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ORAL HISTORY ASSOCIATION NEWSLETTER

16-second interview clip leads to defamation lawsuit

By John A. Neuenschwander

The possibility of being sued for defamatory statements made by an interviewee that are in turn published by an oral history program is something that is often on the minds of practitioners. While the actual incidence of such lawsuits is fortunately extremely rare, it is nevertheless worthwhile to examine significant court decisions that offer insights into how an interview can lead to the filing of such a lawsuit. Although *Damon v. Moore* involved a famous filmmaker and not an oral history program, the case is still worth examining because the basis for lawsuit was not a false statement per se but the implied association between the political agenda of a filmmaker and the personal views of an interviewee. [530 F. 3d 98 (C.A. 1 (Mass.) 2008).]

In 2004, filmmaker Michael Moore released a documentary titled *Fahrenheit 9/11*. The film examined the impact that 9/11 had on the nation and how President George W. Bush used this tragic event as a springboard for the invasion of Iraq. The two-hour documentary presented a scathing critique of both the president and the war in Iraq. The film was shown in thousands of theaters across the nation.

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Skylines of Louisville, Kentucky, site of the 2009 OHA conference (page 5).

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From the president

OHA accomplishments to report

Thirty years ago, when I drove down to Our Lady of Mount Carmel's Senior Center in South Philadelphia to conduct my very first oral history interview, everything I knew about oral history I had picked up from a quick visit to the library. Like most folks starting an oral history project back then, I received my training through trial and error in the field. Today, however, novice oral historians can take advantage of an abundance of training opportunities, including workshops, courses, summer institutes and formal degree programs.

Oral history grand master Charlie Morrissey, who began teaching a well-known workshop series more than 20 years ago, will not be doing so this year. But summer courses available this year include the 16th annual Columbia University Oral History Research Office Summer Institute, the 15th annual Legacy Oral History Program workshop in San Francisco, the ninth annual Ohio Humanities Council Summer Institute and the Regional Oral History Office at the University of California, Berkeley advanced oral history workshop back after a year's hiatus.

For those interested in more intensive training, two new M.A. programs have recently opened their doors: a Masters in Oral History and Historical Memory offered under the direction of Alistair Thomson at Monash University in Australia and an Oral History Master of Arts, co-directed by Mary Marshall Clark at Columbia University, the first school in the nation to offer such a program. These join two other programs, both in Great Britain, with which I am acquainted: an M.A. in Life History Research: Oral History and Life Story Documents at the University of Sussex and an M.A. in Life History Research offered by London Metropolitan University.

Recent years have also witnessed the birth of new oral history organizations and of oral history conferences held in China, Italy, the Netherlands, Panama, Poland, South Africa and elsewhere, which have explored themes ranging from personal narrative and trauma to gender identity and liberation movements. Last September more than 400 people attended 62 sessions and five panels at the 15th International Oral History Conference, held in Guadalajara, Mexico. In October, as I noted in my last column, nearly 500 people attended the OHA's 2008 annual meeting in Pittsburgh.

A growing number of publications and book series, only a few of which I will mention here, also provide evidence of the breadth and richness of oral history studies. We have the wonderful Palgrave Studies in Oral History edited by Linda Shopes and Bruce Stave and a growing list of titles published by a number of presses, including Routledge and AltaMira, which has recently reissued the *2006 Handbook of Oral History* in two volumes. Oxford University Press has begun a new series in oral history edited by Kathy Nasstrom and Todd Moyer. It also is publishing John Neuenschwander's *A Guide to Oral History and the Law*—an updated and expanded version of his essential OHA pamphlet *Oral History and the Law*—and a new Oxford handbook on oral history, edited by Don Ritchie. This year, John Benjamins Publishing in Amsterdam is releasing *Oral History: The Challenges of Dialogue*, a new collection of essays edited by Marta Kurkowska-Budzan and Krzysztof Zamorski, who teach at Jagiellonian University in Krakow, Poland. All of

this represents the growing academic respectability of oral history and the coming of age of a generation of practitioners, more and more of whom have been formally trained in oral history theory and methods.

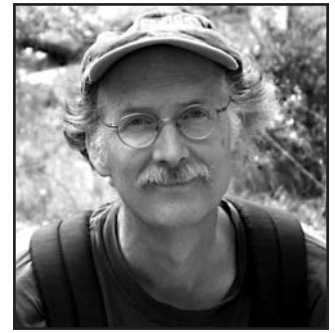
The Oral History Association, too, continues its own growth and development. In 2005 OHA launched a campaign to raise the endowment to \$200,000. On March 1, the OHA formally met this goal. Due to wise investment by Executive Secretary Madelyn Campbell, the OHA had no money in stocks or bonds, so the association has escaped the losses that many other nonprofits and professional organizations have suffered. The association's endowment and healthy finances have enabled us to make significant increases to the funding of scholarships for both American and international presenters and attendees at the 2009 annual meeting in Louisville.

At its mid-winter meeting in February, Council approved a new Vox Populi Award for outstanding achievement in the collecting and use of oral histories of individuals whose life work has contributed to change for a better world. The award has been funded by a generous donation from the Stetson Kennedy Foundation. The OHA will present the first biennial award at the 2010 annual meeting in Lowell, Mass.

Revision of the Oral History Association's guidelines for oral history interviewers, narrators and repositories also proceeds on schedule. A committee chaired by Tracy K'Meyer has pared down the lengthy Oral History Association *Evaluation Guidelines* into concise *General Principles and Best Practices for Oral History*, a draft of which will soon be posted on the OHA Web site for comment and review. The committee will present the final draft to membership for a vote at the OHA business meeting in Louisville.

At the mid-winter meeting, Council also approved hiring Marjorie McClellan, a longtime OHA member, co-chair of the 2008 annual meeting program committee and a professor of history at Wright State University, as editor of the OHA Web site. We are delighted that Margie has agreed to serve as editor, a position that requires a deep knowledge of oral history and of the Internet, both of which Margie possesses. Please take a look at the Web site. Margie already has begun to post workshops, conferences and other events, and is actively working with OHA committees to build more content. Meanwhile, Doug Boyd continues to work on an ambitious video-based introduction to field recording equipment and its use, which we hope to post on the Web site this spring.

