based upon the fact that it was penned by a woman who lived through the times about which she wrote—is simply an inadequate evaluation.

Evidence (Relevance and Adequacy)

Whether an information statement deserves to be considered evidence depends not only upon its credibility but also upon its *relevance to the question at hand*. When it is deemed relevant, the researcher must then decide whether the degree to which

24. As the late Meg Greenfield astutely observed: "A personal diary or journal is a setting in which it is singularly safe to tell the truth, [but] it is also a setting in which it is singularly safe to tell a lie. And many practitioners use it for both purposes. Who says people are necessarily honest with themselves, in the first place? . . . [A diary] doesn't talk back. It doesn't say 'gimme a break,' when inscribed with a whopper. It doesn't even raise an eyebrow. A diary has never heard of cross-examination. A diary has heard only of what its proprietor chooses to tell it. [Thus] diaries provide their authors with a chance to recast their own lives more to their liking." See Greenfield, "Who Says a Diary Can't Lie?" *Newsweek* (29 August 1994): 64.

25. Woodward, *Mary Chestnut's Civil War*, 290, 328, n.2.

26. At *ibid.*, 429–31, Chestnut's latest editor concludes that Deas is one of the men identified only as "the Notts," whom Mary included on a list of those dying sometime before "the winter of 1863."

27. Eugene A. Stratton, FASG, *Applied Genealogy* (Salt Lake City: Ancestry, 1988), 49. Italics added.

it answers the question qualifies it to be considered as

- *Direct evidence*, meaning that it appears to answer the question explicitly and does not require support or amplification from another source (although supporting evidence from independent sources would still be highly desirable, since the fact that the information directly answers the question still does not mean it is accurate).
- *Indirect evidence*, meaning that it appears to be relevant to the question, but it does not answer the question explicitly and it needs additional evidence to support or correct it before a conclusion can be reached.

Indirect evidence is sometimes called “circumstantial,” although some genealogical scholars draw a finer line by distinguishing between the two. Norman Ingham offers specific definitions to support the distinctions he sees: “circumstantial evidence in the narrow sense . . . merely shows that conditions look favorable, and indirect or oblique evidence . . . tends to confirm the conclusion concretely but not incontrovertibly.”²⁸ However, other genealogists are uncomfortable with applying this limitation to *individual* pieces of evidence. In their view, Ingham’s definition of “indirect” would be difficult to apply to a *single* piece of evidence, given that just one piece cannot “confirm” something without there being something else indicating the conclusion to start with.

At this point, the consensus seems to be: *Circumstantial* is a term best applied to *proof*—i.e., to the total body of evidence accumulated, rather than to individual pieces of evidence. In this view, *circumstantial* proof would denote cases built on indirect evidence in which the hypothesis appears likely but not incontrovertibly so (a matter subsequently addressed under *Levels of Confidence*).

Many genealogists are particularly skittish about using indirect evidence or circumstantial cases to resolve problems of identity or relationship. Although such caution is well placed, researchers will usually err when they reject conclusions based on well-developed indirect evidence in favor of less credible sources that make unsupported but explicit statements of “fact.” Historical researchers have been well-advised by Stevenson, who borrowed counsel from a 1904 Delaware judicial decision: “Evidence is none the less effective because it is circumstantial, if it be consistent, connected and conclusive.”²⁹ Genealogical literature is rich in examples of the ways by which indirect evidence is used to credibly establish dates, identities, origins, relationships, and other crucial matters. The present issue includes two such cases.

28. Ingham, “Some Thoughts about Evidence and Proof in Genealogy,” 380. Echoing Ingham’s view is Jones, “A Conceptual Model of Genealogical Evidence,” 13–17. In private correspondence, Ingham more explicitly states that his essay meant to apply the term *circumstantial* to “major conclusions” such as those involving identity (i.e., the case ultimately built), as well as to individual facts. See Ingham to Mills, 10 August 1999, letter in possession of this writer.

29. Stevenson, *Genealogical Evidence*, 186–88, drawing from *State v. Samuels*, 22 Del. (6 Penne.) 36, 39.

Evidence, in short, is a *mental* concept. Sources are *physical* objects or people. Information is also concrete, consisting of visible or audible words. But evidence is whatever the researcher deduces when he or she mentally processes those words. Working in early probate files, for example, historical researchers frequently encounter references to “infants” left by the deceased. Instinctively, the novice forms a mental image of a toddler or even younger babe. With experience, researchers learn that the word has a different meaning in law. The skilled genealogist who encounters that term in a document will read the word *infant* and think *someone under the age of twenty-one*.³⁰ Simplistically, here, one sees the difference between “information” (the physically visible images or audible sounds) and “evidence” (one’s interpretation of those words).

