Sounds and Digital Humanities

John Barber
Welcome to DHSI 2018!

Thanks for joining the DHSI community!

In this booklet, you will find essential course materials prefaced by some useful information about getting settled initially at UVic, finding your way around, getting logged in to our network (after you’ve registered the day before our courses begin), and so on.

Given our community’s focus on things computational, it will be a surprise to no one that we might expect additional information online for some of the classes - your instructors will let you know - or that the most current version of all DHSI-related information may be found on our website at dhsi.org.

To access the DHSI wifi network, simply go into your wireless settings and connect to the “DHSI” network and enter the password “dhsi2018”.

And please don’t hesitate to be in touch with us at institut@uvic.ca or via Twitter at @AlyssaA_DHSI or @DHInstitute if we can be of any help ....
Regional Map of Greater Victoria

Average Frequency

**Regional Route**
15–60 minute service with limited stops

**Frequent Route**
15 minute or better service
7am-7pm, Mon-Fri

**Local Route**
20–120 minute service

Legend

- **Direction of Travel**
- **Route Name**
- **Transit Exchange**
- **UVic**
- **Park & Ride Lot**
  (no overnight parking)
- **Major Stop**
Psst: Some Suggested Outings

Suggested Outing 1, Botanical Beach (self-organised; car needed)
A self-guided visit to the wet, wild west coast tidal shelf (and historically-significant former research site) at Botanical Beach; we recommend departing early (around 8.00 am) to catch low tide for a better view of the wonderful undersea life! Consider bringing a packed lunch to nibble-on while looking at the crashing waves when there, and then have an afternoon drink enjoying the view from the deck of the Port Renfrew Hotel.

Suggested Outing 2, Butchart Gardens (self-organised)
A shorter journey to the resplendently beautiful Butchart Gardens and, if you like, followed by (ahem) a few minutes at the nearby Church and State Winery, in the Saanich Peninsula. About an hour there by public bus from UVic, or 30 minutes by car.

Suggested Outing 3, Saltspring Island (self-organised; a full day, car/bus + ferry combo)
Why not take a day to explore and celebrate the funky, laid back, Canadian gulf island lifestyle on Saltspring Island. Ferry departs regularly from the Schwartz Bay ferry terminal, which is about one hour by bus / 30 minutes by car. You may decide to stay on forever ....

Suggested Outing 4, Paddling Victoria's Inner Harbour (self-organised)
A shorter time, seeing Victoria's beautiful city centre from the waterways that initially inspired its foundation. A great choice if the day is sunny and warm. Canoes, kayaks, and paddle boards are readily rented from Ocean River Adventures and conveniently launched from right behind the store. Very chill.

And more!
Self-organised High Tea at the Empress Hotel, scooter rentals, visit to the Royal BC Museum, darts at Christies Carriage House, a hangry breakfast at a local diner, whale watching, kayaking, brew pub sampling (at Spinnaker's, Swans, Moon Under Water, and beyond!), paddle-boarding, a tour of used bookstores, and more have also been suggested!

Sunday, 3 June 2018 [DHSI Registration + Suggested Outings]

If you're here a day or two before we begin, or staying a day or two afterwards, here are a few ideas of things you might consider doing ....

▼ Suggested Outing 1, Botanical Beach (self-organised; car needed)
A self-guided visit to the wet, wild west coast tidal shelf (and historically-significant former research site) at Botanical Beach; we recommend departing early (around 8.00 am) to catch low tide for a better view of the wonderful undersea life! Consider bringing a packed lunch to nibble-on while looking at the crashing waves when there, and then have an afternoon drink enjoying the view from the deck of the Port Renfrew Hotel.

▼ Suggested Outing 2, Butchart Gardens (self-organised)
A shorter journey to the resplendently beautiful Butchart Gardens and, if you like, followed by (ahem) a few minutes at the nearby Church and State Winery, in the Saanich Peninsula. About an hour there by public bus from UVic, or 30 minutes by car.

▼ Suggested Outing 3, Saltspring Island (self-organised; a full day, car/bus + ferry combo)
Why not take a day to explore and celebrate the funky, laid back, Canadian gulf island lifestyle on Saltspring Island. Ferry departs regularly from the Schwartz Bay ferry terminal, which is about one hour by bus / 30 minutes by car. You may decide to stay on forever ....

▼ Suggested Outing 4, Paddling Victoria's Inner Harbour (self-organised)
A shorter time, seeing Victoria's beautiful city centre from the waterways that initially inspired its foundation. A great choice if the day is sunny and warm. Canoes, kayaks, and paddle boards are readily rented from Ocean River Adventures and conveniently launched from right behind the store. Very chill.

▼ And more!
Self-organised High Tea at the Empress Hotel, scooter rentals, visit to the Royal BC Museum, darts at Christies Carriage House, a hangry breakfast at a local diner, whale watching, kayaking, brew pub sampling (at Spinnaker's, Swans, Moon Under Water, and beyond!), paddle-boarding, a tour of used bookstores, and more have also been suggested!

9:00 to 4:00
▼ Early Class Meeting: 4. [Foundations] DH For Department Chairs and Deans (Hickman 120, Classroom)
Further details are available from instructors in mid May to those registered in the class. Registration materials will be available in the classroom.

3:00 to 5:00
DHSI Registration (MacLaurin Building, Room A100)
After registration, many will wander to Cadboro Bay and the pub at Smuggler's Cove OR the other direction to Shelbourne Plaza and Maude Hunter's Pub OR even into the city for a nice meal.

Monday, 4 June 2018

Welcome, Orientation, and Instructor Overview (MacLaurin A144)
Classes in Session (click for details and locations)

- 1. [Foundations] Text Encoding Fundamentals and their Application (Cornett A128, Classroom)
- 3. [Foundations] Making Choices About Your Data (MacLaurin D109, Classroom)
- 4. [Foundations] DH For Department Chairs and Deans (Hickman 120, Classroom)
- 5. [Foundations] Introduction to Javascript and Data Visualization (Clearihue D132, Classroom)
- 6. [Foundations] Introduction to Computation for Literary Criticism (Clearihue A195, Lab)
- 7. Out-of-the-Box Text Analysis for the Digital Humanities (Human and Social Development A160, Lab)
- 8. Sounds and Digital Humanities (MacLaurin D111, Classroom)
- 9. Digital Humanities Pedagogy: Integration in the Curriculum (MacLaurin D016, Classroom)
- 10. Text Processing - Techniques & Traditions (McPherson Library A003, Classroom)
- 11. 3D Modelling for the Digital Humanities and Social Sciences (MacLaurin D010, Classroom)
- 12. Conceptualising and Creating a Digital Edition (MacLaurin D103, Classroom)
- 13. Visualizing Information: Where Data Meets Design (MacLaurin D107, Classroom)
- 14. Introduction to Electronic Literature in DH: Research and Practice (MacLaurin D115, Classroom)
- 15. DH in the Humanities and Social Sciences: Curricular Introductions (MacLaurin A107, Classroom)
- 16. Race, Social Justice, and DH: Applied Theories and Methods (MacLaurin D105, Classroom)
- 17. XML Applications for Historical and Literary Research (Clearihue A103, Lab)
- 18. Processing Humanities Multimedia (Human and Social Development A150, Lab)
- 19. Digital Games as Tools for Scholarly Research, Communication and Pedagogy (MacLaurin D110, Classroom)
- 20. Web APIs with Python (Human and Social Development A170, Lab)
- 21. Ethical Data Visualization: Taming Treacherous Data (MacLaurin D101, Classroom)
- 22. Digital Publishing in the Humanities (Clearihue D131, Classroom)
- 23. Linked Open Data and the Semantic Web (Clearihue D130, Classroom)
- 24. Introduction to IIIF: Sharing, Consuming, and Annotating the World’s Images (MacLaurin D114, Classroom)
- 25. Feminist Digital Humanities: Theoretical, Social, and Material Engagements (Cornett A229, Classroom)
- 26. The Frontend: Modern JavaScript & CSS Development (Clearihue A030, Classroom)

10:15 to Noon

10:15 to Noon

Lunch break / Unconference Coordination Session (MacLaurin A144)
(Grab a sandwich and come on down!)

Undergraduate Meet-up, Brown-Bag (details via email)

1:30 to 4:00

Classes in Session

Institute Panel: Perspectives on DH (or, #myDHis ...)
Chair: Alyssa Arbuckle (U Victoria)
(MacLaurin A144)

- Milena Radzikowska (Mt Royal C): “Release the Kraken: Story-Driven Prototyping for the Digital Humanities.”
  Abstract: I have spent the last 15 years of my career designing text analysis tools for use by humanities scholars. In this brief presentation, I propose to share a concept-based approach to interface design for DH.

- Emily Murphy (U Victoria): “#MyDHis Edgy.”
  Abstract: I will build upon—or, possibly, perform a misprision of—a tweet by Polina Vinogradova; “#myDHis messy, dusty, edgy, and radically inclusive!” Vinogradova evokes the mess and dust of the archives, the edges that connect nodes of a network, and the political impetus to think of cultural history and community together. I argue that these aspects of DH have a renewed importance as we head into a moment of feminist historiography.

- Margaret Konkol (Old Dominion U): “Prototyping Mina Loy’s Alphabet with a 3D Printer.”
  Abstract: This talk discusses the interpretive and methodological implications of using 3D printing technologies to prototype the archival diagrams of a proposed but never constructed plastic segmental alphabet letter kit—–a game designed by modernist poet Mina Loy for F.A.O Schwarz. Although intended as a toy for young children, “The Alphabet that Builds Itself,” as a work of “object typography” articulates a theory of language as kinetic, geometric, recombinant, and open to mutation. Alphabetic segments extend into the x, y, and z coordinates in exponential iterations and conjoin with magnets. Combining elements of contemporaneous typefaces like Futura and Gill Sans, which represented modernity’s functional ideals and democratic principles of simplicity, these recombinant letters represent, as this talk argues, Loy’s unpublished modernist poem, an articulation of Loy’s concept of language as a physical fact in which substance, not just form, is semantic.

4:10 to 5:00

- Lee Zickel (Case Western Reserve U): “Comfortably Trepid.”
  Abstract: #myDHis found outside the well-established, DH-friendly institutions, at an institution that is devoted predominantly to Medicine and Engineering. I, and with increasing frequency other DH practitioners and instructors, am not positioned in a DH Lab or Humanities Center, but in ITS. Part teacher, part technologist, part translator, I will briefly discuss my work supporting humanists and social scientists, particularly those who are new to or less comfortable with computational methodologies.

- Dorothy Kim (Vassar C): “#MyDHis Antifascist.”
  Abstract: I've spent a lot of time in the last 12 months thinking about fascism, digital humanities, its long histories, and what it means to do DH work that centers social justice particularly in this global rise of late fascism. I will speak briefly about DH's history, including the medieval history related to Busa but how that history really connects to data systems that created the Holocaust and also participated in the Cold War nuclear military complex.
Randa El Khatib (U Victoria): "Learning from the Iterative Process."
Abstract: #MyDHis Iterative. In addition to the improvements that come with iterative projects, the iterative process itself is a fruitful area for scholarly inquiry. Within this iterative context, the various teams that I work with and I have been reflecting on and rethinking central DH practices, such as what it means to collaborate, prototype, remix, and implement DH values in our work. In this talk, I will present the various lessons learnt along the way.

Sarah Melton (Boston C): "#MyDHis...People."
Abstract: Taking seriously Miriam Posner’s exhortation to “commit to DH people, not DH projects,” I invite us to reflect on how people are the core of DH. In this brief talk, I will explore the intersections between DH, labor, and infrastructure.

5:00 to 6:00 Opening Reception (University Club)
We are grateful to Gale Cengage for its sponsorship.

Tuesday, 5 June 2018

9:00 to Noon Classes in Session

12:15 to 1:15 Lunch break / Unconference
“Mystery” Lunches
• DHSI Lunchtime Workshop Session (click for workshop details and free registration for DHSI participants)
  • 73. Introduction to ORCID (Digital Scholarship Commons, Classroom).

1:30 to 4:00 Classes in Session

• DHSI Colloquium Lightning Talk Session 1 (MacLaurin A144)
  Chair: James O’Sullivan
  • New Modes of DH and Archival Skills Acquisition in a Graduate Public History Course. Paulina Rousseau (Ryerson U)
  • Walking a Transect: Exploring a Soundscape. John Barber (Washington State U)
  • Centering the Edge Case: Designing Services for Humanities Data Research. Grace Afsari-Mamagani (New York U)
  • Orwellian Vocabulary and the 21st-Century Politics. Ilgin Kizilgunesler (U Manitoba)
  • Making Open Data from a Gray Archive. Sara Palmer (Emory U)

6:00 to 8:00 DHSI Newcomer’s Beer-B-Q (Felicitas, Student Union Building)

Wednesday, 6 June 2018

9:00 to Noon Classes in Session

Lunch break / Unconference
“Mystery” Lunches
• Brown Bag Lecture: Alexandra Branzan Albu (U Victoria): “Visual Recognition of Symbolic and Natural Patterns” (Digital Scholarship Commons, 3rd Floor McPherson Library)

Abstract: Image-based object recognition is a visual pattern recognition problem; one may characterize visual patterns as either symbolic or natural. Symbolic patterns evolved for human communication; they include but are not limited to text, forms, tables, graphics, engineering drawings etc. Symbolic patterns vary widely in terms of size, style, language, alphabet and fonts; however, literate humans can easily compensate for this variability and instantly recognize most symbolic patterns. On the other hand, natural patterns characterize images of physical structures; they often lack the intrinsic discriminability and structure of symbolic patterns, and vary widely in terms of pose, perspective, and lighting.
This lecture will explore similarities and differences in approaches designed for recognizing visual and symbolic patterns, and will address the following questions via examples.
- What are the distinctive characteristics of natural patterns? What dimensions of variability can we infer?
- What are the distinctive characteristics of symbolic patterns? What dimensions of variability can we infer?

Alexandra Branzan Albu is an Associate Professor with the Department of Electrical and Computer Engineering and cross-listed with Computer Science. Her research interests are related to image analysis, computer vision, and visual computing. She is actively pursuing outreach activities dedicated to increasing the women's presence in electrical engineering and computer science.

1:30 to 4:00 Classes in Session
Thursday, 7 June 2018

9:00 to Noon  Classes in Session

12:15 to 1:15  UVIC Library/ETCL lunchtime talk: “A Humanities Application of 3D printing and Machine Translation in the ChessBard and Loss Sets” by Dr. Aaron Tucker
Digital Scholarship Commons, 3rd floor, Mearns Centre for Learning / McPherson Library
Bring your lunch and come on up!)

1:30 to 4:00  Classes in Session

4:15 to 5:15  DHSI Colloquium Lightning Talk Session 3 (MacLaurin A144)
Chair: James O'Sullivan
- Documenting Deportation: A Collaborative Digital Collection. Paulina Rousseau (Ryerson U)
- Unleashing the Power of Texts as Networks: Visualizing the Scholastic Commentaries and Texts Archive. Jeffrey Witt (Loyola U Maryland) and Drew Winget (Stanford U)
- #haunteDH: Punching holes in the International Busa Machine Narrative. Arun Jacob (McMaster U)
- Text in World: Computational Analysis of Trauma in Genocide Narratives. Nanditha Narayanamoorthy (U York) and Krish Perumal (U Toronto)

7:30 to 9:30  (Groovy?) Movie Night (MacLaurin A144)

Friday, 8 June 2018 [DHSI; DLFxDHSI Opening]

9:00 to Noon  DHSI Classes in Session

12:15 to 1:15  DHSI Lunch Reception / Course E-Exhibits (MacLaurin A100)

1:00 to 2:00  DLFxDHSI Registration (MacLaurin A100)

1:30 to 1:50  [DHSI] Remarks, A Week in Review (MacLaurin A144)

2:00 to 3:00  Joint Institute Lecture (DHSI and DLFxDHSI):
Bethany Nowviskie (CLIR DLF and U Virginia): “Reconstitute the World: Machine-reading Archives of Mass Extinction”
Chair: Lisa Goddard (U Victoria)
(MacLaurin A144)
Abstract: The basic constitution of our digital collections becomes vastly more important in the face of two understandings: first, that archives of modernity are archives of the sixth great mass extinction of life on our planet; and next, that we no longer steward cultural heritage for human readers alone. In the same way that we people are shaped by what we read, hear, and see, the machine readers that follow us into and perhaps beyond the Anthropocene have begun to learn from “unsupervised” encounters with our digital libraries. What will we preserve for the living generations and artificial intelligences that will come? What do we neglect, or even choose to extinguish? And from an elegiac archive, a library of endings, can we create forward-looking, speculative collections—collections from which to deep-dream new futures? The most extra/ordinary power we possess is the power to make poetry from records of the past. Could it be called on, one day, to reconstitute the world?
Joint Reception: DHSI and DLFxDHSI (University Club)
DLFxDHSI Poster/Demo Session
  ▼ DHSI Colloquium Poster/Demo Session
  • Mediators as a Colonialist Artifact in Menzies’ Journal. Paula Johanson (U Victoria)
  • Camp Edit: the Institute for the Editing of Historical Documents. Nikolaus Wasmoen (Association for Documentary Editing, U Buffalo), Jennifer Stertzter (Association for Documentary Editing, U Virginia), and Cathy Moran Hajo (Association for Documentary Editing, Ramapo C)
  • A Digital Archaeology of Life in Cleveland’s Depression-Era Slums. Charlie Harper (Case Western Reserve U) and Jared Bendis (Case Western Reserve U)
  • Feminist Pest Control: controlling and not controlling nonhuman pests. Lindsay Garcia (C of William and Mary)
  • Legends of the Buddhist Saints. Jonathan S. Walters (Whitman C) and Dana Johnson (Freelance Web Developer)
  • Accessibility in Digital Environments Via TEI-Encoded Uncontracted Braille. Gia Alexander (Texas A&M U)
  • Translation3point0: Why Literary Translation Data Matters. Katie King (U Washington)
  • PoéticaSonora: A Digital Audio Repository Prototype for Latin American Sound Art and Poetry. Aurelio Meza (Concordia U)
  • Beauty and the Book: Pre-Raphaelite Artistic Practice Contained. Josie Greenhill (U Victoria)
  • Poetic Procedures/Digital Deformances. Corey Sparks (California State U, Chico)
  • Miranda, the Folger Shakespeare Library’s new Digital Asset Platform. Meaghan Brown (Folger Shakespeare Library)
  • Living Song Project. Quinn Patrick Ankrum (U Cincinnati) and Elizabeth Avery (U Oklahoma)
  • Digital Frankenstein Variorum. Rikk Mulligan (Carnegie Mellon U)

---

**Saturday, 9 June 2018 [DLFxDHSI + DHSI Conference and Colloquium]**

8:30 to 9:00  DLFxDHSI Registration (MacLaurin A100)

9:00 to 5:30  DLFxDHSI UnConference Sessions

  ▼ DLSI All Day Workshop Session (click for workshop details and free registration for DHSI participants)

9:00 to 4:00
  - 53. Building Your Academic Digital Identity (MacLaurin D105, Classroom)

▼ DHSI Colloquium Day Conference (MacLaurin A144)

Welcome

People I: Documenting Online Lives. Chair: Molly Nebiolo (University of New York)

  - Examining Gendered Harassment Online and in Silicon Valley. Andrea Flores (Utica College)
  - This is Just to Say I Have <X> the <Y> in your <Z>: Modernist Memes in an Era of Public Apology. Shawna Ross (Texas A&M University)

Break

People II: Documenting Lives Online. Chair: Dheepa Sundaram (College of Wooster)

  - Youtube Yoga and Ritual on Demand: The Virtual Economics of Hindu Soteriology. Dheepa Sundaram (College of Wooster)
  - The Resemblage Project: Creativity and Digital Health Humanities in Canada. Andrea Charise (University of Toronto) and Stefan Krecsy (University of Toronto)

Lunch

Projects I: Building and Analyzing. Chair: Yannis Rammos (New York University)

  - Building the ARTECHNE Database: New directions in Digital Art History. Marieke Hendriksen (Old Dominion University)
  - The Ineffective Inquisition: The Holy Office’s Sphere of Influence in Early Modern New Spain. Kira Homo (Pennsylvania State University)

Break

Projects II: Mapping and Visualizing. Chair: Innocent Opara (Qumet Institute)

  - Mapping Sarah Sophia Bank’s Numismatic Collection. Erica Hayes (North Carolina State University) and Kacie Wills (University of California, Riverside)
  - Text Mining and Visualizing 18th Century American Correspondence. Ashley Sanders Garcia (University of California, Los Angeles)

Break

Practices: Digital Scholarship on Campus and in the Classroom. Chair: Alyssa Arhuckle (University of Victoria)
Concluding Remarks

Sunday, 10 June 2018 [SINM + DHSI Registration, Workshops]

8:30 to 9:00
Symposium on Indigenous New Media Registration (MacLaurin A100)

9:00 to 5:00
DHSI Registration (MacLaurin A100)

9:00 to 4:00
- SINM Sessions
  - 63. Symposium on Indigenous New Media: Reading Group (Hickman 105, Classroom)
  - 72. Symposium on Indigenous New Media: Indigitization (Hickman 120, Classroom)
    Full details here

9:00 to 4:00
- DHSI All Day Workshop Sessions (click for workshop details and free registration for DHSI participants)
  - 53. Building Your Academic Digital Identity (MacLaurin D105, Classroom)
  - 54. An Introduction to the Archaeology of 1980s Computing (MacLaurin D114, Classroom)

9:00 to Noon
- DHSI AM Workshop Sessions (click for workshop details and free registration for DHSI participants)
  - 55. Regular Expressions (MacLaurin D111, Classroom)
  - 56. 3D Visualization for the Humanities (MacLaurin D101, Classroom)
  - 58. DH Fieldwork Methods (MacLaurin D016, Classroom)
  - 60. Pedagogy of the Digitally Oppressed: Inculcating De-/Anti-/Post-Colonial Digital Humanities (MacLaurin D107, Classroom)
  - 61. Introduction to #GraphPoem. Digital Tools for Poetry Computational Analysis and Graph Theory Apps in Poetry (MacLaurin D101, Classroom)
  - 62. Creating a CV for Digital Humanities Makers (MacLaurin D115, Classroom)

1:00 to 4:00
- DHSI PM Workshop Sessions (click for workshop details and free registration for DHSI participants)
  - 64. Agent-Based Modelling in the Humanities (MacLaurin D111, Classroom)
  - 65. Unleash Linux on MacOS (MacLaurin D019, Classroom)
  - 66. DHSI Knits: History of Textiles and Technology (MacLaurin D016, Classroom)
  - 67. Crowdsourcing as a Tool for Research and Public Engagement (MacLaurin D109, Classroom)
  - 69. Web Annotation as Critical Humanities Practice (MacLaurin D103, Classroom)
  - 70. Dynamic Ontologies for the Humanities (MacLaurin D107, Classroom)
  - 71. Social Media Research in the Humanities (MacLaurin D101, Classroom)

4:10 to 5:00
- Joint Institute Lecture (DHSI and SINM): David Gaertner (U British Columbia): "A Landless Territory?: CyberPowWow and the Politics of Indigenous New Media.” Chair: Deanna Reder (Simon Fraser U) (MacLaurin A144)
  Abstract: Following the 1997 launch of Skawennati’s (Mohawk) CyberPowWow, digital space has become a vital new territory for the resurgence of Indigenous storytelling and cultural practice: "We have signed a new treaty," Cree artist Archer Pechawis wrote of this period, "and it is good. We have the right to hunt, fish, dance and make art at www.CyberPowWow.net, .org and .com for as long as the grass grows and the rivers flow." This talk will critically explore the theoretical, cultural, political-economic, and gendered dynamics underwriting the histories and futures of Indigenous new media. Particular attention will be given in examining the ways in which new media and digital storytelling connect to and support key issues in the field of Indigenous studies, such as sovereignty, self-determination, decolonization, and land rights.

