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## University of Tennessee Library Lectures, 1976-1978 (no. 28-30)

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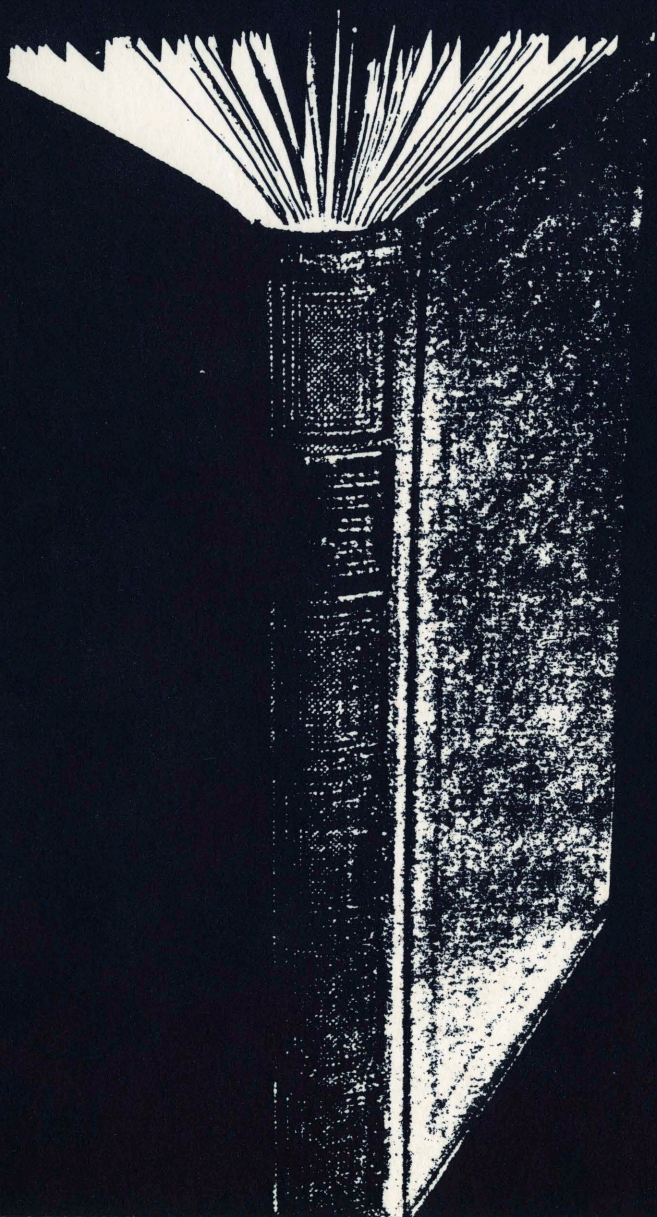
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# LIBRARY LECTURES

**The University of Tennessee, Knoxville**

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*Numbers Twenty-eight, Twenty-nine and Thirty  
1976-78*





# LIBRARY LECTURES

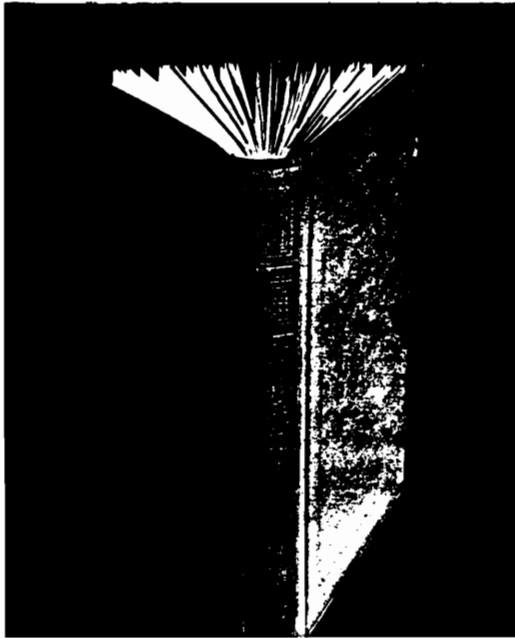
**The University of Tennessee, Knoxville**

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*Numbers Twenty-eight, Twenty-nine and Thirty  
1976-78*

Edited By Pauline Shaw Bayne

Published by The University of Tennessee, Knoxville



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## Foreword

The University of Tennessee Library Lecture series has a long history and tradition. Each year an esteemed librarian or scholar is invited to give a lecture on a topic of interest to other librarians and members of the University community and one, of course, relating to that individual's expertise. Through the years there have been a wide variety of lecture topics: technical ones, as our first lecture given by Maurice Tauber on "Book Classification in University Libraries"; philosophical and speculative ones, such as "The Library's Function in Education" by John Burchard and "The Undergraduate and His Library" by Louis Shores; practical ones on library buildings, automation, networking; and several on the state of the art of librarianship, such as Jerrold Orne's "20th Century Scholarship and the Research Library." The series has brought many outstanding and well-known librarians to the campus. Such names as Lester Asheim, Louis Round Wilson, Ralph Ellsworth, and Daniel Gore are prominent in the library world, and all have been lecturers in this thirty-year series.

The offerings in this volume are contributions of a law librarian, a library educator who has a strong background in technical services, and a music librarian. The contributors have differing backgrounds and special interests; however, the issues they address are not parochial but ones that have an impact on many libraries and library users.

Copyright has been a much debated issue of the mid-1970s. Julius Marke here addresses the inherent conflict between the rights of the creator and the needs of the users of intellectual property. He identifies the problems of libraries as disseminators of information and the possible impact of new federal copyright legislation.

In lecture twenty-nine, Doralyn Hickey defines a central problem in American librarianship as a struggle "with the dilemma of providing relevant collections and services while at the same time preserving the materials entrusted to its care so they may be available for serious research and investigation by future generations." Her approach to this problem encompasses a dialectic analysis of American bibliographic history.

The thirtieth lecture in the series celebrates the contributions which a librarian may make to research, especially in an interdisciplinary field. Specifically, Dena Epstein describes her twenty-year search for information on black folk music in America prior to the Civil War. Her discussion of sources which may be used across disciplines and her hard-won but evident success should serve as encouragement to librarians interested in research.