I'll end this column with a few words on the upcoming annual meeting, which will take place in Louisville, Ky., in October. Kentucky has long been the center of significant work in oral history. Indeed, it is the only state in the nation with its own oral history commission. Mike Frisch, Alicia Rouveral, Mark Tebeau and other members of the program committee are putting together a program that covers an impressive variety of topics and approaches to oral history. I look forward to seeing you there. ❖



Charles Hardy III, West
Chester University

Letter to the Editor

By Alexander Freund, Chair in German-Canadian Studies, Department of History, University of Winnipeg

“StoryCorps founder evokes strong emotions,” reported the latest **OHA Newsletter** (Winter 2008, p. 5), describing David Isay’s presentation of interview excerpts that “tugged at audience members’ heartstrings.” I was not at the conference, so I cannot comment on the presentation, but I want to take this report as a springboard to begin a discussion about oral historians’ response to StoryCorps and the larger phenomenon of which it is a part.

The author of the report pointed out the centrality of emotion at the session: the emotionality of the presentation and of the audience’s response. There is no question that emotion plays an important role in history—history is an emotionally charged project. Emotion shaped the past and it shapes how we make sense of the past, both as producers and consumers of history. To be moved by stories of hardship, love and pain is an understandable response.

But as academics, and as citizens, we must also ask difficult questions. I was therefore heartened to read about Sherna Berger Gluck’s intervention (critiquing both the voyeurism of the excerpts and Isay’s approach to inter-

viewing as “an act of love”), because this is where a discussion among oral historians may begin. Other responses at the meeting (and early responses to StoryCorps on H-Oralhist in 2003) pointed out that StoryCorps did not do good oral history or any oral history at all. These are important critiques and in their specificity (e.g. regarding ethics) should be taken seriously by StoryCorps.

But this response, important as it is, is not sufficient. Rather than worry too much about StoryCorps’s method, we should wonder about its impact on culture and society. Thus, the question we should ask is not whether this is good oral history, or whether it is oral history, or even whether it is history at all. Rather, the question is this: What kind of history does StoryCorps produce and what does this kind of history do to people and society? This question shifts the focus to an apparently growing social phenomenon that is in dire need of scholarly examination—and oral historians seem to be highly qualified to conduct such an examination.

Such an examination may begin by assessing the nature and scope of this

apparently new phenomenon of public (digital) storytelling: In what ways is StoryCorps connected to similar non-profit enterprises as well as for-profit businesses such as the History Channel, how is it connected to the blossoming and commercialization of “eyewitness testimony,” how is it linked with digital culture such as YouTube and Facebook? We need to research this phenomenon’s origins and development and assess where it may be headed. And we must look at the larger social and cultural context: Why, for example, is there an apparent new urge in some countries to testify to an anonymous public, a public that appears to consume stories like fast food? How does this kind of testimony, in a global context, affect other forms of testifying?

Let me use an example to make this approach to examining StoryCorps et al. more concrete. On Feb. 12, 2009, Storycorps.com featured “10-year-old Ida Cortez talk[ing] about her dyslexia with her mother, Kim Wargo.” There is no question that we need to ask about the ethical implications: did the child, her mother, and StoryCorps comprehend the potential ramifications of going

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Women of the Oklahoma Legislature

By Tanya Finchum, Oklahoma State University

The Women of the Oklahoma Legislature Oral History Project Web site (www.library.okstate.edu/oralhistory/wotol) was officially launched during an event at the Oklahoma Capitol on Feb. 26, 2009. Between 1907 and 2008 only 77 women have been elected to the Oklahoma Legislature with the first two women being elected in 1920. Attending the Web site launch were 15 former women legislators all 17 current legislators, and special guests.

The program included an overview of the project by project leader Tanya Finchum, associate professor and oral history librarian at Oklahoma State University, and a demonstration by the Web site creator, Juliana Nykolaiszyn, visiting assistant professor and oral history librarian. The Web site includes transcripts, audio excerpts, photographs and memorabilia collected as a result of interview efforts.

The oral history project was developed in 2006 and carried out over two years. A goal of the project was to capture and record information about women who have served or are currently serving in the Oklahoma Legislature. As of February

2009, 46 of these remarkable women have shared their stories as part of the project. Photographs of all 77 women were located and are now included on the Web site. It is believed this is the first time a complete collection of photographs of all Oklahoma women legislators has existed in one location.

Conducting background research for the project proved challenging in part because very little has been written about these women and in part because women’s names change due to changing marital status. Of the 77 women legislators, 20 are known to have died, three have not been located, eight are yet to be interviewed and 46 have been interviewed. Two of the 46 interviewed live in the Washington, D.C., area and the rest live in Oklahoma. In 1920 the first two women were elected, one to the Senate and one to the House of Representatives. These two pioneering women paved the way for future women to be viewed as legitimate contenders for legislative seats. Six more women were elected in the 1920s, but no women were elected in the 1930s and again in the 1950s. Three women were elected to the House in the 1940s.

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Defamation lawsuit

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Like most of Moore's documentaries, *Fahrenheit 9/11* presents numerous short interview clips with a wide variety of individuals. One of these interviewees, Army Reserve Sgt. Peter J. Damon, is shown lying in a hospital bed at Walter Reed Army Medical Center in Washington, D.C., awaiting surgery for serious wounds suffered in Iraq. Damon was there because he lost both of his arms after a tire on a Black Hawk helicopter he was servicing exploded. The only statement he makes during his brief appearance in the documentary is about the benefits of a new drug that he was receiving to help block his pain.

