



ORAL HISTORY ASSOCIATION NEWSLETTER

Volume XVIII, Number 2

Spring, 1984

UPRIVER WITH ORAL HISTORY

by Dale Stirling

One of the most intriguing uses of oral history in Alaska is the navigability project being conducted by the Alaska Department of Natural Resources' Division of Land and Water Management. The State of Alaska is using oral history as evidence to fight the federal government's stance on the navigability of Alaskan waterways.

When Alaska became a state in 1959, it also became owner of lands beneath navigable waters within the state. Although state ownership of such lands is recognized by the federal government, only a small amount of the state's navigable submerged lands has been identified to the satisfaction of the state and federal governments. Disagreement over what constitutes a navigable waterbody focuses on Alaska's unique geographical, historical, and cultural circumstances and the federal government's narrow interpretation of navigability.

Alaska's geography includes all types of geological and hydrological conditions. Travel is rarely the same on any two waterbodies. Rivers and lakes become ice highways in winter and float- and ski-planes offer nontraditional approaches to navigating waterways. Rivers and lakes always have provided the primary transportation network; this was true for the native peoples, for Russian and American explorers, traders, miners, and for many people today as well. The State of Alaska feels that the Bureau of Land Management applies criteria to Alaska previously applied only to waterbodies outside the state, ignoring its unique geographical and historical conditions.

Whenever the State of Alaska decides to litigate a Bureau of Land Management determination of nonnavigability, state historians prepare criteria reports, focusing on the Supreme Court's definition of

Continued on back page

FROM COOKIES TO MICROPHONES GIRL SCOUTS RESEARCH THEIR HISTORY

Remember when Girl Scout cookies cost 25 cents? The year was 1933 and the place was Philadelphia, site of the first Girl Scout cookie sale. Fifty years later the Girl Scouts of Philadelphia are conducting oral history interviews with former scouts. In 1981 the National Endowment for the Humanities awarded a grant to the Girl Scouts of Greater Philadelphia to research the history of scouting. According to project director Mary E. Connell, while the archives of the Girl Scouts describe the work of the national organization, little has been recorded on the everyday activities of the girls and women who have made up the organization.

Fifty senior Girl Scouts (ages fifteen

through seventeen) were recruited to interview women who had been Girl Scouts for as long as twenty to sixty-one years. William W. Cutler III (Temple U.) trained the girls in proper oral history methodology and in conducting neighborhood historical research. Julia Erickson (Temple U.) explained how the roles of women have changed over the years.

Upon completion of the project, the girls produced an audio-visual presentation based on the interviews and on archival material. Cutler compiled a guide for other Girl Scout oral history projects, which was published with funds provided by the Barra Foundation.



Girl Scouts in the 1940s examining an old square-rigger, the Joseph Conrad. (Photo by E. J. Cyr from Come Along With Us by Barbara Bacon, courtesy of Bluebonnet Council Girl Scouts, Waco, Texas)

ANNUAL MEETING, 20-23 SEPT., LEXINGTON, KY.

U.S. COURT OF APPEALS DENIES COPYRIGHT PROTECTION TO PUBLISHED INTERVIEW MATERIAL

by John A. Neuenschwander

In a decision handed down on November 17, 1983, *Harper & Row Publishers, Inc. v. National Enterprises*, 723 F. 2d 195, a four-judge panel of the U.S. Court of Appeals for the Second Circuit narrowly construed the scope of copyright protection available to works of history and refused in this instance to extend copyright protection to published interview material. The action of the court of appeals reversed an earlier decision by the Federal District Court for the Southern District of New York. Although only a small portion of each opinion dealt directly with oral history, these holdings are significant because they represent only the second instance in recent decades that material derived from interviews has been the subject of copyright litigation. The first such case, *Suid v. Newsweek*, 508, 148 F. Supp. (1980)* also produced a decision that effectively denied copyright protection to published oral history materials.

The origin of the litigation under review extends back to the waning days of Watergate and the Nixon pardon. Shortly after he left the White House in 1977, former President Gerald Ford signed a contract with Harper & Row and *Reader's Digest* for publication of his memoirs. During the next two years Ford and Trevor Armbrister, a professional writer, worked on the project. Interviews with prominent political figures like Henry Kissinger and Alexander Haig were among the sources collected. In February 1979, Armbrister finished the first draft of the Ford memoirs. After a thorough review by Ford, the manuscript was deemed ready for publication. In an effort to boost sales, Harper & Row agreed to allow *Time* Magazine to print prepublication excerpts in its April 23 issue. *Time* paid Harper & Row \$12,500 for this right and was to pay a like sum after the April 23 issue hit the newsstands.

Sometime in late March, Victor Navasky, the editor of *The Nation*, mysteriously obtained a copy of the soon-to-be published Ford memoirs. Believing the manuscript contained "a real hot news story," Navasky embarked upon a marathon reading session. He then composed a 2,250-word article in which he quoted extensively from the Ford memoirs. Nineteen of the twenty-three paragraphs written by Navasky were devoted to the decision to pardon Nixon. Whether by choice or due to the pressure of time, Navasky added no comment of his own. Some of the material utilized in his article were statements by Alexander Haig and Henry Kissinger.