After the day, many will wander to Cadboro Bay and the pub at Smuggler's Cove OR the other direction to Shelbourne Plaza and Maude Hunter's Pub OR even into the city for a bite to eat.

Monday, 11 June 2018 [DHSI + SINM]
Your hosts for the week are Ray Siemens and Dan Sondheim.

7:45 to 8:15  DHSI Last-minute Registration (MacLaurin A100)

8:30 to 10:00  DHSI Welcome, Orientation, and Instructor Overview (MacLaurin A144)

9:00 to 4:00  SINM Sessions

- DHSI Classes in Session (click for details and locations)
  - 29. [Foundations] Models for DH at Liberal Arts Colleges (& 4 yr Institutions) (MacLaurin D109, Classroom)
  - 32. Styliometry with R: Computer-Assisted Analysis of Literary Texts (Clearihue A102, Lab)
  - 33. Digital Storytelling (MacLaurin D111, Classroom)
  - 34. Text Mapping as Modelling (Clearihue D131, Classroom)
  - 35. Geographical Information Systems in the Digital Humanities (Clearihue A105, Lab)
  - 36. Open Access and Open Social Scholarship (MacLaurin D114, Classroom)
  - 37. Introduction to Machine Learning in the Digital Humanities (Cornett A229, Classroom)
  - 38. Queer Digital Humanities: Intersections, Interrogations, Iterations (MacLaurin D110, Classroom)
  - 41. Using Fedora Commons / Islandora (Human and Social Development A160, Lab)
  - 42. Documenting Born Digital Creative and Scholarly Works for Access and Preservation (MacLaurin D115, Classroom)
  - 43. Games for Digital Humanists (MacLaurin D016, Classroom & Human and Social Development A170, Lab)
  - 44. XPath for Document Archeology and Project Management (Cornett A128, Classroom)
  - 46. Surveillance and the Digital Humanities (MacLaurin D103, Classroom)
  - 47. Text Analysis with Python and the Natural Language ToolKit (Clearihue A103, Lab)
  - 48. Information Security for Digital Researchers (Clearihue D130, Classroom)
  - 49. Wrangling Big Data for DH (Human and Social Development A150, Lab)
  - 50. Accessibility & Digital Environments (MacLaurin D101, Classroom)
  - 51. Critical Pedagogy and Digital Praxis in the Humanities (MacLaurin D105, Classroom)
  - 52. Drupal for Digital Humanities Projects (MacLaurin D107, Classroom)

10:15 to Noon

Lunch break / Unconference Coordination Session (MacLaurin A144)

DHSI Undergraduate Meet-up, Brown-Bag (details via email)

1:30 to 4:00  DHSI Classes in Session

- Joint Institute Lecture (DHSI and SINM):
  Jordan Abel (Simon Fraser U): "Indigeneity, Conceptualism, and the Borders of DH."
  Chair: Michelle Brown (U Hawaii)
  (MacLaurin A144)

4:10 to 5:00

Abstract: This talk brings together digital humanities discourses in computational textual analysis and Indigenous Literary Studies to analyze a corpus comprised of every book of Indigenous poetry published in Canada, extending from Pauline Johnson's 1895 book The White Wampum to Marilyn Dumont's 2015 book The Pemmican Eaters. While the main goal of this research project initially centered on the topic modeling of a corpus of Indigenous poetry, the project also addresses the systemic barriers that have prevented such work gaining traction, and likewise attempts to address the specific challenges that Indigenous writing (and in particular Indigenous poetry) present to current Digital Humanities methodologies.

5:00 to 6:00  Joint Reception: DHSI and SINM (University Club)

Tuesday, 12 June 2018

9:00 to Noon  Classes in Session

12:15 to 1:15  Lunch break / Unconference

- "Mystery" Lunches
  - DHSI Lunchtime Workshop Session (click for workshop details and free registration for DHSI participants)
  - 73. Introduction to ORCID (Digital Scholarship Commons, Classroom).

1:30 to 4:00  DHSI Classes in Session
### Wednesday, 13 June 2018

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:30 to 4:00</td>
<td>Classes in Session</td>
</tr>
<tr>
<td>4:15 to 5:15</td>
<td>DHSI Colloquium Lightning Talk Session 4 (MacLaurin A144) Chair: Lindsey Seatter</td>
</tr>
<tr>
<td>6:00 to 8:00</td>
<td>DHSI Newcomer's Beer-B-Q (Felicitas, Student Union Building)</td>
</tr>
</tbody>
</table>

### Thursday, 14 June 2018

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:30 to 4:00</td>
<td>Classes in Session</td>
</tr>
<tr>
<td>4:15 to 5:15</td>
<td>DHSI Colloquium Lightning Talk Session 5 (MacLaurin A144) Chair: Lindsey Seatter</td>
</tr>
</tbody>
</table>

### Friday, 15 June 2018

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:30 to 4:00</td>
<td>Classes in Session</td>
</tr>
<tr>
<td>4:15 to 5:15</td>
<td>DHSI Colloquium Lightning Talk Session 6 (MacLaurin A144) Chair: Lindsey Seatter</td>
</tr>
<tr>
<td>7:30 to 9:30</td>
<td>(Groovier?) Movie(r) Night (MacLaurin A144)</td>
</tr>
</tbody>
</table>

### Additional Details
- **Mapping Indigenous and Chicana/o Environmental Imaginaries using GIS.** Stevie Ruiz (California State U, Northridge), Quetzalli Enrique (California State U, Northridge), Enrique Ramirez (California State U, Northridge), and Tomas Figueroa (California State U, Northridge)
- **Doing DH with Graphic Narratives.** John Barber (Washington State U)
- **"But is it any good?: A quantitative approach to the popularity of digital fanfiction.** Suzanne Black (U Edinburgh)
- **The American Prison Writing Archive (APWA).** Doran Larson (Hamilton C), Janet Simons (Digital Humanities Initiative, Hamilton C), and William Rasenberger (Hamilton C)
- **Faraway, so close: Has the political environment really changed in Ecuador?** Luis Meneses (Electronic Textual Cultures Lab, U Victoria)
- **Re-mixing Melville's Reading: Text Analysis of Marginalia with R and XSLT.** Christopher Ohge (U London, School of Advanced Study) and Steven Olsen-Smith (Boise State U)
- **Developing Interactive and Open-Source OER: Inquiry-Based Music Theory.** Evan Williamson (U Idaho)
- **Spatial Humanities and the Web of Everywhere.** Ken Cooper (SUNY Geneseo)
- **Composition not Inheritance: Imagining a Functional Digital Humanities.** Andrew Pilsch (Texas A&M U)
- **Plotting Our Trajectories: Navigating, Situating, and Re-Inventing Research Topoi with R.** Sean McCullough (Texas Christian University) and Jongkeyong Kim (Texas Christian U)
- **Herb Simon and His Books.** Avery Wiscomb (Carnegie Mellon U) and Daniel Evans (Carnegie Mellon U)
- **(De/Re)Defining "The Digital": A Decolonial Approach to Digital Humanities.** Ashley Caranto Morford (U Toronto) and Arun Jacob (McMaster U)
- **"Half Way There (yet again)!" [An Informal, Self-Organized Birds of a Feather Get-Together]** (Felicitas, Student Union Building)

Bring your DHSI nametag and enjoy your first tipple on us!
1:30 to 2:30

(MacLaurin A144)

Abstract: Much has changed and continues to change in digital humanities since the formal establishment of Iter in the Fall of 1997. However, the mandate of the not-for-profit partnership to support “the advancement of learning in the study and teaching of Middle Ages and Renaissance (400–1700) through the development and distribution of online resources” continues to have relevance. This presentation explores the striking challenges faced by Iter and presents our current thinking on the realization of this mandate for the future through a platform with a focus on facilitating the discovery of the academic resources necessary to our work; creating an environment for collaboration, sharing and developing projects; and on enabling the distribution and publication of our scholarship.

2:40 to 3:00

Awards and Bursaries Recognition
Closing, DHSI in Review (MacLaurin A144)

Contact info:
institut@uvic.ca P: 250-472-5401 F: 250-472-5681
**Sounds and Digital Humanities**  
*recording, editing, and using sound for DH projects*

A course facilitated by  
John F. Barber, Ph.D.  
The Creative Media & Digital Culture Program  
Washington State University Vancouver  
Vancouver, WA, USA

for  
Digital Humanities Summer Institute  
University of Victoria  
Victoria, British Columbia, Canada

This “coursepack” provides foundational readings and resources. The course website provides many more readings and resources that will, hopefully, generate substantive discussions among participants regarding the use of sounds in Digital Humanities projects. This information is a starting point. The actual course should evolve beyond this information through interaction and collaboration among participants.

Please see the course website for further readings and resources, as well as a proposed daily schedule of activities.

Course website URL: http://www.nouspace.net/john/courses/dhsi-sound.html
Course reading resources


NOTE: A series of information sheets is available at https://www.le.ac.uk/emoha/training/infosheet.html

Bound By Law?
Course overview
Sounds and Digital Humanities is a seminar-style course offered during Digital Humanities Summer Institute focusing on the use of sound(s) in DH endeavors. Course emphasis is practice-based research and/or creative expression, although an evolving theoretical framework for sound is available and can drive discussions as desired. Course topics include sound utilization, forms, and associated intellectual rights in DH contexts. No previous experience with sound is required.

Scope
This course introduces broad and important applications of sound to various DH endeavors. Sound is positioned as a primary sensory input, still very powerful despite current visual dominance. Sound provides a way of knowing and being in the world. Listening to sound can invoke associations unlike any other medium. Sound provides new opportunities/approaches for DH research, scholarship, teaching, and learning.

Background
DH scholarship has embraced images, animation, video, and text as image as the basis for research and information presentation. Arguably, the bias is toward visuals. Sadly, sound, especially the sound of the human voice, as the basis for all narrative, is often overlooked.

Scholars’ ability to shift from commenting about new media and technologies to constructing arguments with and through them may promote interesting opportunities for the use of sound in DH research and scholarship.

This course introduces, explores, and investigates how sounds can be utilized in DH research and information presentation.

Structure
Sound and Digital Humanities is a week-long seminar-style course. Time is devoted to discussing specific topics as outlined in the course schedule, as well as investigating and critiquing specific applications of sound. Interspersed are opportunities for participants to apply course concepts to individual projects, especially conceptualization and development.
Course schedule
NOTE: This schedule suggests what we might consider on a daily basis during this course. But, it is organic, meant to be flexible and responsive to interests and projects brought by participants.

Day 1
Monday
• Introduce course goals, topics, and activities
• Situate sound as an important component of digital humanities work
• Introduce collaborative project to demonstrate course returns
• Undertake practice-based learning activities
• Determine interest in producing sound projects (collaborative or individual) for Friday's lunch show and tell.

Day 2
Tuesday
Introduce auditory culture as it applies to Digital Humanities research, scholarship presentation, and creative expression.

Day 3
Wednesday
Introduce rights and restrictions associated with use of sound files for digital humanities projects (copyright, creative commons, fair use, public domain)

Day 4
Thursday
Introduce various ways of presenting sounds for both scholarship and creative endeavors (streaming, downloading, on demand, podcasting)

Day 5
Friday
Reflect and evaluate role of sound in digital humanities projects
Enjoy DHSI closing lunch, course show and tell opportunities
Introduction to Oral History

Baylor University Institute for Oral History
Workshop on the Web
http://www.baylor.edu/oralhistory
**Oral history** is a sound recording of historical information, obtained through an interview that preserves a person’s life history or eyewitness account of a past experience—but read on. In the pages that follow, this manual invites you to explore the full implications of the terms recording, interviewing, and preserving as you learn to create oral history.

- Oral history recordings help listeners better understand how individuals from various viewpoints and different stations in society encountered the full range of life in their day, from everyday routines to catastrophic events. Carefully preserved, the recordings carry the witness of the present into the future, where through creative programs and publications, they can inform, instruct, and inspire generations to come.

- Creating an oral history requires two people—one who questions and one who narrates responses to the questions. Two strengths distinguish oral history interviewing:
  1. Subjectivity, which allows interviewers to ask not only, What happened?, but also, How did you feel about what happened?, and 2) the partnership of co-creation, which invites narrators to interpret and analyze their personal experiences through their own points of view and in their own words.

- Preserving the recorded interview fulfills the purpose of creating the oral history in the first place. Preservation begins with making recordings safe, advances to making them useful and accessible, and culminates with sharing them in creative ways with others.

**Oral history projects** are initiatives planned, designed, and executed by individuals or groups to create and preserve oral histories.

**Oral history programs** carry out oral history projects on multiple major topics or focus on one major theme. Programs may offer training and consultation services for the broader community and they often partner with one another and network with other oral historians through the Oral History Association and its affiliates.

**Oral history collections** preserve oral histories, including the recording and accompanying derivative materials (i.e., index or transcript) and contextual materials (i.e., maps, research notes, correspondence, photographs, interview notes). Collections are usually administered by an archivist within a library, museum, or historical society. Collections are accessed through a catalog record, finding aid, or digital collection Web portal and are offered to researchers in accordance with legal agreements signed by the narrators and interviewers.

**Oral historians**

- come from academic settings, government offices, libraries and museums, medical and military sites, community centers, families, and anywhere people are studying people and the past;
- stretch beyond their immediate research needs to gather broad-based information so that their interviews address multiple historical questions;
- seek out people who may otherwise leave behind little or no material record for future generations and ask questions that may have never before been asked about a topic or event;
- arrange ways to share the results of their interviews with narrators and their communities;
- deposit recordings, transcripts, and related materials in archives or libraries;
- produce publications and programs to distribute widely the information gained in oral history; and
- promote professional standards for research through local, state, regional, national and international organizations.
Oral history helps round out the story of the past.

Oral history provides a fuller, more accurate picture of the past by augmenting the information provided by public records, statistical data, photographs, maps, letters, diaries, and other historical materials. Eyewitnesses to events contribute various viewpoints and perspectives that fill in the gaps in documented history, sometimes correcting or even contradicting the written record. Interviewers are able to ask questions left out of other records and to interview people whose stories have been untold or forgotten. At times, an interview may serve as the only source of information available about a certain place, event, or person.

Oral history helps us understand how individuals and communities experienced the forces of history.

Just think of the breadth and width of history that today’s students have to learn! Traditional history courses in high school and college usually touch only on the major events of the past, covering the fundamentals of who, what, when, where, why, and so what. Oral history brings depth to our understanding of the past by carrying us into experience at an individual level. Thoughtful, personal answers to questions like What did you do in the war? reveal the ways decisions made by the movers and shakers of the day changed the lives of ordinary people and their families and communities.

Oral history teaches us what has changed and what has stayed the same over time.

Change is obvious to the eye, but oral history allows people to express the personal consequences of change, from the simple things of life—wood stove to microwave, dial phone to cell phone, phonograph to I-Pod—to the more complex—Yellow Dog Democrat to Moral Majority, local production to global outsourcing, country living to suburban sprawl. During interviews, narrators may also reflect on ways their lives remained the same in spite of change, particularly in the area of values, traditions, and beliefs.

Oral history preserves for future generations a sound portrait of who we are in the present and what we remember about the past.

Inevitably, future generations will view—and judge—today’s generation through the lens of their own experiences in their own time. The story of the past is continually revised in the light of new interpretations. Oral history enables people to share their stories in their own words, with their own voices, through their own understanding of what happened and why. With careful attention to preserving our sound recordings, the voices of our narrators will endure to speak for them when they are gone. By complicating the story with individual experience, oral histories will help future historians avoid sweeping generalizations that stereotype people, engender prejudice, and overlook important variables in the historical context.
Planning a project

Oral history projects may be carried out by one person or by a group of people and may result in a collection of interviews with an individual or with several people. At the outset of your project, ask yourself the following questions.

**Why is the oral history project needed?**
- Determine what information you are seeking, what information you already know about the topic, and what information is yet unknown.
- Make sure that oral history is the best way to gather the information you seek. Are there people you can reach who can and will tell you what you want to know?
- Seek advice on your research idea from persons with various viewpoints on the topic. Ask them to help you refine your topic, uncover background information, and locate persons to interview.

**What are the goals & priorities of the project?**
- Make it a goal to achieve the best possible recording under the most favorable conditions so that the interview can be duplicated and distributed and, as needed, upgraded to new formats.
- Determine what will happen to your recordings when they are done.
- Decide what you will do with the information you uncover through interviews.
- Create lists of persons able to provide recollections appropriate to your topic.
- Set target dates for completion of research, interviews, processing, and programming. Prepare to be flexible; oral history takes time!

**What guidelines will the project follow?**
- Develop legal forms to govern the interviews and additional donated materials, such as photographs. This step requires choosing who will hold copyright for the interview.
- Talk to the archivist of the depository to which you will donate your project. Ask what recording formats the depository accepts, what legal agreements are required, and what accompanying materials may be helpful (photographs, maps, interview notes, research materials, word lists, transcripts, indexes, etcetera). Ask how the archives will maintain the oral history and make it accessible to the public.
- Choose equipment that will best serve the project goals. Determine who funds, purchases, owns, uses, and maintains the equipment.

**Who will do what for the project?**
- Fit individual skills and interests to the variety of tasks available: project director, researcher, interviewer, transcriber, and editor. Additional staff might include a photographer, videographer, archivist, equipment expert, Web designer, and fund raiser.
- Train staff or volunteers to produce and preserve professional quality oral histories.
- Plan regular meetings to assess progress toward goals.

**What financial resources are available?**
- Develop a budget based on your circumstances and stick by it.
- In addition to personnel costs, include funds for equipment, recording media, processing and storage, record-keeping, travel, publicity, and program production.
- Seek sources for support locally or through grants.
Establishing ethical relationships

Oral history is person-centered research. The creation of a recorded interview is a partnership between the narrator and interviewer. To succeed, the oral history partnership requires mutual respect and trust. With careful attention to the following matters, interviewers will go far toward establishing rapport with their narrators and making the oral history experience mutually rewarding.

**Informed consent**
- Explain to narrators their rights and interests in the recordings and the information they will share in the interview.
- Reveal to narrators the purposes of the interviews and the goals of the project.
- Explain the procedures that will be used during and after the interview, including how the recording will be processed, where recordings and transcripts will be deposited, and potential uses of the memoir.

**Long-range outlook**
- Commit to producing the highest-quality interview possible.
- The useful life of the interview extends far beyond today, so strive to gather information that will be relevant to future users.
- You may be the only person who records your narrators’ stories, so take time to include their memories on subjects beyond your own immediate interests.
- Make every effort to place completed interviews in an archives where they can be preserved for the future and used by other interested researchers.

**Relationships & reputations**
- Be sensitive to real and perceived differences between you and your narrator (age, gender, race, class, educational level, nationality, religion, et cetera) and take care not to reinforce thoughtless stereotypes.
- Respect the privacy of the individuals and communities from which you collect oral histories and avoid bringing them undue notoriety.
- Make your interviews accessible to your narrators and their communities.

**Correct representation of meaning**
- Give narrators the opportunity to respond to questions as freely as possible.
- Do not subject narrators to biased assumptions.
- Give narrators the opportunity to review transcripts created from the recordings and provide corrections as needed.

The Oral History Association sets the standards for interviewers to follow in establishing and maintaining ethical relationships with narrators, the public, and the oral history profession in its *General Principles and Best Practices for Oral History*. The latest edition of the guidelines is available online at [http://www.oralhistory.org/about/principles-and-practices/](http://www.oralhistory.org/about/principles-and-practices/).
Narrators must give you written permission to record, reproduce, or distribute their words. With the storyteller’s permission, an interview with an eyewitness to history can become a primary document that provides significant historical information for years—and hopefully, generations—to come. Every oral history legal-release form should address at least the following matters.

**Donor agreement**

Through a contract or deed of gift, narrators agree to donate their interviews to the interviewer, the interviewer’s sponsoring organization, or the designated depository. Specific language indicates whether the donor agreement is a contract or a deed of gift. Ask your chosen oral history depository what type of donor agreement it prefers.

**Copyright assignment**

Oral history interviews produced in the US are subject to US copyright law, which protects fair use of the interview in reproduction, distribution, display, public performance, and the creation of derivative works. Before an interview is recorded, duplicated, transcribed or indexed, made public as an audio file or transcript, quoted in a publication or broadcast, or deposited in an archive, the narrator must transfer copyright ownership to the individual or organization sponsoring the project. When the interviewer is someone other than the designated copyright holder, the interviewer must also transfer copyright to the sponsor. Ideally, a release form should be signed before an interview series begins.

**Future use**

Narrators have the right to know how their interviews will be used. Sponsoring organizations or individual interviewers will benefit from thinking broadly when explaining future use, as technological developments constantly create new avenues for publishing and distributing oral histories.

If for some reason narrators want to restrict the use of their interviews, they have the right to state those restrictions, and the depository is obligated to protect the restrictions to every extent possible. To honor a narrator’s wish to restrict the use of an interview for a certain period of time or to limit future use in certain formats (such as on the Internet), provide a legal-release form that includes a section outlining the requested restriction or attach a form that supplements a general release form. It is very difficult to enforce restrictions that are linked to the duration of a lifetime, so ask the narrator to specify a particular future date to end the restriction.

Interviewers and those who process recordings and transcripts should protect the narrator’s right to privacy by keeping all restricted materials totally confidential until the restriction period ends.

Digital technologies allow listeners worldwide to access oral history recordings. A digital recording can be duplicated, transferred to other formats, and edited without noticeable loss of sound quality. Software programs are available with features designed to attach metadata to digital recordings, providing copyright, ownership, and contextual information, and to aid transcribing, with either foot pedals or computer keystrokes to control audio playback.

Digital technology is enhancing the work of oral historians, but the rapid development of new devices and formats requires oral historians to keep alert to changing trends. Fortunately, online resources are available that review new developments in recorders and recording formats and make suggestions for obtaining high sound quality.

- **Oral History in the Digital Age**, available at [http://ohda.matrix.msu.edu/](http://ohda.matrix.msu.edu/), provides a central resource for the latest information on digital technologies pertaining to all phases of the oral history process. Begin your quest for information and instruction in digital oral history at this valuable site.

- The **Audio Field Recording Equipment Guide** created and maintained by Andy Kolovos of the Vermont Folklife center ([http://www.vermontfolklifecenter.org/archive/res_audioequip_retired.shtml](http://www.vermontfolklifecenter.org/archive/res_audioequip_retired.shtml)) provides a set of summary reviews and recommendations useful for selecting and using oral history recording equipment.

- The oral history H-Net online discussion list, **H-Oralhist**, furnishes a searchable archive of topics, including equipment, at [http://www2.h-net.msu.edu/~oralhist/](http://www2.h-net.msu.edu/~oralhist/).