The interview with Sgt. Damon was not, however, conducted by anyone connected with Michael Moore. It was actually recorded by NBC anchorman Brian Williams on Oct. 31, 2003, and broadcast on the *Nightly News*. The 30-second interview conducted by Williams consisted of the following questions and answers:

Brian Williams: Sergeant, how are you doing?

Damon: Pretty good.

Corporal Nelson: The stories get more wrenching from room to room. Sergeant Peter Damon from Brockton, Massachusetts, lost both arms.

Damon: Like I still feel like I have hands.

Corporal Nelson: Yeah.

Damon: And the pain is like my hands are being crushed in a vice. But they do a lot to help it. And they take a lot of the edge off it. And it makes—it a lot more tolerable, you know, so I can just be a lot more comfortable. I—I can't imagine not having them.

Brian Williams: And one more thing, if you're looking for anti-war sentiment, you won't find it on Ward 57 of Walter Reed. These men, with catastrophic wounds are, to a man, completely behind the war effort. In fact, many want to go back. They miss their units, and they miss their buddies. It is hard to look at their wounds sometimes. It is impossible not to admire their bravery." [Id. at 101.]

While Moore received permission from NBC to use the interview, he did not secure Damon's consent. Moore ultimately used only 16 seconds of the interview in *Fahrenheit 9/11* and inserted it into the portion of the documentary that addressed the Bush administration's shabby treatment of wounded veterans:

Moore: While Bush was busy taking care of his base and professing his love for our troops, he proposed cutting combat soldiers pay by 33% and assistance to families by 60%. He opposed giving veterans a billion dollars more in health care benefits, and he even supported closing veterans hospitals. He tried to double the prescription drug costs for veterans and opposed full benefits for part-time reservists. And when Staff Sergeant [sic] Brett Petriken from Flint was killed in Iraq on May 26th, the Army sent his paycheck to his family but they docked him for the five days of the month he did not work because he was dead.

Rep. McDermott: They said they're not gonna leave any veteran behind, but they're leaving all kinds of veterans behind.

(Video of Walter Reed Hospital)

Veteran: (in wheelchair) To say that we're forgotten—I know we're not forgotten. But missed? Yes. Yes, you know there's a lot of soldiers that have been missed, you know, they've been skipped over. Um, that didn't get the proper coverage that they deserved.

Veteran: They have the death toll but they're not showing the amount of people that have been injured and been amputated because of the injuries, you know.

Subtitle: (Nearly 5,000 soldiers wounded in the first 13 months of the war.)

Damon: Like I still feel like I have hands.

Voice: Yeah.

Damon: And the pain is like my hands are being crushed in a vice. But they do a lot to help it. And they take a lot of the edge off it. And it makes—it a lot more tolerable." [Id. at 101-02.]

After seeing the documentary, Sgt. Damon filed suit in Massachusetts for misappropriation of name and likeness, intentional infliction of emotional distress and defamation as well as several other causes of action. His case was ultimately removed to the U.S. District Court for Massachusetts where Moore's motion to dismiss was granted on all counts. Damon subsequently appealed the decision of the trial court to the U.S. Court of Appeals for the First Circuit. The only cause of action that the First Circuit considered was whether Damon was able to support his lawsuit for defamation based on Moore's use of his 16-second interview clip in *Fahrenheit 9/11*.

Damon's defamation claim was based on false portrayal. He maintained that because *Fahrenheit 9/11* was so critical of both the commander-in-chief and the war in Iraq, his non-consensual appearance in the film created the false impression among active members of the military and veterans that he shared and endorsed Moore's political point of view.

Under Massachusetts law, a person claiming to be defamed must be able to prove three elements: the defendant was at fault for the publication of the false statement, the statement was capable of damaging the plaintiff's reputation and the plaintiff either suffered economic loss from the defamation or that the type of statement involved did not require a showing of loss.

Since Damon was appealing the trial court's dismissal of his cause of action for defamation, the First Circuit Court of Appeals focused on one central question, namely, whether Moore's use of Damon's interview in his documentary was susceptible to defamatory meaning. The test to be used in answering this question was whether a reasonable viewer would conclude that the statement was defamatory. Damon also maintained that under Massachusetts law, the application of the reasonable viewer test should not be to the general public but instead to the segment of the community that he was most closely identified with, namely active members of the military and veterans.

The First Circuit undertook two reasonable viewer analyses. The first one focused on a general audience. The court noted that Damon's interview clip appeared in the segment of the film that discusses wounded veterans. While the two veterans who come before him do offer criticisms of the medical treatment, neither one "...makes any remark which could be

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2009 OHA conference focus: “Moving Beyond the Interview”

By Michael Frisch, OHA President-Elect

On behalf of program co-chairs Alicia Rouverol and Mark Tebeau, I'm pleased to offer this overview of the OHA meeting we're planning for Louisville, Ky., Oct. 14-18. As is customary, we'll have a detailed preview of program and features in the August **OHA Newsletter**.

Our theme is “Moving Beyond the Interview”—all the issues encountered when “doing something” with the materials oral historians collect. As it happens, oral historians in Kentucky have been working this theme more intensively than just about anywhere else in the country, from the Appalachian coalfields to the multicultural complexity of Louisville, from bluegrass music to the world of Kentucky bluegrass horse farms and racing. Kentucky is the only state with a formal Oral History Commission, guiding ambitious projects in communities across the state. In Louisville OHA comes to a city, region and state that perfectly match our theme and that provide a wealth of resources to enrich the meeting experience.

Every OHA meeting offers local and regional connections, but for Louisville this relationship shapes the content of the meeting in organic ways:

- We're broadening the menu of pre-conference OHA workshops by offering several “community collaboratives”—hands-on engagements with one or more Kentucky projects presenting challenges worth exploring collaboratively in an afternoon's workshop.
- Our Presidential Reception will feature an expansive “Community Commons” in which Kentucky projects can display and explore work with attendees. The event will likely be at the Frazier Museum of International History, which will have just opened a major World War II exhibit based on extensive oral histories.
- Two Saturday plenary events will center squarely on our theme. One features Shannon Flattery, an internationally renowned artist whose “Touchable Stories” projects involve community engagements turning story-gathering and oral history into collective, collaborative installations (www.touchablestories.org). The culminating Saturday evening plenary will be Appalshop, the Whitesburg, Ky., activist media workshop that has no oral history section on the remarkable Web site (www.appalshop.org)

surveying its cultural documentation and community engagement through radio, film, theater, music and exhibits—because collecting and mobilizing oral history is at the core of every aspect of this work and has been for the 40 years of practice we will help Appalshop to celebrate.

