

Editorial

The Folk Heritage Collections in Crisis conference

Michael Seadle

The author

Michael Seadle is Editor of *Library Hi Tech*. He is also Digital Services and Copyright Librarian at Michigan State University, East Lansing, Michigan, USA. E-mail: seadle@mail.lib.msu.edu

Keywords

Intellectual property, Preservation, Archives

Abstract

The Folk Heritage Collections in Crisis conference pursued three themes: access, preservation, and intellectual property. The 100 invited participants were mainly middle-aged, established, upper-echelon professionals. What is interesting is how much agreement there was on issues like digital preservation and the use of encoded archival description. Participants saw the US copyright law as a barrier which neither upheld the rights of people of non-European origin, nor facilitated the free movement of information.

The variety of historical evidence is nearly infinite. Everything that man says or writes, everything that he makes, everything he touches can or ought to teach us about him (Bloch, 1953, p. 66).

Even if they [family papers] have not been lost, eaten by rats, or scattered by the caprice of sale or inheritance through the attics of three or four houses on different estates, there is nothing to oblige their present owners to let you see them (Bloch, 1953, p. 73).

The “Folk Heritage Collections in Crisis” conference that took place in December 2000 at the Library of Congress addressed precisely the problems that Bloch raised half a century earlier: everything having to do with a culture is of interest, and even seemingly robust records are vulnerable to destruction or concealment. No one doubted the first point, and no one had a perfect solution to the second. Perfect solutions take too long anyway. Finding ways to take imperfect but immediate action had to suffice as a common goal.

A sense of urgency pervaded the conference. Paper records have a relatively long lifespan, even when printed on acidic media. But analog sound and video recordings, even on quality media, begin deteriorating immediately. Some recordings from the 1970s suffer from the “sticky shed” syndrome and might at best survive one more use, after a restorative baking. Other physical artifacts are also vulnerable, not necessarily because of deterioration, but because many libraries and archives have inadequate provision for storing and describing non-text objects. Even worse: many folk collections remain in private hands or unofficial collections. The death or retirement of a single person might send hundreds of unique items into the trash.

The conference pursued three themes:

- (1) access;
- (2) preservation; and
- (3) intellectual property.

I participated in the last of these, and in the plenary sessions. More information about the action items and the conference in general will be available from the Council on Library and Information Resources[1], which is publishing a white paper on the meeting in March. Rather than repeat those action items, I want to talk about some of the significant areas which are not action-oriented, but which represent

elements of the intellectual infrastructure: those shared terms and ideas without which discourse cannot proceed.

Conference demography

To understand the discourse, it is essential to know who participated. Roughly four communities had representation:

- (1) folklorists;
- (2) librarians/archivists;
- (3) technologists; and
- (4) lawyers.

The folklorists were mainly people who went out into the field, did interviews, recorded them on various media, and have a long-term relationship with particular cultural communities. Those communities included native Americans and urban immigrants; they involved multiple languages and a wide range of technology. The librarians and archivists were mainly degreed professionals from established institutions, though at least one major private collector attended as well. The technologists were more diverse. Some had special expertise in making materials available digitally. Others were experts in sound and sound reformatting. The lawyers overwhelmingly worked with copyright issues, sometimes for rights holders, sometimes for organizations wanting access.

The majority of participants were over 40, perhaps even over 50. Women outnumbered men, perhaps because librarians outnumbered technologists. Although pinstriped suits were not greatly in evidence (admittedly I wore one), and ties essentially vanished for the Saturday session (I wore turtlenecks both days), the men's clothing was consistently more conservative than what I see on staff in my library. Even those few jeans wearers balanced their informality with a suit jacket. Female participants followed similar patterns: the only actual color in the room came from two red sweaters and one red scarf.

The point is that the 100 invited participants were mainly middle-aged, established, upper-echelon professionals. Virtually everyone knew at least some other participants. They were conference-going veterans whose social and intellectual backgrounds had a lot in common.

Digital preservation

At a recent interview at Michigan State University, an excellent job candidate answered a question about digital preservation by saying that she assumed people did not accept digitization as preservation. In this conference, the opposite was true. Janet Gertz of Columbia said that the question is not whether we do digital, but how. And one person infamous for his opposition to digital preservation of sound merely encouraged archives not to discard the analog versions after digitization. As a digital advocate, I felt a milestone had been passed.