The unexpected appearance of Navasky's article "The Ford Memoirs: BEHIND THE NIXON PARDON" in the April 6 issue of *The Nation*, prompted *Time* to request permission from Harper & Row to move up the scheduled excerpt printing from the April 23 to the April 16 issue. When Harper & Row refused, *Time* decided not to publish any excerpts and, of course, did not pay the remaining \$12,500 due on the contract. After *A Time to Heal* was published in May 1979, Harper & Row and *Reader's Digest* filed suit in federal district court against *The Nation* for copyright infringement and for certain state law violations, including conversion. Following a six-day bench trial, the U.S. District Court for the Southern District of New York ruled that *The Nation* was guilty of copyright infringement. *Harper & Row Publishers, Inc. v. National Enterprises*, 557 F. Supp. 1067 (1983).

In defending against this infringement claim, lawyers for *The Nation* relied primarily on two doctrines: the non-copyrightability of certain materials utilized by Ford in *A Time to Heal* and the doctrine of "fair use." The first defense rested on the well-established axiom of copyright law that historical facts and events are in the public domain and beyond the pale of copyright

protection. In accordance with this principle, *The Nation* alleged that three types of materials found in *A Time to Heal* were not protected by copyright:

- (1) The recitals of historical facts
- (2) The texts of government memoranda prepared by individuals other than Ford
- (3) The quoted conversations of persons other than Ford

While the district court partially accepted the defense's contention in regard to items 1 and 2, it rejected the position that quoted conversations were not protected by copyright. In doing so, however, the court provided little analysis of the threshold issue; namely, the requirement that any literary work, sound recording, or work of art must represent authorship in the first instance to be eligible for copyright. In the present case the question was whether the statements of Alexander Haig, Henry Kissinger, and others were exact quotations or had undergone some reconstruction by Ford and/or Armbrister. Rather than "... enter the thicket of deciding..." which statement fit where, the district court merely proclaimed its satisfaction that "... most were to some degree reconstructions." The standard of review that the district court utilized in making its determination unfortunately was not set out.

"Should we keep on copyrighting interviews?"

As to the historical facts and government memoranda prepared by someone other than Ford, the district court agreed that in and of themselves they could not be copyrighted. Nevertheless, the historical facts gleaned by Navasky from the Ford memoirs could not be dealt with in isolation. The court concluded that *The Nation* had no interest in the facts or memoranda alone; rather "it is the totality of these facts and memoranda collected together with Ford's reflections that made them of value to *The Nation*. Correspondingly, it is this same totality that is protected by the copyright laws."

The second defense raised by *The Nation*, "fair use," permits limited use of copyrighted materials without the permission of the author for such purposes as "... criticism, comment, news reporting, teaching, ..., scholarship, or research. ..." 17 U.S.C. § 107. The Copyright Act of 1976 codified this common law doctrine and set out four factors that courts must consider whenever a party raises a "fair use" defense:

- (1) The purpose or character of the use, including whether such use is of 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 the use upon the potential market for or value of the copyrighted work. 17 U.S.C. § 106.

In denying *The Nation's* claim that the use made of the material drawn from *A Time to Heal* was fair, the district court refused to construe the Navasky article as "hot news or otherwise." The court went on to hold that none of the four "fair use" factors exonerated the defendant. Harper & Row, Inc., was awarded \$12,500 in damages and any further profits *The Nation* derived from the infringement as determined by a federal magistrate.

Had the litigation ended here, both oral historians and historians could have claimed victories. Oral historians would have had a favorable precedent to counter the holding in *Suid v. Newsweek* that interview material could not be copyrighted. Likewise, historians in general could have utilized the district court's novel totality of expression theory to push outward the extremely nar-

*Readers who wish a fuller account of the copyright status of oral history should consult "Oral History and Copyright: An Uncertain Relationship," *Journal of Col. & Univ. Law*, 10 (Fall 1983-84), also by the author.

row parameters of copyright protection. Both of these expectations were frustrated, however, by the reversal of the decision in the Second Circuit Court of Appeals.

In overturning the lower court's decision, the court of appeals focused on four key issues:

- (1) The inherent tension between copyright and the First Amendment
- (2) The district court's misapplication of the "fair use" doctrine
- (3) The incorrectness of the district court's totality of expression theory
- (4) The non-copyrighthability of interview material contained in *A Time to Heal*

The cornerstone of the appeals court decision was clearly the importance of precluding the copyright statute from impinging upon the public's access to historical and contemporary facts. Because the work involved was that of a former president, "Nowhere could the need to construe the concept of copyrightability in accord with the First Amendment freedoms be more important than in the instant case."

For historians and oral historians the court of appeals analysis of the district court's totality of expression theory is especially significant, both for what it says and leaves unsaid. The court of appeals recognized that the district court's theory rested on two primary assumptions: namely, that Ford's revelations as to his state of mind could be copyrighted and when combined with uncopyrightable facts, the resulting totality should also be protected. While the court of appeals was unwilling to determine whether the subjective and personal mode of expression contained in autobiographical works on memoirs could ever be separated from historical fact for the purpose of copyright protection, in the instant case the court concluded no such distinction could be made. The prospect of a public official utilizing the Copyright Act "... to take private possession of the most important details of a nation's historical and political life by adding language here and there on the sentiments he experienced while in office ..." was unacceptable. Such a "private monopoly of fact at the expense of the public's need to be informed ..." could not be condoned.