- A special opening reception and panel will pay tribute to the late Studs Terkel, who taught us all what “doing something” with oral history can mean, and do! The panel will feature NPR journalist Bob Edwards and will likely be hosted at the radio stations of Louisville Public Media. The Friday luncheon speaker is John Kuo Wei Tchen, who will discuss oral history in the dramatic new Maya Lin-designed Museum of Chinese in America (MoCA) in New York City and in the digital MoCA he is helping the museum to launch.
- Special tours will be more than excursions. Each will offer substantive engagement with crucial dimensions of the local and regional setting, ranging from Kentucky Downs to the world of bourbon to the dazzling new Muhammad Ali Center.

There's a lot more, all in addition to the heart of the meeting—what is shaping up as a very impressive program of papers and sessions reflecting on work from around the country and the world. Stay tuned for more details in the August **Newsletter**, but make your plans now to join us in Louisville this October! ❖



OHA election nominees announced

The Oral History Association Nominating Committee announces the following candidates for election to the positions of first vice president and two OHA Council seats.

Nominated for first vice president is **HORACIO ROQUE RAMÍREZ**, University of California, Santa Barbara.

NOMINATED FOR COUNCIL POSITION ONE ARE:

- **CLAYTEE WHITE**, University of Nevada, Las Vegas, and
- **IRENE RETI**, University of California, Santa Cruz

NOMINATED FOR COUNCIL POSITION TWO ARE:

- **DOUG BOYD**, University of Kentucky Libraries, and
- **BETH MILLWOOD**, University of North Carolina, Chapel Hill.

OHA members also will elect three members to serve two-year terms on the Nominating Committee. Members will vote for one person for each of the three seats. The candidates are:

FOR POSITION ONE:

- **ALPHINE W. JEFFERSON**, Randolph-Macon College, or
- **ROSE DIAZ**, Origins and Legacies Historical Services

FOR POSITION TWO:

- **NAN ALAMILLA BOYD**, San Francisco State University, or
- **DEVRA WEBER**, University of California, Riverside

FOR POSITION THREE:

- **TROY REEVES**, University of Wisconsin, or
- **SUSAN L. MCCORMICK**, SUNY Albany

OHA members in good standing will receive biographical information, candidate statements and mail ballots this summer.

Additional nominees for officers, council members and Nominating Committee members may be made as provided in the OHA bylaws. Nominees must be dues-paying members of the organization. ❖

Letter to the Editor

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public with this information? We also need to point out that information about the making of this tightly scripted and neatly performed interview is needed to evaluate it in any meaningful way. But next to questions about the opaque relations of power at work in this storytelling event, we also need to ask what this storytelling event tells us about the social relations of power that enabled it in the first place. And, vice versa, we need to ask how social relations of power are affected by this storytelling event.

One, admittedly hasty, reading of Ida's story is to see it as an act of agency and even empowerment. StoryCorps is the enabling mechanism for Ida and Kim to testify about their successful struggle with dyslexia and to enlighten the public that dyslexia, in Ida's words, "is not an illness of the brain but a difference of

the brain." This, to me, seems to be the way StoryCorps and its users understand this genre of storytelling. "Storytelling makes the world a better place" may be the overall message here. What, however, is the message for the dyslexic 10-year-old whose mother is not, like Ms. Wargo, an avid reader but working three jobs to make ends meet; who does not have Ida's middle-class family support; and who ends up dropping out of school or at least without the love for reading that Ida found? Well, the lesson may be: It was in your hands, and you messed it up. You cannot blame society, because all of these success stories on StoryCorps prove that you can succeed if you just work hard enough.

Is storytelling then a new form of agency for the oppressed and marginalized, a way to undermine the master

narratives that uphold structures of social inequality? Or is storytelling the new "opium of the people" that dulls the pain of poverty, unemployment, racism and discrimination by telling each other heartwarming tales of perseverance, endurance and survival in the name of the "American Spirit?" Is storytelling the outgrowth of America's old liberal ideology of "life, liberty, and the pursuit of happiness" or is it a product of a neo-liberalism that champions responsibility for one's life, but not for the greater good? Does storytelling produce or prevent social critique?

I believe that oral historians need to address StoryCorps and the growing tide of (digital) storytelling—not as a threat to our own projects, but rather as a phenomenon to be historically situated and critically investigated. ❖

Defamation lawsuit

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construed as critical of the President or the war aims of the United States." [Id. at 105.] In Damon's interview clip, he actually offers a positive view of how well the doctors at Walter Reed Army Medical Center were managing his pain.

In assessing whether a reasonable viewer would consider the association with Moore to be defamatory, the First Circuit noted that Damon was just one of approximately 50 individuals who appeared in the documentary. In his case, the two veterans who preceded him espoused no anti-Bush or anti-war sentiments, and there is simply nothing express or implied that suggests that Damon knowingly associated with Moore's political agenda. The final factor in the court's determination was the realization that it is quite common for individuals to allow their interviews to be included in publications or broadcasts whose point of view they do not share.

The First Circuit then conducted what it termed a "Reasonable Military Viewer Analysis." In doing so the court conceded that the military has long been recognized as "...a specialized society separate and apart from civilian society." [Id. at 107.] As such, individuals with military backgrounds might well view certain situations differently than the general public. The First Circuit also agreed with Damon that he was an active member of the military when *Fahrenheit 9/11* was released and that his ties to the military remained strong after he suffered his injuries. Despite these special circumstances, the court came to the same conclusion that it reached regarding the general public, "no reasonable member of the military or veteran community could possibly view Damon's appearance in the documentary as being disloyal to the United States." [Id. at 108.] The trial court's dismissal of Damon's defamation claim was affirmed.