---

**Principles to guide your selection of a digital recorder for oral history:**

- Look for the most durable, dependable recorder you can afford. Favored among the current choices are solid-state digital recorders which record to widely available, high-capacity flash memory cards.

- Choose solid-state recorders that create uncompressed PCM WAV or AIFF audio files of CD quality (16-bit, 44.1kHz sampling rate) or better. Avoid digital voice recorders that create highly compressed audio files in proprietary formats (i.e., audio file formats exclusive to one company brand).

- Select a recorder with an output terminal such as USB which allows you to cable the recorder directly to a computer to transfer sound files. You may also want to purchase a USB card reader so that you can transfer your sound files from the removable flash memory card to a computer.

- Microphones appropriate for recording oral history interviews should be *condenser* types (not *dynamic* types). Condenser microphones require a power source supplied either by the recorder device (referred to as *phantom* power) or a separate battery. For the most secure and least noisy input, select a microphone with a balanced XLR connection, not a stereo mini-plug connection. Test the microphone carefully. Compare recordings made with the recorder’s internal microphone and an external microphone and choose the setup that works best for your recorder in your unique interview setting. Some digital recorders have excellent internal microphones.

- Look for recorders with lights or displays that indicate that the electrical power (battery or adapter) is working, the recording function is engaged, and the recording sound level is adequate.

- Select a recorder with both battery and electrical adapter capacities. Use electricity from a wall outlet with battery backup whenever possible. Take along an extension cord.

---

*Before you go, practice. Before you begin, test.*

*When you are done, protect your recording.*
Using digital media

Media for recording

Record to a medium that allows easy transfer to a computer data storage device.

- Consider the volume of sound data the medium will hold. Each 1GB of space on a flash memory card holds 3 hours, 13 minutes of uncompressed monaural PCM WAV files at 16-bit, 44.1kHz quality. Available memory card capacities are increasing rapidly. Some oral historians are taking advantage of higher capacities and lower prices of media by choosing to record at higher quality—in stereo, or at 24-bit, 96 kHz.

- To keep audio file sizes manageable and to facilitate transfer of files to CD-R media for storage, transfer, and access, consider using the auto-track feature available on many recorder models; this feature automatically breaks the audio recording into tracks of specifiable size—one hour or less is best.

Media for duplicating

The first step in protecting and preserving your interview is to store audio files on a hard drive and also to copy them to high-quality, write-only CDs.

- Transfer the unedited, original audio recordings to a computer hard drive as soon as possible. Confirm that the computer's hard drive has sufficient capacity for the sound files, which consume a lot of space, and that the hard drive will be backed up regularly. To prevent loss in case of hard drive failure, save the sound file to an external hard drive. Solid-state external hard drives are a good choice for long-term digital storage; they have no mechanical parts requiring monitoring or maintenance and are available in very high capacity at relatively low price.

- Ask your chosen archives what medium is acceptable for digital oral history recordings. National Archives and Records Administration (NARA) has not issued a standard for original digital audio recordings but does consider CD-ROM acceptable for the transfer and storage of electronic files. The DVD is not considered an acceptable archive medium.

- Also, copy the sound files to an archival CD-R and additional CDs/DVDs for processing and public access. Oral historians recommend saving the files in at least four separate places. Once the audio files are secure elsewhere, you may reformat the flash memory card and reuse it. Remember, LOCKSS: Lots of copies keep stuff safe.

- Many archives use archival-quality gold CD-Rs for back-up preservation copies.

- Use consumer quality CDs/DVDs for transcribing, reference, and complimentary copies.

Select a topic that
- fits the mission of the organization or individual researcher;
- interests the organization or individual researcher;
- can be readily researched;
- matches with available narrators;
- can be completed in the allotted time;
- has potential for providing otherwise undocumented information; or
- has potential for confirming existing information.

Focus the topic.
- A topical focus highlights a single subject of historical interest, such as an event, a time era, an issue or idea, an organization, a place, a skill or occupation. Several narrators may share their memories and distinct viewpoints on the subject.
- A biographical focus concentrates on the life experiences of an individual. Such life history projects may gather the subject’s reflections on his or her life over several recording sessions, and they may include interviews with multiple generations of one family or selected representatives of a particular group who knew the individual.
- Some researchers collect oral traditions, including legends, folklore, and family stories passed down through the generations. When gathering oral tradition, document also the storytellers’ accounts of how they received the tradition, from whom, when, where, and why.

Research the topic.

Why?
- To locate the story within its historical context
- To learn what is already known and where there are information gaps
- To learn more about the person to be interviewed
- To uncover details previously undocumented, contradictory, or forgotten
- To establish rapport with the narrator
- To create informed questions that prompt storytelling
- To create follow-up questions that encourage detailed responses
- To clarify names of people and places mentioned in an interview
- To keep the story on track

Where?
- Libraries, archives, and local historical groups
- Public records: deeds, probate records, map collections, military records
- Organizations affiliated with the narrator (for example: schools and colleges; religious organizations; professional associations; military, social, service, and community organizations)
- Private collections, including photographs and mementos
- Newspapers; chronologies of the time
- A pre-interview visit with the narrator may yield useful research materials.

When?
- Before an interview (to prepare)
- Between interviews (to clarify and verify)
- After an interview (for validity and accuracy)
Oral history narrators have had first-hand experience related to the project topic. They were the doers of the experience or the eyewitnesses to the event.

- Locate narrators
  - through your research on the topic;
  - by word-of-mouth, from advisors familiar with your project;
  - through notices in local news media publicizing the project;
  - during public events related to the topic (i.e., museum exhibits, town meetings, lectures);
  - through organizations related to your topic (i.e., veterans groups, political parties, neighborhood associations, professional organizations); or
  - through the “snowball effect” as one narrator recommends another.

- Aim for a representative sample of people who can share insights from various perspectives. For example, for a project focusing on the World War II home front in your town, seek men and women who lived there during the period of 1942 to 1945. Choose representatives of various viewpoints, including people from the diverse ethnic, racial, religious, and socio-economic groups who made up your town during the war years. Include people who lived through those times at different life stages; in other words, in addition to people who were adults during the war years, also locate informants who were children or teenagers then and who can provide the perspective of a younger generation.

Maximize the interview experience

- **By getting to know your narrator.** Whenever possible, visit with narrators before the actual recording session to assess the extent of their experience with the topic, their recall ability, and their physical stamina. You may need to adjust your outline because they have limited or very specific experience with the topic or remember some things better than others. You may decide to stimulate their memory recall with some visual clues, such as maps or photographs. You may conclude that several brief interviews will accomplish more than a single long one because they tire easily.

- **By encouraging your narrator.** For reluctant narrators, explain why you think their personal accounts are important to the overall project. Assure them that oral history allows them to speak for themselves. Begin with simple, direct, open-ended questions and give them plenty of time to respond.

- **By interviewing one person at a time.** Set a project policy that narrators will be interviewed one on one and inform narrators of the policy when scheduling the interview. The policy provides justification to ask narrators for individual attention and to request that others leave the room when the interview begins. The presence of an additional person may discourage probing questions and inhibit candid responses. One person may answer for, disagree with, or disparage the other, causing the preferred narrator to retreat into silence. The unexpected participant may usurp the interviewer’s role by asking questions and guiding the discussion. Group interviews raise additional difficulties for transcribing the session and limit potential uses of the recordings in productions.

  When necessary, partner or group interviews can be made successful with a few ground rules: the narrator must agree to the guest’s presence; the guest must sign the legal-release form; the interviewer will address each question to one person, who alone responds; and no one will speak for or speak over another. Interviewers may want to request a follow-up one-on-one interview with the central narrator.

  In the event two interviewers come together to question one narrator, they should ask the narrator’s permission to do so and agree at the outset who will operate the recording equipment and who will pursue which topics. The dual interviewers must listen carefully so as to not repeat a question and, of course, must never interrupt each other.
From your research notes, create a list of keywords and phrases representing the information you want to know. Writing out specific questions may hinder candid responses, prevent your following up for details, and impose a rigid agenda on what should be an open, flexible exchange.

During the interview, use your list of topics as a guide, like a road map, for directing the narrator’s attention toward the topics you want to cover. Compose questions around each keyword or phrase that help narrators recall the past and encourage them to tell stories in response.

Sometimes before the interview a narrator wants to know what you are going to ask. In that case, supply the list of topics that you have created to help stimulate memories and build trust.

When a narrator supplies information not on your list but worthy of further investigation, you may want to ask questions about the new topic right then. You can always bring the interview back to the next topic on your list once you have covered the new subject in full.

For example, an oral history with a former resident of a neighborhood that is the focus of a community history project might generate an interview outline similar to this:

Sandtown:

- description (boundaries)
- origin of name
- earliest memories
- what was there: residences, businesses, schools, churches, parks
- how people got around: modes of transportation
- times people got together: when, where, why (politics, sports, play, social life)
- racial/ethnic/economic makeup
- leaders, characters
- relationship to city and surrounding neighborhoods; reputation within the city
- holiday celebrations
- safety (health, crime, environmental concerns)
- effects of Depression, WWII, 1953 tornado; urban renewal; construction of interstate highway
- changes over time
Composing questions

Compose questions on the spot from your topic list, adapting the questions to the narrator’s individual experience with the topic.

- **Ask open-ended questions.**
  - Tell me about . . .
  - Why . . .? Why not . . .? How . . .?

- **Probe for details.**
  - Describe . . . Explain . . .
  - How often . . .
  - Tell me more about . . .

- **Avoid loaded and leading questions** that reveal your biases and suggest you have already formed an opinion of what the answer might be.
  - Not: Wasn’t Sandtown a poor, hard place to grow up in?
  - But: Tell me how you felt about the place where you grew up.

  - Not: You all moved to Sandtown because it was the only place you could afford, right?
  - But: Why did your family come to live in Sandtown?

  - Not: I assume your family, being Mexican, was always Catholic, wasn’t it?
  - But: Tell me about the role of religion in your family life.

- **Restate or summarize.**
  - You said . . . Tell me more about that.
  - Let me say that back to you and see if I understand. You said . . .

- **Ask for definitions and clarifications.**
  - Tell me what . . . means.
  - What is . . .?
  - I know what . . . is, but future generations may not. Please tell me what a . . . was and how it was used.

- **Follow up.**
  - What else . . .? Who else . . .? What other reasons . . .?

- **Turn things around.**
  - Some people say . . . What do you think about that?

Also,

- **Ask one question at a time.**
- Be prepared to get off the topic, then gently bring the narrator back to the subject.
- Use the silent question. Keep quiet and wait.
- Close with a thought question.
- End with an expression of appreciation.
Making contact & setting up

Arranging the interview

- In contacting persons whom you wish to interview, make clear to them how their names were obtained and explain your interest in them. Establish at the very outset that you feel that their lives and experiences are important. Explain the specific project for which you are conducting the interviews and be prepared to answer questions.
- Many oral historians introduce the project and extend the invitation first by mail and follow up with a telephone call. Then, when contact is made, the narrator will be more clear about who is calling and what is wanted, and an appointment can be made.
- Accommodate the narrator’s convenience when setting a time and place for the interview. The narrator’s home or place of business may or may not furnish the privacy and quiet required for recording the interview. Have in mind a suitable alternative location.
- Make clear to narrators from the start that the interview will be recorded and that they will be asked to sign a legal-release agreement form.

Setting up on location

- Demonstrate respect for the narrator. Show up on time, be polite. Allow time to answer questions and engage in friendly conversation before and after the interview.
- Interview only one person at a time, if at all possible.
- Be very familiar with your recording equipment. The less attention you need to focus on your equipment, the more you will have to concentrate on your narrator.
- Be flexible with your equipment so that the narrator can sit wherever is most comfortable. Ask permission to rearrange light furniture, if necessary, so that the microphone and recorder are well placed between you and the narrator.
- Bring extension cords if you plan to use A/C current. If you must rely on battery power, have extra batteries. A small, portable battery tester can save an interview.
- Arrange as quiet a spot as possible. Be aware of extraneous noises that will be picked up by the microphone—chiming clocks, humming refrigerators, clattering dishes, etc.—and request permission to make changes to minimize background noise.
- Set up your recorder so that you can easily view recording levels.
- Place the microphone, whether internal or external, between you and the narrator. Test the microphone before beginning the interview. Record both your voices, play back the test recording, and adjust the microphone placement and recorder settings as needed. To avoid feedback, keep the speaker volume down all the way while recording.
Getting the story

♦ Begin with a general introduction that serves as an audio label. For example:

“This is [your name]. Today is [month/day/year]. I am interviewing for the [first, second, etc.] time [full name of narrator]. This interview is taking place at [address; may include description, such as home of, office of] in [town, state]. This interview is sponsored by [name of organization, if applicable] and is part of the [title or description] project.

♦ Compose questions from your outline of topics. Be flexible; each interview is a unique exchange with a unique individual. Let the train of memory association run its course, even if it means ignoring your outline momentarily.

- Ask open-ended questions first, waiting to see what unfolds.
- Tailor follow-up questions to the narrator’s responses. Pursue in detail.

♦ Maintain a pattern of concentrated listening.

- Provide feedback with silent encouragements: nod your head to indicate you are listening or smile when appropriate. Keep your feedback quiet, being aware that your sounds can override the narrator’s voice during the recording. Keep your feedback neutral (such as, “I see” or “uh-huh”), indicating neither agreement nor disagreement.
- Jot down a few notes as the narrator is talking to remind you of subjects you want to cover in more detail. Rather than disrupt the narrator’s train of thought by asking for spellings of unusual words, jot down a phonetic spelling and a clue to its place in the story, then after the interview ask for the correct spelling.
- Give the narrator time to answer each question fully and finish her/his train of thought, then just sit quietly for a few moments. Chances are excellent that the narrator will think of something else to add. Silence is an integral, important part of the oral history interview process.

♦ Give the narrator a chance to think through difficult subjects.

- Challenge accounts that you think may be inaccurate, but do not question the narrator’s memory or honesty. If you feel you must, refer to other accounts or interpretations you know, asking the narrator for a response or clarification.
- Avoid “off the record” information or switching the recorder off and on. Assure the narrator that sensitive information may be restricted.

♦ Be aware of the narrator’s age and physical condition when deciding how long to continue an interview. Sixty to ninety minutes is a good average length for an interview. Concentration diminishes if the interview becomes lengthy.

♦ Make sure that the narrator has signed a release for the interview. The interviewer must also sign a release form in most instances.

♦ Continue to demonstrate respect for the narrator. If you rearranged the furniture, return everything back to place before you leave. Send a thank-you note following the interview. Promise only what you actually will do, such as returning to visit again or furnishing copies of recordings or transcripts.
Protecting & preserving recordings

The first step in preserving your interview recording is to download the digital files to a secure hard drive as soon as possible. (see page 7). These additional steps will help you protect and preserve your recordings for long-term future access.

♦ Create consistent file names.
- When saving your digital recordings on a hard drive, create consistent file and folder names so that they can be easily recognized and retrieved.
- Use the same file names for the backup digital files on CD or DVD and archival files on gold CD-R.
- Make notes of the file names and locations on all print materials related to the interview.

♦ Work with your repository.
- Make every effort to see that the sound recordings of your oral history project are placed in a suitable library or archives where they will receive professional care and be made accessible to researchers. This may mean donating them to a local library, large metropolitan public library, nearby university library, museum, or state library and archives.
- Work with your repository from the beginning so that you record your interview in a format that can be readily preserved by the archivist and eventually transferred to future new formats as they become available.
- Most archives have tools at their disposal to document and preserve oral history recordings beyond that of the individual researcher. An archivist may embed metadata files with the sound files to describe, catalog, or document the provenance of the oral history interview. In order to do so, the archivist may require information only you can provide. For more information, begin with “Archiving Digital Oral History” in the Digital Oral History Workshop at http://www.baylor.edu/oralhistory/index.php?id=61236.
- Make sure all the necessary forms and significant contextual materials accompany the recording when it leaves your hands. This information will help archivists prepare finding aids for your oral histories and will help researchers understand the context in which your interviews took place.
  - Signed release form or donor contract
  - An information sheet containing the names, addresses, and contact information of both the narrator and interviewer, the date and place of the interview, the project title and/or sponsoring institution, the type of recording media used, the length of the recording in hours and minutes, the numbered sequence of digital files, and a statement of the purpose of the interview
  - A list of correctly spelled names and terms mentioned in the interview (useful information for future abstracting and/or transcribing of the interview)
  - An explanation of any significant background sounds, equipment problems, or other issues affecting the recording or interview content
  - Research notes, interview outlines, and correspondence with the narrator
  - Related materials collected during the project, including photographs documenting the project or digital files of scanned photos donated by the narrator
  - Abstracts, audio or video logs, indexes, or transcripts derived from the recordings

♦ Publicize the project.
- Announce the availability of the oral history interviews to local historical societies, other local libraries, and the news media.
- When your project accumulates a number of interviews, consider publishing a catalog of your collection and finding aids to inform other organizations and individuals of its existence and scope.
An oral history is a sound and/or video recording. With the proper technology and training, an oral historian may edit a recording to incorporate it into a museum display, Web site, documentary film, or other sound/visual production.

A first step toward making an oral history useful for future editing is to create an index or log of the recording, providing the location of subjects on the digital file by minute and second. An index also serves researchers who study the content of the oral history by providing information about the topics covered in the interview in the order in which they appear on the recording.

**Why index?**

♦ Indexing makes information on recordings accessible by subject.
♦ Indexing helps the researcher identify information gaps to cover in future interviews.
♦ Indexing allows the researcher to spell out names and terms mentioned in the interview, thereby enhancing the accuracy of the information for future users or transcribers.

**Indexing tips:**

♦ Index soon after the interview.
♦ Digital playback software usually provides a time log for the sound files.
♦ Index by obvious breaks in the topic or by time (every five minutes or less).
♦ The more details included in the index, the better.

---

**Name:** Arthur Louis Santos  
**Date of interview:** January 15, 2008  
**Location:** Santos home, 2222 West Drive, Waco, Texas  
**Interviewer:** John Sutcliffe  
**Project:** Waco History Coalition: Sandtown  
**Recording no.** 0778; compact disc

<table>
<thead>
<tr>
<th>H/M/S</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>00:00:03</td>
<td>Introduction</td>
</tr>
<tr>
<td>00:01:05</td>
<td>Description: between Brazos River and South 1st, below Clay St. to city dump; shotgun houses mixed with frame structures; railroad tracks; meat packing plants; unpaved streets</td>
</tr>
<tr>
<td>00:08:08</td>
<td>Name origin: not sure; speculates it is from sandy, unpaved streets</td>
</tr>
<tr>
<td>00:09:25</td>
<td>Came when he was a baby (he was born in 1930) family moved there from Coahuila, Mexico, because several uncles lived there; provides names of family members: father, Juan Reyes Santos; mother, Maria Zapata Lopez Santos; uncles, Julio and Ernesto Lopez</td>
</tr>
<tr>
<td>00:15:33</td>
<td>Childhood games, fishing and swimming in river, walking past city square to attend Sunday mass at St. Francis Catholic Church</td>
</tr>
</tbody>
</table>
A transcript represents in print the words and extraneous sounds present in the recorded interview. The transcriber’s goal is to render as close a replica to the actual event as possible.

**Why transcribe?**

- Transcripts make the information on the recording easier to locate and assemble for use in media presentations, exhibits, and research publications.
- Researchers often prefer the ease of looking through a transcript for topics related to their interests over listening to a recording, especially if the recording format is outmoded.
- New technologies for online digital presentations allow the coordination of sound recordings and transcripts.
- Narrators still attach prestige to having a print document of their stories.
- Narrators may preview the draft transcript and provide spellings of proper names and clarification of misunderstood information, resulting in a more accurate account.
- Transcripts are easily indexed by name and subject.
- The shelf life of paper far exceeds the brief time a recording format exists before it is replaced by a newer, more advanced format. Even if the medium lasts, the playback equipment does not. Reformating to new media is expensive.

**Transcribing is worthwhile, but remember . . .**

- Transcribing is time-consuming. The approximate time required to transcribe one recorded hour is 10-12 hours, depending upon the quality of the sound recording and complexity of the interview.
- Transcribing is labor-intensive work and therefore expensive. Also, extra administrative costs are involved.
- A transcript cannot help but distort what is actually on the sound recording—sarcasm may go unnoticed, for example. The unique personality of the narrator is missing no matter how verbatim the transcript. Many oral historians believe that researchers should listen to the recordings themselves, making their own interpretive judgments rather than relying on the transcript.

**When you transcribe . . .**

- Change as little as possible. The narrator’s word choice, including grammar and speech patterns, should be accurately represented. Verbatim renderings of slang and regional pronunciations are the prerogative of each project, but, if used, should be consistent.
- Adopt a standard format for manuscripts. The *Chicago Manual of Style* is recommended. Also, adopt one dictionary for use throughout the project.
- Use a guide, such as the *Style Guide* furnished online by the Baylor Institute for Oral History at [http://www.baylor.edu/oralhistory/index.php?id=23607](http://www.baylor.edu/oralhistory/index.php?id=23607).
- Standardize editorial practice and procedure. Allow the narrator to preview the transcript, if feasible, and present her/him a copy of the final, corrected draft.
Critiquing & citing oral histories

Analyze the content of an interview.

Like any other primary document, an oral history must be explored for validity and accuracy. Listen to the sound recording or read the transcript and ask yourself:

- What are the most important points made in this interview?
- What patterns, key phrases, themes emerge from the stories told?
- How does the narrator express his/her feelings about the topic? Listen not only to what is said but how it is said.
- What do these stories teach me about the topic?
- How are the narrator’s stories like and different from other versions of the topic? Why? What does this interview tell me that the other sources left out?
- What other questions might this narrator be able to answer about the topic?
- Based on what this interview uncovers, what additional research do I need to do to learn more about the topic or verify these stories?

Evaluate your recording and interviewing techniques.

Listen to your recording and ask yourself:

- Is the technical quality good?
- Is the audio clear? volume strong?
- Is there background noise?
- What should I do differently next time?

Listen to your recording and ask yourself:

- Did I ask open-ended questions? leading questions? good follow-up questions?
- What did I learn about doing interviews from this experience?
- What should I do differently next time?

Cite use of oral history sources.

Oral histories are usually considered unpublished primary materials. Bound, paginated transcripts deposited in an archives may be considered limited publications and such citations may include page numbers. In citing oral histories, provide sufficient information to lead the interested reader to the physical location of the cited source: narrator name (as author); interviewer name; date and place of interview; type of interview material (i.e., audio cassette; open reel tape; compact disc, CD-ROM, DVD, transcript, etc.); and physical location of materials.

Examples of notes (N) and bibliographic forms (B):

For recordings:

N 1. Albert Harry Reed, interview by Stephen Sloan, October 9, 2007, in Waco, Texas, compact disc, Institute for Oral History, Baylor University, Waco, TX.


For online transcripts:

N 2. Lonnie Belle Hodges, interview by Vivienne Malone-Mayes, August 30, 1990, in Waco, Texas, transcript, Baylor University Institute for Oral History, Waco, TX, available online at http://www.baylor.edu/transcripts/HodgesLB.


For print transcripts deposited in an archives:


If you do nothing more than collect and preserve interviews—a large undertaking in itself—you have rendered future generations a valuable service. But the outcomes of the interviewing process can be packaged in innovative ways to reach the public. Indeed, some oral historians argue that public programming not only educates the public about the past but motivates the participants in a project and perhaps inspires persons to volunteer as narrators and helpers.