While the court of appeals conceded that copyright protection for works of history extended to author expression both in terms

of overall arrangements of facts and the language used per se, courts in recent years have narrowly construed the first mode of expression so as to virtually preclude its availability. In keeping with the leading case on the scope of copyright protection available to works of history, *Hoehling v. Universal Studios, Inc.*, 618 F. 2d, 972, (1980), the Court of Appeals for the Second Circuit held that the protection extends only to "—the ordering and choice of the words themselves."

The court of appeals unfortunately considered the copyright question arising out of Navasky's use of statements by Haig and Kissinger to be a minor issue. It simply ruled that such conversations were not "... original works of authorship ..." belonging to Gerald Ford and therefore could not be copyrighted by him." 17 U.S.C. § 102. *Suid v. Newsweek* was cited as a precedent for this position.

By now some readers may be asking themselves a couple of questions:

- (1) Are *Suid v. Newsweek* and *Harper & Row, Inc. v. National Enterprises* the final word?
- (2) Should we keep on copyrighting interviews?

The answers to these two questions are no and yes, in that order. As alluded to previously, the copyright status of oral history was at best a secondary issue in both *Suid v. Newsweek* and *Harper & Row, Inc. v. Nation Enterprises*. Both cases involved very tenuous infringement claims grounded upon a handful of extremely short quotations. How a court will rule in the future upon an infringement action involving a substantial taking of interview material produced by a recognized oral history program with a proper assignment of copyright interests, cannot be forecast with any certainty. To assume that *Suid v. Newsweek* and *Harper & Row, Inc. v. Nation Enterprises* would be controlling precedent is to vastly overstate both their singular and cumulative importance. Despite these holdings, registration of oral history interviews continues without interruption at the U.S. Copyright Office and oral historians should neither alter established procedures nor shrink from the task because a few statements by Alexander Haig and Henry Kissinger were denied.®

[Neuenschwander is past president of OHA and a practicing attorney in Kenosha, Wisconsin, with Plous, Boyle, Plous & Mason.]

RECOLLECTIONS LIGHT HISTORY OF BLINDNESS

The American Foundation for the Blind (AFB) has begun an oral history project designed to capture the memories and ideas of outstanding blind people and leaders in the field of blindness. The first interviews are with family, friends, and associates of the late Father Thomas J. Carroll, cofounder and chaplain of the Blinded Veterans Association and leader of national movements for the welfare of the blind. The interviews will become source material for a biography on Father Carroll.

Scheduled for completion in 1985, the AFB project comprises interviews with twenty-two persons, including Louis Rives, Berthold Lowenfeld, Georgia Lee Abel, and J. Max Woolly—all leaders in the development of education and training of the blind and visually handicapped. Interviews will be transcribed and housed in the archives of the M. C. Migel Memorial Library and Information Center at AFB headquarters. Contact: Mary Ellen Mulholland, Project Director, American Foundation for the Blind, 15 West 16th Street, New York, NY 10011.



The 1984 Oral History Association Annual Meeting will be held 20-23 September in Lexington, Kentucky. Members who have not yet received packets containing registration and program information should contact the association office, Box 13734, NT Station, Denton, TX 76203, (817) 387-1021. Photo courtesy of Lexington Convention and Visitors Bureau.

FROM THE PRESIDENT

Cullom Davis

Last fall I promised to devote one of my four *Newsletter* messages to the subject of finances. In discussing this important topic I begin with an analysis of the financial needs and resources of the association and then describe our efforts to contain the costs members must incur to participate actively in OHA affairs.

This year the association budget totals \$31,860. A generous portion (over \$6,000) of that is cash balance carryover from 1983, the result of prudent spending and a successful Seattle meeting. Our projected income for 1984 is \$25,000, with nearly 80 percent coming from membership dues and the remainder from profitable activities such as the sale of our publications. Like most professional organizations, our survival and growth depend primarily on dues and secondarily on income from activities:

Our operating budget is allocated by expenditure category as follows:

Administrative support	\$ 5,250 (16%)
Governance support (Council and committee expenses)	8,850 (28%)
Publications	12,500 (39%)
Anticipated surplus	5,260 (17%)

Put more simply, a regular member's \$15 annual dues payment will be spent as follows: \$2.40 for administrative costs; \$4.20 for governance costs; \$5.85 for publications; \$2.55 surplus. An observation or two about each of these categories is in order.

First, the association's administrative costs are remarkably low given the inevitable fixed expenditures of a society with nearly 1,500 members. For that we have Ronald Marcello and North Texas State University to thank. For eleven years Ron has managed our affairs with legendary frugality and set a personal example by not complaining about the pittance he receives for his considerable effort. Moreover, his university quietly but generously supports us in many ways, thus keeping OHA overhead down.

Second, a significant but carefully monitored cost is the support we pay for governance of OHA by our elected Council and appointed committees. The largest single item in that \$8,850 line is reimbursement of Council travel expenses for its annual winter meeting where most of the association's planning and decision making occurs. Some members might understandably question this expense on the grounds that officers ought to absorb such costs personally or seek reimbursement from their employers. Our experi-

NEW ENGLANDERS OBSERVE TENTH ANNIVERSARY

The first regional oral history organization in the U.S., the New England Association of Oral History, observed its tenth anniversary on 28 April. Assumption College in Worcester, Massachusetts, hosted the meeting just as it did a decade ago.