But the standards for digital preservation received relatively little attention. This was partly because other groups were working on those standards. Research Libraries Group (RLG) is preparing a magnetic media manual, and the Library of Congress (LC) is establishing standards for its own massive multimedia digitization project. It was also partly because issues like sampling rates and file formats are easier to solve than the choices of which items to preserve first, and where to find the financial resources to make that possible. Is a unique copy of linguistic interviews of Yiddish speakers in now-nonexistent eastern European villages more important to preserve than an anthropologist's interview with tribal elders who are now having second thoughts about how widely they should share secret knowledge? It is an unanswerable question, but in a world of limited resources, someone or some institution may well have to decide.

Copyright

Tony Seeger, Professor of Ethnomusicology at UCLA, put copyright in the context of the web of agreements that govern objects in all archives. This helped participants step back from viewing copyright as only a part of the US law, and to consider how non-Eurocentric societies think about the ownership of their words, music, art, and artifacts. Although no single answer was possible, even for native American societies, one theme emerged strongly: ownership matters. Often the ownership rights belong to no individual, and sometimes custom limits access rights explicitly

to an elite. An argument was made that a tribe should have a say in how its intellectual property is used. The counter argument was that such communities are too ill defined: who really belongs and which faction should control such decision making?

While such concerns surfaced again and again, and clearly represented the prime intellectual property concern for a significant group of the ethnographic community, the debate focused ultimately on US law. One participant argued that “bits want to be free”. He meant that digital objects should be shared regardless of the law. Others argued for changing US copyright law to limit ownership rights and increase access. One man with a rich southern accent insisted that this could be done, and that he knew the right committee chairman to make it happen. His conviction and self-assurance were persuasive, yet most of us did not believe him. Memories of past lobbying failures were too vivid to erase.

Most people in the room saw the US copyright law as a barrier which neither upheld the rights of people of non-European origin, nor facilitated the free movement of information that is key to the intellectual and educational enterprises. Yet they recognized that they had to deal with it, with its quirks and unclarities, and with the lawyers who knew how to deal with it. They did not like it, and had no collective urge to learn enough to exploit those loopholes and options that do exist. Nor did they take comfort in the excellent suggestion that a wealth of public domain materials remains to be exploited.

ACCESS

Conference participants recognized that access is difficult enough for materials in established archives that belong to well-known institutions. No one knew how much unique oral material sits in private collections in attics and basements. Art Silverman of National Public Radio talked about his experiences with the *Lost and Found Sound* program, where people would call in with odd and invaluable items, such as the 78 rpm recording of a man who talked about having heard Abraham Lincoln give the Gettysburg address. Only one avowed private

collector had been invited to the conference. His collection is unusually large and notable. Other secret collectors came, too. I admit to having a secret stash of oral history tapes in my desk drawer. Probably others at the conference could make similar confessions. Why do we not donate them to institutions that could improve access? Sloth? Privacy concerns? The stupidity of the questions we asked? The problem embraces these issues and more.

The access issue that received little discussion because of widespread agreement was metadata. Most people seemed to prefer encoded archival description (EAD). EAD has flaws. It does not offer enough detail on copyright and usage restrictions, though it has tags for both. And it does not offer enough detail for describing the nature of sound files. These weaknesses can be remedied with a few modifications.

Conclusion

A conference like this is not an end-point, but part of a process of discourse about how libraries and archives handle the increasingly diverse kinds of materials that scholars find interesting. A follow-on discussion will take place at the American Library Association in Washington in January 2001. No one expects quick solutions to the problems. What is interesting is how much agreement there is on issues like digital preservation and the use of EAD. I do not wish to exaggerate. Both are still controversial in the larger library and archival world, and many problems remain to be solved. But progress has been made. Peggy Bolger of the Library of Congress especially deserves thanks for organizing the conference and for providing an intellectual framework for further work.

Note

- 1 <http://www.clir.org/>

Reference

- Bloch, M. (1953), *The Historian's Craft*, translated by Peter Putnam, Vintage, New York, NY.