Pauline Shaw Bayne  
November, 1978



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# CONTENTS

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LECTURE TWENTY-EIGHT	1
Copyright versus Intellectual Property by Julius Jay Marke	

---

LECTURE TWENTY-NINE	14
The American Librarian's Dream: Full Bibliographic Control with Complete Freedom of Access by Doralyn Hickey	

---

LECTURE THIRTY	32
Documenting the History of Black Folk Music in the United States: A Librarian Views Interdisciplinary Research by Dena J. Epstein	



Library Lecture Number Twenty-eight  
University of Tennessee Library, April 27, 1976



## by Julius Jay Marke

Law Librarian  
School of Law, New York University

Julius Jay Marke, law librarian for twenty-eight years and professor of law at New York University's School of Law, has contributed significantly to the two professions of librarianship and law. His normal duties at NYU include directing the activities of the law library; teaching legal research, legal writing, and appellate advocacy; and directing the First Year Writing Program. From October 1975 to July 1976, Marke served as interim dean and curator of University Libraries at NYU; and, for over a decade, he has also been a lecturer at Columbia University's School of Library Services.

A native New Yorker, Professor Marke received a B.S.S. degree from the College of the City of New York; a B.S. in library science from Columbia University's School of Library Service, and an LL.B from New York University. He is a member of the Bar of the State of New York and of the American Bar Association.

A number of Professor Marke's legal publications have become standard reference works, including *A Catalogue of the Law Collection at New York University with Selected Annotations* (1953), *The Holmes Reader* (1955 and 1964), and the *Deans List of Recommended Reading for Prelaw and Law Students* (1958). Other notable works include his four-volume set of *Bender's Legal Business Forms for New York* (1962); *Vignettes of History* (1965); and *Copyright and Intellectual Property*, published in 1967, which is based on a study undertaken for the Ford Foundation to examine the impact of the new technology in reprography and computer retrieval of information on intellectual property. Professor Marke has also contributed many articles to legal journals.

In his long career as a law librarian and educator, Professor Marke has played an active role in many professional organizations. He has served as president of the American Association of Law Libraries and acted as its representative on joint programs in conjunction with numerous library associations, including the Library of Congress, the American Library Association, and the Special Libraries Association. He has also been a president of the Law Library Association of Greater New York, a vice-president of the Council of National Library Associations, and a chairman of the Joint Committee on Library Education.

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# Copyright versus Intellectual Property

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The purpose of copyright, as is stated in Article I, Section 8, Clause 8 of the United States Constitution, is basically “to promote the progress of science and the useful arts.” Congress is granted the power to achieve this purpose by enacting legislation to secure “for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” James Madison, writing in the *Federalist* (No. XLIII), approved this grant to Congress, noting that “the utility of this power will scarcely be questioned, the public good fully coincides in both cases [copyright and patents] with the claims of individuals.”

Paradoxically, it is in this context that copyright protection and the creation and dissemination of intellectual property protection are in conflict. For, although copyright is primarily a statutory right given to an author to protect artistic or literary expressions, it is also in essence a form of exclusivity for a specified period of time—a monopoly, which denies to others certain uses of this work without permission of the copyright owner.

It is for good reason that such works are considered intellectual property. This exclusivity, this monopolistic use of intellectual property, is, however, subject to the constitutional provision that promotes the progress of science and the useful arts. Hence, there must be a balancing of equities in which the public welfare should always be considered as relevant. This in turn raises the question of how to keep knowledge and the economy free, especially in light of the information explosion and the new technology.

There has been much concern expressed about this problem. Copyright authorities, scholars, educators, librarians, authors, and publishers, reflecting their felt needs as owners and consumers of intellectual property have written voluminously on the subject. Actually, the problem was best stated

by Lord Mansfield in *Sayre v. Moore*, as far back as 1785 (102 Eng. Rep. 139), when he wrote:

We must take care against two extremes, equally prejudicial. The one that men of ability who have employed their time for the service of the community, may not be deprived of their just merits and the reward of their ingenuity and labor, the other that the world may not be deprived of improvements nor the progress of the arts be retarded.

Congress, in enacting copyright legislation, has encouraged and rewarded authors of intellectual works and other creative artists for producing such works for the benefit of the public, by granting them the exclusive right during a specific period of time to copy, or otherwise multiply, publish, sell or distribute these works, as well as to prepare derivative works based upon the copyrighted work. Congress has also given them the exclusive privilege to perform and record these works and to license their production or sale by others during the term of the copyright protection.

Congress, however, has not always been so generous to authors. Our early copyright law was very much influenced by copyright developments in England. English statutory law on copyright initially was an attempt to regulate the mass distribution of books which resulted from the invention of printing. Government officials were concerned that some of the more liberal and critical thinking reflected in these books could corrupt the people into questioning the integrity of the state. Therefore, a form of censorship was achieved by the granting of patents or licenses by the crown to restrict the right of multiplying copies of literary works.

The first known copyright law was enacted by Parliament in 1710 and is known as the Statute of Anne, (8 Anne c. 19) (1710). Its preamble is enlightening, for it states that printers and booksellers were frequently in the habit of printing and publishing “books and other writings without the consent of the authors or proprietors of such books and writings . . . too often to the ruin of them and their families.” To prevent this and “for the encouragement of learned men to compose and write useful books” the act provided that authors of books “shall have the sole liberty of printing [them] for the term of fourteen years. Penalties for infringements were imposed and registration at Stationer’s Hall was required to secure the benefits of the act. The Statute of Anne became a prototype for subsequent copyright legislation throughout the world.

Our country’s founders were aware of these developments, and Article I, Section 8 of the Constitution bears witness to it. Interestingly, at that time each of the original states, except Delaware, had copyright laws; and this, too, was significant in the acceptance of the constitutional grant of power to the Congress to enact copyright legislation. Shortly after the adoption of the Constitution, a number of authors petitioned Congress for protection of their literary works. President Washington strongly urged the Congress to pass a copyright law that would promote literature, and one of the first acts of

Congress was a copyright law which came into force on May 31, 1790. (1 Stat. 124).