A special program included a session on "Talking It Up Back Home" by Cullom Davis (Sangamon State U.), Helene Gerard (Westhampton Beach Jr. H. S., Long Island,

N.Y.), and Ruth Ragan (*Concord Journal*, Concord, Mass.). Sheldon Stern (John F. Kennedy Library), Frank Smallwood (Dartmouth C.), Donald Ritchie (U.S. Senate Hist. Office), and Herbert Parmet (City U.-New York) spoke on "Presidential Perspectives." The program was planned by Samuel B. Hand (U. of Vermont). Executive secretary of NEA/OH is John J. Fox, Jr. (Salem State C.).

ence over the years is that a great many loyal and talented OHA members lack such resources or access. A means test for election to or active service on the OHA Council is unthinkable. We therefore believe that the current policy, prudently administered, ensures governance of the association by its members.

Third, I hope you agree that a regular member's \$5.85 allocation for OHA publications is a good investment. For that you receive four issues of the *Newsletter*, the *Review*, and the newly expanded *Annual Report and Directory*. We constantly are searching for ways to improve and expand these publications. Credit for this good value belongs to the ingenuity of our Publications Committee, the skill of our editors, and the generous institutional support of Baylor University (for the *Newsletter*), California State University at Fullerton (for the *Review*), and North Texas State University.



1984 OHA BUDGET

What about our projected surplus? Using data from last year's membership survey, we have decided to use this money for several new publishing ventures. First, as noted in my previous column, OHA is inaugurating a new technical pamphlet series. Eventually this series should be self-supporting, but it cannot begin without a venture investment. We also are setting aside a down payment for publication of a special second issue of the *Review* in 1986, our twentieth anniversary year. Finally, we are embarking on a program to design better graphics for association publications and membership materials. In short, we are committing discretionary funds to certain new initiatives designed

to expand both our ranks and our coffers, and to enhance our member services.

With this primer on OHA finances as background, permit me to reverse the perspective and discuss what it costs members to participate actively in our affairs. I begin with the basic cost of membership, or dues. OHA membership is among the least expensive of comparable national organizations, and we intend to keep it that way.

We also strive to offer members valuable publications at bargain prices. The *OHA Evaluation Guidelines* goes free to new members and is generally priced inexpensively. The new oral history anthology edited by Willa Baum and David Dunaway is available to members at a discount off the publisher's price.

The OHA annual meeting is the most expensive discretionary service available to members. We know from last year's survey that many members do not attend because of the expense. There are limits to our ability to lower such costs, because any meeting anywhere will entail travel, lodging, and meal expenses. We do try, however, to make the annual meeting sufficiently valuable and reasonable to appeal to the entire membership.

One thing we do is shift meeting sites among regions, in order to offer proximity to everyone over a period of years. We also take pains to select sites that are readily accessible by various transportation modes. Our selection of the host hotel and our negotiation of room and meal rates always places reasonable cost as a top priority. Moreover, we recommend nearby alternative accommodations, including campgrounds, for the budget-conscious. Finally, we strive to obtain underwriting support from local institutions and organizations, thereby lowering the expense for attendants. At Lexington, for example, more than a half dozen organizations are treating us to refreshments, special events, and a meal.

No presidential objective is more important to me than convincing every OHA member that this is *your* association and that you have both a role and a stake in its affairs. Creative programming and cost containment are two ways of accentuating that message.

OHA COUNCIL HOLDS MID-WINTER MEETING

The Council of the association met on 16-18 February 1984 in Pensacola, Florida. A full agenda included several significant decisions. President Cullom Davis (Sangamon State U.) presided.

Among the decisions of the Council were the following:

1. The 1985 OHA Annual Meeting will be held in Pensacola, Florida, on 31 October-3 November, in the Pensacola Hilton Hotel, currently under construction adjacent to and an integral part of the city's historic rail station.
2. The 1986 OHA Annual Meeting will be held in Long Beach, California, on the *Queen Mary*, which is now a conference center. The meeting will probably be in early November.
3. New committees to be appointed are: (1) a one-year special committee of five to seven members on state/regional oral history groups, and (2) a committee on oral history and teaching.
4. Bylaw 9 of the constitution was amended to read: "The standing committees of the Association, except for the Nominating Committee, shall be appointed by the president for specific terms."
5. Council approved the program for the 1984 Annual Meeting scheduled for 20-23 September in Lexington, Kentucky. The program committee was chaired by Terry L. Birdwhistell and local arrangements chaired

by Anne G. Campbell (both of the U. of Kentucky).

6. Council rescinded the association's longstanding policy prohibiting honoraria for annual meeting speakers.
7. Cindy Bell was commissioned to initiate the process for redesigning the OHA's logo.
8. Council authorized a printing of 3,000 copies of the first title in the association's pamphlet series edited by Joel Gardner (Louisiana Folklife Commission). John A. Neuenschwander is the author of the first pamphlet, which is on oral history and the law. Pamphlets will sell for \$4.00 to the public, with OHA members receiving a 20 percent discount for individual orders and a 25 percent discount for orders of ten or more copies.
9. Council authorized publication of two issues of *The Oral History Review* in 1986, the association's twentieth anniversary. The second issue of the *Review* in 1986 will have its own editor and a special theme.
10. Council approved the association's 1984 budget which projects income of \$31,860 and expenditures of \$26,600.
11. Council postponed action on the editorship of the *Newsletter* until the Lexington meeting.

