

us to make a duplicate copy of the recording in our possession. If permission is not received within a period of three months, we determine what action we will take toward providing a duplicate copy using the following set of criteria: 1) the nature or character of the contents of the phonorecording; 2) the purpose for which the duplicate copy will be used; 3) the specific amount of the total recording to be duplicated; and 4) the potential market value of the portion to be duplicated.

All individuals or institutions for whom we make duplicate copies must sign our Form ATM 3 before materials are shipped. In signing this Form the recipient of the duplicate copy agrees that the copy will be used only for non-profit, educational purposes; that it will not be duplicated; that verbatim transcriptions of either text or music will not be published without consent of the owner; and that proper credit will be given in all references made to the material involved. Requests for duplicate copies of broadcast materials are handled in the same way as those requests received for commercial recordings.

In conclusion, the Archives attempts to provide phonorecorded data to anyone for use in research, study, and for any purpose it deems legitimate. It seeks to put individuals and institutions in touch with those who hold rights or have an interest in phono-recorded data held by the Archives. I would say that our entire collection is available with proper permission from the collector or producer.

Edward D. Ives
 Department of Sociology and Anthropology
 University of Maine, Orono

Actually, I don't know if I'm the last of the ole timey folklorists or just someone who went out in the field, collected a lot of tapes, came back and transcribed them and everything, and then published rather obscurely from that material. Next thing you know you're a folklorist. And you start teaching courses in Folklore and one of the things you have people do is make collections. Then you get these collections in and it seems like such a shame to throw them all away so you keep them, and next thing you know you have an archive. (Audience laughs). And then you come to a panel like this today and you discover you really have a mess on your hands, and what are you going to do about it? You've known that all along. In the long hours of the night you've had moments when you said, "My God, what would happen if...." And then you went to sleep and that was it. I really feel that these are tremendously important questions that we are raising here; I just wish I could give you some answers. Our archives is now known as the Northeast Archives of Folklore and Oral History. And as of July first, I am official director. Legally, I'm not sure, still, what our status is, but we're part of the Anthropology department. What we've got is, say, six hundred and fifty collections. Much of this is in manuscript, some of it on tape. Then there are perhaps a thousand or more hours of my own tapes in various stages of transcription, partial, final, and so on. We also have about

500 photographs of old lumberwoods work. Our special interest has been and will continue to be the lumberwoods. But we're also getting into a good deal more than that. We're also getting into straight oral history. There's a labor council in Maine that is now using our archive as its repository, and right away this is going to raise a few beautiful problems I can see. Even they don't realize it. I think I realize more than they do at the moment what kind of problems we're getting into. They just assure me that it is perfectly all right, go ahead and put it in there. Okay, now there is no question in my mind but that there is material already in my archive that is potential dynamite, potentially actionable, what you will. What protection does anyone have at the moment? Essentially, the discretion, sensitivity, and good sense of the director, which is to say, me. (Audience laughs). As I say, I have thought about these problems and then gone whistling on ignoring them, I'm afraid. I don't know how many other archivists I speak for at this particular point, but I have a hunch a few. However, the others can speak for themselves.

Let me give you an example. A student came in, one of my students, and said, "Hey, look, got anything on a haunted house in Columbia Falls?" I said, "I'll check." We happen to have a fairly good place name index in our archives. So we looked up Columbia Falls and looked at all the stuff that came from Columbia Falls. And sure enough, there were three or four stories about a particular house that was haunted. I said, "Yes." And he said, "Wow, wait until I tell my girlfriend about this." And I said, "Wait a minute." He said, "Well, she was going to rent in that house and people told her about it (interrupted by laughter from audience) so she wanted me to check up so I could...." I could immediately see myself involved in a law suit, and I think this is quite possible, if she had not rented the place on the basis of material she found in our archive. Or the question of the famous story of the devil who appeared at the dance, let's say. We have dozens of versions of that story in the archives and they are usually given with a name of the dance hall where it happened and so on. What about this sort of material? A can of worms doesn't begin to describe this but these worms have so far stayed underground. That's not particularly a good metaphor. Audience Laughs

But one of the problems that I see at the moment is the problem of the informant. We've talked about protecting the collector, and that sort of thing, and the archives itself. I just don't have any answers here, but I keep worrying about the informant, the respondent, as the oral historian call him, the interviewee. Now, I have a pretty good idea that about ninety per cent of the people who have contributed material had absolutely no idea that their words would be on file in an archives. They know they gave them to somebody they were helping out, somebody who was writing a paper, let's say, or "this guy who's writing a book," but I'm sure that they don't know what really happened to them. When I've interviewed someone in the past or if I'm working on a book on a particular person, I've asked, "What do you know about him?" And they've gone ahead and told me, and this material is now in our archives and there it sits. I have no formal releases; never got into this. Who actually owns that interview, in a legal sense? Physically the taped song is mine. But is this a combined thing, the creation of the interviewer and interviewee? I don't know.

It seems to me that we're in something of a double bind. We want our archives used and they inevitably will be used more and more. The chance of problems increases, because while I want to protect everyone involved, I still want the bloody details. When I collect from a man, I want to know the names that are involved and exactly what happened. But will I get these details if I have to read the Miranda warning, let's say, to every informant, or if I tell my students this is what they must do? So there are some questions but no answers. Thank you.

D.K. Wilgus
Folklore and Mythology
University of California, Los Angeles

I think I'm speaking to you for really three archives. So we'll start with the Western Kentucky Folklore Archive. I was thinking of this when the question came up: "Who owns it?" Well, obviously, I owned it or I'm a thief. (audience laughs). I took it from Western Kentucky University to the University of California, Los Angeles. This summer it started the process of going back. Western Kentucky University has authorized a total copying of it, including both tapes and manuscripts, and is willing to pay the cost of it. This archive just "grewed." And the only protection was the-quote-owner-unquote.

Western Kentucky University has it on the restrictions that I drew up, and after listening to this panel, I did not draw up enough of them. (audience laughs). But of course I'm very glad to have it back there because that's where it was gathered. I can speak about it because it's a closed archive as far as I'm concerned. There are also two important collections within it, the Combs collection, the index of which has been published and the Perrow collection - index and partial publication, I hope, very shortly. I'm sure there's some sensitive material in it. In a planned publication of beliefs we decided, for these and other reasons, to keep only keys to the informants' names in the published works, so if a scholar is interested in finding out the name of the contributor of this belief, he can do so through the archive, but the names of the informants will not be printed in the published work. It's also cheaper that way. (audience laughs). I know there's sensitive material in there and I wasn't very careful about that. I don't believe I have any sealed tapes, actually sealed there, but in other archives I do.

I'm going to skip for a moment just from the academic archives to things that Bill Ivey brought up, because I guess I should also speak for the John Edwards Memorial Foundation collection which is roughly parallel to that of the Country Music Association. And somehow, since we furnished a great deal of material for them, I can see the chain of responsibility extending back. Because JEMF has commercial recordings, tapes, and log books from recording companies, this has always been a problem with us. People come to us when compiling encyclopedias, so a good deal of care is exercised, though probably not enough and maybe we're fortunate in that we're not in any difficulty.