The facts of this case may seem quite far removed from the types of publications and media productions that most oral historians undertake. Moore's failure to secure Damon's con-

sent to use his interview in *Fahrenheit 9/11*, for example, is an almost unheard of omission by oral historians. Although Damon's unwitting inclusion did not become a significant legal issue, it certainly helped motivate him to file a lawsuit.

What is not so far removed is the increasing number of media productions on controversial or hot-button topics that oral historians are undertaking. The possibility that an interviewee might one day be unhappy enough about being included in such a media production that he or she files a lawsuit is therefore not as remote as it might seem. Another factor to consider in this regard is the availability in some states of a cause of action known as false light, which actually is much closer to the type of injury that Sgt. Damon was claiming. To prove a false light claim, the statement at issue does not have to be false as it does for defamation. The statement instead only has to be highly offensive to a reasonable person.

Since there was nothing false about Moore's presentation of Sgt. Damon's interview, his lawyers would doubtless have included a false light claim if they could have. They could not do so, however, because the Massachusetts Supreme Court refuses to recognize the privacy tort of false light as viable cause of action. [Fox Tree v. Harte-Hanks Communications Inc., 398 Mass. 845, 848-49 (1986).] At least 10 other states also bar the filing of a lawsuit for false light. This last point underscores how variations in laws and legal doctrines among the states can have a significant influence on the types of lawsuits that may be filed. In Moore's case, for example, not having to defend against a claim for false light made his task considerably less difficult. ❖

Editor's Note: John A. Neuenschwander is professor of history emeritus at Carthage College, Kenosha, Wis. He is also the author of *Oral History and the Law*.

Salt Lake Tongan community oral history project makes progress

By Susan J. Wurtzburg, University of Utah

Tongan immigrants in Salt Lake City described the challenges of dealing with dual identities as Americans and as Tongans in a University of Utah oral history project, “Tongan Journeys: A History of the Tongan Community in Utah.”

Funded by the Bennion Center, the Utah Humanities Council and the Utah Division of State History, the project began in August 2006 and grew out of my collaboration with Fahina Tavake-Pasi, executive director of the National Tongan American Society of Utah (NTAS) in Salt Lake City. The initiative is truly a community-based research project. Tavake-Pasi and Ivoni Nash, NTAS programs director, initially articulated the primary goal, based on their knowledge of community needs, of recording life histories of Tongan community members. NTAS is a Salt Lake City nonprofit organization founded in 1995. The agency’s strong links to the Oceanic diasporic communities here are reflected by the range of health, educational and legal services provided to Utah Polynesians.

The oral history project began as a service-learning initiative associated with my gender and social change course at the University of Utah, Salt Lake City. For several semesters, from autumn 2006 to spring 2008, students enrolled in the class provided service to the NTAS, which sponsored the project. In addition, several Tongan students also volunteered their time during the summer of 2007. Thirteen university students and community members have been trained in research methods, ethics and equipment operation and have contributed significantly to the project.

The first project interview occurred in September 2006. By May 2008, 19 Tongans had contributed their voices and insights to the project archive. Tavake-Pasi and Nash invited community elders to participate.

The semi-structured interviews focused on the topic of relocation and adjustment, and the interviews were designed to obtain a migration history from each of the Salt Lake Valley participants.

The questions elicited basic biographical facts, including health, education, work, significant dates, locations and family members. Interviewees were encouraged to provide stories about significant events in their lives. The aim was to obtain glimpses into the unique characteristics and understandings of each person interviewed. Particular emphasis was devoted to enquiring about the move to Utah, although one study participant was born here.

Fitting with this concept of life as a journey, people were asked to define their own ethnicity and to describe the important traits for maintaining Tongan identity. Everyone was encouraged to discuss Anga Fakatonga, the Tongan belief system, or Tongan way of life, and to consider whether their family maintains traditional practices in Utah. Pondering on tradition provided a natural segue into conceptions of gender, and people’s thoughts about *fakaleiti*, Tongan men who dress and/or behave as women, a generally accepted convention in the islands. This discussion in turn led into a debate about child socialization, if the interviewee was a parent. The final interview product was a fairly complete migration history, although in some cases, with elderly community members, the number of questions was limited in the interests of not overtaxing people.

Despite the somewhat haphazard nature of the interview selection process, we were pleased to discover that we had obtained some gender, age and geographical range of experiences among the people interviewed. Eleven men with birthdates ranging from 1915-1984 and eight women with birthdates ranging from 1915-1970 provided their voices to the project. Everyone was born in Tonga except for one of the younger women and one of the younger men, who were born in the United States. The Tongan-born individuals were from all of the three main island groups, reflecting fairly complete geographical coverage of the Tongan archipelago.

I am particularly fascinated by how people think about their social and geographic locations, and how they articulate these nuanced understandings, including the words chosen to convey this information to others. (In previous work, I have discussed the Samoan Diaspora in New Zealand [Wurtzburg 2004], and access to justice for Christchurch Polynesians [Wurtzburg 2003].) Many of the migration interview questions are relevant to considerations of ethnicity.

Some people expounded at considerable length on the topic of ethnicity, while others spoke briefly. For example, Salote Wolfgramm stated, “I am a citizen [of the US] but ... I am a Tongan,” accompanied by a lilting laugh. Her tone seemed to acknowledge the complicated layers underlying the seemingly straightforward acquisition of passports and incorporation of a new national identity. Andrew Kealoha Langi described the differences between his contemporary Utah experiences and his recollections of Tongan childhood, where “there’s a real structure to the community and everybody knows their place and ... what they’re supposed to do. If everyone is doing their job, then everything will run smoothly. Versus over here ... everybody does what they want.”