Details of the Council's deliberations in February will be published in the 1984 *Directory and Annual Report*.

OHA 1984 ELECTION APPROACHING

ELECTION TO BE HANDLED BY MAIL DURING SUMMER

Ballots will be mailed to eligible voters this summer for the OHA's 1984 election. The association constitution provides for election of the vice president/president-elect and seats on the Council. In 1984, one seat on the Council is to be filled by election.

The following association individual members have been nominated by the Nominating Committee:

Vice President/President-elect:

Samuel B. Hand (U. of Vermont)

Council —3-yr. term (elect one):

Terry L. Birdwhistell (U. of Kentucky)

John J. Fox, Jr. (Salem State College)

Pamela M. Henson (Smithsonian Institution)

Shirley E. Stephenson (California State U.-Fullerton)

The 1983-1984 Nominating Committee consists of James W. Hammack, Jr. (Murray State U.), chair, Anne G. Campbell (U. of Kentucky), Benis M. Frank (Marine Corps Hist. Ctr.), John A. Neuenschwander (Kenosha, Wisc.), Dale E. Treleven (U. of Calif.-Los Angeles), and Kathryn Wrigley (Athens, Ill.). Campbell, Neuenschwander, and Treleven will serve a second year on the committee in 1984-1985.

Under the OHA constitution, the Council nominates members for election to two-year terms on the Nominating Committee. Members included on the 1984 election ballot are:

Nominating Committee—2-yr. term (elect three):

Alferdteen Harrison (Jackson St. U.)

Edward D. Ives (U. of Maine-Orono)

Rebecca S. Jimenez (Baylor U.)

Elizabeth B. Mason (Columbia U.)

Laurie K. Mercier (Montana Historical Soc.)

Bruce D. Wilson (U. of Maryland)

The OHA mail-ballot election is administered by the association executive secretary. Nominees must be members in good standing to be eligible for election.

The OHA constitution allows twenty or more members to petition for additional names to be included on the final ballot as candidates for particular positions. Nominations by petition must be in the hands of James W. Hammack, Jr., by 20 June 1984. Address: Hammack, Oral History Program, Murray State University, Murray, KY 42071.

June 22	American Library Association Preconference: Oral History for Your Library	Dallas, Tex.
August 30- Sept. 3 Sept. 18-21	Society of American Archivists	Washington, D.C.
20-23	American Association for State and Local History Oral History Association	Louisville, Ky. Lexington, Ky.
October 10-13 10-14 24-28	Western History Association American Folklore Society National Trust for Historic Preservation	St. Paul, Minn. San Diego, Calif. Baltimore, Md.
31- Nov. 3	Southern Historical Association	Louisville, Ky.
November TBA	Video and Oral History South Wales Miners' Library and the Oral History Society	Swansea, Wales

WORKSHOPS & CONFERENCES

Exploring Living Memory: Life History Projects in London was a meeting 17-19 February at Royal Festival Hall in London. Leading the third Exploring Living Memory conference was Maureen Waugh (London History Centre).

Ronald E. Marcello (North Texas State U.) and **Cynthia A. Brandimarte** (Panhandle-Plains Hist. Museum) were on the program of the Texas State Historical Association annual meeting in March. Marcello's paper was on "Texas POWs in Asia." Brandimarte's presentation was "The Place was Never the Same: Documenting the Site by Means of Oral History" and concerned work by the Texas Parks and Wildlife Department.

The Plumas Community History Project at Feather River College, in Quincy, California, during March, presented two eighteen-hour workshops in Quincy and Greenville on the theme of Art in Women's Lives. Offered for college credit and led by Mary Rehwald and Alexa Singer (Feather River C.), the goal is to produce oral histories which will be called "Women's Art—Portrait 1984."

The Scottish Oral History Group: History of Fishing meeting took place in Aberdeen, Scotland on 5 May. Speakers included Jake Duthie, on greatline fishing; Margaret Bochel, on women in the fishing community; Paul Thompson, on steam capitalism and the family boat; and Graham Smith, on Arbroath. The conference leader was Iain Flett (Archive and Record Office, Dundee).

The North West Oral History Society held its third conference 12 May on Oral History and Its Uses in Museums, Libraries and Heritage Centres, in Warrington, Cheshire, England. Jim Power (Community House, Warrington) led the meeting.

A Workshop in Oral History & Folklore Sound Collections met at the University of Maryland, College Park, on 21-25 May. Fred Stielow (U. of Maryland) was in charge.

The International Oral History Conference will be held on 27-29 March 1985 in Barcelona. The theme will be Power in Society. Contact: Mercedes Vilanova, Departamento de Historia Contemporania, Universidad de Barcelona, Barcelona 28, Spain.

Margaret L. S. Miller, associate editor of both the OHA Newsletter and *The Oral History Review*, has moved to a farm near Fredericksburg, Texas, after ten years as general editor with the Baylor University Institute for Oral History. Miller was the principal bibliographer for the Newsletter.