ACHIEVING “PROOF”

Addressing the validity of genealogical evidence at the 1985 National Genealogical Society conference, Stratton spoke of his experience with applicants to a major lineage society:

As Historian General of the . . . Society for two years, I processed some 3,500 applications for membership and examined the evidence submitted to support each generation from the applicant back to a [qualified progenitor]. Before my time this documentation was referred to as “proofs,” but . . . I found that what was called a ‘proof’ very often proved nothing. . . . People who would not believe the promises made by a presidential candidate would accept what a mountebank such as Sir Bernard Burke might write in *Burke’s Peerage* as if it were the gospel truth. . . . They might not trust their slightly dotty Great Aunt Minnie to make change for a dollar, but if she wrote a family history, that part of her image would . . . become someone worthy of abiding in the Hall of Fame for Historians, side by side with Samuel Eliot Morison. That anything appearing in print might be based in any part on wishful thinking, mistaken identity, misinterpretation of fact, unthinking gullibility, or just plain intention to deceive was a concept alien to their powers of ratiocination.³¹

The society Stratton discussed has significantly addressed the subject of evidentiary standards since that time. Yet the same approach to “proof” is still abundantly evident on the Web. While many newcomers to the hobby do recognize the need for study, seek out the best guidance available, and apply the exacting standards that are second nature in their professional lives elsewhere, naïveté about “proof” remains a serious problem and likely will continue to be.

30. English common law, which is the basis of U. S. law outside Louisiana, actually complicates this example by offering another term, *infant of tender years*, to denote a child under the age of fourteen years.

31. Stratton, “The Validity of Genealogical Evidence,” audiotaped lecture TRIAD/SLC-189 (reissued, Hobart, Indiana: Repeat Performance, n.d.). The quotation is drawn from a manuscript copy Stratton supplied the present writer.

Addressing a Web-based constituency, Michael John Neill of Carl Sandburg College cautioned recently:

The genealogical process is more than accumulation of data. It is the comparison of the new data with the old that is one of the cornerstones of genealogical research. There are times when the recently acquired information either agrees or does not conflict with the old and the two can be combined to create a new picture of the ancestor or family. However, this is not usually the case. The more likely scenario is that there are conflicts.³²

Correlation of data and resolution of conflicts: credible proof is rarely possible without either. Plainly stated “facts” about births, marriages, and deaths are more the exception than the rule; and when they are found, they still may be wrong. What, then, *does* constitute acceptable proof?

Genealogical Proof Standard

Credible conclusions in family history rest upon five criteria: (a) the research should be reasonably exhaustive; (b) the evidence should be drawn from reliable records, correctly interpreted; (c) any contradictory evidence should be soundly rebutted; (d) all statements of fact should be scrupulously documented; and (e) all deductions should be carefully reasoned and explained in writing. However, any conclusion, or “proof,” is subject to reevaluation if new and substantial evidence emerges to the contrary.

Achieving the Standard

The basic tenets of sound genealogical research still stand. Each genealogical assertion a researcher makes must be supported by proof, but “proof” is not synonymous with “a source.” The most reliable proof is a composite of information drawn from multiple sources—all being quality materials, independently created, and accurately representing the original facts. In the research process, each source and each seemingly relevant information statement within a source should be analyzed carefully for its evidentiary value, considering all characteristics and traits discussed in this paper and numerous others specific to individual types of records.

Above all, the researcher must resist the temptation to view “proof” as the sum of an equation. Validity cannot be calculated by a simple formula such as

$$\text{Original} + \text{Primary} + \text{Direct} > \text{Derivative} + \text{Secondary} + \text{Indirect}$$

Nor can validity be quantified by assigning points to these basic elements. Rather, the bottom line is this: *Can the evidence drawn from this source's information be considered accurate? Can it be trusted as a credible indication of what the original facts were?* The physical qualities of the source, the nature of the information, and the

32. Michael John Neill, “Analyzing the Information,” *Ancestry Daily News*, 23 February 1999 <http://www.ancestry.com/dailynews/02_23_99.htm>, downloaded 23 June 1999.

directness of the evidence are merely the skeletal framework upon which we balance our material while we apply the finer tests of credibility. Those tests will vary infinitely, depending upon the type of each source, the specific pieces of information involved, and our perception of their meanings.