People noted additional contrasts between Utah community norms and those that prevailed in Tonga. ‘Alama ‘Uluave said that “your eyes are accustomed to seeing [the] blue ocean, and the wide open sky, and brown people, and dark haired people. And people who sound like yourself. And then to come to ‘happy valley’ Utah in 1973, there was nothing more white in the US of A than Provo, Utah County.” These evocative images provide insights into the challenges of integrating into a new community when you are visibly different from most of the people around you.

Many people commented on the importance of the Tongan language for maintaining a Tongan identity. Siosaia K. Tuha said that “[being Tongan involves] the language, and Tongan culture—like dancing and singing.” Language is often fundamental to an individual’s ability to establish himself or herself comfortably in a new country

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Immigrant oral histories become online curriculum in IMLS grant to Minnesota Historical Society

By James E. Fogerty, Minnesota Historical Society

While the Minnesota Historical Society's Oral History Office is best known for its projects on agriculture, the resort industry, environmental issues and business, it has also assembled a major collection of projects dealing with the history of new immigrants to the state.

In 1992, the MHS launched its first oral history project on recent immigration in cooperation with the India Association of Minnesota. The narrators in that project, chosen with an eye to diversity of birthplace in India and religion, provided remarkable perspective on their lives and on the many facets of adjustment to American life and culture and to settlement in Minnesota. The success of that project, and the rich historical information it provided, launched a joint effort of the society and the India association to ensure ongoing documentation of Minnesota's important and growing Indian community. The society and IAM completed their fifth oral history project in 2006.

The India oral history projects sparked interest in the Hmong, Cambodian (Khmer), Tibetan and Somali communities, each of which has established a major presence in Minnesota. The society has completed oral history projects in all of these communities dealing with issues of gender, acculturation, religion, education and cultural retention. These interviews, together with the Indian projects, form the basis for the proposed digitization project.

In preparing for the project, the society staff conducted focus groups with elementary and secondary school teachers and with members of the immigrant communities. Both groups expressed interest in having material from the inter-

views available for education. Access to these collections has been limited to on-site consultation in the library at the History Center in St. Paul, and the interviews are available to users in audio formats that can be challenging to use in a classroom setting. Finally, teachers require curriculum packages that they can incorporate into their classrooms with few modifications since they do not have significant time to develop such materials.

With a \$248,000 grant from the Institute for Museum and Library Services (IMLS) MHS will create a Web-based product that focuses on the immigrant oral history collections, packaged for teachers and students and meeting Minnesota social studies standards. The grant runs from Jan. 1, 2009, through Dec. 31, 2010. In collaboration with immigrant groups and educators, oral history excerpts will be selected based on their relevance to the education standards and copied to a digital format that can be easily downloaded by teachers and students using current technology.

The Web site will provide easy access to 250 full immigrant oral narrative transcripts as well as to a selection of approximately 100 digitized audio excerpts through a searchable database. These will be integrated into lesson plans and activities that can be used in a classroom setting. Teachers and students will have the opportunity to learn about an important aspect of Minnesota history and broaden their perspectives on the ethnic and cultural diversity of the state.

For more information contact James E. Fogerty (james.fogerty@mnhs.org). ❖

Women of the Oklahoma Legislature

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The 1960s saw five women legislators elected, including the first African-American woman elected to the House in 1968, who was interviewed for the project. Since the 1970s, women have been elected in larger numbers, but are still a minority. Most of the women legislators have been members of the Democratic Party and more have served in the House of Representatives than in the Senate. Two of these women legislators have gone on to become lieutenant governor of Oklahoma and one is now serving in the U.S. Congress, the second woman to do so from the state.

Geography and the women's stage of life appear to be the major factors affecting the number of women entering the legislative arena. The urban areas of Oklahoma City and Tulsa and, to some extent, Norman, have produced more women legislators than rural areas. While these women have arrived at the Capitol by various paths, many come as educators, lawyers and government service workers.

Listening to the stories of women who served in different decades illuminates how some things have changed and how others remain the same. Commonly mentioned was the need for warm clothing during sessions because the temperature in

the chambers is geared for men in three-piece suits. Experiences on the campaign trail are shared by many of the narrators and offer insight into various strategies and common themes. Commitment to serve constituents in their districts, the people of the state of Oklahoma and the citizens of the United States to the best of their abilities is the primary characteristic of these women of the Oklahoma Legislature.

The interviews last an average of an hour and a half with the narrators having the opportunity to edit their transcripts. Gathering oral histories provides an opportunity to pursue answers to questions left silent in what little archival materials exist for these women. Taken individually, these interviews reflect the careers and interests of the legislators; taken collectively they constitute a narrative of the role of women in the Oklahoma Legislature over time.

The Women of the Oklahoma Legislature Oral History Project is only one of the projects underway at the Oklahoma Oral History Research Program, which was formally established in 2007 by the Oklahoma State University Library and will continue to gather the cultural and intellectual heritage of the state through oral histories. ❖

Back in the news: The Nixon tape transcripts

By Donald A. Ritchie, Senate Historical Office

Fifteen years after his death, Richard M. Nixon is still stirring controversy through his surreptitiously recorded taped conversations. Although the Nixon tapes come closer to electronic eavesdropping than to oral history, the latest debate contains significant implications for oral historians.

On Sunday, Jan. 31, 2009, the New York Times printed an article on its front page with the headline: "John Dean's Role at Issue in Nixon Tapes Feud." The reporter recounted accusations by a group of Nixon revisionists who argue that published transcriptions of the Nixon tapes included "significant omissions and misrepresentations," and that these errors tended to minimize John Dean's role in the cover up of the Watergate burglary. In particular, they complain that Stanley Kutler's book, *Abuse of Power: The New Nixon Tapes* (1997) had conflated two separate Nixon-Dean conversations that occurred in the morning and the evening of the same day. A retired archivist from the National Archives told the reporter that he had spent 12 years listening to the tapes and did not think that anyone could have mistaken the two recordings as being part of the same conversation, concluding that the error must have been "deliberate."