The process from production through editing to publishing requires significant amounts of time, thought, planning, and energy, not to mention money; but the product, whether it is a radio series, video documentary, Internet site, or book, can repay the investment by increasing public enlightenment and creating favorable publicity for the project.

- If public programming or publication is your goal, remember to plan carefully from the outset. Go for the highest possible sound quality in your recordings and best visual interest in your video or digital pictures. Obtain the best recorders and microphones you can afford, even if you have to rent them. Then, practice using the equipment before every interview.
- You may wish to take photographs of narrators for use later in slide shows, exhibits, or publications. Also, you may want to ask narrators for permission to make copies of their personal photos or documents that might enhance the project.
- After the interview, an index or transcript will be most helpful, if not essential, for preparing publications or programs.
- A signed legal-release form transferring copyright is a must for those considering the creation of public programs. Ethical practice requires you to tell the narrator that the recording might be used in a production or publication. Because of user restrictions, subject, or quality, some interviews may not lend themselves to public distribution.

**Consider these possibilities . . . and then think of more.**

- Video or audio productions or simple PowerPoint shows incorporating oral history recordings, old photographs, and period music
- Plays, monologues, dramatic readings, art work, or musical compositions based on oral history stories and storytellers
- Productions or vignettes for radio stations, podcasts, or television. For this type of series, oral history recordings must be high quality.
- Digital audio and/or transcripts or essays displayed on the World Wide Web
- Bound volumes of transcripts, possibly including photographs and other material relating to the narrators and the topic under study
- Regular columns in a hometown newspaper or Sunday supplement magazine
- Magazines, journals, or pamphlets of community oral history, folklore, and folk craft
- Tours of community sites based on information shared in oral histories
- Community-wide reception for participants in the project, including exhibits and listening stations
- Museum exhibits or traveling displays incorporating quotations or sound bites from audio recordings
Print Materials


Internet Resources

Baylor University Institute for Oral History. [http://www.baylor.edu/oralhistory/](http://www.baylor.edu/oralhistory/)

   Introductory and advanced instruction in the Workshop on the Web


   News on annual conferences, resources on best practices, information on digital technology, links to the online *Oral History Review* and to oral history centers and collections


   What you need to know about digital technology for oral history from experts in audio and video recording and preservation

Oral History List Serv. [http://www2.h-net.msu.edu/~oralhist](http://www2.h-net.msu.edu/~oralhist)

   Links to centers, methods, projects, state and regional oral history associations, plus searchable archives of the discussion list for oral historians worldwide


   Downloadable manual on interpreting oral history, from George Mason University, History Matters: The U.S. Survey on the Web, Making Sense of Evidence series


   State network, with online newsletter and information on journal, awards, and membership
When oral history archives consisted mostly of analog audio tapes and printed transcripts, the archivists’ functions were usually seen as the final steps in the processing of interviews. Digital technology has eliminated the distinction between the creation of oral history and the preservation and management of it. Information systems must now be at the heart of the oral history enterprise, and attention to data management must begin at the moment the digital recorder is configured, even before actual recording begins. Without careful design and management of data digital oral histories cannot survive in any useful way or for any length of time.

**Archive Practice for Oral History Materials: Pre-Digital Overviews**

The following books serve as an introduction to the traditional functions of archiving as applied to oral history materials. These sources introduce the major themes which concern archivists who create, preserve, document, and provide access to nondigital oral history materials: analog audio and video tapes, printed transcripts, supporting documents such as legal agreement forms and background research materials, and ancillary primary and secondary materials such as photographs, newspaper clippings, scrapbooks, and other memorabilia.


**Storing and Preserving Digital Oral History**

Storing audio files, transcripts, and other digital oral history materials safely and securely for long-term preservation and access is a challenge for all oral history projects. Audio and video files are large, and the demands for digital file space grow very fast. Obsolescence of computer technology, routine maintenance and back-up, and hardware failure management all must be anticipated and planned for if recorded and collected materials are to survive for future generations.

**University of Washington Music Library and Listening Center—**
http://guides.lib.washington.edu/AudioPreservation

Gibb, John. “Audio Preservation and Restoration, including some links to film and video tape preservation.” This Web page includes many links to sources for information on all aspects of audio and video preservation.

**LOCKSS** – http://www.lockss.org/lockss/About_Us

“LOCKSS (Lots of Copies Keep Stuff Safe) is open source software that provides librarians with an easy and inexpensive way to collect, store, preserve, and provide access to their own, local copy of authorized content. Running on standard desktop hardware and requiring almost no technical administration, LOCKSS converts a personal computer into a digital preservation appliance, creating low-cost, persistent, accessible copies of web based content as it is published.
Accuracy and completeness of LOCKSS appliances is assured through a robust and secure, peer-to-peer polling and reputation system.

Documenting Born-Digital and Digitized Oral History

Organizing, preserving, and making accessible digital oral history involves the design, creation or collection, and maintenance of metadata. Oral history materials — recordings, transcripts, and other materials — both born-digital and digitized, exist as data stored on some form of computer-accessible data storage device. Another level of data, called metadata, consists of the sets of information which describe, catalog, or document the provenance of the digital oral history materials and (in the case of digitized materials) the analog materials from which they are derived. Guides, standards, discussions, and training concerning archival practice for digital oral history materials all deal primarily with metadata.

An excellent introduction to metadata concepts is available online at http://www.slideshare.net/GeoffFroh/oha-2008-making-sense-of-metadata-a-practical-overview-for-oral-historians-presentation. This Web page provides access to the presentation by Geoff Froh at the 2008 meeting of the Oral History Association.

Metadata serve the following functions for oral history materials:

- Discovery — information that can be searched and browsed so researchers can locate and retrieve materials relevant to their interests. Examples include traditional MARC cataloging as well as more recent and purpose-created systems for content search and retrieval.
- Presentation and Navigation — information about how these materials may be accessed, with what programs and in what context, as well as aids to navigation within the digital object.
- Structure — Information about how the materials are structured, in terms of both form and content, and how various disparate digital items relate to each other.
- Description — Technical and narrative documentation of the provenance of the digital materials, including the source of the materials, the people, software, and equipment used to create them, and in the case of digitized materials, information about the original analog materials from which the digital objects were created. Technical documentation also serves to ensure the continued stability, integrity, accessibility, and usability of digital files through successive changes in technology.
- Control of access and rights to a resource — information about copyright ownership and access restrictions imposed by any of the people or organizations involved in the creation or preservation of the materials.

Some metadata is embedded within digital files, either automatically by the software which creates them or by entering information into fields provided by the creation software. For example, the Adobe Acrobat program, which is often used to create archival text documents, allows for the entry of extensive descriptive and administrative metadata in the process of completing conversion of word-processing files into PDF-A1 format. Similarly, audio editing programs used to digitize analog audio recordings also allows for the entry of metadata in addition to the technical metadata generated automatically as the digital recording process is completed.

There are programs which can harvest this embedded metadata for use in catalogs, finding aids, or other metadata management systems:
JHOVE — [http://hul.harvard.edu/jhove/](http://hul.harvard.edu/jhove/)
A collaborative project of JSTOR and the Harvard University Library, “JHOVE”, provides functions to perform format-specific identification, validation, and characterization of digital objects.
- **Format identification** is the process of determining the format to which a digital object conforms; in other words, it answers the question: ‘I have a digital object; what format is it?’
- **Format validation** is the process of determining the level of compliance of a digital object to its specification for its purported format, e.g.: ‘I have an object purportedly of format F; is it?’
- **Format characterization** is the process of determining the format-specific significant properties of an object of a given format, e.g.: ‘I have an object of format F; what are its salient properties’

“The set of characteristics reported by JHOVE about a digital object is known as the object’s [representation information](http://hul.harvard.edu/jhove/), a concept introduced by the Open Archival Information System (OAIS) reference model [ISO/IEC 14721](http://public.ccsds.org/publications/archive/650x0b1.pdf). The standard representation information reported by JHOVE includes: file pathname or URI, last modification date, byte size, format, format version, MIME type, format profiles, and optionally, CRC32, MD5, and SHA-1 checksums [CRC32, MD5, SHA-1](http://hul.harvard.edu/jhove/). Additional media type-specific representation information is consistent with the [NISO Z39.87 Data Dictionary](http://hul.harvard.edu/jhove/) for digital still images and the draft AES metadata standard for digital audio.”

This set of standards and recommendations was developed under the auspices of NASA Consultative Committee for Space Data Systems (CCSDS) and has been adopted by the International Standards Organization (ISO). “This document is a technical Recommendation for use in developing a broader consensus on what is required for an archive to provide permanent, or indefinite long-term, preservation of digital information. This Recommendation establishes a common framework of terms and concepts which comprise an Open Archival Information System (OAIS). It allows existing and future archives to be more meaningfully compared and contrasted. It provides a basis for further standardization within an archival context and it should promote greater vendor awareness of, and support of, archival requirements.”

**Preservation Metadata** — PREMIS — [http://www.loc.gov/standards/premis](http://www.loc.gov/standards/premis)
PREServation Metadata Implementation Strategies has been a joint effort between OCLC (Online Computer Library Center) and RLG (Research Libraries Group, now a part of OCLC). Its objectives have been to “develop a core preservation metadata set, supported by a data dictionary, with broad applicability across the digital preservation community” and to “identify and evaluate alternative strategies for encoding, storing, and managing preservation metadata in digital preservation systems.”

**Rights Management Metadata** —
“Digital Rights Management poses one of the greatest challenges for content communities in this digital age. Traditional rights management of physical materials benefited from the materials’ physicality as this provided some barrier to unauthorized exploitation of content. However, today we already see serious breaches of copyright law because of the ease with which digital files can be copied and transmitted.”
General Metadata Schemas

**Dublin Core** — [http://dublincore.org/](http://dublincore.org/)

“The Dublin Core Metadata Initiative (DCMI) is an organization dedicated to promoting the widespread adoption of interoperable metadata standards and developing specialized metadata vocabularies for describing resources that enable more intelligent information discovery systems.” The complete list of current Dublin Core metadata terms, as well as an extensive list of links to schemas of defined terms for particular kinds of material and subject areas, can be found at [http://dublincore.org/documents/dcmi-terms/#H4](http://dublincore.org/documents/dcmi-terms/#H4).


“The Library of Congress' Network Development and MARC Standards Office, with interested experts, is developing a schema for a bibliographic element set that may be used for a variety of purposes, and particularly for library applications. As an XML schema it is intended to be able to carry selected data from existing MARC 21 records as well as to enable the creation of original resource description records. It includes a subset of MARC fields and uses language-based tags rather than numeric ones, in some cases regrouping elements from the MARC 21 bibliographic format. This schema is currently in draft status and is being referred to as the "Metadata Object Description Schema (MODS)". MODS is expressed using the [XML schema language](http://www.w3.org/standards/xml) of the [World Wide Web Consortium](http://www.w3.org). The standard is maintained by the [Network Development and MARC Standards Office](http://www.loc.gov/standards/mods/) of the Library of Congress with input from users.”

Document Encoding

Document encoding increases the granularity of digital resources. It is a programming tool that provides direct access to parts of a text, such as chapter or section headings, individual pages, paragraphs, or stanzas, or even individual words. Encoding can also provide links to external sources of further information, such as definitions, linguistic, historical, or other contextual information, or other resources. Several systems of text and document encoding have been developed, some for individual texts (such as a single interview transcript) and some for collections of items (such as a finding aid for a collection of interviews or a project).

**TEI** — [Text Encoding Initiative](http://www.tei-c.org/index.xml)

“The Text Encoding Initiative (TEI) is a consortium which collectively develops and maintains a standard for the representation of texts in digital form. Its chief deliverable is a set of Guidelines which specify encoding methods for machine-readable texts, chiefly in the humanities, social sciences and linguistics. Since 1994, the TEI Guidelines have been widely used by libraries, museums, publishers, and individual scholars to present texts for online research, teaching, and preservation. In addition to the Guidelines themselves, the Consortium provides a variety of supporting resources, including resources for learning TEI, information on projects using the TEI, TEI-related publications, and software developed for or adapted to the TEI. The TEI Consortium is a non-profit membership organization composed of academic institutions, research projects, and individual scholars from around the world. Members contribute financially to the Consortium and elect representatives to its Council and Board of Directors. The TEI [Guidelines for Electronic Text Encoding and Interchange](http://www.tei-c.org/index.xml) define and document a markup language for representing the structural, renditional, and conceptual features of texts. They focus (though not exclusively) on the encoding of documents in the humanities and social sciences, and in particular...
on the representation of primary source materials for research and analysis. These guidelines are expressed as a modular, extensible XML schema, accompanied by detailed documentation, and are published under an open-source license. (http://www.tei-c.org/Guidelines/index.xml)

EAD Encoded Archival Description — http://www.loc.gov/ead/eaddev.html

“Encoded Archival Description (EAD) is an emerging standard used internationally in an increasing number of archives and manuscripts libraries to encode data describing corporate records and personal papers. The individual descriptions are variously called finding aids, guides, handlists, or catalogs. While archival description shares many objectives with bibliographic description, it differs from it in several essential ways. From its inception, EAD was based on SGML, and, with the release of EAD version 1.0 in 1998, it is also compliant with XML. EAD was, and continues to be, developed by the archival community. While development was initiated in the United States, international interest and contribution are increasing. EAD is currently administered and maintained jointly by the Society of American Archivists and the United States Library of Congress.” Pitti, Daniel V. “Encoded Archival Description.” DLib Magazine, 5 (11), November, 1999. http://www.dlib.org/dlib/november99/11pitti.html.


Excerpt from “METS: An Overview & Tutorial” (URL cited above):

“Maintaining a library of digital objects of necessity requires maintaining metadata about those objects. The metadata necessary for successful management and use of digital objects is both more extensive than and different from the metadata used for managing collections of printed works and other physical materials. While a library may record descriptive metadata regarding a book in its collection, the book will not dissolve into a series of unconnected pages if the library fails to record structural metadata regarding the book’s organization, nor will scholars be unable to evaluate the book’s worth if the library fails to note that the book was produced using a Ryobi offset press. The same cannot be said for a digital version of the same book. Without structural metadata, the page image or text files comprising the digital work are of little use, and without technical metadata regarding the digitization process, scholars may be unsure of how accurate a reflection of the original the digital version provides. For internal management purposes, a library must have access to appropriate technical metadata in order to periodically refresh and migrate the data, ensuring the durability of valuable resources.

“The Making of America II (http://sunsite.berkeley.edu/MOA2/) project (MOA2) attempted to address these issues in part by providing an encoding format for descriptive, administrative, and structural metadata for textual and image-based works. METS, a Digital Library Federation initiative, attempts to build upon the work of MOA2 and provide an XML document format for encoding metadata necessary for both management of digital library objects within a repository and exchange of such objects between repositories (or between repositories and their users).”

Digital Content Management Systems

Managing digital oral history requires preserving digital files in various formats, making interviews and supporting materials accessible to researchers or the general public, providing search and browse functions to make collections useful to searchers with a wide range of interests, and controlling access according to the terms of agreements with interview participants and of copyright. Ready-made and customizable systems are available to handle all of these tasks.
For an overview of some of the features required for content management systems, and some of the issues they must address, the white paper cited below may be helpful. Although it is written primarily for business enterprises, it is applicable to academic and cultural content, as well.


CONTENTdm — http://www.contentdm.com/

“CONTENTdm is a single software solution that handles the storage, management and delivery of your library’s digital collections to the Web by providing you with:

- A Windows-based, digital collection builder where data and digital items are prepared in large batches
- A server where data and images are stored and can be edited
- A Web-based search interface and customizable display templates
- Integration with OCLC products for building collections with cataloging workflows, as well as harvesting from the Web and preservation
- Services to assist with every phase of collection development from digitization to preservation”

For an example of an oral history collection deployed through ContentDM, see the Baylor University Institute for Oral History collection at http://contentdm.baylor.edu/cdm4/index_08buioh.php?CISOROOT=/08buioh

Greenstone — http://www.greenstone.org/

“Greenstone is a suite of software for building and distributing digital library collections. It provides a new way of organizing information and publishing it on the Internet or on CD-ROM. Greenstone is produced by the New Zealand Digital Library Project at the University of Waikato, and developed and distributed in cooperation with UNESCO and the Human Info NGO. It is open-source, multilingual software, issued under the terms of the GNU General Public License.”

DSpace — http://www.dspace.org/

“A groundbreaking digital repository system, DSpace captures, stores, indexes, preserves and redistributes an organization's research material in digital formats. Research institutions worldwide use DSpace for a variety of digital archiving needs — from institutional repositories (IRs) to learning object repositories or electronic records management, and more. DSpace is freely available as open source software you can customize and extend. An active community of developers, researchers and users worldwide contribute their expertise to the DSpace Community.”
"Out of shared telling and remembering grow identity, connection, and pride, binding people to a place and to one another."
— Tom Rankin, Folklorist
We hope that the Smithsonian Folklife and Oral History Interviewing Guide inspires you to turn to members of your own family and community as key sources of history, culture, and tradition. But where does one start? This booklet presents some guidelines Smithsonian folklorists have developed over the years for collecting folklife and oral history from family and community members. It features a general guide to conducting an interview, as well as a sample list of questions that may be adapted to your own needs and circumstances. The booklet concludes with a few examples of ways to preserve and present your findings, a selection of further readings, a glossary of key terms, and sample information and release forms.

In every community — in families, neighborhoods, work- places, and schools — there are people who have knowledge and skills to share — ways of knowing and doing that often come from years of experience and have been preserved and passed down across generations. As active participants in community life, these bearers of tradition are primary sources of culture and history. They are, as folklorist Barbara Kirshenblatt-Gimblett writes, “living links in the historical chain, eye witnesses to history, shapers of a vital and indigenous way of life. They are unparalleled in the vividness and authenticity they can bring to the study of local history and culture.”

Through documenting their memories and stories, the past comes to life in the present, filled with vivid images of people, places, and events. And it is not only the past that we discover: we learn about the living traditions — the foodways, celebrations, customs, music, occupations, and skills — that are a vital part of daily experience. These stories, memories, and traditions are powerful expressions of community life and values. They anchor us in a larger whole, connecting us to the past, grounding us firmly in the present, giving us a sense of identity and roots, belonging and purpose.

Bearers of Tradition:
A tradition-bearer can be anyone — young or old — who has knowledge, skills, and experience to share: for example, a third-grader who knows the hand-clapping games shared among schoolchildren on the playground; a family member who knows about the special foods that are always prepared for holiday celebrations; or a neighbor who has lived in your community for many years and can tell you about local history and ways of life.

“Once a young man asked me, ‘What was it like in your day?’ ‘My day?’ I said, ‘This is my day!’”
— Rosina Tucker, Washington, D.C.
THE INTERVIEW

“In their rememberings are their truths.”
— Studs Terkel, *Hard Times*
The memories, stories, and traditions of the people you interview grow out of firsthand knowledge and experience. Created and shaped in community life, they are continually being adapted and changed to meet new circumstances and needs. When interviewing members of your family or local community, be sure to seek out not only what they can tell you about the past, but what they can tell you about life in the present. How have certain family traditions evolved? What holiday customs are practiced today that weren’t a generation ago? What special foodways and rituals are part of community celebrations and why? What skills and abilities are needed to practice a particular craft or trade? How are these skills learned, mastered, and passed on to younger generations?

Whenever possible, ask the tradition-bearer you are interviewing for stories and anecdotes about the topic you are interested in. Stories are important sources of information for the community researcher — they encapsulate attitudes and beliefs, wisdom and knowledge that lie at the heart of a person’s identity and experience.

Remember that the stories and memories you collect are valuable not necessarily because they represent historical facts, but because they embody human truths — a particular way of looking at the world. As Ann Banks writes in *First Person America*, “The way people make sense of their lives, the web of meaning and identity they weave for themselves, has a significance and importance of its own.” The stories people tell, and the cultural traditions they preserve, speak volumes about what they value and how they bring meaning to their lives and to the lives of those around them.

Every interview that you do will be unique. We hope the advice and suggestions offered here will help you on your journey of cultural discovery.

**Getting Started**

What is the goal of your research? What are you curious about? What do you want to find out? Do you want to learn about a special celebration in your community? Document traditional customs in your family? Find out what it was like when your mother was growing up? The best way to begin is to decide on the focus of your interview. This will determine whom you choose to interview and what sorts of questions you ask. Having a clearly defined goal is key to conducting a successful interview.

Once you’ve determined the focus of your interview, then what? Whom should you interview first? You might want to begin by thinking about yourself and your own interests. What sorts of questions would you like someone to ask you? What kind of responses do you think they would elicit? This will help you prepare for the interview experience. If possible, try to conduct your first interview with someone with whom you feel very comfortable, such as a close relative or a neighbor you know well. Over the course of the interview, you’ll probably pick up clues to other sources: “Aunt Judith can really tell some stories about those days,” or “You should ask Antonio Martinez — he’s the real master.”

What if you don’t already know someone to interview about the topic you are interested in? The best way to find people is by asking other people. Chances are you know someone who knows just the person you’re looking for! Friends, neighbors, relatives, teachers, librarians, folklorists, and local historians can all help point you in the right direction. Local newspapers, community bulletin boards, and senior citizen centers are also good sources of information.

The interview should take place in a relaxed and comfortable atmosphere. The home of the person you are interviewing is usually the best place, but there may also be other settings that would be appropriate, such as your tradition-bearer’s workplace, a church hall, or a community center. Productive
interviews can sometimes take place at regularly occurring events, such as family dinners, holiday celebrations, and work gatherings. These are often the occasions when stories are told and traditional customs observed.

**Equipment**

An important first step in conducting an interview is to consider the equipment you will need. Tape-recording and note-taking are the most common means of recording folklife and oral history. In most situations, tape-recording is preferable, as it allows you to document your tradition-bearer’s stories and experiences completely and accurately, as well as capture the inflections, tone, pauses, and other subtleties of performance.

At first, the people you interview might feel a little uncomfortable with a tape recorder, but after the interview gets going, chances are they’ll forget that it is even there! Always keep a pen and paper with you during a tape-recorded interview, so you can note important points or jot down follow-up questions that come to mind while your tradition-bearer is speaking.

A small cassette tape recorder with either a built-in or an external (plug-in) microphone is a good choice. Use high-quality 60- or 90-minute cassettes (tapes that are longer than 45 minutes a side can stretch or break). And always bring more blank tapes with you to an interview than you think you will need, so that you don’t get caught short. It’s also a good idea to have spare batteries, if your recorder isn’t the plug-in type or in case you find yourself in a setting where an electrical outlet is not available. Be sure to check your batteries in advance to make sure they are fresh. Remember to pack an extension cord — it can come in handy.

Practice using the tape recorder before your interview, so that you are familiar with how it works. If you are at ease with your equipment, it will help to put your tradition-bearer at ease too.

Another important piece of equipment is a camera. It allows you to capture a visual record of the person you are interviewing and is especially valuable if you are documenting a process, such as your grandmother stitching a quilt or making a favorite family recipe. A camera, with the addition of a close-up attachment, can also be used to copy old family photographs and other documentary materials, such as letters, birth records, and scrapbooks.