Congress, however, appeared to be wary at the beginning of granting exclusive rights to copyright holders. The 1790 act, based on the Statute of Anne, granted copyright protection “for the encouragement of learning” only to copies of maps, charts and books. In 1802, Congress extended the benefits of the 1790 act to “arts of designing, engraving . . . and other parts.” Authors and proprietors of such copies were granted the exclusive right of printing, publishing and vending them for fourteen years plus an additional renewal term of fourteen years. These early laws gave no protection to foreign authors.

Initially there were few cases involving copyright law, and authors generally avoided copyrighting their works. James Kent, writing in 1827 in his commentaries (Vol. II), notes:

There are no decisions in print on the subject and we must recur for instruction to principles settled by the English decisions under the Statute of Anne and which are no doubt essentially applicable to the rights of authors under the Acts of Congress.

Charles J. Ingersoll, a leader of the Philadelphia Bar, wrote in 1823:

It is to be regretted that literary property here is held by an imperfect tenure, there being no other protection for it than the provisions of an inefficient act of Congress, the impotent offspring of an obsolete English statute. The inducement to take copyrights is therefore inadequate, and a large proportion of the most valuable American books are published without any legal title.

Opinions of Mr. Justice Story in two seminal copyright cases made a marked contribution to our copyright law. The first was in *Wheaton v. Peters* in 1834. Then, in a circuit court decision in *Folsom v. Marsh* (2 Story 113 [1841]), Story set forth the guidelines for “fair use” which are still in effect today.

The limited nature of the protection given to copyright before 1856 is evident in the Copyright Act of that year (11 Stat. 138), which for the first time provided that a dramatic composition “designed or suited for public representation” conferred upon the author sole right “to act, perform or represent the same.” Until then the author might have copyright protection for a book, but it still could be freely performed as a play in the theatre without permission.

Photographs and their negatives were added to the list of copyrightable subject matter shortly after 1856 in 13 Stat. 540. Then in 1870 dramatizations and translations of novels became subject to copyright infringement unless authorized by the author (16 Stat. 212). Prints and labels were covered in 1874 (18 Stat. 78). Musical performances were protected, along with printing and vending of copies of unusual compositions in 1897 (29

Stat. 481). The 1897 amendment granting music copyright owners the right of public performances without any limitation was changed in the 1909 Copyright Act to allow “the reproduction or rendition of a musical composition by or upon coin-operated [juke boxes].” These were not deemed public performances for profit unless a fee was charged for admission. As a result of this amendment, public performances of copyrighted music could be freely staged when the performances were not given for profit. Incidentally, this was the only time that Congress amended the act to cut down on the extent of the creator’s rights.

The last revision of the copyright law became effective on July 1, 1909. It changed the period of renewal of copyright from fourteen to twenty-eight years, while providing for additional copyright. It also established the Office of Register of Copyrights under the Librarian of Congress. In 1947, the Copyright Act of 1909 was enacted into positive law as Title 17 of the U.S. Code. The 1947 act was substantially the same as the 1909 act, deleting obsolete provisions and rearranging the subject matter. This meant that basically intellectual property, affected by new technology and the information explosion, remained in limbo.

I would now like to address my thoughts to the copyright problems confronting libraries and their users with respect to this information explosion and new technology, emphasizing that the primary need of society today is accessibility to information, past and present, copyrighted as well as that in the public domain.

The economic philosophy underlying the copyright and patent systems was well stated by the Supreme Court in *Mazer vs. Stein*, (347 U.S. 201, 219 [1954]) as “the conviction that encouragement of individual effort by personal gain is the best way to advance public welfare through the talents of authors and inventors.” But economic reward and private gain accruing to authors and inventors because of exclusive rights granted them by copyright and patent laws are merely the means by which the public good is implemented. This implies that the copyright holder’s rights are never absolute, for the monopoly granted serves the added purpose of stimulating the development of scientific and other types of knowledge and encouraging the dissemination of this knowledge to the public.

To avoid frustrating the public good in this context, the courts have developed the concept of a “fair use” doctrine which permits individuals and institutions other than the copyright owner to use copyrighted material in a reasonable manner without the owner’s consent. In essence, the “fair use” doctrine attempts to balance the rights of the owners of copyrighted works to just economic rewards against the rights of scholars and researchers to use these works in scholarly endeavors. The “fair use” doctrine is an equitable rule, and each case is determined on its own facts. The U.S. courts generally apply the following guidelines laid down initially by Mr. Justice Story in *Folsom v. March* (1841) in deciding if an infringement of fair use has occurred.

We must . . . in deciding questions of this sort, look to the nature and objects of the selections made, the quantity and value of the materials used, and the degree in which the use may prejudice the sale, or diminish the profits, or supersede the objects of the original work.

The proposed new copyright law (bills S. 22 and H. 2223) reflect these decisional guidelines in section 107, when it recognizes statutorily the principle of “fair use” and lists four factors to be considered in determining whether a particular use falls within its protection for teaching, scholarship or research:

(1) The purpose and character of the use (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, and (4) the effect of the use upon the potential market for or value of the copyrighted work.

Actually, these guidelines are of limited help in determining the applicability of the fair use doctrine to a given situation. Note, for example, a Senate Report of the Judiciary Committee to accompany S. 1361 from an earlier Congress.

“The endless variety of situations and combinations of circumstances that can arise in particular cases precludes the formulation of exact rules in statute . . . . Beyond a very broad statutory explanation of what fair use is and some of the criteria applicable to it, the courts must be free to adapt the doctrine to particular situations on a case by case basis.”

Consumers of intellectual property and owners of copyrighted works are presently joined in battle over how the proposed copyright revision law can respond to emerging technology and the information explosion. At issue is whether libraries may improve the flow of information by taking advantage of the many technological developments in photocopying and telecommunications techniques available today and in the future without infringing on the rights and privileges of the copyright owner. With this new technology, can librarians promote scholarship and research and preserve the public right of access to information, while at the same time retaining the incentive necessary for creators of intellectual property to continue to create and for publishers to remain in business?

A 1974 report prepared by the National Commission on Libraries and Information Science warns, “This nation’s future capability to handle information effectively will, to an important degree, depend on how well and how rapidly we are able to integrate new technological methods and devices into the mainstream of our information techniques.”