Most likely the recent Hollywood film *Frost/Nixon* contributed to the reporter's interest in the story and the editor's decision to give it such prominence. A week later, however, the Times' ombudsman ran a column judging that: "The Times blew the dispute

out of proportion with front-page play, allowed an attack on a respected historian's integrity without evidence to support it, and left readers to wonder if there was anything here that would change our understanding of the scandal that ended Nixon's presidency." By then, the History News Network (HNN) had also picked up the story, with a number of scholars writing in Professor Kutler's defense, and those who made the initial charges reiterating their position. The controversy generated much more heat than light.

Who should have prepared the transcripts? Several presidential libraries within the National Archives system have released hundreds of tape recorded presidential telephone calls and other conversations, but each has concluded that it would be too costly and time consuming to transcribe them and that there were too many problems with the quality of the tapes to produce definitive transcripts. The burden for transcribing these tapes, for those seeking to publish them, has therefore fallen on the scholars. Stanley Kutler not only had to sue to get access to the tapes but then had to hire court reporters to transcribe them, at his expense.

Having ceded this responsibility to the scholars, it seems disingenuous for those who processed and cataloged the tapes to now present themselves as authoritative critics of their use. Yet beyond the Nixon tapes, similar accusations of inaccurate transcripts have been leveled by archivists against published transcripts of John F. Kennedy's and

Lyndon B. Johnson's meetings and phone calls. Not only have archivists criticized the scholars who transcribed and published the recordings, but faulted the reviewers of those books for not listening to the tapes to confirm the accuracy of the published versions.

Oral historians know from experience that transcription is an art rather than a science. Different transcribers, no matter how well trained, will hear things differently, use punctuation differently, and reproduce nonverbal utterances differently. Oral history projects generally try to compensate for this by allowing interviewees to read and correct their transcripts.

Interviewees can thereby fix errors made by the transcriber or by themselves, so that the recordings become a record of what they said, and the transcripts of what they intended to say.

Oral history archives range from those that transcribe everything to those that transcribe none of what they record. Those declining to transcribe, whether for reasons of cost or philosophy, at least now have the technology to make digital recordings word searchable for easier access to information. But they ought not try to have it both ways. If they relinquish the burden of transcribing to others, they have to expect that others are going to hear things their own way. They are going to have to relinquish the notion of being guardians of the interpretation of those recordings. As Richard Nixon would say, you could do that, but it would be wrong. ❖

Salt Lake Tongan community oral history project

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or region. Linguistic skills have implications for finding employment, continuing with educational goals and completing daily tasks, such as visiting the grocery store or communicating with children's teachers. An additional concern for English-as-second-language immigrants relates to their socialization

of their children and whether parents and children understand both languages. Taniela Pasi said that "[many young Tongans] understand English but they don't know how ... to talk Tongan." This is an ongoing issue for many minority community members living in the United States.

The Tongan History Project has achieved some local success with the collection and curation of 19 people's stories. The goal is to continue interviewing to further enlarge the archive. The current set of digital recordings and transcripts will eventually be placed in the Utah State History Archives. ❖

In Remembrance...

Noel J. Stowe

Noel J. Stowe, a founding member of the National Council on Public History and activist in the Oral History Association, died Dec. 13, 2008, of cancer. He was 66. Stowe spent most of his career at Arizona State University where he founded the public history program that earned national and international recognition. He also was active in state and local historical organizations in Arizona and won numerous awards for his dedication to documenting and preserving Arizona history.

In the 1980s, Stowe was active in the Oral History Association and served on the executive board of the Southwest Oral History Association from 1989 to 1994. He

was SOHA's president in 1992-93. Stowe's professional involvement also included active membership in the Organization of American Historians, the American Historical Association and the American Association for State and Local History.

Stowe was the author of three books and more than a dozen published articles and over the years directed more than \$1 million in grant-funded projects. He also directed more than 50 graduate theses and dissertations at Arizona State, and his former students now run university public history programs and work in museums, historical societies and archives around the country. ❖

Remembering Studs Terkel

By Al Stein

On Oct. 31, 2008, Studs Terkel died at age 96. The event was somewhat overshadowed by the looming Nov. 4 election just days away. It was Halloween, too, something Studs would have been amused by. Studs' passing marked an end to an era. His public radio and writer's personality had been part of the national narrative in progressive and labor history going back to the '30s.

I prefer to remember Studs as an activist, a boat-rocker with a bullhorn who worked the crowds. He interviewed ordinary men and women who were caught up in history or making it, coming of age during two social movements – the unionizing struggles of the '30s and the civil rights fights of the '50s and '60s. Dubbed the “microphone of America's workforce” in 2000 by the Communications Workers of

America, Studs represents the traditions of the oral history movement by giving a voice to the voiceless, what we now call oral history from the bottom up.

I met him at a labor conference about the right to earn a living in America, back in the '80s during the Reagan recession. Later, I found out he knew my uncle, the late Julius Lucius Echeles, a flamboyant Chicago lawyer who worked on the Illinois Writers' Project with Nelson Algren. I organized a reunion of the project alums in Chicago in 1989 at the Newberry Library and Studs got to see his co-workers and friends (Meridel Le Sueur, Margaret Walker Alexander, Jerry Mangione, Sam Ross, Echeles and others) for the first time in years—and they all traveled down that revolutionary road again. ❖

CORRECTIONS

Dale E. Treleven, former OHA president now retired and living in Milwaukee, has gently pointed out two errors in the Winter 2008 OHA Newsletter.

First, the obituary about Studs Terkel should have said the OHA recognized him at a special tribute at its 1995 conference in Milwaukee, not the 1996 conference. The editor apologizes for the error.

Second, the obituary about Enid Douglass should have said that in 1966, she and Douglass Adair attended the first national colloquium on oral history at Lake Arrowhead, Calif., which was not actually the first meeting of the Oral History Association. The OHA, in fact, was formally established in 1967, with a constitution that had been drafted by participants at the Arrowhead meeting.