PROJECT DOCUMENTS COAL MINING IN SOUTH TEXAS

South Texas Coal Mining: A Community History, compiled and edited by Roberto R. Calderon, reconstructs the history of the coal mining industry and mining communities in South Texas, principally Eagle Pass, from the 1880s to the 1920s. The anthology is a product of the Coal Mining

Oral History Project of Maverick County, funded by the National Endowment for the Humanities, Youthgrants Division during the summer of 1983.

Calderon, aided by the Latin American Collective at radio station KPFK-FM and Pacifica Radio in Los Angeles, also is producing two half-hour radio programs based on his research. He recently presented a working paper at the 22nd conference of the National Association for Chicano Studies, in Austin, Texas. Contact: Calderon, Chicano Studies Research Center Publications, 405 Hilgard Ave., UCLA, Los Angeles, CA 90024.

CANADIAN PETROLEUM PROJECT IN FULL SWING

The Petroleum Industry Oral History Project, begun in 1980, has completed more than one hundred interviews with people involved in the exploration and development of Western Canada's petroleum resources, from geologists to roughnecks. The research focuses on men and women who worked in Turner Valley, discovered Leduc and Redwater, began the Arctic oil search, formed companies, operated the rigs, sold the tools, and developed the technology.

The taped interviews and resulting transcripts and indexes are available to the public in the Glenbow Museum and Archives in Calgary. The interviews are indexed according to sixteen fields of access which provide information on companies, occupations, acquaintances, technical information, contributions to the industry, year, extent and access of the interviews. Contact: Jim Wood, c/o Esso Resources Canada Limited, 7th Floor, 237-4th Avenue S.W., Calgary, Alberta, T2P 0H6, Canada, (403) 237-3495.

HOSPITAL ADMINISTRATORS INTERVIEWED

The Hospital Administration Oral History Collection, 34 interviews with notable individuals in the field of hospital and health services administration, has been added to the historical collection of the Library of the American Hospital Association, Asa S. Bacon Memorial, in Chicago. Sponsored by the American Hospital Association and the Hospital Research and Educational Trust since 1978, the interviews have been conducted and edited for publication by Lewis E. Weeks, editor of *Inquiry*. Memoir copies are available through the AHA library, which also administers interlibrary loan services. Contact: Library, AHA, 840 North Lake Shore Dr., Chicago, IL 60611, (312) 280-6263.

UCLA CELEBRATES SILVER ANNIVERSARY OF ORAL HISTORY RESEARCH

On 7 April 1984, the Oral History Program of the University of California, Los Angeles, observed its twenty-fifth anniversary. Special ceremonies and scholarly discussions organized by Dale Treleven, director, focused on the office's research projects.

One hundred and sixty persons attended the celebration, many of whom had participated in the 1966 Lake Arrowhead conference which led to the formation of OHA. The festivities were launched at a breakfast ceremony where UCLA Executive Vice Chancellor William Schaefer presented Los Angeles Mayor Tom Bradley completed copies of his oral memoirs.

Principal speaker Arthur A. Hansen (Calif. State U. at Fullerton) spoke on his office's research with the Japanese-American evacuation during World War II. Hansen also announced the Southwestern Oral History Association's decision to

present an annual James V. Mink Award for outstanding work in oral history. Mink is the retired UCLA university archivist and former director of oral history.

Images on Tape, an afternoon colloquium, focused on oral history methodology used in researching the histories of UCLA and Los Angeles art and architecture. The program included a panel composed of interviewers and interviewees critiquing their oral history work—an experiment which Treleven reported worked very well. At the concluding reception and dinner, OHA President Culom Davis spoke on the accomplishments of UCLA's oral history program and on researching institutional history.

UCLA's silver anniversary observance coincides with the recent publication of a finding aid, *The UCLA Oral History Program: Catalog of the Collection*, edited by Constance S. Bullock.

WYOMING ASSOCIATION HOLDS FIRST MAJOR CONFERENCE

The Wyoming Oral History and Folklore Association (WOHFA), now in its fourth year, held its first major conference 23-24 March in Riverton. Seventy-two Wyomingites attended the meeting, funded by the Wyoming Council for the Humanities.

The conference included workshop sessions, keynote addresses, and the WOHFA annual business meeting. Seven project directors described oral history activity ranging from Hispanic studies to ghost towns to a film project on one-room schools.

Opening day workshop sessions were led by Phillip J. Roberts (Wyoming Historical Research Division), who discussed legal aspects of oral history, and Dennis Coehlo (Wyoming Council for the Arts), who spoke on folklore.

Keynote addresses were by Thomas L. Charlton (Baylor U.), who spoke on "Oral History and the Humanities," and Laurie Mercier (Montana Hist. Soc.), speaking on "The Community and Local History." Charlton and Mercier also led workshop sessions on the second day of the meeting.

Sherry Smith (U. of Wyoming) presented a workshop session on family history, and Rick Ewig and Thelma Crown (both of the Wyoming Historical Research Division) led a session on the use of oral history in media productions.

During the association business meeting, Ewig was reelected president for 1984-85, with Winifred Wasden (Northwest Community College, Powell) elected vice president and Patty Myers (Johnson County Library, Buffalo) elected secretary.

