The third archive is the Archive of California and Western Folklore; -I'm listed as the archivist. There seems to be a situation out there that whenever there's a blank on the table of organization, my name appears. Possibly one of the reasons we have not had so many problems there is that it is not a funded archive. There is simply no one there, so if anyone wants anything, I simply say we don't have any money to give out anything, whether field or commercial recordings. I received two letters last week and I think this is probably happening everywhere in the country: "I am writing a book on proverbs, send me all the proverbs you have." (audience laughs). So I write and say, "sorry, we don't have the staff to do that." Of course, I wouldn't let that happen anyhow.

The Archive of California and Western Folklore is again largely a student archive, though faculty have contributed. All my Irish collected material is there. And there are actually some sealed tapes, recordings of interviews with blues singers which I think are not just actionable but could produce a lynching in certain cases. We employ every possibility we can to protect the tapes. We are not doing so much duplication now as we simply can't keep up with it. Still, all the problems which frighten me all the time have not yet materialized. Keeping up of the archives is largely the partial duty of one teaching assistant, and the taping is (and don't let this get out) done partially by the editorial assistant for Western Folklore. (audience laughs). Cross funding going on here so that we can do the necessary things to keep the material stored temporarily. I shouldn't be talking about this; Bob Georges should be. He's working out the program for computer archiving and so we are dragging our feet. Perhaps after next quarter, or next year, Bob Georges will have some ideas that, if we ever get some money, we might put into effect. Thank you.

Bruce R. Buckley
New York State Historical Association
Cooperstown Graduate Programs, Cooperstown

The official title of the archive is the Archive of New York State Folklife. It is a part of the New York State Historical Association which is an important fact that I will go into a little later. I won't try to describe it in any detail, I'll just give you some of the basic types of collection that it contains.

The New York State Historical Association Archive was in existence before the Cooperstown Graduate Programs. It contained the Harold W. Thompson collection and was the repository of the Louis C. Jones collection. These were student and private collections of these two men at Albany State and Cornell. Thompson started collecting in the '30s, so it contained material from that period down to 1964. That year the graduate programs came and like all folklore programs, student collections became a part of the scene. Having preached for many years that teachers should not be allowed to keep collections by students as their private archives, I was committed. We made an arrangement with the New York State Historical Association that all

materials from the Cooperstown Graduate Programs would be deposited with the Association. This could be done without the University being too unhappy because all materials were bought from funds under contract with the Association and, therefore, were not direct state funds. The Association buys all the material, film, tape, video tape, etc.. The students are told that all materials are provided by the programs and that the manuscripts, tapes, films, and slides turned in belong to the archive--but the contents are theirs. In our collections, including the ones deposited with us or donated to us by other people, like the Eskin collection, we write or the person requesting permission writes to the donor for any major publication of the material. They may quote small portions from the student files if they give credit to the collector. But if any major material is being taken from the collection, they must have permission in writing from the person who donated the collection. Use is restricted primarily to university scholars; however, writers of related books in the folk field referred by a scholar are also allowed to use certain materials. Our biggest problem is what should we do with requests from junior high school and high school teachers who must teach folklore as part of their curriculum in up-state New York. This one we have not solved, especially since they too donate material to the archive. We get requests from other groups, too, which is a problem we have not completely solved. We have materials from the Up-State Survey of Craftsmen and Performers under a grant to the New York Folklore Society. They are deposited in the archive and are theoretically open to any member of the New York Folklore Society because the material belongs to the Society. That we haven't worked out yet.

The reason for depositing with the Association, rather than with the University, is that the Association is a non-profit organization. We are not faced with some of the difficulties of being within a state of governmental organization and the questions of shifting emphasis through time. The material from New York State and will remain with an institution dedicated to folklore in New York. The advantage of being non-governmental was reinforced when one student came in and wanted to do a master's thesis on cock fighting, and some people from a little on cock fighting. This project bothered me as director of the archive, so I asked for a legal opinion from the University lawyers. They said he was libel for anything that happened at a cock fight even if he were not participating but was there only as a reporter-observer. In addition, <u>any faculty member</u> that made such an assignment was also responsible. I don't think that project was done, or at least no one was told about it. These kinds of legal restrictions are not necessarily imposed by a non-governmental agency.

As far as use, we have three types of protected material besides asking for permission from the collector. We have a closed file, that is in the vault of New York State Historical Association. This closed file has two types of material, complete manuscripts and, more often, one or two pages from a transcription (blank pages are left in the manuscript in the open archive). It also contains sealed envelopes with the names of informants in sensitive areas, such as traditional fishing habits of up-state New York, which are mostly illegal. All the informants' names are sealed in the Association's vault with a written assurance from the director and the board of New York

State Historical Association that they would not release the material under any circumstance and would go to court to protect this privileged information. So that's the way we try to protect ourselves and our informants. Since we're going to have open discussion, could I throw out my question to the panel? Coming from the motion picture industry before I came to the archive and teaching in Cooperstown, we always had to have releases signed by every individual that we took a photograph of, and we gave them a dollar which was supposed to make it legal. It doesn't! For example, Sandy (Edward Ives) was asking about getting everybody to sign release forms for protection. However, in motion pictures if you put a picture in a context that can be interpreted as libelous, it doesn't matter whether they've given you a release or not. What is libel sometimes is a very interesting and complicated question. So some of the mechanisms here look like you're protected by law but you're not. Our archive has thrown this type of thing out. It's a cumbersome routine anyway, and it's a scarey procedure for both student collectors and informants. We haved had to fall back on ethics, especially individual ethics. Not only the sensitivity and ethical approach of the director who has to make the decision, but the collector himself and the informant are being brought a little bit more into what is happening. I won't go into stories about details, but I want to emphasize this - if we're going to spend our time worrying about the legalistic age that we're in, then we're going to have another one of those blocks that stops us from gathering data, and are not going to have time to enjoy our work. If we develop within our own selves and in the profession, the ethics, then - no problem. We can take a chance on the two or three per cent who may cause us difficulties.

Discussion

Discussion following the panel comments was informal and speakers were often not identified. The main area of contention lay in the two opposing questions each archivist must ask himself in regards to the handling of sensitive materials. First he must consider whether as a responsible employee of an institution, he has a right to take a chance on behalf of the institution and perhaps thereby jeopardize the whole program involved with the archive. On the other hand, as a professional trained to consider the needs of serious scholarly research, the archivist can only be dismayed at the alternative of withholding sensitive materials from interested scholars who could otherwise use the materials in their research.

One discussant suggested that the risk might as well be assumed since interested parties will find a way to the information they want, the archivist notwithstanding. He emphasized his point with a reference to two collections of draft dodger lore that mysteriously disappeared from his archive and quietly reappeared a week later. Ellen Stekert closed the discussion with the suggestion that folklorists and archivists might join with other social scientists in an effort to develop a right of immunity or privileged information to protect themselves and their informants.

S.K.S.