The editor appreciates Treleven's corrections and invites other careful readers to make sure information recorded in the Newsletter is accurate.

Oral history workshop planned in Chicago

The Labor and Working Class History Association will present an oral history workshop at its May 28-31 meeting at Roosevelt University in Chicago. The theme of the spring conference is “Race, Labor and the City: Crises Old and New.”

The oral history and labor history workshop is scheduled for May 30. Participants include: Al Stein, chair; Jim Wolfinger, DePaul University; Betty Balanoff, Roosevelt University; Joe Lambert, Center for Digital Storytelling; Erin McCarthy, Columbia College; Kieran Taylor, University of North Carolina; and Timuel Black, City Colleges of Chicago.

Physics collection seeks help in locating interviewees, heirs

The Niels Bohr Library and Archives of the American Institute of Physics has run into a snag in its project to digitize and put online some 500 transcripts from its oral history collection.

Many of the hundreds of interviews in the archives' collection were conducted at a time when "a Web entirely open to all the world was scarcely imagined, and we only sought permission to make the interviews available in the library or as copies on loan," the institute said in its fall 2008 History Newsletter. So it is tracking down interviewees or their heirs to get permission to put the interviews online.

The process has been time-consuming and expensive, the newsletter said, adding:

"Some of the people who gave interviews in the '60s and '70s, or their heirs, have proved to be elusive."

If you have connections to the physics world and might be able to help, contact Joe Anderson at janderso@aip.org.

More than 200 transcripts have already been digitized and are online, but the institute's Center for History of Physics hopes to get 500 online by the end of this year. The project, funded by grants from the National Endowment for the Humanities, the Friends of the Center for History of Physics and the Avenir Foundation, includes searchable full text transcripts, some voice clips and photos and is intended to make the collection more widely available.

The institute said in its newsletter that the Niels Bohr Library and Archives' oral history collection is "by far the world's most important set of interviews in physics, astronomy, geophysics and allied fields."

Niels Bohr, 1885-1962, was a Danish physicist who was only in his 20s when he proposed a new model that explains where electrons are located in atoms, which proved critical to modern understandings of both chemistry and physics. ❖

Oral history book wins recognition

Oral History and Public Memories, a collection of 14 original essays discussing oral history's role in the creation of public memories, edited by Paula Hamilton and Linda Shopes and published by Temple University Press in 2008, has been awarded an honorable mention in the 2009 National Council on Public History Book Award competition for the best work published about or growing out of public history.

It was one of three books, from a field of 60, so recognized. The award committee said of the book: "Paula Hamilton and Linda Shopes have collected essays from scholars around the world to bridge the disconnect between the fields of oral history and public memory, and to urge an activist practice that takes oral history 'out of the house' of archives and academe and send it 'down the street' to do the work of history in the public arena. Because of the editors' commanding knowledge of oral history projects worldwide, these essays demonstrate the rich variety and bracing particularity of contemporary oral history work. Hamilton's and Shopes's strong editorial vision sustains the book's focus throughout on oral history as inherently interpretive, dealing with questions not simply about what is remembered, but why it is remembered. As a result, the essays gathered here explore the social, civic, economic, and political contexts within which individuals choose to remember and forget." ❖

Libraries get grants for Depression-era film outreach project

Thirty community and university libraries in 25 states received \$2,500 grants from the National Endowment for the Humanities for outreach projects connected with the documentary "Soul of a People: Voices from the Writers' Project," the American Library Association announced.

Oral History Association members who attended last year's conference in Pittsburgh saw a seven-minute preview of the feature-length documentary based on stories from the Federal Writers' Project, part of the Depression-era Works Progress Administration.

The library outreach programs, in which libraries receiving grants were expected to work with local American history scholars to plan humanities-themed programs related to the documentary, were intended to increase the impact of the powerful documentary, the library association said. ❖

**The OHA Newsletter
welcomes
your contributions
of state and
regional news.**

News & Notes ...

International conference invites papers, presentations

July 10 is the deadline to submit proposals for the XVI International Oral History Conference scheduled for July 7-11, 2010, in Prague, Czech Republic. The conference theme is: "Between Past and Future: Oral History, Memory and Meaning."

The conference is sponsored by the International Oral History Association in collaboration with the Czech Oral History Association and the Institute of Contemporary History of the Academy of Sciences, Czech Republic.

Conference planners note that this is the first time the international oral history meeting will be held in a formerly totalitarian country, making it possible to focus on the role of oral history research in places where official records about the past have been censored or discarded altogether.

For more details and information on how to submit proposals, visit the conference Web site:
www.ioha2010prague.com.

Emerging crisis research funds available

April 15 is the deadline for applications for an OHA grant of up to \$3,000 to support oral history research in crises in the United States or internationally. Such crisis research can include, but not be limited to, wars, natural disasters, political, economic, social or ethnic repression or other currently emerging events.

Applicants cannot use funds for equipment purchases, but the money can be used for travel, per diem, transcription costs and the like.

For details on how to apply, check the OHA Web site: www.oralhistory.org or contact committee chair Patrick W. Carlton at carltonp@unlv.nevada.edu.

The committee will make its recommendations by mid-May.

Wisconsin Oral History Day planned

Eau Claire, Wis., is the site of the 2009 Wisconsin Oral History Day, April 26-27, with panels and workshops that will focus on oral history project planning, oral history in community, academic and secondary school settings and women's studies and oral history.

Keynote speaker will be Barbara W. Sommer, co-author of *The American Indian Oral History Manual: Making Many Voices Heard* and author of *Hard Work and a Good Deal: The Civilian Conservation Corps in Minnesota*.

Wisconsin Oral History Day sponsors include units of the University of Wisconsin campuses in Madison, Eau Claire and LaCrosse, Chippewa Valley Museum, Wisconsin Historical Society and Minnesota Historical Society.

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