Organized oral history research in Wyoming began in the 1950s when state histo-

rian Lola Homsher started collecting reminiscences of pioneers. Today, in addition to smaller oral history collections throughout Wyoming, the collection in the state Archives, Museums, and Historical Department includes nearly one thousand interviews on a wide variety of topics. Most of the AMH taped interviews have been transcribed, and an inventory-index published in 1980 describes holdings at the department's offices in the Barrett Building in Cheyenne. Recollections of people from nearly every county in the state are included in the AMH oral history collection. Ewig, now oral historian at AMH, both conducts oral history research for the state agency and encourages local history projects throughout Wyoming.

OHMAR HOLDS EIGHTH WORKSHOP, JOINS D.C. STUDIES CONFERENCE

OHMAR's eighth annual workshop met during the Eleventh Annual Conference on Washington, D.C., Historical Studies at the Martin Luther King, Jr., Memorial Library on 24-25 February. The theme of the workshop was Oral History and the Schools.

The first session, Life in Segregated Washington, was chaired by Thomas C. Battle (Howard U.) and included Elinor DesVerney Sinnette (Howard U.), "Segregation in Washington, D.C., as Represented in Selected Memoirs of the Ralph J. Bunche Oral History Collection," and Iris Kern (U. of D.C.), "Observations on Segregation, Oppression, and Liberation by Washington, D.C. Residents, 75 Years and Older."

Donald A. Ritchie (U.S. Senate Hist. Office) moderated Oral History in the Federal Government: Theme and Variations. Panelists were Paul K. Walker (U.S. Army Corps of Engineers), Pamela Henson (Smithsonian Inst.), Marie B. Allen (White House Office of Pres. Libraries), and John Vernon (Natl. Archives).

James D. Fellow (Natl. Genealogical Soc.) chaired Oral History and the Documentation of Religious Institutions. Speakers were Eleanor D. Shelton (Archdiocese of Washington) and James A. Smith.

Patricia A. Cooper (Drexel U.) chaired a session on Working Women in Washington: Selected Oral History Studies. Speakers included Elizabeth Clark-Lewis (Northern Virginia Community C.), "The Transition from 'Servant' to 'Day Worker' in Washington, D.C.," and Barbara Zulli D'Emilio, "Abriendo Camino: The Latino Immigrant Woman in Washington."

Microcomputers and Oral History was chaired by Frederick J. Stielow (U. of Maryland) and featured Stielow on "Microcomputers and Manual Systems for Oral

SPANIARDS RESEARCH EMIGRATION TO AMERICA DURING 20TH CENTURY

The Universidad Complutense in Madrid, Spain, has established an oral history project in its Department of Latin American History. Directed by Vicente Gonzalez Loscertales, the project researches, through oral history, Spanish emigration to America during the twentieth century. Interviews will be conducted on both sides of the Atlantic and will include research on emigrant's cultural adaptation, return, exile, and Spanish groups in the new countries.

An oral history seminar has been added to the curriculum. Contact: Consuelo Naranjo, C/Gallur No. 1, 50 Madrid 19, Spain.

History Collections"; Roy Rosenzweig (George Mason U.), "The Use of Data Base Management Systems for Oral History Collections"; and Deborah Reid (Technique Transcriptions) on "The Use of Word Processing Systems for Transcriptions."

Two general addresses highlighted the program. Linda Shopes (U. of Maryland, Baltimore County) discussed "Capturing, Sharing and Teaching Community History Through Oral History." The Eighth Letitia Woods Brown Memorial Lecture was delivered by Michael H. Frisch (SUNY-Buffalo), who spoke on "Community History—Beyond the Supply Side Fallacy."

OHMAR's workshop offered a twin-track session for general instruction and for teachers. Leaders of the general track sessions were Martha Ross (U. of Maryland) and Rosalyn Terborg-Penn (Morgan State U.), augmented by films, slide-tape shows, and dramatic presentations. The educators' sessions were presented by Barry Lanman (Milford Mill H.S., Md.) Richard Williams (Plum Borough H.S., Pa.), Olivia Cadaval and Leslie Hill (Latino Youth Community History Proj.), and five D.C. public school leaders—Kathy S. Smith, Bethena Best, Barbara Cianelli, Rives Carroll, and Edna Powell.

CALL FOR PAPERS

The American Culture Association will hold its 1985 meeting in Louisville, Kentucky, 3-7 April. Persons interested in proposing individual papers, sessions, or other presentations involving oral history and American culture should send a 250-word abstract of the proposal to Carl Ryant, Department of History, University of Louisville, Belknap Campus, Louisville, KY 40292.

SOHA FLOCKS TO CAPISTRANO

The Southwest Oral History Association held its third spring workshop/conference 17-18 March in San Juan Capistrano, California. Cosponsored by the San Juan Capistrano Historical Society, the meeting featured concurrent sessions in basic and advanced interviewing and processing and included a speech by Pamela Hallan Gibson on "Ghosts and Mysteries of San Juan Capistrano."

The executive committee for 1984-85 was elected at the Sunday morning business meeting: president, Shirley E. Stephenson (Calif. State U. at Fullerton); vice president, Robert E. Treacy (Redlands); council members, Marion Parks (Corona del Mar), Sharon Caulkin (Los Angeles), and Brooke L. Garlock (Pasadena), Ronald Larson (Porterville) and Karin Ullman (Tempe, Ariz.) remain on the council.

Continued from page 1

navigability. While there is written documentation of the historic uses of many of Alaska's waterbodies, there are literally hundreds of lakes and streams in Alaska for which no such documentation exists. To gather the most complete data on waterbody use, historians must comb archival collections and conduct oral history interviews to record the experiences of local people who have used the waterbodies being studied.