Libraries are being affected by four new technologies—computers, mi-

crographics, telecommunications, and audiovisual systems. It is now realistic to consider harnessing the power of technology for new systems of retrieval and distribution of information through networks, and the potential of the new technologies must be utilized to the fullest extent possible by means of coordinated national planning. Therefore the Commission concluded that the resolution of the complex problem of copyright is crucial to the continuing development of cooperative programs and networks among libraries.

The "threshold problem" before Congress in resolving the copyright issues mentioned here is the reconciliation of the rights and interests of authors, publishers and other information specialists with the purpose of encouraging the continuing creation and dissemination of their intellectual works, and the interests of the user in obtaining ready access to these works. And there is the rub of the problem—unless a legal *modus operandi* can be established for the library community to meet its institutional responsibilities to users, authors, and publishers, it is questionable whether copyright protection will serve its main purpose of promoting the progress of science and the useful arts.

Now let us consider the revolutionary implications of the information explosion and the new technology, and the profound challenge these offer not only to information control and retrieval but to document production, reproduction and transfer.

Vannevar Bush, who was in the forefront of those concerned about the alarming aspect of the knowledge explosion, warned that, with approximately 60 million pages of scientific and technical information published annually, science may well become "bogged down in its own products." Two factors compound the problem—the amount of information available on a specific subject is steadily increasing and so is the rate of obsolescence of this information. Not too long ago a patient researcher reviewed the 145,000 bibliographical entries in the 1964 *Index Medicus* and found that a major portion of it had become obsolete in five years. The new technology therefore must be used not only to store and retrieve documents and information, but also to remove obsolete material. Unless most of the scientific and technical materials now available can be used quickly they may be wasted. The essential need of the public and the private sector thus is immediate accessibility to all the knowledge that research and development have uncovered.

At present computerized retrieval of data and information in libraries is hardly a serious threat to owners of intellectual property, but it could eventually become so. I can see researchers, librarians and educators in the future becoming involved with new techniques of electronic document storage and computerized information retrieval systems, just as they are presently learning about the significant potential of microform and remote transmission of data. Telefacsimile transmission and guaranteed access to library holdings in information transfer systems will dominate library systems in the future, and copyright law must be addressed to the implications they hold for the research community.

In this context, try to identify the copyright problems that have to be resolved in the following prediction of electronic information retrieval by Judge Kaplan, former professor of law at Harvard University.

You must imagine, at the eventual heart of things to come, linked or integrated systems of networks of computers, capable of storing faithful simulacra of the entire treasure of the accumulated knowledge and artistic production of past ages, and of taking into the store new intelligence of all sorts as produced. The systems will have a prodigious capacity for manipulating the store in useful ways, for selecting portions of it upon call and transmitting them at any distance, where they will be converted as desired to forms, directly or indirectly cognizable—whether as printed pages, phono records, tapes, transient displays of sights or sounds or hieroglyphs for further machine uses. Lasers, microwave channels, satellites improving on Comstats Early Bird, and no doubt, many devices now unnameable, will operate a ganglions to extend the reach of the systems to the ultimate users, as well as to provide a copious array of additional services.

Aside from the fact that it is almost impossible to determine when a computer system has infringed on a copyright owner's literary property, or for that matter to what extent, experts do not agree on whether a copyright law can provide for all the new uses that can be potentially developed in this context. Typical of this disagreement is whether the mere unlicensed conversion of a copyright work into computer readable form is an infringement—that is, whether the doctrine of fair use should apply at the input or the output stage. A report of the Register of Copyrights concludes that the mere storage of a copyrighted work in a computer memory is a conversion of a copyrighted work and hence an infringement of the copyright owner's exclusive right to print, vend, etc. Storage in a computer system is either a "reproduction" or a "derivative" work.

Committees of the American Bar Association cannot agree on whether the conversion by other than the copyright owner of a copyrighted work into computer readable form for use in the converter's information and retrieval systems should be considered a fair use. Judge Kaplan contends that infringement should not turn on input conversion but rather on output conversion and what is subsequently done with the stored work.

Print-outs of the work would be analogous to photocopies, but suppose the print-out is merely an index or short resume, taking nothing substantial from the work; suppose the work is merely exhibited by the volume to its clients in circumstances which would otherwise constitute an exempt occasion?

Then again, there is more involved than the right to scan copyrighted works lawfully programmed into the memory core of a computer system. How will copyright deal with the non-book—a literary work that is not in



perishable or tangible form—which is subject through the new technology to distribution and dissemination? By this I mean the next stage—computer scanning that selects relevant portions of a copyrightable work and flashes the images on screens, to be read in that form rather than as printed on paper. Is not this a means of using an author's works?

Fortunately, one feature of the proposed revision bill, enacted separately into law on December 31, 1974 (88 Stat. 1873, 17 U.S.C. 201 note) attempts to resolve these copyright problems. It created a *National Commission on New Technological Uses of Copyrighted Works* (CONTU) and charged it to study and compile data on the use of copyrighted works “in conjunction with automatic systems capable of storing, processing, retrieving and transferring information, and . . . by various forms of machine reproduction, not including reproduction by or at the request of instructors for use in face-to-face teaching activities.” It will also study “the creation of new works by the application of intervention of such automatic systems of machine reproduction.”

The members of the Commission, appointed by the President, with the Librarian of Congress as *ex officio*, are required to submit a report within three years after the enactment of the bill (i.e., December 31, 1977). Until that study is completed the following computer uses under the new bill will constitute infringements: (1) reproduction of a work in whole or in substantial part, in any tangible form (such as paper, punch cards, magnetic tape) for input into an information storage and retrieval system; (2) reproduction of a work or substantial parts thereof, in copies as the “print out” or output of a computer; (3) preparation for input of an index or abstract of the work so complete and detailed that it would be considered a derivative work; (4) computer transmission or display of a visual image of a work to one or more members of the public. Scanning or manipulation of the contents of a work within the system is permitted, however. CONTU has already held several meetings and the contending parties hope that its solution will be flexible, durable and adaptable for the future.

Currently, the most pressing problems facing owners and users of copyrighted works, particularly librarians, relate to photocopying of copyrighted works in libraries and to a new concept introduced into the Copyright Revision Bill as “systematic” photocopying (section 108 (g) (1)).

