

Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums. By Peter B. Hirtle, Emily Hudson, and Andrew T. Kenyon. Cornell University Library, 2009. \$39.95, Softcover / Free, PDF. 272 pp.

Copyright is an issue that seems never to be fully understood as laws and scenarios constantly change. This is particularly true for libraries and archives, which may own the physical items but not the rights. How confidently can we rely on fair use or other exemptions when faced with requests for duplication and digitization? As more institutions select materials to digitize and make available on the World Wide Web, copyright becomes an even larger issue, not just because there may be more requirements to navigate but also because the publication and access of these items face a much larger and more global audience. Here comes *Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums* to outline the essentials of copyright and help professionals in the field make knowledgeable decisions.

Based on *Copyright and Cultural Institutions: Guidelines for Digitization*, a manual written by Emily Hudson and Andrew T. Kenyon for Australia, these new guidelines have been created by Peter Hirtle to help archivists and librarians in the United States understand copyright more fully. A senior policy adviser at Cornell University who specifically covers intellectual property issues, Hirtle is a well-known figure in the archives community and an acknowledged expert on copyright concerns. The U.S. version serves the same purpose as the original Australian manual. Hirtle provides basic information on American copyright law and some of its key differences with the copyright laws of other countries. While in-person issues such as photocopying or photographing materials are discussed, the focus of the manual is to cover the new issues brought up by digitization and digital content.

The manual can be read from front to back for a detailed overview of rights, exemptions, licenses, and other areas, or readers can simply refer to a flowchart at the beginning of the book to find the chapter that covers their specific copyright question. Even if the question leads to the “Digitization is permitted” box, the chart and the book reinforce all the possible restrictions and uncertainties institutions may face. The initial chapters focus on the essentials of copyright in the United States, including its history and purpose, the changing legislation that determines eligibility of works, and the types of works protected under copyright law. Subsequent chapters cover a specific topic, including duration and ownership, fair use, exemptions, finding copyright owners, and other intellectual property issues, such as trademarks. The chapters on fair use and other exemptions, particularly how they relate to cultural institutions, will help librarians and archivists clarify for themselves and for patrons and researchers whether reproduction or distribution is allowed and under what circumstances. The manual also covers duplication for storage purposes.

The chapters include flowcharts and tables that condense years of copyright law into straightforward questions and answers. Of particular use may be two tables on copyright conditions, one that summarizes the copyright term and public domain eligibility for unpublished works and another that states the conditions and copyright terms for materials published from “before 1923” until “after 1 March 1989.” Subsections called “Tip,” “Key Point,” “Question,” and “Tricky Area” highlight other important

information. Reading the complete manual will enable professionals in libraries and archives to feel more confident about answering rights questions in their own institution and help formulate institutional policies, while referring to a specific flowchart or tip may answer a specific, self-contained question or concern. Museum professionals will benefit from knowing when they are covered by library and archives exemptions and when the rules may differ.

Research, knowledge, and planning come together in the chapter on risk management, where Hirtle advises professionals to “identify the risks associated with a digitization project prior to its commencement and identify strategies to mitigate some of those risks.” The process of risk identification and management is further helped by a table, “Factors that indicate your institution is at risk of infringing copyright”; a flowchart illustrating a safe digitization workflow that refers to the issues covered in previous chapters; and a copy of the Checklist for Fair Use from Indiana University–Purdue University Indianapolis’s Center for Copyright Management.

The final two chapters are case studies relating to concerns over how to handle interviews and oral histories as well as dissertations, theses, and other student papers. Clearance for interviews and oral history projects depends on the copyright of the interview, recording, and transcript and will involve the interviewer and interviewee. The chapter on dissertations and theses will help institutions determine whether copyright is held by the student or institution and whether the work is considered published. If more resources are needed for an even greater understanding of copyright, a thorough list of additional readings, many with on-line addresses, is included.