You should take notes on the subject matter, date, and location of your photographs, so that you can prepare a **photo log** for each roll of film you develop.

You may also want to use a video camera to capture a special community event or to visually record a traditional process or a family member recounting his or her life story.

**Before the Interview**

Get your tradition-bearer’s permission for the interview in advance, and schedule a time and place that he or she is comfortable with. Make it clear if you plan to use a tape recorder (see the above discussion of equipment) and ask permission.

Be certain from the start that your tradition-bearer understands the purpose of the interview, and what will happen to the tapes and/or notes afterwards. Is it a school assignment? Are you planning to write a family history? Organize an exhibition? Publish a newsletter about folklife in your area? Are the tapes going to be kept with family scrapbooks? Will they be deposited in a local library, archive, or historical society? Let the person you are interviewing know.
Do your homework. It’s always a good idea to conduct some background research about the subject you are interested in at the library, on the Internet, or by visiting a museum or archive. Books, pamphlets, photographs, maps, family documents — any or all of these can help give you information on your subject before you go on an interview. Knowing more can help you ask better questions and yields a richer interview.

Prepare a list of questions ahead of time. Make sure they are clear, concise, and open-ended. Avoid questions that elicit simple yes or no answers and steer away from broad generalities. Questions that begin with “How” “What” or “Why” usually elicit a more complete response than questions that begin with “Do” or “Did.” For example, “How did you learn your trade?” or “What was it like learning your trade?” instead of “Did you like learning your trade?”

Know which questions are key, but don’t be tied to your list. The questions are meant simply to help focus and guide the interview.

Structure the interview. Think of the interview as a story with a beginning, middle, and end. Build on your questions and link them together in a logical way.

During the Interview
Take a little time at the beginning to introduce yourself and establish rapport — a feeling of comfort and connectedness — with the person you are interviewing. Discuss the purpose of the interview and describe the nature of your project.

Place the tape recorder within easy reach so that you can change tapes and adjust the controls when necessary, and position the microphone so that you can clearly record both your tradition-bearer’s voice and your own.
Try to eliminate or minimize any loud background noises, such as the radio or television, that could interfere with the taping. You’d be surprised just how distracting a loud-ticking clock or clattering dishes can be!

Always run a test before you begin an interview. Tape about a minute of conversation and then play it back to make sure you are recording properly and getting the best possible sound. A good procedure is to state your name, your tradition-bearer’s name, and the date, location, and topic of the interview. This serves both to test the equipment and to orally “label” the tape. When you are confident that all your equipment is in good working order, you are ready to begin.

Start with a question or a topic that will help put your tradition-bearer at ease. You might want to begin with some basic biographical questions, such as “Where were you born?” “Where did you grow up?” Or perhaps you could ask about a story you once heard him or her tell about the topic you are interested in. These questions are easy to answer and can help break the ice.

Remember to avoid questions that will bring only a yes or no response. And, in order to get as much specific information as possible, be sure to ask follow-up questions: “Could you explain?” “Can you give me an example?” or “How did that happen?”

Show interest and listen carefully to what your tradition-bearer is saying. Keep eye contact and encourage him or her with nods and smiles.

Participate in the conversation without dominating it. Try not to interrupt and don’t be afraid of silences — give the person you are interviewing time to think and respond. Be alert to what your tradition-bearer wants to talk about and be prepared to detour from your list of questions if he or she takes up a rich subject you hadn’t even thought of!

Make use of visual materials whenever possible. Old photographs, family photo albums, scrapbooks, letters, birth certificates, family Bibles, tools, heirlooms, and mementos help stimulate memories and trigger stories.

Don’t turn the tape recorder on and off while the interview is in progress. Not only are you likely to miss important information, but you will give your tradition-bearer the impression that you think some of what he or she is saying isn’t worth recording. Never run the recorder without your tradition-bearer’s knowledge.

Number each tape as you take it out of the tape recorder so that your tapes don’t get mixed up. Later you can add all the other necessary information to the label (see below).

Near the end of the interview, take a quick look over your prepared list of questions to see if you’ve covered everything you wanted to ask.

Be sensitive to the needs of your tradition-bearer. If he or she is getting tired, stop the interview and schedule another session. Between one and two hours is usually just about the right amount of time for an interview.

**After the Interview**

Make sure that you get the person you interviewed to sign a [written release](#) and that you comply with any restrictions that he or she requests. Always ask permission to use the results of the interview in the ways you initially told your tradition-bearer, such as to write a family history or do a school project. Don’t make promises you can’t keep, and respect confidences and privacy.

Label all your tapes and notes with the date, tradition-bearer’s name, location of the interview, your name (as the interviewer), project title, and any brief thematic information that might be helpful.
Make notes about the interview while it is still fresh in your mind — jot down impressions, observations, important themes, contextual information, ideas for follow-up.

Prepare a tape log (topic-by-topic summary) of the contents of the recordings as soon as possible after the interview. You can use the counter on the tape recorder to note the location of each new topic. With this tape log, you will later be able to go back and select portions of the tape to listen to and transcribe (word-for-word translation of the tape-recorded interview). Complete tape transcriptions are important, but they are also very time-consuming. A good compromise is to do a combination of logging and transcribing: log the general contents of the tape and transcribe, word for word, the parts that you think you might want to quote directly.

Store the tapes in a safe place where they are protected from heat, water, and other damage.

Be sure to send a written thank you to your tradition-bearer and, if possible, include a copy of the tape(s).

SOME POSSIBLE QUESTIONS

“I remember my relatives talking and talking, and yet as a kid, I didn’t listen. I’d love to go back now and listen.”
— Wayne Dionne, Alexandria, Virginia
Because every individual is unique and every interviewer has his or her own special interests and research goals, there is no single set of questions that will fit every situation. The following are some that might help guide an interview with a relative or community member about family folklore and local traditions. Pick and choose among them to suit your own interests, and change the wording as you see fit. Ultimately, the most useful questions will be those that you develop yourself based on your knowledge of your own family and/or community. Remember not to be tied to a formal list of questions; rather use your questions as guideposts for the interview. Be flexible and have fun!

**Biographical Questions**

Q: What is your name? Where and when were you born? Where did you grow up? Where have you lived? What jobs have you had? What do you do for a living now?

**Family Folklore**

Q: What do you know about your family name? Are there stories about its history or origins? Has it undergone any changes? Are there any stories about those changes? Are there any traditional first names or nicknames in your family? What are they? How did they come about? Are there any naming traditions? What are they?

Q: Do you know any stories about how your family first came to the United States? Where did they first settle? Why? How did they make a living? Did your family stay in one place or move around? How did they come to live in this area?

Q: If your tradition-bearer is a first-generation immigrant, you might ask him or her: Why did you leave to come to the United States? What possessions did you bring with you and why? What was the journey like? Which family members came along or stayed behind? What were some of your first impressions and early experiences in this country? What traditions or customs have you made an effort to preserve? Why? Are there traditions that you have given up or changed? Why?

Q: What languages do you speak? Do you speak a different language in different settings, such as home, school, or work? Are there any expressions, jokes, stories, celebrations where a certain language is always used? Can you give some examples?

Q: What stories have come down to you about your parents and grandparents? More distant ancestors? (If you are interviewing your grandparents, ask them to tell you stories about what your parents were like when they were young!)

Q: Do you know any courtship stories? How did your parents, grandparents, and other relatives come to meet and marry?

Q: What are some of your childhood memories? What games did you play when you were a child? Did you sing verses when you played games? What were they? What kinds of toys did you play with? Who made them? Did you make any yourself? How did you make them? What kinds of materials did you use? What kind of home entertainment was there? Was there storytelling? Music? Were there craft traditions? Describe these traditions.

Q: Does your family have any special sayings or expressions? What are they? How did they come about?

Q: How are holidays traditionally celebrated in your family? What holidays are the most important? Are there special family traditions, customs, songs, foods? Has your family created its own traditions and celebrations? What are they? How did they come about?
Q: What special foodways traditions does your family have? Have any recipes been preserved and passed down in your family from generation to generation? What are they? What are their origins? Have they changed over the years? How? Have any of the ingredients been adapted or changed? Why? Are there certain foods that are traditionally prepared for holidays and celebrations? Who makes them? Are there family stories connected to the preparation of special foods?

Q: Does your family hold reunions? When? Where? Who attends? How long have the reunions been going on? What activities take place? Are awards given out? Is there a central figure who is honored? Why? What sorts of stories are told at these events?

Q: What family heirlooms or keepsakes and mementos do you possess? Why are they valuable to you? What is their history? How were they handed down? Are there any memories or stories connected with them?

Q: Do you have any photo albums, scrapbooks, home movies? Who made them? When? Can you describe/explain their contents? Who is pictured? What activities and events are documented?

Local History and Community Life

Q: Describe the place — urban neighborhood, small town, rural community, suburb — where you grew up. What was it like? How has it changed over the years? What brought about these changes? What did people do for a living? What do they do now?

Q: Can you draw a map of your local community? Of your neighborhood? Your family home? Your farmstead? What places stand out most in your mind and why? What are/were your neighbors like? What kinds of local gatherings and events are there? What stories and memories come to mind?
Q: What community traditions are celebrated today? Church suppers? Chinese New Year parades? Saint’s day processions? Cinco de Mayo celebrations? What are they like? How long have they been going on? How have they changed? Who is involved? Why are they important to the community?

Q: How have historical events affected your family and community? For example, what were some of your experiences during World War II, the Civil Rights Movement?

Cultural Traditions/Occupational Skills
Q: How did you first get started with this particular tradition/skill? What got you interested?

Q: How did you learn your skills? Who taught you? When? What was the learning process like? What is the most challenging or difficult aspect of the tradition to learn? Why?

Q: What are the key characteristics of the tradition? What is its history? Do you know how and where the tradition originated? How has it traditionally been practiced? How has it changed or developed over time?

Q: Does the tradition have different styles or variations? What are they?

Q: Describe the steps of the process from start to finish. What’s involved?

Q: What special knowledge, skills, and abilities are needed? What techniques and methods?

Q: What raw materials are used? Where do you get your materials/supplies/ingredients? How are they prepared? Have they changed over time? How? Why?

Q: What tools are involved? How and when are they used?

Q: How do you judge excellence within the tradition? What standards and criteria are used to evaluate the way the tradition is performed? What makes someone respected in the tradition?

Q: In what context is the skill/tradition performed? For whom? When?

Q: What do you value most about what you do? Why?

Q: What do you think is the future of this tradition? What are its challenges and opportunities? Are others learning and practicing the tradition?
PRESENTING YOUR FINDINGS

“In the presence of grandparent and grandchild, past and future merge in the present.”
— Margaret Mead
Now that you have interviewed members of your family or local community about folklore and oral history, how can you share the information and materials you have collected? There are a number of ways to preserve and present your findings. You may simply want to index and/or transcribe your tape-recorded interviews and store your materials in a safe place where you and other members of your family or community can have easy access to them, such as a local archive, school library, historical society, or community organization. Or you might want to organize and share your information with others by writing a family history, organizing an exhibition, compiling a family or community recipe book, making a memory quilt, publishing a newsletter or magazine, or producing a video documentary or radio show.

Featured on the next few pages are several ways to present family folklore and community traditions. We hope that they help to give you some ideas about how you might share your own materials.

**Compile a Family or Community Recipe Book**

If you have interviewed your relatives or members of your local community about favorite recipes that have been passed down through the generations, compile a cookbook with the recipes you’ve collected. Find out information about the ingredients that are used and how and why they may have changed over time and place. Include memories and stories about the cooks and the recipes, and descriptions of the celebrations, rituals, and traditions that are associated with the preparation of these special foods. A good example is *Mamoo’s Soggy Coconut Cake*, a family recipe book compiled by the Lewis family of Knoxville, Tennessee.

*Mamoo’s Soggy Coconut Cake*

Mrs. T. A. Lewis of Knoxville, Tennessee, affectionately known as “Mamoo,” was celebrated among family and friends for her inimitable soggy coconut cake. “Christmas is not Christmas without Mamoo’s coconut cake,” said her granddaughter Faye. “That’s the way it’s been for years and years, as long as I can remember.” When Mamoo was 95, her family decided to document her as she made the cake. With a tape recorder, a camera, and plenty of questions, they followed her through the entire process from the selection of a suitable coconut to the presentation of the finished product. Far more than a recipe was recorded. Her family also captured on tape and on film the cherished recollections, stories, traditions, values, and attitudes associated with making the cake. Afterwards, they transcribed the tapes, edited the materials, and printed a 43-page booklet — illustrated with photographs of Mamoo preparing her specialty — which they distributed to relatives, friends, and neighbors.
hispanic rancher and weaver agueda martinez was an invaluable cultural resource, not
only for the weaving skills that she had perfected over a lifetime, but for her mastery of the
arts of life — of cooking, canning, ranching, raising children, planning weddings, making
adobe bricks, leading town meetings, and much more. photograph by barbaraellen koch,
courtesy of the albuquerque journal.
Create an Exhibition
Create an exhibition based on your interviews and research. Perhaps you have photographs, keepsakes, copies of old documents, tools, art work, and other visual materials that you could organize and display. Determine the important themes you would like to address, select photographs and/or objects that illustrate your themes, identify pithy quotes from your interviews that capture key ideas and experiences, then write interpretive labels and put together photo/text panels that present the information you discovered.

A fun exhibition project is to assemble a cultural treasure chest. Fill a small chest or trunk with family mementos and keepsakes that hold special meaning and express a sense of cultural identity and roots. Write a short label for each artifact that captures the meaning it holds and the memories and stories it evokes. Have fun “unpacking” the treasure chest — at home, in school, or at a community center — and artfully displaying the cultural treasures with their accompanying labels. A “docent” can give an exhibition tour of the treasures, commenting on the significance of the artifacts and the history and heritage they convey. You can expand on the project by producing an exhibition catalog that includes photographs of the objects and essays that go into more detail about the significance of each piece.

Another great idea for an exhibition project is to make a Heritage Box. Young people from the Latin American Youth Center in Washington, D.C., interviewed members of their community and then put together Heritage Boxes that were compilations of artifacts, stories, quotes, and pictures that gave insights into a particular person’s life and heritage. The boxes can be made of wood, cardboard, or any available material. The dimensions should be about 18” x 24” to allow enough room for display. Turn the box on its side and carefully arrange the text, artifacts, and pictures in the box so that they tell a story. Display all the boxes together for a wonderful “group portrait” of a community.

Make a Family Scrapbook
Put together a scrapbook filled with keepsakes, mementos, old photographs, drawings, reminiscences, and other items that embody and preserve your family heritage. The following excerpts from an essay by renowned anthropologist Margaret Mead provide valuable suggestions for how to make this a memorable intergenerational project:

Making a Grandparent Book
by Margaret Mead

“Making grandparent books is a way for grandparents to pass on to their grandchildren their most cherished possessions — their memories of their own childhood and youth.”
— Margaret Mead

We as parents have an important part to play in linking together past and present for children…. Our children will want to know more intimately about the lives of people who are real and very close to them — how they lived and what they looked like and what they made of the world around them. These, I think, are pictures of the past only we can assemble for our own children.

How can we do this?
One of the best ways, it seems to me, is by making “grandmother and grandfather books” — scrapbooks or albums that will reflect a family’s own history as far back as the oldest member can recall. The whole family can join in gathering the material, and the books as they take form will be full of surprises and discoveries for everyone.

There isn’t a fixed form for a grandparent book. A bride’s book or a baby book can provide a kind of model, but your family will have to invent a form to fit all the kinds of things you decide are part of the family story. A big loose-leaf binder and a large supply of strong paper might be good to start with, for memories, once stirred, tend to rustle on and on; and desk drawers, attic trunks, and boxes in the cellar, once opened, spew forth old daguerreotypes, snapshots, wedding pictures, and photographs of Grandfather as a little boy riding a studio bucking bronco or of Great-grandmother as a little girl in long skirts and button boots.

The first sessions had better take place around the biggest table in the house, where everyone can see the evidence assembled — the family Bible with its record of births and deaths, the old marriage lines, the faded passports that meant freedom and a new life for one set of great-grandparents, the old address books that tell where everyone lived a generation ago, the tags still attached to old luggage, the letters from relatives who moved away across the continent.

Grandparents can be asked to think back, to hunt out and to recall everything they know about their grandparents, so that their grandchildren can hear what they heard. Once when we were studying children’s ideas about time, a little boy said that for him “long ago” was before his grandfather’s grandfather’s time. His own grandfather, he explained, told him the stories that his grandfather had told him about his boyhood. So real and lively were these tales that the boy today felt that he could reach out with his own hand and touch that distant time four generations ago.

If your family has a small tape recorder, or can borrow one, you can make a record of just how one story led to another....

There will be many different kinds of things to put into the books. Old dance programs with Tiny pencils attached by silk cords to write in the names of partners, a blue ribbon won as a prize at a county fair and souvenir postcards brought home from world’s fairs, the lace collar that adorned Grandmother’s first dancing dress, a bit of tattered shawl carefully laid away by a great—aunt, Father’s first report cards, which Grandpa secretly kept, and Grandma’s precious recipe for plum pudding, written out in her mother’s spidery handwriting, lacy valentines, the front page from the “extra” hawked by newsboys on Armistice Day, 1918, a pressed white rose from a wedding bouquet — all these have their stories to tell.

Some books will need a lot of pages for the already well—remembered past, in case some grandmother or great—grandfather kept the family tree well in mind and made records or kept a diary about events in the lives of relatives. In some few families there may be a straight line of eight, or even nine, generations back to the Revolutionary War....

For other families, life in America began only yesterday. Grandmother came here as a young girl to find work or to visit relatives, and stayed to marry. “She and Grandfather came over on the same boat, but they only met 10 years later.” For these families there are the ties to European, Middle Eastern, or Far Eastern towns — old letters in foreign languages, photographs of great—aunts and uncles and cousins who stayed in the Old Country.

There will be gaps, of course, and many families today know little that is personal about their particular ancestors. But grandparents will be able to name the little town in the Carpathians or the tiny island off the coast of Scotland from which, it is said, their parents or grandparents came.
Grumpy uncles and critical aunts will seem more human when Grandma tells stories about their childhood, when they stole corn or watermelons or threw the winter wood down the well or ran away and thumbed a ride home in an empty hearse. Children will be comforted to know their fathers and mothers sometimes made poor grades in school or played hooky or cut their hair with the nail scissors. No one whose mischief and sad experiences and triumphs can be shared by the children can remain just a name or a stranger — of no matter how long ago — because children too have been mischievous and sad and triumphant from time to time.

And history itself will come alive. You can make up a chart of memorable historical dates and in between these set down the dates when grandparents — and you, the parents of your children — were born, met, and married. History won’t seem so distant and unreal for the child who can say that Grandma was 10 years old when in 1927 Lindbergh flew the Atlantic, that Grandpa was just 15 that day in March, 1934, when all the banks were closed, and that a great-aunt, just out of college, was sitting in a dentist’s chair when she saw what looked like snowflakes — in full summer — drifting past the window. Of course, they were really the bits of paper people were tearing up and throwing from windows to welcome V–J Day in 1945.

So history will reach from a grandfather to his grandfather, from a grandmother to her grandmother, and from grandparents to their grandchildren....

And never mind if the legends about them are romanticized, so that ancestors from Wales had a castle in the family and remote Irish ancestors were kings and queens and a slave ancestor was known to all his descendants as a proud rebel who won his own freedom.... Family legends are as much a part of our history as the true events out of which they grew and the real people around whom we have built our romances about the past.... If there are family movies — and many families have some stowed away — still photographs can be made from these that show wedding scenes and family reunions and picnics and children, who are now staid, middle-aged adults, turning somersaults on the lawn.

From “Interview with Santa Claus” by Margaret Mead and Rhoda Métraux © 1978 by Margaret Mead and Rhoda Métraux. Abridged and reprinted by permission of Walker and Company.
More Project Ideas

Make a community or family memory quilt. Piece together appliquéd quilt squares that capture the memories, stories, and experiences that you documented in your interviews. For a school project, each student in the class could contribute an appliqué square that represents an important aspect of his/her family heritage or the cultural traditions of his/her community. Other related project ideas: paint a collective mural of neighborhood life or make an illustrated family tree annotated with stories and reminiscences about different family members.

Write an essay or compose a song based on the information you have gathered from your interviews. A great example is the Smithsonian Folkways recording, *Here I Stand: Elders’ Wisdom, Children’s Song*. For this project, Larry Long and students from several small rural public schools in Alabama interviewed local elders about their lives and composed songs based on the elders’ stories and experiences.
Anecdote — a short narrative about an interesting, amusing, or curious incident, often biographical and based on a real event.

Archive — a place where documents, letters, diaries, photos, recordings, and other information are stored and can be used by researchers with special permission.

Community — any group of people sharing a common identity based on family, occupation, region, religion, culture, gender, age, interest, or occupation; where you live, go to school, work, worship, have family; people may be part of many overlapping communities, including their neighborhood, church, school, clubs, service organizations, or peer groups.

Culture — a people’s ways of being, knowing, and doing.

Custom — a usage or practice that is common to a group of people or to a particular place.

Docent — a person who conducts guided tours through a museum and discusses and comments on the exhibits.

Ethnography — the process of documenting a group’s cultural traditions.

Family Folklore — the stories, traditions, customs, rituals, sayings, expressions, celebrations, nicknames, foodways, games, and photographs that are preserved and passed on within a family.

Fieldwork — documentation of cultural expressions and ways of life conducted in the social and cultural contexts in which they take place; the gathering of anthropological or sociological data through first-hand observation and interviewing of subjects in the field.

Folklore/Folklife — the traditional expressive culture shared within various groups: familial, occupational, religious, and regional. Expressive culture includes a wide range of creative and symbolic forms, such as custom, belief, occupational skill, foodways, language, drama, ritual, music, narrative, play, craft, dance, drama, art, and architecture. Generally these expressions are learned orally, by imitation, or in performance.

Folklorist — someone who studies how people’s expressive traditions — their stories, customs, art, skills, beliefs, music, and other expressions — are created, shaped, and made meaningful in community life. Folklorists conduct much of their research by observing and interviewing people “in the field.”

Genre — a category of expression (art, oral tradition, literature) distinguished by a definite style, form, or content, such as folktales, legends, proverbs, ballads, or myths.

Heritage — something of value or importance passed down by or acquired from a predecessor; recognized cultural identity and roots.

Indigenous — originating and developing naturally in a particular land, region, or environment.

Legend — a narrative supposedly based on fact, and told as true, about a person, place, or incident.

Oral History — a process of collecting, usually by means of a tape-recorded interview, recollections, accounts, and personal experience narratives of individuals for the purpose of expanding the historical record of a place, event, person, or cultural group.

Personal Experience Narrative — first-person narratives usually composed orally by the tellers and based on real incidents in their lives.

Rapport — a feeling of comfort and connectedness between people.

Tape Log — a topic-by-topic summary of the contents of a tape recording.

Tradition — knowledge, beliefs, customs, and practices that have been handed down from person to person by word of mouth or by example, for instance, the practice of always having a certain meal for a holiday.

Tradition-Bearer — a person who has knowledge, skills, and experience to share, for example someone who learned to quilt or cook from a family member or someone who has been farming for many years.