Scholars, researchers and librarians, relying on the doctrine of fair use, have always felt free to copy by hand the works of others for their own research and study needs. When copying machines became available, it was a simple transition to extend note-taking to photocopying from copyrighted material. Publishers maintain that copiers have made replication of their copyrighted materials so easy and inexpensive that their sales are being detrimentally affected to the point that, if it is allowed to continue, they will be forced out of business. As a result, creators of information would lack the income from their ideas to maintain a degree of independence. Educators and librarians object to any limitation of their right to make machine copies on the ground that they are neither doing so for profit nor for any direct or

indirect commercial advantage, but rather to promote the educational process.

The traditional library position on photocopying is that under the fair use doctrine and as a natural extension of customary service, a library may make a single photocopy of copyrighted material it has purchased for scholarly use by its patrons, *or by another library requesting such service*, if not done for profit. Librarians claim such service, employing modern copying methods, has become essential and that the present demand can be satisfied without inflicting measurable damage on publishers and copyright owners. Librarians also argue, no matter who is involved, whether it be the librarian, the publisher, or the creator of information, that the main concern should be the public interest in access to information. Copyright protection should not be an impediment to transferring information.

As noted in discussing computer retrieval of information, the information explosion has created such an overwhelming amount of printed material available that it appears to be doubling every ten years. This phenomenon has been accompanied by an increasing demand for quick information. Thus, time spent in reducing information to a usable, convenient form is time wasted for the researcher. Furthermore, as Charles Yerkes has pointed out, "The researcher, student, scientist, or engineer does not really want the copy he has . . . . He is fundamentally looking for ideas. The fact that it is on a piece of paper in this particular form could not matter less to him. He is looking for ideas within the paper."

Publishers allege that although libraries are not in the business of photocopying for profit, by doing so they are depriving the publishers of the opportunity to sell additional copies and even to maintain their current subscriptions.

However, in the Williams & Wilkins case, involving a U.S. government library's unauthorized photocopying of copyrighted medical periodicals at the request of medical practitioners and researchers, the U.S. Court of Claims not only held that this practice constituted "fair use but that there is inadequate reason to believe, that it (the plaintiff) is being or will be bound substantially by these specific practices."

Actually, this conclusion is born out by the realization that if most library customers who photocopy copyrighted materials were deprived of this opportunity, they would not purchase the original material. The publishers' complaint that photocopying is depriving them of profits because of lost sales may therefore not be a completely valid conclusion.

Libraries and large industrial organizations are the principal photocopyers of copyrighted materials, but there is much private and casual copying by students, faculty and others in college and university libraries. Still they continue to purchase many new titles and journal subscriptions, as well as maintaining the older subscriptions. It should also be noted that these institutions cannot physically shelve more than a few copies of a journal and therefore would never purchase a number of subscriptions to a journal merely because at one time there was a demand for additional copies of a

given article.

We should also review here the economics of publishing. It is an established fact that publishers of scientific and technical journals publish limited editions so that they are often unable to sell additional copies on demand as early as two months after publication. They do not invest in maintaining a stock of back issues and hardly ever reprint them. Still they are insisting on the payment of fees for photocopying pages of their publications, as an addition to the subscription price of the publications. Publishers, especially in the areas of scientific and technical reference works, research the market before publishing new works and publish them only when assured that libraries as well as specialists in the field will purchase them. When they determine that the sale of a particular work will be limited, the established list price is increased to insure a profit.

Furthermore most authors of scientific articles seek dissemination of their published articles rather than royalties and are often required to pay for the cost of having them published. Subjects dealt with in scientific literature and other disciplines such as law have become so specialized that researchers in the field are interested merely in an occasional article out of the many published in a particular journal. Photocopying of these articles in libraries which have purchased them appears to be the only practical way for researchers to have access to these resources.

Publishers parry that they have an interest similar to that of librarians in allowing access to their publication; but if such access can only be accomplished by photocopying, then a small license fee should be paid for the privilege. Publishers want the librarian held accountable for such payments even though librarians have nothing to gain by photocopying for others. As a result, librarians are caught in the middle of the dispute.

The proposed copyright revision bills do little to solve this problem. Barbara Ringer, Register of Copyrights, has testified before a Congressional committee that Section 100 of the bill which attempts to resolve this issue is not sufficient to do so.

Section 108 provides that under certain conditions, it is not an infringement of copyright for a library or archive, open to the public or available to researchers in a specialized field, to reproduce a single copy of a work. It must be made without any commercial purpose, for preservation and security of unpublished works in the library's collection or to replace damaged or out-of-print copies of published works.

The section applies to one article or other contribution to a copyrighted collection or periodical, or to a small part of any copyrighted work requested by a user or another library through interlibrary loan. The copy then becomes the property of the user for private study or scholarship. Unsupervised photocopying is permitted on the library premises by the user if there is no violation of copyright.

Subsection (g) (1) of Section 108, S.22, approved February 19, 1976 in the U. S. Senate by a vote of 97 to 0, provides that the photocopying rights granted by Section 108 extend only to the "isolated and unrelated repro-

duction of a single copy.” It therefore does not authorize the “related or concerted reproductions of multiple copies of the same material whether made on one occasion or over a period of time and whether intended for aggregate use by one individual or for separate use by the individual members of a group.”

Subsection (g) (2) provides additionally that Section 108 does not authorize the “systematic reproduction” of copyrighted works whether or not multiple copies are reproduced.

The Senate Committee on the Judiciary, in its Report on Copyright Law Revision to accompany S. 1361 (July 3, 1974) on page 122, explains “systematic reproduction.” It occurs when a library makes copies of such materials available to other libraries or to groups of users under formal or informal arrangements whose purpose or effect is to have the reproducing library serve as their source of such materials.

The report cited the following examples:

A library with a collection of journals in biology informs other libraries with similar collections that it will maintain and build its own collection and will make copies of articles from the journals available to them and their patrons on request. Accordingly, the other libraries discontinue or refrain from purchasing subscriptions to these journals and fulfill their patrons’ requests for articles by obtaining photocopies from the source library.

Several branches of a library system agree that the branch will subscribe to particular journals in lieu of each branch purchasing its own subscriptions, and that the one subscribing branch will reproduce copies of articles from the publication for users of the other branches.