Copyright and Cultural Institutions: Guidelines for Digitization for U.S. Libraries, Archives, and Museums is a necessary resource for all institutions, whether or not digitization is being done. The material on copyright fundamentals will be useful for photocopy and reproduction requests, and the digitization content will help with future planning. Even institutions that already undertake good-faith efforts to determine copyright clearances and document their efforts may still benefit from having this manual as a ready reference for unfamiliar situations.

Published with a Creative Commons license, the manual is freely available as a PDF download at <http://ssrn.com/abstract=1495365>, or it can be purchased as a bound softcover.

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Archives Power: Memory, Accountability, and Social Justice. By Randall C. Jimerson. Chicago: Society of American Archivists, 2009. \$56.00. \$40.00 for SAA members. 442 pp. Appendix, index. Softcover.

Archives Power: Memory, Accountability, and Social Justice is an exploration of the archival profession and the power of the archives. It grew out of Randall C. Jimerson's involvement in professional advocacy during his time at the helm of the Society of American Archivists (2003–2005, first as president-elect, then as president). As in his 2005 presidential address, in *Archives Power* Jimerson calls upon archivists to be thoughtful about what they do and why they do it, to understand the power at their command, and to harness it for the greater good.

The book's target audience is not merely those engaged in the archival enterprise. Jimerson also hopes to reach archival researchers and those in allied fields, as well as "anyone concerned about social and political issues, or anyone interested in the cultural aspects of evidence and documentation."

In his preface, Jimerson acknowledges that he's presenting radical ideas in *Archives Power*, ideas that may challenge traditional concepts of archives. His goal, however, is to explore the issues for himself and to begin a dialogue. *Archives Power* begins with the question of why archivists perform their professional responsibilities the way that they do and then transforms into a discussion of the implications of that tacit reasoning as well as of the archival enterprise on society as a whole. That *Archives Power* is in some ways a call to action is made clear by the fact that the volume's various sections are framed as action items: "Embracing the Power of Archives," "Weaving the Life of Our Ancestors," "Documenting American Society," "Resisting Political Power," "Constructing Memory," "Serving the Public Good," "Responding to the Call of Justice," and "Rethinking Archival Ethics."

Jimerson makes use of and explains three metaphors for archives and archivists' power role in the book's introduction: the temple, the prison, and the restaurant. The temple is indicative of the archivists' authority and the power they have to shape memory; the prison, their responsibility to protect and preserve the records; the restaurant, their role as mediator, interpreting the records for users. Following Richard Cox, Jimerson argues that while the archives is inherently powerful, archivists need to transfer some of that power to themselves. They need to recognize their own power "as active agents in the process of shaping our knowledge of our past." The introduction also outlines the roles and duties of the archivist for those unfamiliar with archival practice.

The book's first two chapters focus on history, providing a backdrop for Jimerson's discussion of the roles and responsibilities of contemporary archivists. "Weaving the Life of Our Ancestors" outlines the development of the written word, record keeping, and archival theory through the nineteenth century. Chapter 2, "Documenting American Society," focuses specifically on American history (and the American ambivalence toward history) and how it has affected the development of archival practice in the United States. Jimerson discusses the establishment of the National Archives, many years after the organization of the first private archives, as well as the development of the archival profession in the United States and the quest for professional identity.

“Resisting Political Power” discusses the power of the archives and when those in control of it misuse it for political reasons. In this chapter, Jimerson addresses the illusion of impartiality in the archives and discusses how postmodern theory has challenged other long-standing principles of archival practice. Jimerson also uses the work of writers George Orwell and Milan Kundera to underline the political power of the archives and justify the need for archivists to take responsibility for the authenticity (and inclusivity) of their collections. Chapter 4, “Constructing Memory,” discusses memory (historic, collective, archival, and so forth) and identifies archives as constructed memory. While laying the groundwork for his final two chapters, Jimerson addresses archivists’ fixation on the future.