Transcribe — taking down the contents of a tape recording, word for word.
Selected Bibliography


INTERNET RESOURCES

Cultural Arts Resources for Teachers and Students (CARTS)
www.carts.org

Smithsonian Institution Center for Folklife and Cultural Heritage
Cultural Education Resources/Materials/Programs
www.folklife.si.edu

Smithsonian Institution Center for Folklife and Cultural Heritage
Smithsonian Folkways Recordings
www.folkways.si.edu

Smithsonian Institution Center for Education and Museum Studies
www.smithsonianeducation.org

The Library of Congress American Folklife Center
Veterans History Project
www.loc.gov/folklife/vets/

Southern Oral History Program
"Designing an Oral History Project"
www.unc.edu/depts/soph/guide.html

Baylor University Institute for Oral History
"Oral History Workshop on the Web"
www.baylor.edu/oral_History/family.html

American Folklore Society
www.afs.org

American Association of State and Local History
www.aaslh.org

The National Genealogical Society
www.ngsgenealogy.org/main/body_frame.html

SAMPLE FORMS
INTERVIEW RELEASE FORM

Project name: ________________________________________________________________________________

Date:________________________________________

Interviewer: ________________________________________________________________________________

Tape number:________________________________________

Name of person(s) interviewed: ________________________________________________________________________________

Address: ________________________________________________________________________________

Telephone number:________________________________________

Date of birth:________________________________________

By signing the form below, you give your permission for any tapes and/or photographs made during this project to be used by researchers and the public for educational purposes including publications, exhibitions, World Wide Web, and presentations. By giving your permission, you do not give up any copyright or performance rights that you may hold.

I agree to the uses of these materials described above, except for any restrictions, noted below.

Name (please print): ________________________________________________________________________________

Signature: ________________________________________________________________________________

Date:________________________________________

Researcher’s signature: ________________________________________________________________________________

Date:________________________________________

Restriction description: ________________________________________________________________________________
INTERVIEW INFORMATION FORM

Full name of person interviewed: __________________________________________

Nickname, if any: __________________________________________

Date of interview: __________________________________________

Researcher’s name: __________________________________________

Address of person interviewed: __________________________________________

____________________________________________________________________

Telephone number: __________________________________________

Email: __________________________________________

Date of birth: ___________ Place of birth: __________________________________________

Cultural background: __________________________________________

How many years living in this community? __________________________________________

____________________________________________________________________

Where else lived? __________________________________________

____________________________________________________________________

Spouses and children’s names (if any): __________________________________________

____________________________________________________________________

Occupation: __________________________________________

____________________________________________________________________

Skills and activities: __________________________________________

____________________________________________________________________

Education: __________________________________________

____________________________________________________________________

Hobbies, interests: __________________________________________

____________________________________________________________________

Other information: __________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________
INTERVIEW CONTEXT

Where the interview took place: __________________________

Time of day: __________________________

Sound conditions (background noise):
________________________
________________________
________________________
________________________

Other people present:
________________________
________________________

Notes about the interview (key themes, points of discussion):
________________________
________________________
________________________
________________________
________________________
________________________
________________________
________________________

Other documentation (tapes, photos, newspaper articles, etc.):
________________________
________________________
________________________
________________________
________________________
________________________
________________________
________________________
________________________
**Tape Log**

Name of person(s) interviewed: ____________________________________________

Other people present: ____________________________________________

Researcher: ____________________________________________

Date of interview: ____________________________

Location of interview: ____________________________________________

Special conditions (noise, interruptions, etc.):

________________________________________________________________________________

General description of contents: ____________________________________________

________________________________________________________________________________

________________________________________________________________________________

________________________________________________________________________________

Tape number: ____________________________________________

Page _____ of ______

**Topic Summary**

Provide the tape counter number and as much content information as possible.

<table>
<thead>
<tr>
<th>Counter No.</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
<tr>
<td>____________</td>
<td>____________________________________________</td>
</tr>
</tbody>
</table>
## TAPE LOG CONTINUED

Cassette No: ____________

<table>
<thead>
<tr>
<th>Counter No.</th>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PHOTO LOG

Person(s)/Subject(s) photographed: ____________________________________________________________

Photographer: __________________________________________________________

Date(s) taken: __________________________

Location(s): ______________________________________________________________

Type of film: ________________________________________________________________

Photo conditions (light, weather, etc.): ____________________________________________

General description of contents: ________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Other information available (Interview Information Form, Tape Log, Field Notes, etc.):

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Page ______ of ________

<table>
<thead>
<tr>
<th>Photo Frame No.</th>
<th>Description of Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CULTURAL MARKER EXERCISE

This is an excellent exercise for students and teachers, senior centers, families, and other community groups to get individuals thinking about their own cultural heritage and to gain respect and understanding for the cultural identity and heritage of others.

PURPOSE:
To identify and report on an item (object, photo) that serves an important role in your own cultural (ethnic, family, regional) identity.

ASSIGNMENT:
Think about an object or photo that you feel helps define who you are and/or where you are from. Write at least one page about the item’s significance. (For instance, think of a family heirloom — a photograph of your grandparents, an old tool used by your father, a piece of lace from a wedding gown — that speaks to your family’s roots. How does this item help explain your life and culture?) Be prepared to give a three-minute presentation about this item (to your class, your extended family, a senior center gathering). Plan to bring the item with you if possible. Take three minutes to present your cultural marker to the group. Then engage in an exercise where participants break into pairs and take turns interviewing one another, using the cultural markers as points of departure.

HOMEWORK:
Review the information you collected from your interview. Think about how you might improve your interviewing skills. Refer to the Smithsonian Folklife and Oral History Interviewing Guide for advice and suggestions.
Credits and Acknowledgements

Author: Marjorie Hunt
Editor: Carla Borden
Designer: Caroline Brownell
Web Design: Melia Design Group, Inc.
Web Masters: Stephen Kidd, Peter Seitel, Stephanie Smith
Cultural Research and Education Team: Betty Belanus,
Olivia Cadaval, Marjorie Hunt, Diana N’Diaye,
Cynthia Vidaaurri, Nilda Villalta, Charlie Weber
Intern/Researcher: Jenni Sophia Fuchs

Special thanks to Jenni Fuchs for her valuable assistance and

to Peg Koetsch and members of the Center for Folklife and
Cultural Heritage Cultural Research and Education Team —
Betty Belanus, Olivia Cadaval, Diana N’Diaye, Cynthia
Vidaaurri, Nilda Villalta, and Charlie Weber — for their
important input and ideas. The author is indebted to Amy
Kotkin Warner, Holly Cutting Baker, and Margaret Yocom,
whose Family Folklore Interviewing Guide and Questionnaire laid much
of the groundwork for this booklet.

The Smithsonian Folklife and Oral History Interviewing Guide is available
on-line at: www.folklife.si.edu
"[Tradition-bearers] are living links in the historical chain, eye witnesses to history, shapers of a vital and indigenous way of life. They are unparalleled in the vividness and authenticity they can bring to the study of local history and culture."

— Barbara Kirshenblatt-Gimblett, Folklorist
Having found an oral history site you may want to listen to some of the audio clips that are often available. To do this it is not enough to simply click on the appropriate button, you must also have the correct software. Generally, audio clips from oral history sites use a RealOne (sometimes called a Real Audio player or a RealPlayer). Increasingly popular however are various formats like wvf, wav or MP3 which can all be played using the Windows Media Player (which all PCs should already have).

To listen to sound

Having found an oral history site you may want to listen to some of the audio clips that are often available. To do this it is not enough to simply click on the appropriate button, you must also have the correct software. Generally, audio clips from oral history sites use a RealOne (sometimes called a Real Audio player or a RealPlayer). Increasingly popular however are various formats like wvf, wav or MP3 which can all be played using the Windows Media Player (which all PCs should already have).

Don’t forget to turn on your loudspeakers!

Useful sites

The following may be of particular interest:
http://www.bl.uk/collections/sound-archive/nsa.html - the British Library Sound Archive homepage. As well as useful information about the various collections they hold, this site also has sound clips and, via the ‘Listen’ link, a link to the Real Audio homepage where there is a free download available.

http://www.oralhistory.org.uk/ - useful information about how to do oral history, copyright and ethics, and most other issues related to oral history.

http://www.ioha.fgv.br/ - the International Oral History Association homepage has excellent links to oral history projects in Britain and across the globe.

http://www2.h-net.msu.edu/~oralhist/ - a site for scholars and professionals active in studies related to oral history.
The following are a few websites that contain oral history, or links to oral history, relating to Leicestershire and Rutland.

- http://www.le.ac.uk/emoha - the East Midlands Oral History Archive site. Links to many other oral history sites.
- http://www.leicesterresearch.co.uk/ - Stephen Butt’s site with lots of history. You can use the links off this site to find other relevant sites.
- http://www.le.ac.uk/sociology/ethnic/research/life.html - University of Leicester ‘ethnic elders’ site

See our website at http://www.le.ac.uk/emoha/links.html for more links.

**Leicester**

**The UK**

- http://www.bbc.co.uk/education/20cvox/index.shtml - the BBC 20th Century Vox site. You can download RealPlayer from this site. Some of the audio clips are from Rutland people.
- http://www.sol.co.uk/s/sote/ - a WEA Scotland project.

**The rest of the world**

- http://spanky.osc.cuny.edu/~ashp/ - the American Social History Project
- http://historymatters.gmu.edu/ - excellent general history site which includes oral history. Part of the American Social History Project.

The International Oral History Association website will provide you with links to oral history projects across the world.

© the contents of this Information sheet may be copied for the purposes of training of personal study only, but the contents remain the copyright of EMOHA and must not be altered in any way.
Copyright © 2006 Keith Aoki, James Boyle, Jennifer Jenkins
This work is made available under the terms of a Creative Commons Attribution, Non-commercial, Share-alike license.
http://creativecommons.org/licenses/by-nc-sa/2.5/
This license gives you important freedoms, including the right to copy and distribute this book noncommercially without permission or fee, so long as you adhere to the terms described below.

![Creative Commons Logo]

Attribution-NonCommercial-ShareAlike 2.5

You are free:
+ to copy, distribute, display, and perform the work
+ to make derivative works

Under the following conditions:

**BY:**
Attribution. You must attribute the work as: *Bound By Law* ©2006 Keith Aoki, James Boyle, Jennifer Jenkins

**Noncommercial.** You may not use this work for commercial purposes.

**Share Alike.** If you alter, transform, or build upon this work, you may distribute the resulting work only under a license identical to this one.

* For any reuse or distribution, you must make clear to others the license terms of this work.
* Any of these conditions can be waived if you get permission from the copyright holder.

Your fair use and other rights are in no way affected by the above.
Welcome to the Center... The Center for the Study of the Public Domain.
Tonight we are discussing a subject that makes strong men and women tremble. Our subject is not death or evil.

The Law!! Please do come in...

Our subject is...
Each episode in our little series about the arts will examine one portion of a legal boundary, a kind of twilight zone.

This is the line between intellectual property and the public domain, the mysterious realm where material is free for all to use without permission.

Our guides, two obscure figures who dwell in these shadows... whose lives are spent in an obsessive quest to chart this line, almost as if they were condemned by some ghastly curse to be the mapmakers of limbo.

Reveal yourselves please!!

Creak

Click clack

Click clack

Click clack

Click! Hi!
AND WHICH OF THESE ARTS SHALL WE DISCUSS TONIGHT?

WILL IT BE MUSIC?

WILL IT BE COMIC BOOKS?

WILL IT BE ANIMATION?

NO...

TONIGHT WE ARE LOOKING AT THE PLACE WHERE ART MEETS HISTORY, WHERE REPORTING MEETS THE FEATURE FILM...

TONIGHT WE ARE LOOKING AT DOCUMENTARY FILM...

HEH HEH HEH

A YOUNG PERSON'S GUIDE TO INTELLECTUAL PROPERTY AND DOCUMENTARY FILMMAKING

WOODSTOCK

SHOAH

CRUMB

Harlan County USA

4 Little Girls

ACADEMY AWARD WINNER!

SO, TO BEGIN...
DOCUMENTARIES ARE RECORDS OF OUR CULTURE. BUT OUR CULTURE IS FULL OF ARTIFACTS PROTECTED BY INTELLECTUAL PROPERTY RIGHTS — MUSIC, IMAGES, PHOTOGRAPHS.

FILMMAKERS ARE SOMETIMES ASKED TO CLEAR RIGHTS TO THESE CULTURAL FRAGMENTS, EVEN IF THEY APPEAR ONLY INCIDENTALLY.

"CLEARING RIGHTS" IS THE PROCESS OF FINDING THE RIGHTS HOLDER, AND GETTING PERMISSION OR PAYING TO USE MATERIAL.

BUT DOCUMENTARIANS ARE NOT MERELY IN THE POSITION OF DEALING WITH OTHER PEOPLE'S RIGHTS, THEY'RE ALSO IN THE POSITION OF ASSERTING THEIR OWN — THEY MAY WANT TO RECEIVE PAYMENT, OR PREVENT CERTAIN USES OF THEIR FOOTAGE.

HOW SHOULD THE LAW DRAW LINES BETWEEN FILMMAKERS' NEED TO PORTRAY A CULTURE FULL OF LEGALLY PROTECTED MATERIAL, AND THEIR DESIRE TO PROTECT THEIR OWN WORKS?

LET'S HEAR FROM A FILMMAKER

MEET AKIKO...
HI! I wanted to make a film capturing a day in the life of New York.

I know, New York's such a broad canvas...

My documentary would let the city speak for itself.

The gaps between rich and poor, the mix of "high" and "low" culture -- the human comedy (or is it tragedy?)
CATS

Cats Winter Garden

LET THE MEMORY LIVE AGAIN...

BROADWAY THEATRES...

ART GALLERIES...

SUBWAY GRAFFITI...

I GUESS THAT'S OK...

JAZZ BUSKERS...

DO I NEED TO CLEAR RIGHTS?

LEXINGTON AV
THE SIGHTS AND SOUNDS OF THE CITY...

PRETTY WOMAN, WALKIN' DOWN THE STREET

EXIT

I DID IT MY WAY.

PAINTINGS, MUSIC, SCULPTURE... IS ALL THIS STUFF COPYRIGHTED?
SING US A SONG YOU'RE THE PIANO MAN...

AH HA HUSH THAT FUSS...

BOOM

HAPPY BIRTHDAY TO YOU

WILL I BE ABLE TO KEEP THESE MOMENTS OR WILL THEY HAVE TO COME OUT?
This is like a minefield. I'm scared I might discover what's copyrighted the hard way, when it blows up in my face!

How do I know what's copyrighted?

And if it is, who owns the rights?

It's harder to answer these questions than it used to be.

Until about 25 years ago, copyright law didn't protect works unless the author included a simple notice: © Akiko, 2005.

But the law changed - now creative works are automatically copyrighted...

And if there's no copyright notice, it's up to you to track the rights owner down.

That notice would have provided some answers.

Only works published before 1923 or produced by the federal government are clearly in the "public domain," where copyright has expired.

Have the copyrights on any of this stuff run out?

Wait... 1923?!

Do you mean my film has to be stripped of copyrighted content from the past 80 years?
Well, many works published between 1923 and 1977 are in the public domain because the authors did not comply with notice, renewal or other formalities. But trying to track down this information can be time-consuming and fruitless, so artists often have to presume these works are copyrighted.

<table>
<thead>
<tr>
<th>Date of Work</th>
<th>When the Work is Fixed in a Tangible Medium of Expression</th>
<th>Protected From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Created 1-1-78 or after*</td>
<td>When published with notice when the work is fixed in a tangible medium of expression</td>
<td>When the work is fixed in a tangible medium of expression</td>
</tr>
<tr>
<td>Published before 1923</td>
<td>When published with notice when the work is fixed in a tangible medium of expression</td>
<td>When published with notice when the work is fixed in a tangible medium of expression</td>
</tr>
<tr>
<td>Published from 1923 to 1963</td>
<td>When published with notice when the work is fixed in a tangible medium of expression</td>
<td>When published with notice when the work is fixed in a tangible medium of expression</td>
</tr>
<tr>
<td>Published from 1964 to 1977</td>
<td>When published with notice when the work is fixed in a tangible medium of expression</td>
<td>When published with notice when the work is fixed in a tangible medium of expression</td>
</tr>
<tr>
<td>Created before 1-1-78 but not published</td>
<td>1-1-78 (The effective date of the 1976 Copyright Act)</td>
<td>When published with notice when the work is fixed in a tangible medium of expression</td>
</tr>
<tr>
<td>Created before 1-1-78 but published between then and 12-31-2002</td>
<td>1-1-78 (The effective date of the 1976 Copyright Act)</td>
<td>When published with notice when the work is fixed in a tangible medium of expression</td>
</tr>
<tr>
<td>Created before 1-1-78 and published after 12-31-2002</td>
<td>1-1-78</td>
<td>When published with notice when the work is fixed in a tangible medium of expression</td>
</tr>
</tbody>
</table>

*Works published without notice between 1-1-78 and 3-1-89 retained copyright only if the omission of notice was corrected.
<table>
<thead>
<tr>
<th>Term of Protection</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life of author + 70 years (for works of corporate or</td>
<td><em>Mob</em> <em>D</em> <em>ick</em></td>
</tr>
<tr>
<td>anonymous authorship: the shorter of 95 years from</td>
<td><em>H</em> <em>erman</em> <em>Melville</em></td>
</tr>
<tr>
<td>publication or 120 years from creation)</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td><em>Gone With the Wind</em></td>
</tr>
<tr>
<td>95 years after publication date; however if copyright</td>
<td><em>Fear and Loathing</em></td>
</tr>
<tr>
<td>was not renewed, work is now in public domain</td>
<td></td>
</tr>
<tr>
<td>95 years after publication date</td>
<td></td>
</tr>
<tr>
<td>Life + 70 years</td>
<td></td>
</tr>
<tr>
<td>Life + 70 years, or 12-31-2047, whichever is greater</td>
<td><img src="letter" alt="" /></td>
</tr>
<tr>
<td>Life + 70 years</td>
<td></td>
</tr>
</tbody>
</table>

*Based on Professor Lolly Gasaway's chart "When U.S. Works Pass into the Public Domain.*
SO THE ONLY WAY I CAN USE COPYRIGHTED WORKS WITHOUT PERMISSION IS TO FIND OUT WHETHER THEY'RE IN THE PUBLIC DOMAIN?

NO, THERE ARE EXCEPTIONS BUILT INTO COPYRIGHT LAW SUCH AS "FAIR USE"—WHICH PERMITS USES FOR CRITICISMS, COMMENTARY AND OTHER PURPOSES...

FLEETING AND INCIDENTAL USES OF COPYRIGHTED MATERIAL SHOULD USUALLY BE FAIR... BUT RIGHTS HOLDERS, DISTRIBUTORS AND INSURERS CAN BE CONSERVATIVE ABOUT WHAT'S FAIR, AND REQUIRE CLEARANCES ANYWAY.

SO TO MANY ARTISTS THE QUESTION OF "FAIR USE" CAN SEEM LIKE A GAME OF BLIND MAN'S BLUFF...

OR A SURREALIST GARDEN OF INTELLECTUAL PROPERTY DELIGHTS.
Filmmaker Jon Else ran into copyright clearance problems with "Sing Faster," his documentary about the stage hands' view of Wagner's Ring Cycle.

Else did great stuff - I loved "Open Outcry," what kind of problems?

Well, he needed to cut and replace 4 1/2 seconds from "The Simpsons" that were accidentally captured in one of the scenes...

The Simpsons?

Stage hands were playing checkers backstage while the opera was performed, and a small TV in the background was showing "The Simpsons." Matt Groening didn't object, but Fox demanded $10,000 for rights to the 4 1/2 seconds.

This was clearly a fair use, but Else was told Fox would make litigating the issue difficult and costly. He took it out even though he thought it was important for the scene.

Wow! So just because the Simpsons was playing in the bar I filmed, I might have to pay for it?

Even if I didn't use it deliberately, and was just trying to capture "reality"?
FAIR USE SHOULD MEAN YOU DON'T NEED PERMISSION FOR INCIDENTALLY CAPTURED FRAGMENTS. BUT THE PRACTICE IS OFTEN DIFFERENT.

JON ELSE'S EXPERIENCE IS NOT UNIQUE.

A CELL PHONE HAPPENED TO RING DURING THE FILMING OF MARYLNE AGRELO AND AMY SEWELL'S "MAD HOT BALLROOM," A DOCUMENTARY ABOUT NEW YORK CITY KIDS IN A BALLROOM DANCING COMPETITION. THE RING TONE WAS THE "ROCKY" THEME SONG. THIS IS A VERY STRONG CASE FOR FAIR USE.

BUT EMI, WHICH OWNS THE RIGHTS TO THE "ROCKY" SONG, ASKED FOR -- GUESS HOW MUCH?

$10,000!

IN ANOTHER SCENE, THEY WERE FILMING A FOOSBALL GAME AND ONE OF THE PLAYERS SPONTANEOUSLY YELLED "EVERYBODY DANCE NOW," A LINE FROM THE C & C MUSIC FACTORY HIT.

WARNER CHAPPELL DEMANDED $5000 FOR USE OF THE LINE.

THEY EVENTUALLY GOT A BETTER DEAL ON THE "ROCKY" RING TONE, BUT DECIDED TO CUT THE "DANCE" LINE, EVEN THOUGH IT REALLY FIT THE MOVIE'S THEME.
In "The First Year," a PBS documentary about Los Angeles public school teachers in their first year of teaching, Led Zeppelin's "Stairway to Heaven" came on the radio while a teacher was driving a van full of students to an outing.

The teacher turned the song up and called to the class to listen. The students rolled their eyes. It wasn't their music. It was a pivotal moment—a live generation gap.

Davis Guggenheim, the film maker, was unable to clear rights to the song and had to cut it out...

Wow, that's demoralizing. There's a lot of music playing in the background of my film. I didn't choose to include it. It was just there, everywhere I filmed.

What are my options?

Well, you could assert fair use and keep it in the film...

Or try to find the rights owners and ask for permission...

Or over dub it with music that's in the public domain...
HMMM... LET'S SEE...

COULD THE SAX PLAYER IN THE SUBWAY BE PLAYING MOZART INSTEAD OF "I LOVE NEW YORK?"

LEXINGTON AVE

REPLACE THE ROY ORBISON SONG BY THE STREET MUSICIAN WITH "OH SUSANNAH."

OH PRETTY WOMAN, WALKIN' DOWN THE STREET

AND THE DUELLING HIP HOP SONGS IN TIMES SQUARE WITH JOHN PHILIP SUSA...

BOOM THAK

AND REPLACE THE HOT DOG VENDOR'S SINATRA WITH "YES! WE HAVE NO BANANAS."

BAM THAK

AKIKO... UM... THAT SONG WAS SET TO GO INTO THE PUBLIC DOMAIN IN 1999, BUT THEN CONGRESS EXTENDED THE TERM FOR ANOTHER 20 YEARS...

THE THING IS, THE MUSIC IS AN IMPORTANT PART OF THESE SCENES. REPLACING IT WOULD REALLY DISRUPT THE FILM.

HMMM...
All of this is a little freaky— as if I were “disappearing” everything in NYC that was connected to copyrighted culture.
AND THESE CHANGES CAN DEMAND STILL MORE CHANGES. IF THE MUSIC IS REMOVED, IT CAN'T BE REFERRED TO LATER.