Dr. Frederick H. Burkhardt, chairman, National Commission on Libraries and Information Sciences, objected in a letter to Senator McClellan, date May 31, 1974:

Our chief concern with the present form of Section 108 is that it prevents the implementation of many vital library functions made possible through advances in modern photocopying and telecommunications techniques, functions which are important today and which will be increasingly important and valuable to library and information services in the future. Instead of addressing the fundamental question of how modern technology can be enlisted to improve the flow of information in a manner which respects the rights and privileges of the copyright owner, Section 108 has the effect of halting progress and acting as an anti-progressive barrier.

He then added:

Section 108 (g) has the effect of making it impossible to proceed with network planning among groups of libraries and also makes it improper for a public library system to use photocopying as a means of

supplying the needs of its branch libraries for little used works. These would raise difficulties of major proportions in the proper planning of an adequate national library and information system. In the absence of a simple, workable system for obtaining permission for photocopying, virtually every networking plan currently in existence or under consideration cannot proceed further.

The major concern of librarians is that Section 108 (g) (2) of the Senate bill apparently negates the privilege of libraries to make single photocopies of copyrighted material.

Librarians are concerned that so many forms of library systems are evolving. An example of one of these systems is multicounty libraries organized to support a single library system. Therefore it is difficult to define "systematic" with reference to these systems. By promoting photocopying, librarians are actually attempting to use available resources adequately and maximize their collections rather than to economize at the expense of the publishers.

Librarians have to conclude that if the bill were to be passed in its present form, it would be "the worst disaster ever to befall the users of the nation's libraries and would render inestimable damage to scholarship and research." The immediate result would be to prompt all libraries to terminate interlibrary loans where the actual item could not be lent. These would be, for the most part, copies of journal articles.

In an informal survey of legal counselors to library trustees and library administrators, we have learned that they would advise their clients not to continue interlibrary loans under the items of Section 108 (g) (2) as written. The complete stoppage of this flow of information from the education and research centers of the country to users of institutions in remote or sparsely populated areas would substantially reverse twenty years of library development at the state and local level, much of which was encouraged by Congress through such acts as the Library Services and Construction Act, the Medical Library Assistance Act and the Higher Education Act.

Librarians told the House Committee investigating the bill that no one is able to say what the best alternative approach to this problem may be, and for this reason Congress should not prejudge the issue. Continued study should be made by CONTU, which Congress has charged with such matters.

Even the Senate Report accompanying bill S. 22 states that it is not possible to formulate specific definitions of "systematic copying." The problem is, of course, that there is an almost limitless number of activities that are not covered by the illustrations given in the Senate Report. It seems that the bill must inevitably lead to litigation and an almost endless series of test cases. In such a situation, librarians will hardly ever know if what they are doing or what they are asked to do is permissible under the act.

The publishers' position with reference to "systematic" library photocopying is that "availability" is the key factor to determine if the photocopier

should pay. Any system which ties the availability of a publication to budget considerations would be "systematic." For example, a listing of library holdings of serials, as is found in the Union List of Serials, provides this "availability" and therefore becomes a "system" even though not prepared for commercial advantage or for the purpose of interlibrary loan. Publishers maintain that when such a source is available and libraries involved participate in interlibrary loans, then this "knowledge" plus interlibrary loan amounts to a "system."

Finally, I have some good news for librarians. I am pleased to state that due to the concerted efforts of the AALL, the ARL, the Music Library Association, the SLA and the ALA (in which I participated as chairman of the AALL Copyright Committee on April 7, 1976), the House Judiciary Subcommittee on courts, civil liberties and the administration of justice amended the wording of Section 108 (g) (2) of the Copyright Revision Bill as follows:

. . . engages in the systematic reproduction or distribution of single or multiple copies or phonorecords of materials described in subsection (d): *Provided, That nothing in this clause prevents a library or archives from participating in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.*

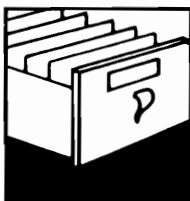
I believe that it is significant that majority committee counselor Herbert Fuchs, in presenting the amendment on behalf of Chairman Congressman Kastenmeier, mentioned the unprecedented volume of mail that had been received in support of the library position.

It now appears the amendment places the responsibility for photocopies in lieu of interlibrary loans on the library receiving copies and not on the library supplying copies. Second, the amendment stresses that libraries have a right to participate in interlibrary arrangements so long as these do not result in a volume of photocopying that in the aggregate is equivalent to the subscription or purchase price of the work copied. Taken together these two changes appear to recognize the realities of library acquisitions and operating policies, as well as the rationale of interlibrary cooperation and resource sharing.

Certainly, the battle has only just started. First, the implication of this amendment must be thoroughly analyzed. Then the full Judiciary Committee must approve it, and the House and the Conference Committee must resolve differences with the Senate.

In retrospect, I can appreciate the appraisal by Professor Harry Hein of the Copyright Bill as "a complete paradox of compromises within compromises." "The language of the [bill]," he says, "reads like something between a corporate trust indenture and the Internal Revenue Code."

Library Lecture Number Twenty-nine  
University of Tennessee Library, May 12, 1977



## by **Doralyn Hickey**

Professor, North Texas State University

Professor Doralyn Hickey, recipient of the "Margaret Mann Citation in Cataloging and Classification" in 1972 and cited as "Outstanding Resources and Technical Services Librarian of the Southeast" in 1970, member of Phi Beta Kappa, Sigma Xi, Beta Phi Mu, and Delta Kappa Gamma, is obviously an honored and respected librarian. Her degrees include the B.A. in mathematics, M.A. in religion, M.L.S. in library service, and Ph.D. in theology.

Dr. Hickey has served the library profession as a cataloger, as a library school professor at Rutgers University, the University of Minnesota, the University of North Carolina, as dean and professor at the University of Wisconsin-Milwaukee, and presently at North Texas State University.