“Serving the Public Good” and “Responding to the Call of Justice” are first and foremost about accountability. In these two chapters, Jimerson discusses significant incidences of the misuse of archives (specifically when records are destroyed to eliminate the evidence of wrongdoing) and instances where archival records could be used to redress past injustices. He also reviews cases of archival whistle-blowing. Each of these examples serves to highlight the ethical dilemmas faced by archivists. That ethical archivists must be cognizant of the political implications of what they do is clear, but Jimerson argues that they must also respond to the call of justice. This response requires archivists to make efforts to ensure diversity within their collections and within the profession, to improve descriptive practices and provide inclusive access, and to embrace new technologies. Of particular note is the discussion of finding aid creation as a political act.

Jimerson concludes with “Rethinking Archival Ethics,” a section that focuses specifically on professional responsibility and calls for archivists to consider what it means to be ethical professionals. In short, Jimerson wants archivists to respond to the call of social justice: to work to preventing biases toward the privileged elite in the archives and to commit themselves to public accountability, open government, and cultural diversity. He also encourages archivists to be aware of their roles and, especially at this crucial juncture, to demand that their voices be heard by those planning the digital future.

While Jimerson acknowledges that *Archives Power* is essentially a personal statement, it is not merely one individual’s reflections. Nearly 50 pages worth of notes are evidence of the amount of research that went into the writing of *Archives Power*. *Archives Power* is a compelling read and one that encourages its readers to thoughtfully consider the issues it presents. This timely publication is a must-have for both students and practitioners.

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Preserving Archives. By Helen Forde. Principles and Practice in Records Management and Archives series. Geoffrey Yeo, editor. London: Facet Publishing, 2007. \$99.95. \$89.95 for SAA members. 320 pp. Index, bibliography, and appendixes. Hardcover.

Archives vary in size, staff, facilities, and budgets. They range from one-room volunteer operations to records centers spread across many buildings such as the National Archives (United States). Writing a guide for all of them is probably an impossible task, but Helen Forde has come as close to achieving the impossible as anyone could in the format of a relatively short general text. At small universities and religious archives, small staffing is the norm—professional archivists are a luxury, and archivists with shared responsibilities or even volunteer archivists are quite common. *Preserving Archives* is just the right resource for archivists in these positions. The book is part of the Facet Publishing (London) series, Principles and Practice in Records Management and Archives, edited by Geoffrey Yeo. Like the other books in the series, it delivers a comprehensive set of tools for the average archives situation, but also makes a good reference tool for the more advanced professional.

While its British perspective sometimes confounds the U.S. reader, the book nevertheless provides all the basics that an archivist, or one who is filling the role of archivist, would need to get started in the United Kingdom or North America. *Preserving Archives* is divided into 14 chapters, covering the characteristics and safe handling of archival material, exhibits, the creation of surrogates, and preservation. Several chapters are devoted to proper archival facilities. The author states in her introduction that subjects relating to buildings should be “central to the text” and demonstrates this point with an in-depth look at archives facilities. A good chapter on managing digital preservation is included as well as the all-too-often written about but ignored subject of disaster planning.

The sidebars, on interesting topics and interspersed throughout the text, were a pleasant surprise. Each sidebar describes a situation that highlights the concerns of the section in which it appears. For example, in the chapter about digital preservation management, Forde notes that the 1975 Viking lander tapes had deteriorated to the point where they were no longer readable, even though every attempt had been made to store them under ideal conditions. No one realized how fragile magnetic tape was or that their long-term survival was in jeopardy from the moment they were first recorded. It was a good reminder of the uncertainty that all archivists must face when evaluating the stability of the materials in their care.

“Why is digital preservation difficult?” Forde asks, and rightly answers that it “requires a mix of IT and archival skills and collaboration between the different professions.” These new collaborations have been a very good thing for archives and have already yielded an ever-growing wealth of digital resources to archives users at many institutions. The best digital resources are available at institutions where the most collaboration occurs. Collaboration does require professionals on both sides of digital projects—archivists and information technologists—to look at their work from the other’s perspective. The results, however, are exciting and changing rapidly as new technologies and computer software are introduced for the delivery of digital collections. Forde also discusses the sometimes high cost of digitization projects, describing

the pros and cons of in-house versus contracted projects and how these projects can best be managed in the most cost-effective way.