SO... NOW WE CAN'T TRUST DOCUMENTARIES ANYMORE?

THIS WHOLE THING IS CRAZY! HOW ARE ANY FILMS GOING TO BE MADE IF WE SPEND OUR TIME WORRYING ABOUT BEING SUED OR CUTTING AND EVEN RE-EDITING THEM?

FOR EXAMPLE IN DEPECHE MODE 101, "RAIN DROPS KEEP FALLING ON MY HEAD" WAS PLAYING FROM A MUSIC BOX...

I CAN'T BELIEVE THIS. DID THE CLASSIC DOCUMENTARIES HAVE TO GO THROUGH THIS RIGAMAROLE?

AND HAD TO BE REPLACED WITH "LONDON BRIDGE IS FALLING DOWN" BECAUSE THE FILMMAKERS Couldn'T AFFORD TO CLEAR RIGHTS.

AND THEN THE BACKSTAGE HUMMING HAD TO BE EDITED TO MATCH THE NEW MUSIC!
NO, THINGS HAVE CHANGED. AND THE LAW ISN'T NECESSARILY DRIVING THIS. FAIR USE ACTUALLY PROTECTS SOME THINGS MORE CLEARLY TODAY.

BUT MANY FACTORS - NEW TECHNOLOGIES ... NEW MARKETS... HAVE CONTRIBUTED TO THE RISE OF A "RIGHTS" CULTURE.

IF YOU WATCH THE END OF "DON'T LOOK BACK," D.A. PENNEBAKER'S 1967 DOCUMENTARY ABOUT DYLAN, YOU'LL SEE THAT THERE AIN'T THE TEN MINUTES OF MUSIC CREDITS THAT YOU MIGHT SEE NOW.

WE USED TO ACCEPT THAT COPYRIGHT Didn'T GIVE CONTROL OVER EVERY USE.

NOW A LOT OF PEOPLE THINK THE RIGHTS ARE ABSOLUTE!
Remember Monty Python?
Sure. Why?

In the early 70s, Terry Gilliam may have borrowed hundreds of images for his Monty Python animations...

He didn’t have to get permission.

Times change. 20 years later, a court stopped distribution of his movie “12 Monkeys”... finding that Gilliam had based a set design on a copyrighted drawing.

Reportedly, he had to pay six figures to use the set design.

What’s ironic is that Terry Gilliam supposedly also had to pay for a background appearance of Warhol’s Xerox of Da Vinci’s “Last Supper” — itself a copy of a pre-existing work!!

That is ironic!! And imagine losing those Monty Python collages!
These changes also build on each other. Once people have had to pay for material, they tend to turn around and ask for payment if their stuff is used.

It's a vicious circle?

And it's not just fragments. Prices for material that was deliberately included, such as archival footage, are skyrocketing.

Add to this the costs of tracking down rights owners and hacking through thicketsof rights holders and you've consumed a pretty big budget.

But I thought cheap digital technology was supposed to give us the democratic era of filmmaking.

What about that documentary "Tarnation," which went to the Cannes Film Festival, but was made for only $218?

True, the $218 price tag got lots of attention... but the film ended up costing over $400,000, most of which went to clearing rights.
THE TIMES THEY ARE A-CHANGIN'...

NOT EVERYONE IS GOING ALONG WITH THE "RIGHTS" CULTURE THOUGH. FOR EXAMPLE, D.A. PENNEBAKER SAW MANY ARTISTS ECHO THE CUE CARD SCENE FROM "DON'T LOOK BACK," AND VIEWED THAT KIND OF BORROWING AS ENTIRELY APPROPRIATE.

AND YOU DON'T ALWAYS HAVE TO PAY...

OR ASK PERMISSION.

FILMMAKERS REGULARLY KEEP THINGS IN THEIR FILMS AS "FAIR USE," INCLUDING INCIDENTAL USES...

FOR EXAMPLE, IN CHRIS HEGEDUS AND D.A. PENNEBAKER'S FILM, "THE WAR ROOM."

ROSS PEROT QUITS THE 1992 PRESIDENTIAL RACE...

AND IN THE BACKGROUND ON TV, PATSY CLINE SINGS "CRAZY."

THEY DIDN'T ASK PERMISSION... IT WAS A FAIR USE!

AH FIND IT FASCINATIN'!

CRAZY... I'M CRAZY FOR FALLING...
AND THEN THERE ARE CRITICAL USES...

RELYING ON FAIR USE, ROBERT GREENWALD MADE EXTENSIVE USE OF FOX NEWS CLIPS IN HIS CRITICAL DOCUMENTARY "OUTFOXED."

IN A DISCUSSION OF RACISM IN THE MEDIA, "BOWLING FOR COLUMBINE" USED UNCLEARED FOOTAGE OF NEWS ANCHORS WARNING ABOUT BLACK MALE SUSPECTS. AND NEITHER USE WAS CHALLENGED.

IN FACT, SEVERAL FILMMAKERS' ORGANIZATIONS HAVE JOINTLY PRODUCED A STATEMENT OF BEST PRACTICES IN FAIR USE TO CLARIFY HOW PROFESSIONAL FILMMAKERS INTERPRET FAIR USE IN DAILY PRACTICE.

FILMMAKERS COULD CHANGE THE "RIGHTS" CULTURE BY LEARNING MORE ABOUT FAIR USE, AND EVEN MAKING SOME COLLECTIVE DECISIONS ABOUT WHAT'S FAIR.
Artists may also have some ammunition against unreasonable denials of fair use.

Mattel sued artist Tom Forsythe for using transformed images of Barbie dolls.

The court found that this work was a parody -- one kind of fair use.

So Forsythe could make images like...

"Margarita Barbie" or "Land of Milk and Barbie?"

In fact, a judge in this case said that Mattel's lawsuit was...

"Objectively unreasonable and frivolous."

And even awarded Forsythe substantial attorneys' fees.
THE JUDGE SAID...
WELL, LET HIM SPEAK FOR HIMSELF...

PARODY

"IT APPEARS PLAINTIFF FORCED DEFENDANT INTO COSTLY LITIGATION TO DISCOURAGE HIM FROM USING BARBIE'S IMAGE IN HIS ARTWORK... THIS IS JUST THE SORT OF SITUATION IN WHICH THIS COURT SHOULD AWARD ATTORNEYS' FEES TO DETER THIS TYPE OF LITIGATION WHICH CONTRAVENES THE INTENT OF THE COPYRIGHT ACT."

25
OK, so I have certain rights under fair use. For other content, if I can manage to pay for it, then I'm OK, right?

Not exactly.

Normally you pay for rights through a license, and these licenses can run out. Your film won't be distributed any more unless you are willing to pay to renew them.

What? So if I get licenses for songs on my soundtrack, or photographs and movie clips, they can expire?

Yes, and relatively quickly.

Getting rights "in perpetuity" can be expensive, and filmmakers with limited funds often have to settle for short term licenses. "Eyes on the Prize," the great civil rights documentary, disappeared from circulation because the cost of renewing expired licenses was so high. The producers could not afford to pay the escalated fees.

That's discouraging. Imagine trying to tell the story of the civil rights movement in the 50s and 60's without the music or footage of the times.

I was going to buy "Eyes on the Prize" and show it to my kids. I can't believe that it's out of circulation --- it's such an important record of history.

Can you copyright history?
Ironically, one reason licensing fees are going up is the increasing popularity of documentaries and new markets for archival footage. The makers of profitable documentaries about Marilyn Monroe or the Normandy landings might be able to afford higher fees.

But then we transfer this "pay as you go" attitude to less commercially attractive films about public school reform or mental institutions.

Sometimes cultural heroes get in on the action. The Martin Luther King, Jr. estate has aggressively asserted copyright over Dr. King's speeches, photos and interviews. This created enormous obstacles for documentaries such as Orlando Bagwell's "Citizen King."

One can understand wanting to protect Dr. King.

But any rules that apply to Martin Luther King will also apply to David Duke. Do we want to give copyright holders a veto over history?
Disappearing history, frivolous lawsuits... this system doesn't make any sense.

And you know what?

I feel like I'm in a bad superhero comic...

Our culture under assault...

How did we get to this state of affairs? What's this system for? Is copyright actually bad for artists?

By a crazed out-of-control "rights monster."
NOT AT ALL. LOOK, HERE'S SOME BACKGROUND. U.S. COPYRIGHT PROTECTS 8 TYPES OF WORKS ONCE THEY ARE "FIXED IN ANY TANGIBLE MEDIUM OF EXPRESSION."

"But remember, copyright doesn't protect ideas. Only specific expressions of ideas..."

"Art I, Section 8, Clause B."

The constitutional goal of copyright is to encourage people to make and distribute new works.

To do so, copyright law gives authors, including filmmakers, the exclusive right to...

"make copies"

"make adaptations, translations"

"publicly distribute, publicly display and publicly perform their works"
EACH OF THOSE RIGHTS MEANS THAT COPYRIGHT HOLDERS CAN EXERCISE A CERTAIN KIND OF CONTROL.

WHAT'S GOING ON DOWN THERE?

IMAGINE IF YOU DIDN'T HAVE A COPYRIGHT IN YOUR FILM...

IF YOU SEND A COPY OF YOUR DOCUMENTARY TO PBS, WHAT'S TO STOP THEM FROM SHOWING IT WITHOUT PAYING YOU?

HEH!

NOW IT'S OURS?

HA! HA! HA!

OR SOMEONE POSTING IT ON THE INTERNET WITHOUT YOUR PERMISSION?

DOWNLOADS.COM FREE FILM DOWNLOADS
AKIKO'S NEW YORK Download 1.05M
AKIKO REMIXED Download 2.75
AKIKO UNPLUGGED Download 2.0

E... THIRST...

OR SOMEONE SELLING COPIES OF YOUR FILM ON E-BAY--WITHOUT PAYING YOU!!

OR THE NEW YORK TOURIST BOARD USING A 5-MINUTE SEGMENT OF YOUR WORK AS AN ADVERTISEMENT FOR THE CITY?

TAKING A VACATION IN NEW YORK
BY AKIKO (SORT OF)
BRING TO YOU
BY THE NEW YORK TOURIST BOARD

?!?!
COPYRIGHT ALSO GIVES YOU THE CHOICE TO EXERCISE THAT CONTROL IN WAYS YOU LIKE.

YOU COULD CHOOSE TO OFFER YOUR WORK ONLINE UNDER A CREATIVE COMMONS LICENSE, BUT ONLY FOR NONCOMMERCIAL USE, AND IF YOU GOT ATTRIBUTION.

 Creative Commons is a nonprofit that offers a flexible copyright for creative work.
SO, COPYRIGHT GIVES YOU RIGHTS THAT YOU CAN USE TO CONTROL AND GET PAID FOR YOUR WORK.

ARTISTS SOMETIMES THINK THEY WANT TO HAVE AS MUCH COPYRIGHT PROTECTION AS POSSIBLE.

AT ITS BEST, IT PRODUCES A BRILLIANT DECENTRALIZED SYSTEM OF CREATIVITY.

WELL, THIS MAY BE GREAT ON THE OUTPUT SIDE; BUT WHAT ABOUT THE INPUT SIDE?

IF EVERYTHING IS PROTECTED BY COPYRIGHT, THEN WHERE DO YOU GET YOUR RAW MATERIALS?

COPYRIGHT LAW ALSO TRIES TO GIVE ARTISTS ACCESS TO THE RAW MATERIALS THEY NEED TO CREATE IN THE FIRST PLACE.
SO WHO IS THIS?

THAT'S JUDGE ALEX KOZINSKI OF THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT.

JUDGE KOZINSKI SAID: "OVERPROTECTING INTELLECTUAL PROPERTY IS AS HARMFUL AS UNDERPROTECTING IT. CREATIVITY IS IMPOSSIBLE WITHOUT A RICH PUBLIC DOMAIN. OVERPROTECTION STIFLES THE VERY CREATIVE FORCES IT'S SUPPOSED TO NURTURE."

THE JUDGE EXPLAINS: "NOTHING TODAY, LIKELY NOTHING SINCE WE TAMED FIRE, IS GENUINELY NEW: CULTURE, LIKE SCIENCE AND TECHNOLOGY, GROWS BY ACCRETION, EACH NEW CREATOR BUILDING ON THE WORKS OF THOSE WHO CAME BEFORE."
So copyright law isn’t just about locking things up?

Not at all.

Copyright also protects the rights of users and future creators.

To encourage creativity, copyright law must strike a careful balance.

Allowing artists to protect their works.

But also ensuring the availability of raw materials for future creation.

It strikes this balance in several ways. Certain things—facts and ideas—are not copyrightable at all...
When you're making movies, though, a lot of what you are capturing is copyrightable expression.

...so...

...fair use...

A flexible category, lets you use copyrighted material for many purposes —

to report on news,
to make a parody,
to copy for class,
to quote for scholarly purposes,
to criticize,
for research, and more!!
THE STATUTE SETS OUT FOUR FACTORS TO CONSIDER.

§ 107. Limitations on exclusive rights: fair use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a particular copy or phonorecord is fair use, the factors to be considered include—

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole;
4. The effect of such use upon the potential market for or value of the copyrighted work.

§ 108. Limitations on exclusive rights: Reproduction by Libraries andArchives

Except as otherwise provided in this title and notwithstanding the provisions of section 106, it is not an infringement of copyright for a library or archives to reproduce or distribute, under the conditions specified by this title, for purposes of scholarship or research, a copy or phonorecord of a work in its library or archives of a work for purposes of scholarship or research, a copy or phonorecord of a work.

(a) The reproduction or distribution of text or images of material that is not copyrighted or that has been placed in the public domain;
(b) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(c) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(d) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(e) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(f) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(g) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(h) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(i) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(j) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(k) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(l) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(m) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(n) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(o) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(p) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(q) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(r) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(s) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(t) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(u) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(v) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(w) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(x) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(y) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
(z) The reproduction or distribution of material that is not copyrighted or that has been placed in the public domain;
Sony v. Universal Studios (1984)
Fair use: home videotaping of television shows.

"Time-shifting," or videotaping television shows in order to watch them later, was fair use, said the Supreme Court, even though VCR users were copying the entire programs. One key reason was that the time-shifting was private and non-commercial. That meant that the film companies had to prove market harm. The Court did not believe they had done so.
Campbell v. Acuff-Rose (1994)
Fair use: a rap parody of "Pretty Woman".

The rap group 2 Live Crew made a song called "Pretty Woman" that borrowed the bass riff, much of the tune and some lyrics from Roy Orbison's "Oh, Pretty Woman." 2 Live Crew seemed to have 2 strikes against them. They used a lot of the song, and their use was "commercial." The Supreme Court said that even so, this could be fair use. They saw the song as a parody. It "juxtaposes the romantic musings of a man whose fantasy comes true, with degrading taunts, a bawdy demand for sex, and a sigh of relief from paternal responsibility." Because the song was a parody, 2 Live Crew was also allowed to copy more of it — as effective parodies need to "conjure up the original."
Fair use: a parody of "Gone with the Wind" from a slave's point of view.

Author Alice Randall wrote a parody of Gone with the Wind criticizing its romanticized depiction of slavery and the ante-bellum South, and in doing so alluded to copyrighted characters and scenes from Gone with the Wind.

"Frankly my dear, they shouldn't have given a damn!"

The Court of Appeals held that this could be fair use: "It is hard to imagine how Randall could have specifically criticized Gone with the Wind without depending heavily upon copyrighted elements of that book. A parody is a work that seeks to comment upon or criticize another work by appropriating elements of the original..."

Not a fair use: scooping President Ford's memoirs.

The Nation.

Time Magazine agreed to purchase the exclusive right to print a pre-publication excerpt of ex-president Ford's autobiography. Before Time's article came out, the political magazine The Nation got an unauthorized copy of the manuscript. The Nation published its own article, which included 300-400 words from Ford's autobiography about his decision to pardon President Nixon. The Supreme Court said this was not a fair use. Why? The memoirs had not been published yet, and authors have a right to decide whether and when their work will be published. The Court found that The Nation had "effectively arrogated to itself the right of first publication" for the purpose of "scooping" Time's planned article. (Time then canceled the article.) The Court also said that the parts of Ford's book used, though small, were its "heart" - the most powerful and interesting part.
SO HOW DOES ALL THIS APPLY TO ME?

WELL, COURTS HAVE FOUND FAIR USE WHEN DOCUMENTARIES USE SHORT CLIPS IN TRANSFORMATIVE — NEW, DIFFERENT AND VALUABLE — WAYS, INSTEAD OF MERELY "RIPPING OFF" THE COPYRIGHTED MATERIAL.

HERE'S SOME EXAMPLES OF USES THAT WERE FOUND TO BE "FAIR."

ORIGINL MOTION PICTURE SOUNDTRACKS

INVASION OF THE SAUCER-MEN

IT CONQUERED THE WORLD

MUSIC COMPOSED AND CONDUCTED BY

RONALD STEIN

THE DOCUMENTARY ALIENS
INVASTE HOLLYWOOD COULD USE 3 CLIPS TOTALING 48 SECONDS (1%) FROM INVASION OF THE SAUCER-MEN TO SHOW EARLY FILM PORTRAYALS OF ALIEN VISITATIONS AND GOVERNMENT COVER-UPS.

THIS IS A FAIR USE – SO LONG AS YOU DON'T MENTION AREA 51!!!

DON'T WORRY MA'AM, THAT EXCERPT DIDN'T SHOW A REAL UFO... SWAMP GAS FROM A WEATHER BALLOON...

AN A&E BIOGRAPHY OF PETER GRAVES COULD USE 20 SECONDS (LESS THAN 1%) OF IT CONQUERED THE WORLD, WHICH STARRED GRAVES, TO SHOW HIS MODEST BEGINNINGS IN THE FILM BUSINESS.

THIS MOVIE, SHOULD YOU CHOOSE TO EXCERPT IT, WILL SELF-DESTRUCT IN 20 SECONDS!
A TBS biography of Muhammad Ali could use 9-14 clips totaling between 41 seconds and 2 minutes (between .7 and 2.1%) from When We Were Kings, a documentary focusing on the "Rumble in the Jungle" fight in Zaire between Ali and George Foreman. (The parties disagreed about the number of clips, so the court used the 9-14 range.)

An that ladiez' n gentz- is a... FAIR USE!!!

IN ALL THESE CASES, THE COURTS THOUGHT THE USES WERE "TRANSFORMATIVE" BECAUSE THE PURPOSE OF THE ORIGINAL MOVIES WAS TO ENTERTAIN VIEWERS, WHILE THE DOCUMENTARIES USED THE CLIPS FOR COMMENTARY AND CRITICISM.

FAIR USE MEANS YOU CAN QUOTE LIKE A BUTTERFLY, STING LIKE A BEE!!

ALSO, THE CLIPS WEREN'T THE HEART OF THE MOVIES THEY WERE TAKEN FROM AND WERE "TOO FEW, TOO SHORT, AND TOO SMALL IN RELATION TO THE WHOLE" TO UNDERCUT THE MARKET FOR THOSE FILMS.
The Definitive Elvis, a 16-hour documentary that advertised its “all-encompassing” collection of Elvis appearances, used clips from The Ed Sullivan Show, The Steve Allen Show, and Elvis TV specials. The court thought that these uses went beyond biographical reference and were just rebroadcast as entertainment, often without commentary or interruption. Even though the clips were short – ranging from a few seconds to a minute, many were “the heart” of the original shows, including the moments when Elvis sang his most famous songs.
FAIR USE IS ONE WAY COPYRIGHT LAW MEDIATES BETWEEN THE NEED TO GIVE INCENTIVES TO CREATORS AND THE NEED TO USE CONTENT TO CREATE AND COMMENT ON THE WORLD.

TERM LIMITS ARE ANOTHER.

AS RECENTLY AS 1977, THE TERM WAS 28 YEARS WITH THE OPTION TO RENEW FOR ANOTHER 28...

TICK Tock Tick

BUT NOW THE TERM Lasts 70 YEARS PAST THE DEATH OF THE AUTHOR AND 95 YEARS FOR CORPORATE AUTHORS.

Originally Copyright expired AFTER FOURTEEN YEARS...

TICK Tick Tick Tick

This effectively ropes off most of 20TH CENTURY CULTURE... EVERY BOOK, EVERY MOVIE, EVERY POEM, EVERY SONG IS PROTECTED FOR NEARLY 100 YEARS AND SOMETIMES MORE.

14 + 14 YEARS 28 + 14 YEARS 28 + 28 YEARS 20 MORE YEARS

Now only works Published before 1923 are clearly in the public domain.

1978: Author's Life + 50 Years
The ever-lengthening copyright term seems to be having the opposite effect from what the constitution intended...

1998  2018  2038  2078  ?

It hinders artists who want to use older works, even when the copyright owner can't be found or wouldn't care.

The longer term also puts more pressure on "fair use."

Traditionally, we had a thin layer of intellectual property protection surrounding a large and rich public domain.

Now the balance between what is and isn't protected has been upset. Copyright law may no longer serve the interests of creators.

It didn't cover very much, and it didn't cover it for very long.

Copyright law  
Public domain

Crack
WOW, I WONDER IF WE WOULD HAVE THE GREAT DOCUMENTARIES FROM THE PAST IF THESE LEGAL CHANGES HAD BEEN IN PLACE BACK THEN?

LOOK BACK
THE DEFINITIVE COLLECTION
THE ROLLING STONES

GIMME SHELTER
DAVID MAYLES, ALBERT MAYLES, CHARLOTTE ZWERIN

WHEN I THINK ABOUT IT TOO HARD, I loose MY BALANCE.

OBVIOUSLY NOT EVERYTHING YOU CAN SEE OR HEAR (OR FILM OR TAPE) IS COPYRIGHTABLE, BUT STILL...
I'm almost afraid to ask: what else is there to watch out for?

Well copyright issues are a handful but filmmakers may also run into trademark issues.

While copyright law protects artistic works, trademark law protects brand names and logos that tell consumers where products came from.

Sometimes it makes my head spin...

Even when it's not required by law, filmmakers are sometimes told to clear trademarks.

What?

We live in a logo world!

I can't film without catching them! Do I need to blur or airbrush them out?
NO! THE PRACTICE OF CLEARING RIGHTS TO SIGNS AND LOGOS MAY BE INFLUENCED BY...

BAD LEGAL ADVICE...

YOU NEED TO CLEAR EVERYTHING!

OVERLY CAUTIOUS FILMMAKERS...

AGGRESSIVE TRADEMARK OWNERS...

AND THAT'S JUST NOT THE CASE WHEN A LOGO INCIDENTALLY APPEARS IN YOUR FILM!

BUT TO INFRINGE A TRADEMARK, YOU WOULD GENERALLY HAVE TO USE IT IN A WAY THAT CONFUSES CONSUMERS.
EVEN IN FEATURE FILMS, THE USE OF TRADEMARKS TO DEPICT "REALITY" HAS BEEN PROTECTED BY COURTS.

CATERPILLAR SUED DISNEY CLAIMING THAT "GEORGE OF THE JUNGLE 2" INFRINGED ITS TRADEMARKS.

IN THE FILM, THE EVIL INDUSTRIALIST TRIES TO DESTROY GEORGE'S JUNGLE WITH "CATERPILLAR" BULLDOZERS. A FEDERAL COURT REFUSED TO BLOCK THE FILM'S RELEASE.