Her professional memberships and activities are substantial. In the American Library Association Dr. Hickey has served in many capacities, on the ALA Council from 1974-78; on the Conference Program Committee, 1976-78; as president (1974-75) and vice president (1973-74) of the Resources and Technical Services Division; Organization Committee, chair, 1975-76; Cataloging Code Revision Committee, 1974-77; two terms on the Board of Directors; and she has served the division in other offices as well. In other professional associations she has been a member and officer: American Theological Association, Special Libraries Association, American Society for Information Science, Association of American Library Schools, Wisconsin and North Carolina Library Associations, American Association of University Professors, and the American Society of Indexers.

Numerous articles and reviews by Dr. Hickey have been published in library journals mainly on topics concerning revision of the Anglo-American Cataloging rules, Dewey classification, library education, and special librarianship. Her books include *Benjamin Morgan Palmer: Churchman of the Old South* (1962) and *Problems in Organizing Library Collections* (1972).

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# **The American Librarian's Dream: Full Bibliographic Control with Complete Freedom of Access**

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A recent review of the work *Of Books and Men* by Louis B. Wright, sometime director of the Folger Shakespeare Library, notes that "Wright's own scholarship has evolved from an interest in elitism . . . to a concern with 'everyday life' . . . and with culture for 'everyman.'" It seems clear from the review that Wright is caught up in a paradox: he is quoted on the one hand as lamenting the propensity of contemporary graduate students to "go straggling through the streets bearing banners" while equally condemning "pedantic obscurantism" on the other. In a very real sense, Wright may typify American librarianship as it struggles with the dilemma of providing relevant collections and services while at the same time preserving the materials entrusted to its care so that they may be available for serious research and investigation by future generations.

The tension expressed in the dilemma is an oft-recognized factor of social life. Although the popularity of viewing history as a dialectic has somewhat waned during the second half of the twentieth century, it is still often useful to analyze social change in the time-worn categories attributed to Hegel: thesis, challenged by antithesis, and both finally blended into synthesis. A more recent expression of the same approach is revealed in the *Systematic Theology* of Paul Tillich, who interpreted religious history and theological doctrine as a series of polarities—extremes, each of which expressed part of the truth but required its opposite as a corrective against error.

An example of the value of the dialectic approach to the understanding of history was some years ago provided through an assignment for a preliminary doctoral examination in the field of American social and intellectual history. The student was asked to review the entire history of the United States in terms of the tension between the concepts of free will and determinism. It was a most interesting exercise—one which obviously could not be fully explored in the four hours assigned to the examination—and it



forced the student to explore both the Hegelian and the Tillichian typologies in the context of one specific set of polarities. Through such an analysis of American life, the belief in free will could be seen to lead to many of the valued liberties of a new land, but in extremity, to the deplored chaos of complete license; in contrast, a belief in determinism could occasion the development of social law and predictability, yet lead to the undesirable consequence of a rigid social system into which the people were locked. The tension produced by having adherents of both beliefs operating within a single nation forced compromises which allowed for the development of the creative human spirit within a framework of planning and orderliness—at least some of the time.

If this same polarity is extended to an analysis of American bibliographic history, it may help to illumine some of the tensions which exist in contemporary librarianship as well as warn of the excesses to which bibliographic systems might be pushed. In simplistic terms, using the Hegelian model, American bibliographic efforts in the nineteenth and early twentieth centuries may be seen as having increasingly served the ideal of “free will,” while those of the later twentieth century may be fast approaching “determinism.” Hopefully, out of this tension a synthesis can emerge which champions the development of carefully planned bibliographic structures and at the same time preserves the opportunity for diversity of approaches to the bibliographic record and to the materials which it represents.

The intention of this paper is to explore the bibliographic history of the United States from the perspective of these extremes and then to try to frame a synthesis which exploits the best of both. To do this, the paper will consider, first, the Anglo-European heritage which underlay the American efforts; second, the effect of the American social systems upon the development of bibliography; third, the more recent trends toward full bibliographic control; and fourth, some questions for the future of American bibliography, in light of the tensions of the past. In so doing, the classic “free will versus determinism” polarity will be translated into the more specific tension of American librarianship: “complete freedom of access versus full bibliographic control.”

Obviously, it is impossible to delineate every aspect of this polarity in American bibliographic history. For the purpose of the present analysis, attention will be directed to seven characteristics which seem to offer an adequate summary of the “state of the bibliographic art:”

- (1) Provision of access to the materials themselves.
- (2) Types of materials emphasized in library collections.
- (3) Approach to the materials through subject analysis.
- (4) Approach by means of other organizing devices such as chronology and form.
- (5) Types of catalog listings and access points.
- (6) Forms of catalog in libraries.
- (7) Types of bibliographies issued outside of libraries.

## THE ANGLO-EUROPEAN HERITAGE OF AMERICAN BIBLIOGRAPHY

Although it may be convenient to view history as beginning with a simple thesis, to which an antithesis is directly posed, American bibliographic history can clearly not be imagined to have begun in a vacuum. The tensions within the history of England and the European continent had sometimes led to extremes which appeared to be impossible to resolve until seriously challenged by new theses. Migration to the North American continent offered the requisite context in which to experiment with new approaches. Still, the experiences of the past were not easily discarded; thus, it is important to recognize the values as well as the excesses in Anglo-European bibliographic procedures.

The heritage suggested, first, that collections of materials would be accessible to scholars but only on a highly restricted basis. Few readers were permitted to select volumes directly from the storage shelves, and some could utilize certain items only at the end of a literal "chain." Although such restrictions evoke annoyance or amusement in the modern librarian, they served their purpose in an age in which books were an expensive commodity and few among the population had either the need or the ability to read them. Closed stacks thus formed the tradition for early American library service.

Second, the heritage dictated that library collections and bibliographic listings should take prime cognizance of serious literature and classical scholarship. Americans were thus conditioned to depend heavily, at first, upon "Old World" materials. The collections in libraries consequently consisted of works in many languages, particularly the classical ones. Little or none of the volumes represented purely recreational reading; instead, emphasis fell upon such topics as religion, philosophy, and government, along with mathematics and the physical sciences.

Third, the arrangement of the materials could be expected to reflect the wide disciplinary interests of the well-educated citizen. The materials were often shelved in alcoves by broad topic, with more specific subject control provided by a catalog in classified order.