An entire chapter is devoted to the important outreach activity of exhibits. Of course there is danger inherent in exhibiting archival collections: the extra handling required, fluctuations in temperature and relative humidity, and possible loss or damage as the items are prepared and moved to exhibit locations. On the other hand, exhibits educate the public and promote the mission of the archives. They also afford the archives with opportunities for collaboration with other areas of its parent institution and promote events. One thing absent in this chapter is a discussion of using on-line exhibits in conjunction with the physical exhibit. When surrogates are used—either digital or physical—digital facsimiles can be created as part of the process that can later be introduced on-line. This is very often made easier once an on-line exhibit template is created.

Electronic records have been with us in significant quantities for at least a couple decades, but only recently have most archives found a way to deal with them. PDF is now an international standard, but unfortunately for Forde's book, that development postdates her writing. PDF files, especially PDF/A (the archival version), is an acceptable format for records retention, providing archives and potential users with searchable, printable electronic files easily converted from other electronic formats, even Hypertext Markup Language (HTML).

But paper is still king in archives. After centuries of collecting, it continues flowing into repositories in vast quantities. Forde does not neglect paper and, in fact, has an excellent overview of its history and manufacture. She notes in one sidebar the increase in paper consumption from the sixteenth century to the twentieth. Annual per person paper consumption in 1600 was $\frac{1}{4}$ pound, rising to 130 pounds per person by the 1950s. It would be interesting to see what the figures were for the past decade, as we are now well into the electronic information era. I would venture to say that the numbers have not yet fallen and have likely risen. It is just too easy to print out an electronic document, especially for college students, campus sustainability efforts notwithstanding. And what about paper permanence? Forde notes that lignin may not be the villain that the archival suppliers have made out in their advertising: "Some claim that it [lignin] is detrimental to paper permanence. To date, experiments in various parts of the world have not clarified the situation." Archivists' natural inclination is to buy the best for the collections in their care, but perhaps we can now consider lignin as secondary to pH in selecting archival enclosures and purchase supplies accordingly.

Temperature, relative humidity, light, and pollution are the four main factors affecting the long-term stability of archival materials. Controlling them is the best way to slow further deterioration of the medium, and none will require a conservation lab. Temperature and relative humidity are controlled with a good HVAC system. (Forde, with an obvious northern European perspective, notes that air conditioning is something that "many archives can manage without." Not many archives in the United States could agree, however.) Archival enclosures control contamination by light and pollution. Even with the recognition that enclosures hold in out-gassing from the archival media, Forde notes that the environment inside the box has been shown to be less polluted than the air outside the container.

Forde writes that “buildings are the first line of defense to insure the survival of archival materials.” Most archivists do not get the opportunity to design their own facilities and have to get by with less than ideal circumstances. Nevertheless, her discussions of proper archives facilities, including their physical layouts, can be useful for remodeling or even reassessment of current situations. With all of our griping about inadequate conditions, I doubt that many of us are forced to keep records next to the gunpowder storage where British records were kept for over 250 years! For those who have to move an archives, her tips on how to go about that process will be helpful. She notes that it is best to use archives staff in the process since they have a stake in a successful outcome. Shrink-wrapping pallets of boxed records prior to moving is an idea taken from industry. It holds like-materials together and prevents the damage and misplacement of containers.

Disaster planning is often reduced to “operation hope-not” by most archives, Forde quips. This is all too true. Of all library and archives goals, disaster planning is probably the one that is least-often achieved. To be successful in writing a disaster preparedness plan, support from an institution’s senior staff is essential. Among the many parts of a plan is the need for space to conduct recovery activities. A location for staff to rest and for the staging of triaged materials is also important. As Forde writes, it will not be possible to return to the status quo following a disaster, so proper planning can mitigate the inevitable damage.

A broad range of topics, bullet-pointed lists, and the sidebars make *Preserving Archives* an interesting and enjoyable book for archivists at all levels of experience. While there is more detailed information to be found in longer, more specialized archival reference works, I do not think that there is a better one-volume general tool for archivists than this installment in the Facet Publishing archives series. Most repositories could make good use of *Preserving Archives*.

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