"THE APPEARANCE OF PRODUCTS BEARING WELL KNOWN TRADEMARKS IN CINEMA AND TELEVISION IS A COMMON PHENOMENON."

THE COURT SAID:
WHAT ABOUT GETTING PERMISSION FROM PEOPLE WHO APPEAR IN THE DOCUMENTARY?

PERMISSION IS NORMALLY REQUIRED -- PRIVACY IS A LEGITIMATE CLAIM.

WHAZZUP?

BUT THERE IS AN IMPORTANT FIRST AMENDMENT EXCEPTION THAT LETS YOU SHOW PEOPLE INVOLVED IN MATTERS OF PUBLIC INTEREST, WITHOUT PERMISSION.

MICHAEL MOORE INTERVIEWED JAMES NICHOLS, BROTHER OF TERRY NICHOLS, IN THE DOCUMENTARY "BOWLING FOR COLUMBINE." MOORE SUGGESTED THAT NICHOLS MIGHT HAVE SOME CONNECTION TO THE OKLAHOMA CITY BOMBING ("The Feds didn't have the goods on James, so the charges were dropped.") NICHOLS SUED, CLAIMING MOORE HAD DEFAMED HIM, BUT HE ALSO SAID THAT HIS "RIGHT OF PUBLICITY" HAD BEEN VIOLATED. THE COURT HELD THAT BECAUSE THE FILM ADDRESSED A MATTER OF IMPORTANT PUBLIC CONCERN -- VIOLENCE IN AMERICA -- AND NICHOLS WAS PART OF THE BOMBING STORY, MOORE'S USE OF NICHOLS WAS SPEECH PROTECTED BY THE FIRST AMENDMENT.
Even when the documentary isn’t about such controversial issues, some state laws allow the filmmaker to use a person’s picture without permission if the subject is “news” or “public affairs.” And “public affairs” can be defined pretty broadly.

A documentary about the early days of Malibu used some footage of famous surfer Mickey Dora, who sued for unauthorized use of his image.

The California law had an exception for public affairs and the judge said a surfing documentary qualified.

“[Surfing] has created a lifestyle that influences speech, behavior, dress, and entertainment, among other things.”
SO, AS LONG AS I UNDERSTAND THE LIMITS OF THE LAW, I'M SET, RIGHT?

YOU'VE HEARD OF ERRORS AND OMISSIONS INSURANCE?

YES, E & O INSURANCE.

WELL, REGARDLESS OF WHAT THE LAW SAYS, RIGHTS CLEARANCES MAY PLAY OUT DIFFERENTLY IN PRACTICE...

INSURANCE COMPANIES, UNDERSTANDABLY RISK AVERSE, TYPICALLY REQUIRE A DETAILED LIST OF THE SOURCE AND LICENSING STATUS OF THE MATERIAL IN THE FILM...

TO SHOW YOUR FILM TO A BROADER PUBLIC THROUGH CONVENTIONAL DISTRIBUTION CHANNELS—LIKE HBO OR PBS—you NEED E & O INSURANCE TO COVER POSSIBLE LAWSUITS.

SO, WHAT I CAN AND CANNOT USE DEPENDS ON WHAT THE BROADCASTER, DISTRIBUTOR, INSURANCE COMPANY, BROKERS AND LAWYERS ARE COMFORTABLE WITH?

FAIR USES MAY HAVE TO BE CLEARED BY AN ARMY OF LAWYERS OR CUT FROM THE FILM?

AND BECAUSE THEY GENERALLY DON'T ACKNOWLEDGE 'FAIR USE' CLAIMS, THEY MAY REQUIRE CLEARANCES WELL BEYOND THOSE REQUIRED BY THE LAW.
No—that’s not always the case...

For example, the producers of the 2004 film “Super Size Me” assumed the risk of being sued and went forward with an E&O policy that excluded claims from McDonald’s.

McDonald’s didn’t sue them...

Over ten billion sued!

Of course, a lawsuit could have unwittingly promoted the film’s criticisms.

Also, a few E&O brokers may be more willing to recognize fair use claims than the industry in general.
AND E&O INSURANCE IS ONLY REQUIRED TO GET ACCESS TO CONVENTIONAL DISTRIBUTION CHANNELS.

NOW WITH THE INTERNET AND ALTERNATIVE METHODS OF DISTRIBUTION, FILMMAKERS CAN REACH A BROAD AUDIENCE WITHOUT GETTING INSURANCE.
WITH OR WITHOUT INSURANCE, THOUGH, SOMETIMES PEOPLE GET SCARED OUT OF USING STUFF THAT THEY HAVE A PERFECT RIGHT TO USE.

HOW'S THAT?

THEY MIGHT RECEIVE A "CEASE AND DESIST" LETTER WITH FAR-FETCHED CLAIMS AND DEMANDS...

AND COMPLY OUT OF FEAR OF STIFF PENALTIES OR UNCERTAINTY ABOUT THE LAW.

IF YOU RECEIVE ONE OF THESE LETTERS, YOU SHOULD GO TO www.chillingeffects.org FOR HELPFUL INFORMATION.

BILKEM & BOYEM, LLP
NOVEMBER 2005
DEAR FILMMAKER:
CEASE AND DESIST!!! (OR ELSE!)
SIGNED BILL BILKEN
WHO WE MEAN IT!

ALSO, FAIR USE QUESTIONS OFTEN COME UP WHEN FILMS ARE NEARLY COMPLETED...

AND YOU'RE RUNNING OUT OF TIME AND MONEY!

THE LINE BETWEEN FAIR AND UNFAIR USE CAN BE FUZZY, AND LAWSUITS CAN BE EXPENSIVE AND UNPLEASANT.

SO ARTISTS MAY SHY AWAY FROM ACTS THAT ARE ACTUALLY LEGAL.

Y'KNOW, IT SOUNDS LIKE THE LAW IS SETTING UP NOTHING BUT OBSTACLES!

NOT AT ALL. IT'S THE LAW THAT GIVES YOU THE RIGHT TO CONTROL AND SELL YOUR FOOTAGE, AND ALSO GIVES YOU USERS' RIGHTS, INCLUDING FAIR USE.

HMMM... I MIGHT WANT TO SELL MY FOOTAGE TO SOMEONE MAKING A TV SHOW ABOUT NEW YORK.
... but I wouldn't expect payment if my documentary was playing in the background of another shot!

If the goal of copyright is to encourage people to create, then these kinds of rights clearances don't make any sense...

Is anyone better off with all these payments for tiny fragments of culture?

Is the idea that artists won't make films or music, unless they have the right to control a few seconds in a documentary?
IF THE POINT OF COPYRIGHT IS TO PROMOTE CREATIVITY IS IT WORKING??!!
Actually the answer isn’t clear...

Of course filmmakers and distributors should get paid and copyright should prevent wholesale appropriation.

You can’t just make a film adaptation of someone else’s novel or put songs on your soundtrack without permission and you shouldn’t be able to.

But documentarians need to depict a world full of copyrighted culture. Demanding payment for every use can hinder the very creativity that copyright is supposed to encourage.

So...I shouldn’t avoid, replace or airbrush everything out?

No! That would mean giving up documentary filmmaking!
YOU NEED TO UNDERSTAND THE LAW, WHICH INCLUDES UNDERSTANDING WHAT YOUR RIGHTS ARE.

REMEMBER, THE COPYRIGHT SYSTEM ALLOWS YOU TO PROTECT YOUR WORK, BUT ALSO HAS IMPORTANT LIMITATIONS THAT ALLOW YOU TO CREATE IN THE FIRST PLACE.

FAIR USE -- USE IT OR LOSE IT!!

TO PRESERVE THE SYSTEM, WE HAVE TO PRESERVE FAIR USE.
All of this information has been really useful. When I'm dealing with rights clearance issues, I'll have a much better idea of what's going on.

And we've only been discussing what the law and practices currently are..... One reason they're this way is because people assume that's what artists want, but the law and the "rights" culture can change if enough artists are unhappy with them!

Whatever happens you've convinced me of this, I'm not going to produce an airbrushed or fictionalized version of this documentary!

But what about the bigger issue?

What kind of copyright system do we want?
Well, copyright reflects a set of social choices. You could choose a world where every snippet and fragment is owned.

That seems to be the way we are going now.

There are ways this could benefit you, if your material is in demand—say you owned something like “Happy Birthday” and you’re largely a seller and not a buyer. You could be paid for it again and again and make lots of money.

No trespassing. Violators will be shot. Survivors will be shot again.

Look over there...
The idea that creativity is going to flourish in a world where everything is controlled just doesn't ring true to me.
I IMAGINE A RATHER DIFFERENT KIND OF LANDSCAPE WHERE SOME THINGS NEED TO BE PRIVATE, BUT WE NEED A LOT OF OPEN PUBLIC SPACE IN BETWEEN--SPACE THAT EVERYONE CAN USE...

THAT'S A NICE IMAGE. IT'S AS IF WE WERE ZONING AN ENVIRONMENT OF THE MIND. WHO WOULD WANT TO DO WITHOUT ROADS AND PARKS?
The ecological idea really works. What we need here is sustainable development. We've learned that development must be balanced with environmental protection. In the cultural realm, we need to have a similar balance between what is owned and what is free for everyone to use...

A cultural environmentalism?
HMMMM... THE CULTURAL ENVIRONMENTAL MOVEMENT... THAT'S AN INTERESTING IDEA FOR A DOCUMENTARY...
These shadows have danced for you for a fragment of time.

Perhaps something in their words has caught your attention, taught you something, given you an idea?

But now their moment in the light is over.

Until the next time we meet, all that is left is...

SILENCE.

Not yet...

WAIT...
Afterword

The True Story of Bound By Law:
(or 'Why Three Stodgy Academics Wrote a Comic Book')

James Boyle

The authors of this book are frequent, and for the most part, appreciative users of the law of copyright. Keith trained as an artist, has published several comic books and many scholarly articles, and is the bass player for The Garden Weasels - a band that is generally described as being "pretty good considering it is made up entirely of law professors." Apart from her academic work, Jennifer is also a pianist, filmmaker and short story writer. James has written books and numerous articles, and is a columnist for the Financial Times online. He also serves on the Board of Creative Commons, a non-profit organization that provides simplified copyright tools for artists and creators. We have all authored copyrighted works, cashed royalty checks, and benefitted from the ability to make "fair use" of copyrighted material in our own creations, whether artistic or scholarly. And we are all also scholars and teachers of copyright law - studying its history, its goals, its constitutional basis, and its impact on the arts. In the process, we have come to admire the way that copyright law has adapted to new media and new technologies through history, maintaining its balance between the realm of ownership and the realm of the public domain - where material is free for all to use without permission or fee. So count us as stodgy believers in the copyright system, not revolutionaries eager to scrap the whole thing.

But from the depths of our stodginess comes this little message - the system appears to have gone astray, to have lost sight of its original goal. Does anyone believe that
"the progress of science and the useful arts" is furthered by requiring documentary filmmakers to clear every fragment of copyrighted material caught in their films - even a copyrighted ring-tone on a phone, or a fleeting fragment of TV in the background of a shot? To be fair, in many - perhaps most - cases these demands for payment or clearance have nothing to do with copyright law as it stands. Instead, they are a manifestation of a "permissions culture" premised on the belief that copyright gives its owners the right to demand payment for every type of usage, no matter its length, or its purpose, or the context in which it is set. But that is not, and never has been the law. Copyright may also be adjusting poorly to a world in which everyone can have their own digital printing press; the citizen publishers of cyberspace, the young digital artists, filmmakers and musicians, are unlikely to have high-priced lawyers advising them. The flourishing of digital media has been seen by policymakers mainly as a threat - as the rise of a "pirate culture of lawlessness." That threat is real. But what is missing is a sense of the corresponding opportunity.

Copyright is not an end in itself. It is a tool to promote the creation and distribution of knowledge and culture. What could be a better manifestation of this goal than a world in which there are few barriers to entry, where a blog can break a major political scandal, a $218 digital film can go to the Cannes Film Festival, a podcast can reach tens of thousands of listeners, a mash-up can savagely criticize the government's response to a hurricane, where recording and remixing technology better than anything Phil Spector ever had may come bundled free with your laptop? Yet for many of these new digital creators, copyright appears more
lengthening of the copyright term. Just as the digital revolution allows us to offer cheap access to the texts, movies, music and images of the twentieth century, we have extended the length of copyright terms so that most of those cultural artifacts are off limits, even though they are commercially unavailable and their authors cannot be found. But if copyright has sometimes failed, or been applied so that it fails, the answer is not to ignore it, to lose respect for it, to violate it.

One of the under-appreciated tragedies of the permissions culture is that many young artists only experience copyright as an impediment, a source of incomprehensible demands for payment, cease and desist letters, and legal transaction costs. Technology allows them to mix, to combine, to create collages. They see law as merely an obstacle. This is a shame because copyright can be a valuable tool for artists and creators of all kinds - even as an obstacle than as an aid. Sometimes - as with many of the examples we described in this comic book - that may be the result of simple misinformation, a culture of fear and legal threats, or private gatekeepers using copyright law as an excuse to impose deals on artists who lack the information and power to protest. At other times, it seems the law genuinely has lost its internal balance and needs to be reformed - one example might be the extraordinary retrospective
for many of those who are trying to share their work without charge. Copyright can work in the culture of mash-ups, parodies and remixes, of hypertext links and online educational materials. But it can do so only if we do not let the system slide further out of balance.

We thought about how to present these messages to an audience of artists and filmmakers, how to pass on the information that they need to make the system work for them. But at the same time we wanted to reach a wider audience - an audience of citizens and policymakers who generally hear nothing about copyright except the drumbeat of "Piracy! Piracy! Piracy!" The story of documentary film is vitally important in its own right. Documentaries are the most vivid visual record of our history, our controversies and our culture. But their story is also a manifestation of a wider problem and one that we thought could enrich the public debate on the subject.

For some strange reason, none of our intended audiences seem eager to read scholarly law review articles. What's more, there is something perverse about explaining an essentially visual and frequently surreal reality in gray, lawyerly prose. Finally, what could better illustrate the process we describe than a work which has to feature literally hundreds of copyrighted works in order to tell its story, a living exercise in fair use? Hence this book. It is the first in a series from Duke's Center for the Study of the Public Domain dealing with the effects of intellectual property on art and culture. We hope you enjoy it. For those who are interested in the wider debate on the ownership and control of science and knowledge, or the ideas behind "cultural environmentalism," links to other resources are given on the next page.

Center for the Study of the Public Domain
Duke Law School http://www.law.duke.edu/cspd

"The mission of the Center is to promote research and scholarship on the contributions of the public domain to speech, culture, science and innovation, to promote debate about the balance needed in our intellectual property system and to translate academic research into public policy solutions." An online version of this work is available for free at our website
Further Reading on Intellectual Property and Culture

"It may sound paradoxical, but in a very real sense protection of the commons was one of the fundamental goals of intellectual property law. In the new vision of intellectual property, however, property should be extended everywhere - more is better. Expanding patentable and copyrightable subject matter, lengthening the copyright term, giving legal protection to 'digital barbed wire' even if it is used in part to protect against fair use: Each of these can be understood as a vote of no-confidence in the productive powers of the commons..."

http://www.law.duke.edu/journals/lcp/indexlcp.htm

"What does the public domain do? What is its importance, its history, its role in science, art, and in the building of the Internet? How does the public domain similar to and different from the idea of a commons? Is it constitutionally protected, or required by the norms of free expression? This edited collection, the first to focus on the public domain, seeks to answer these questions. Its topics range across a broad swath of innovation and creativity, from science and the Internet to music and culture jamming. Its list of authors includes prominent environmental scholars, appropriation artists, legal theorists, historians and literary critics."

"A technology has given us a new freedom. Slowly, some begin to understand that this freedom need not mean anarchy. We can carry a free culture into the twenty-first century, without artists losing and without the potential of digital technology being destroyed... Common sense must revolt. It must act to free culture. Soon, if this potential is ever to be realized..."

A Sampling of Legal Resources: These are not a substitute for legal advice. For specific legal questions please consult a lawyer.

- Center for Social Media at American University: Best Practices in Fair Use http://www.centerforsocialmedia.org/fairuse.htm "Documentary filmmakers have created, through their professional associations, a clear, easy to understand statement of fair and reasonable approaches to fair use."
- Copyright Overview http://www.law.cornell.edu/wex/index.php/Copyright
- Copyright and Fair Use http://fairuse.stanford.edu
- Copyright Term and the Public Domain http://www.copyright.cornell.edu/training/Hirtle_Public_Domain.htm
- United States Copyright Office http://www.copyright.gov

Selected Organizations

- Center for the Study of the Public Domain http://www.law.duke.edu/cspid
  The home of the Arts Project that brought you this comic.
- Center for Social Media http://www.centerforsocialmedia.org
  The home of the Best Practices Statement.
Chilling Effects Clearinghouse http://www.chillingeffects.org
Chilling Effects aims to help Internet users understand the protections that the First Amendment and intellectual property laws give to online activities, with a particular focus on cease and desist letters.
Creative Commons http://creativecommons.org
Creative Commons builds upon the "all rights reserved" of traditional copyright to create a voluntary "some rights reserved" copyright. It is a nonprofit and all of the tools are free.
Electronic Frontier Foundation http://www.eff.org
The premier online civil liberties organization.
Full Frame Documentary Film Festival http://www.fullframefest.org/main.html
The leading documentary film festival in the United States. Takes place each spring in Durham, North Carolina.
Motion Picture Association of America http://www.mpaa.org
Founded in 1922, the MPAA is the trade association of the American film, video and television industry.
Public Knowledge http://www.publicknowledge.org
Representing the public interest in intellectual property policy.
Volunteer Lawyers for the Arts http://www.vla.org
VLA provides pro bono legal services and educational programs to the arts community in New York and beyond.

ACKNOWLEDGMENTS:
Bound By Law grew out of a conference on the effects of intellectual property law on music and film, which was held in conjunction with the Full Frame Documentary Film Festival. Both the conference and the production and distribution of this book were made possible by a grant from the Rockefeller Foundation. Other support was also provided by the Center for the Study of the Public Domain and by the Office of the President, Duke University.
Debts of gratitude are owed to many people: At Duke, to Garrett Levin, David Lange, Richard Riddell, Eileen Wojciechowski, Jordi Weinstock, Wayne Miller, Nick Drury, Jennifer Carpenter, Scott Lenger and Hiroki Nishiyama. In the filmmaking community Chris Hegedus, Orlando Bagwell and Davis Guggenheim gave us vital material while John Sloss offered a unique legal perspective. Laurie Racine and Joan Shigekawa offered vital support. Peter Jaszi and Pat Aufderheide's work on fair use was invaluable. Larry Lessig's work provided the impetus to focus on documentary film and his scholarship is a vital resource in outlining problems in the area. Along the way, others supplied key encouragement or advice. Thanks to Cory Doctorow, Sham B., Brandt Goldstein, Megan Taylor, the people at Full Frame, and everyone else who made this project possible. Mana Aoki deserves special mention for patience verging on the saintly.
About the Authors

This book was written by James Boyle and Jennifer Jenkins, designed by all of its authors in innumerable, hilarious and occasionally manic conference calls, and drawn by Keith Aoki, a person who (in the opinion of his co-authors) is far too talented to be a law professor.

Keith Aoki is a longtime cartoonist who loves the late 1960s comic work of Jack Kirby, Steve Ditko, Jim Steranko and earlier greats like Will Eisner, Chester Gould and Al Capp. He has also been influenced by the vibrant contemporary work of Robert Crumb, Scott McCloud, Art Spiegelman and Jamie Hernandez. In the mid-1980s, Aoki decided to leave the bohemian art demimonde to go to Harvard Law School. He is now the Philip H. Knight Professor of Law at the University of Oregon School of Law, where he has taught since 1993 and specializes in the area of intellectual property. He has published law review articles in the Stanford, California, Iowa and Boston College Law Reviews and is author of the forthcoming book Seed Wars: Cases and Materials on Intellectual Property and Plant Genetic Resources.

James Boyle is the William Neal Reynolds Professor of Law at Duke Law School and one of the founders of the Center for the Study of the Public Domain. He is a Board Member of Creative Commons, and a columnist for the online Financial Times. Boyle was the winner of the 2003 World Technology Award for Law for his work on the "intellectual ecology" of the public domain, and on the "second enclosure movement" that threatens it. He is the author of Shamans, Software and Spleens: Law and the Construction of the Information Society as well as a depressingly large number of law review articles, and is the special editor of Collected Papers on the Public Domain.

Jennifer Jenkins is Director of Duke's Center for the Study of the Public Domain, where she heads its "Arts Project" and teaches a seminar on Intellectual Property, the Public Domain and Free Speech. As a lawyer, she was a member of the team that defended the copyright infringement suit against the publisher of the novel "The Wind Done Gone" (a parodic rejoinder to "Gone With the Wind"). As an artist, she co-authored "Nuestra Hernandez," a fictional documentary addressing copyright and appropriation, and has authored several short stories, one of which was published in Duke's Tobacco Road literary magazine.
Inquiries about the book? Send press, book review, and other inquiries to:
cspd@law.duke.edu

Bulk orders? Educational and other bulk users can order 50 or more copies for classes or conferences at a discounted rate. See
www.law.duke.edu/cspd/comics for more information on placing bulk orders.

What’s next? Keep up with the activities of the Center for the Study of the Public Domain, including our next comic book on intellectual property and music, by visiting www.law.duke.edu/cspd.

The Center for the Study of the Public Domain is a non-profit organization.
A documentary is being filmed. A cell phone rings, playing the "Rocky" theme song. The filmmaker is told she must pay $10,000 to clear the rights to the song. Can this be true? "Eyes on the Prize", the great civil rights documentary, was pulled from circulation because the filmmakers’ rights to music and footage had expired. What’s going on here? It’s the collision of documentary filmmaking and intellectual property law, and it’s the inspiration for this comic book. Follow its heroine Akiko as she films her documentary, and navigates the twists and turns of intellectual property. Why do we have copyrights? What’s "fair use"? Bound By Law reaches beyond documentary film to provide a commentary on the most pressing issues facing law, art, property and an increasingly digital world of remixed culture.

Advance Praise for Bound By Law
"Will a spiky-haired, camera-toting super-heroine... restore decency and common sense to the world of creative endeavor?... [Bound By Law] exercises the fair-use doctrine in a romp through popular culture." -Paul Bonner, The Herald-Sun

"Bound by Law" stars Akiko, a curvaceous, muscular filmmaker (think Tomb Raider’s Lara Croft with spiky hair) planning to shoot a documentary about a day in the life of New York City... [It] translates law into plain English and abstract ideas into 'visual metaphors.' So the comic’s heroine, Akiko, brandishes a laser gun as she fends off a cyclopean 'Rights Monster' - all the while learning copyright law basics, including the line between fair use and copyright infringement." -Brandt Goldstein, The Wall Street Journal online

"Bound By Law" riff[s] expertly on classic comic styles, from the Crypt Keeper to Mad Magazine, superheroes to Understanding Comics, and lays out a sparkling, witty, moving and informative story about how the eroded public domain has made documentary filmmaking into a minefield." -Gary Doctorow, BoingBoing.net

For more information, and free digital versions of this book, please visit www.law.duke.edu/cspd/comics

Center for the Study of the Public Domain
Duke Law School
$5.95
ISBN: 0974155314