Conclusions

A conclusion cannot always be reached. When the accumulated materials are appropriately appraised, the evidence may or may not support a decision. If it does not, then the question remains open—the needed “fact” remains unknown—until sufficient evidence is developed. A jury, convened in a court session, is under an obligation to render a verdict after both sides present their chosen evidence. The historical researcher is under no such obligation. Any case may simply be held open until adequate evidence is gathered. If extenuating circumstances pressure for a decision, then the historical researcher is obligated to present all relevant evidence, interpret it accurately, and appropriately “qualify” whatever speculation or hypothesis seems warranted. This is commonly done through the use of terms that denote *levels of confidence* (see next section). However, the use of such a term carries with it an obligation to explain *why* one feels the probability, et cetera, warrants consideration.

Levels of Confidence

Within sound genealogical studies, information statements about dates, identities, places, relationships, and similar matters are frequently prefaced by such terms as *apparently*, *likely*, *possibly*, or *probably*—all denoting that the stated “fact” is clouded by doubt. To date, these terms have no concrete definitions; practically speaking, they take on whatever shade each individual researcher provides with his or her supporting detail. Ingham’s discussion of the processes involved in genealogical analysis presents a three-tier scale that connotes levels of confidence—a series of stages he compares to three-step series used in other scholarly fields:³³

- *Possibility*, used at the “speculation” stage—a term comparable to the math/physics concepts *intuition* and *guess*.
- *Probability*, used at the “hypothesis” stage—a term comparable to the math/physics concepts *proposal* and *conjecture*.
- *(Reasonable) certainty*, used at the “proof” stage—a term signifying a convincing degree that is comparable to the math/physics concept *verification*.³⁴

33. Ingham, “Some Thoughts about Evidence and Proof in Genealogy,” 381.

34. In describing *possibility*, *probability*, and *certainty*, Ingham aligns his concepts with the terms *speculation*, *hypothesis*, and *proof* used in an NGS Quarterly Editors’ Corner by Elizabeth Shown Mills and Gary B. Mills, “Scholarship: Arrogance or Humility?” 83 (March 1995): 3. Mills and Mills agree but suggest *reasonable certainty* as a more appropriate term than *certainty*, and Ingham concurs. Short of support from DNA evidence, *certainty* seems impossible to achieve when attempting to establish paternity, maternity, or “facts” from another era. While Ingham later points out much the same, the present writer suggests that confusion can be avoided by adding the qualifier *reasonable* to the *certainty* stage.

The distinction Ingham and Jones see between “indirect” and “circumstantial” evidence would also seem to be a valuable measure of certainty. For example, when the genealogist compiles a proof argument to support a conclusion based on a cohesive accumulation of indirect evidence, identifying the work as a *circumstantial case* would signify that the conclusion is likely but not incontrovertible—as opposed to a *conclusive case*, in which the body of indirect evidence supports the assertion concretely.

Quality Sources

In a genealogical context, “quality sources” generally mean originals or the best copy to which the public has access. Recognizing the fragility of records and the research value that many derivatives do possess, genealogical principles permit certain waivers from the ideal.

IMAGE COPIES

When quality image copies are produced by reputable publishers, they are usually the preferred medium. When used, they should be identified as such (with microform or digital publication data, when appropriate, as well as location data for the originals). However, when an information statement in an image copy contradicts evidence elsewhere, quality research calls for a diligent effort to access the original or to have the questionable data verified by the agency that holds the original.

OTHER DERIVATIVES

Most research projects do *begin* with a literature survey for the family, place, and time. When abstracts or edited editions exist and their quality is worthy of use, then thorough research calls for using them. Their compilers may offer editorial perspectives based on extensive experience with the subject matter, and most offer indexes more complete than the original collection. Again, however, any instance of data conflict involving derivative sources is grounds for consulting the originals or reliable image copies. Also, whenever a major element of a pedigree—name, relationship, or vital statistic in the direct line—rests upon this source, an image copy of the original should be secured, so that the data can be verified and the document added to the family archives.

Conversely, while most research projects do begin with a literature survey, they should not *end* there. In most locales, much (even most) material remains unpublished. No project is complete so long as available and relevant resources remain unexamined.

Proof Arguments

Ultimately, achieving the Genealogical Proof Standard for any major conclusion will rest upon one of four types of evidence cases:

1. *Direct evidence*, in which case the genealogist still searches for supporting evidence in other original sources of independent origin.³⁵ When all evidence agrees

35. For a particularly graphic illustration of what does or does not constitute “independent origin” and the effect this factor has upon the identification of historical figures, recent genealogical literature offers an excellent example: Louise F. Johnson, “Testing Popular Lore: Marmaduke Swearingen a.k.a. Chief Blue Jacket,” *NGS Quarterly* 82 (September 1994): 165–78.

unambiguously, proof arguments are seldom necessary; the family narrative, at the point where the conclusion is stated, need only cite the documents that provide the statements of direct evidence. When the *treatment* of the direct evidence is complex, an explanation of the evidence is usually needed.