Attorneys and state historians began working together in 1978 to produce the first criteria report on the Kandik and Nation Rivers in the upper Yukon region. Documentation of river use emphasized travel and trade by trappers and, for the first time, oral history was an important part of the study process. Since September 1981 five criteria reports using oral history research have been submitted to the attorney general's office for presentation in court as evidence of the state's claims to ownership of submerged land in Alaska by virtue of demonstrated use over time.

The first of these five reports was the Matanuska River case, in which a section of the river was declared nonnavigable by the federal Bureau of Land Management. The state disagreed and set out to conduct an historical study of the river to deter-

"While there is written documentation of the historic uses of many of Alaska's waterbodies, there are literally hundreds of lakes and streams in Alaska for which no such documentation exists."

mine its use prior to and after statehood. Our research emphasized use of the river for winter travel, guided recreational use, and use by hunters and natives. Interviews were conducted with fish and game management personnel, as well as with natives, guides and hunters. At that time most of the interviewing was by telephone, but at least four interviews were in person. The results of the oral history work were compiled and included in the main body of evidence in court. Some of those interviewed also testified in court for the state. I served as an expert witness, spending four hours on the stand. In the decision, the court did rely heavily on the information contained in the report—including that gathered using oral history methods.

Our oral history work comes in two forms—travel to villages to talk with residents, and office interviews. A typical field trip will last five days and often includes flying in float-planes, amphibious aircraft, or other bush planes, and staying with the chief, village elder, or a schoolteacher if there is no lodge. Rural Alaskans especially don't cotton to those who come and leave in one day; they want

to get to know you; and you, of course, to know them, though I seldom had enough time for all of that. My welcomes ranged from making good friends in Koliganek in Bristol Bay to being practically booted out of town in an Athabascan village not far from the Alaska-Canada border. The willingness of the people to be interviewed depended on if they felt my research would threaten their use of the land.

"What makes the application of oral history unique in the navigability program is its 'court-bound use.'"

Another aspect of the navigability project's oral history component is our use of questionnaires to quickly obtain information which can be followed up on later. The federal government has argued against our use of questionnaires in court, saying that such information is hearsay, but state historians still feel that questionnaire information is a great help in preparing criteria reports, saving time and providing—if nothing else—hundreds of names of potential interviewees. I used eight thousand questionnaires researching the history of float- and ski-plane aviation in Alaska. Quite a mail out! A surprising return rate of 40 percent provided an accurate survey of the general character of aviation in Alaska since the 1930s.

What makes the application of oral history unique in the navigability program is its "court-bound use." The evidence of who uses what waterbodies and for what purposes makes the historian's work central to the navigability issue. The burning question becomes, Are we doing oral history or something that only resembles oral history? We follow ethical guidelines of the American Anthropological Association and the Oral History Association. We strive to sustain the integrity of both the oral history discipline and the informant. While on one hand we are gathering information for use in writing history, we also are generating courtroom data. While we do not operate at the leisurely pace accorded most oral historians, none of us has yet relaxed our ethics. [*Stirling is an historian for the State of Alaska Department of Natural Resources.*]

MICROFILMING UPDATE

According to Anita L. Werling of University Microfilms International (UMI), under a fulfillment contract with Microfilming Corporation of America (MCA), UMI will produce and distribute microform copies of oral memoirs to customers at the request of MCA. Werling states that her company's involvement in the MCA Oral History Publication Program "will be minimal and none has occurred to date."

MCA, a division of The New York Times Company, was the principal publisher of oral memoirs in microform for a decade. Following MCA's decision to cease oral history publication, other micropublishers have been considering entering the field.

OHA COSPONSORS CAREERS CHART

Careers for Graduates in History is the subject of a wall chart 20 inches by 28 inches produced by the National Council on Public History and cosponsoring organizations, including OHA. Prepared by the National Center for the Study of History, the chart may be ordered from Career Project, National Center for the Study of History, 3914 Harrison St. NW, Washington, DC 20015. Single request, no charge; 2-25 copies @ \$2.00 each. Student edition, 11 inches by 17 inches @ \$.15 each.

The quarterly *OHA Newsletter* is sent to members of the Oral History Association and to institutions holding subscriptions: individual, \$15, student \$7.50, library \$12, institutional \$30, life \$250. Members also receive the annual *Oral History Review*. Send membership, change of address, and subscription inquiries to: Ronald E. Marcello, Executive Secretary, P.O. Box 13734, N.T. Station, Denton, TX 76203. (817) 387-1021, 565-3385 or 2549. Address editorial matters to: Thomas L. Charlton, Editor, Baylor University, CSB Box 401, Waco, TX 76798. (817) 755-3547. Associates: Adelaide S. Darling, Jaclyn L. Jeffrey, Rebecca S. Jiménez, Margaret L.S. Miller. Deadlines: Jan. 1, Apr. 1, July 1, Oct. 1. Articles should be limited to 400 words and may be edited. Copyright 1984 Oral History Association. Incorporated.

**Oral History Association Newsletter
Baylor University, CSB Box 401
Waco, Texas 76798**

Address Correction Requested

Nonprft. Org.
US Postage Pd.
Waco, TX
Permit No. 1823