2. *Conflicting direct evidence*, in which case the researcher will (a) conduct adequate research and analysis to resolve the conflict; and (b) write a well-documented proof argument to outline the evidence, spotlight the conflict, and explain why one piece of evidence is considered more reliable than the other.
3. *An accumulation of indirect evidence*, which may all point in one direction or may conflict. In either case, the researcher will write a well-documented proof argument to outline the evidence and resolve any conflict.
4. *An accumulation of indirect evidence that contradicts direct evidence*, which usually is the most complex of all proof situations. Again, a written proof argument will set forth all the evidence, the documentation that supports it, and the interpretation and analysis processes that led to the conclusion.

The present issue of this journal offers proof arguments that illustrate the handling of complex evidence situations of each type above. As these examples show, proof arguments may be short or long although, as a general rule, the more complex the case, the more extensive the development. Within all four examples, readers will note considerable variance in the handling of the evidence—after all, every ancestral problem is a unique combination of circumstances. Yet certain essentials are found in all, principally the following:

- Explanation of problem
- Identification of known resources
- Presentation of evidence, supported by thorough reference citations
- Explicit discussion of any conflicting evidence
- Summation of main points in the problem and reiteration of conclusion

A special word of caution is warranted on one point: the discussion of *conflicting evidence*, which is the most frequently ignored dimension. Some family historians dismiss it with a contention that technical details would bore their readers. To the contrary, they owe it to their readers to present balanced evidence; and tedium is easily avoided by tucking those discussions into notes. Other compilers of family history, when lapses are called to their attention, express concern that it would weaken their credibility if they include material contradicting the “facts” outlined in their narratives. In truth, it is the omission that damages credibility. As in the hard sciences, social-science standards do not look kindly upon researchers who report findings they agree with and gloss over contraindications.³⁶

36. Current news illustrates the point: an acclaimed scientist in a prominent research laboratory was dismissed from his job, professionally reprimanded, and forced to retract findings published in a leading journal when a panel of peers concluded he had “eliminated data that did not support his conclusions.” See “Scientist Faked Data That Linked Electromagnetic Radiation, Cancer” [syndicated article], *The Tuscaloosa (Alabama) News*, 24 July 1999.

Stratton, in his 1985 address, described genealogy as “Two Nations . . . One Nation [being] that small minority that respects documentation and evidence, and the other [being] that vast majority to whom the validity of genealogical evidence is a meaningless concept.” On this eve of a new millennium, the situation is not so bleak. Vast numbers of family historians do respect documentation and evidence. But his analogy still applies, and his concern deserves to be kept burning. The value of family history as an intellectual and professional field, as well as a personal fulfillment, is well established. The need for sound genealogical research is firmly entrenched in the court system, in genetic research, and in medieval studies (where it wears the mantle *prosopography*). It is increasingly used in other forms of social and political history, as well as in historical demography. Yet the future holds no guarantees.

Genealogy can no longer afford to be a Two Nation pursuit. All practitioners seek access to the same materials; and the conduct of each researcher determines to a great extent the reception and assistance received by the next. Family histories that are compiled “for one’s own family” are broadcast on the Web and disseminated in libraries, where they are regularly used by researchers in adjunct fields unfamiliar with standards for judging genealogical quality. Garbled family trees, put forth to the public as legitimate, lead to legal injustices, genetic-research failures, and invalid historical conclusions. The world of research is demonstrably shrinking to One Nation in which traditional boundaries blur, learned fields interact, and trust is essential. Adherence to standards of excellence in the handling of historical evidence will ensure that family history continues to enjoy the respect and public support it has achieved—and that it proceeds, from here, to earn the universal, *institutional* support enjoyed by other branches of history.

Missing Military Rolls: Revolution and War of 1812

[Sandusky (Ohio) *Commercial Register*, 20 April 1858, page 3]

CARELESSNESS IN THE PENSION OFFICE: “Not long since, as an auditor came into his department, he noticed that his fire was not lighted. The kindling paper attracted his attention, and he pulled it out from behind the wood which was upon it. Judge his surprise when he saw that it was one of the militia rolls, which should have been left on file. Upon examining into the matter, he found that the servant had been frequently in the habit of making fires during the past winter with these rolls. . . . How many applicants for pensions have been reported ‘no rolls’ by lazy clerks on account of this defalcation, I do not know, but this shows the carelessness which results from the present system of filling clerkships and lower offices by men not always fit for their posts, but because of political service.”

—Contributed by the editors