Fourth, the "fixed location" of the volumes within their subject disciplines most often reflected the chronology of publication rather than subject subdivisions or variations in the form of materials. Since this variety was not particularly great, the main collection required relatively little further categorization, except perhaps into "octavo" and "folio" sections to economize on shelving and into special locales for manuscript scrolls and codices.

Fifth, the catalogs which were created exhibited little consistency of access points or order of bibliographic elements. In general, modern works were cited under their authors, although the order of citation in an author's name could still not be fully predicted. Works without discernible personal authors could be expected to be listed under "anonymous" or under some combination of subject and form designation. It should be noted, however,

that the older practice of citing a manuscript under its *incipit* (somewhat parallel to the creation of a title) persisted until the title page was fully developed.

Sixth, the predominant form of the catalog was the same as that of the library collection: a codex. The so-called "book catalog" served well as the abbreviated representation of the contents of unique or nearly unique libraries. With printing processes as slow and expensive as they were, the published catalog of a significant library offered information almost as valuable as the collection itself to scholars in search of particular volumes.

Seventh, the few serial bibliographies which existed generally attempted to provide a chronological or subject approach to imprints of particular interest to the bibliographer. Again, consistency of citation and arrangement patterns was scarcely ascertainable.

The Anglo-European heritage was, then, a mixed one emphasizing a high degree of physical control over the collection and its development, but a relatively lax approach to the analysis of the collection. The synthesis achieved by these traditions stressed the control of the library collection because of its economic and scholarly value and the liberty of qualified readers to explore the collection with relatively little interference from the keepers of the books.

## EFFECTS OF AMERICAN SOCIAL DEVELOPMENT UPON BIBLIOGRAPHY

Against the background of Anglo-European bibliographic practices, Americans painted a new picture of self-help and individual improvement through learning. The increasing emphasis upon the right of any citizen to become a political leader pushed forward the idea of public education and, subsequently, the concept of free access to the materials of education. During the nineteenth century, however, stack access was still heavily restricted, according to earlier accepted patterns. Materials remained expensive and relatively scarce until the advent of the technological revolution in printing. Slowly the changes in society began to pose a challenge to the protected collections of the past; and as materials became relatively inexpensive, there was less need to guard them from damage by readers. Indeed, if self-education was desirable, then easy access to materials was required.

Instead of the intensely scholarly collections of the past, libraries began to expand into the area of recreational reading and children's literature. Classical language collections gave way to publications in English, supplemented to some degree by foreign-language items selected to help new immigrants accustom themselves to an unfamiliar environment.

Gradually, librarians began to realize that broad subject arrangements which placed materials in fixed order by imprint date were inappropriate if the reader was to be lured to self-improvement. Topical control was no longer achieved through classed catalogs but by means of relative shelf

arrangement—directly accessible to the reader in many instances—supplemented by more detailed, sometimes analytical, subject catalogs in either alphabetico-classed or straight alphabetical order.

Less emphasis was placed upon the chronology of the materials, though some libraries continued to segregate the older items—many of them rare by the end of the nineteenth century—from the “modern” ones. Segregation by form continued, however, to be the rule. Normal-sized volumes were separated from oversized ones; manuscripts and rare printed books were protected in special locations; and serials were divided from monographs.

Rules for cataloging began to be followed more closely as the growing proliferation of printed materials came to be harder to differentiate. Concern for the tracing of bibliographic history of a work through its various manifestations suggested that it would be useful if every librarian and bibliographer cited it in the same way. Borrowing from the Renaissance emphasis upon the individual creator of a work of art, Americans extended the concept of “authorship” to include the person or organization responsible for the existence of a work. Eventually, the “main entry”—that identifying item which ought to lead the reader most easily to the material—became almost synonymous with “author entry,” even when the increased complexity of library collections gave rise to the anomaly of an “author entry” under “title.”

The “main entry” approach was closely allied with the emergence of the card catalog as a competitor to the more familiar printed catalog in book form. While a printed catalog could benefit from a principal organizing entry, the card catalog demanded it as a means of internal control. In order to list and keep track of the various headings under which a publication might be identified, an official “tracing” was required. It was only logical that the “author entry” would be selected as the “main card,” on which the tracings could be recorded.

The card format for the catalog constituted a major break with the Anglo-European tradition. In some ways, it is a curious development since the most common reason for its emergence is cited as the high cost of the printed catalog. The argument is partially belied, however, by the fact that printing was, by the end of the nineteenth century, becoming much faster and cheaper. It might be speculated that the card format achieved dominance at least partly because it matched the requirements of rapidly growing collections which were used by all types of people but primarily those who lived in proximity to the library. Since materials were by then available in multiple copies and at prices which many libraries could afford, there was little need to travel long distances to find a desirable resource. Interchange of library catalogs diminished in importance, too, as cheaper printing techniques stimulated the development of serial bibliographies documenting the nation’s book production.

Many of the serial bibliographies retained the old pattern of chronological or subject arrangement. Gradually, the “dictionary” arrangement which had proved so easily utilized in the card catalog also began to dominate

some trade bibliographies, notably the *United States Catalog* and its successor, the *Cumulative Book Index*. None of these serials cumulated indefinitely, however, as the card catalog seemed to be doing. The focus was directed, instead, to the production of those indexes which libraries were less and less able to maintain, for example, listings of the contents of periodical articles and monograph series. The bifurcation of the American bibliographic effort thus was completed as private industry and nonlibrary organizations assumed responsibility for producing the most current listings of published materials. Libraries retained some of the Anglo-European tradition by concentrating their collecting and cataloging efforts upon the more serious and substantive publications. As the repository of a nation's history, its heritage, and its scholarly materials, libraries saw their major contribution as constructing an historic bibliographic record of particular collections.

The nineteenth century, then, introduced fragments of a democratization process which constituted an antithesis to the old Anglo-European synthesis. It was hard, however, for the old traditions to pass easily. Thus the increased freedom of access to collections and to their catalogs was coupled with a retained emphasis upon the library as a repository of "worthwhile" literature. Left to the professional bibliographers was the task of listing imprints and contents without discrimination as to quality. Even the definition of bibliography became confused. In its enumerative form it merely listed; in its classical form, it described selectively but in great detail the physical object known as a book. Finally, as the proliferation of library catalog and bibliographies continued, a new form of control appeared: the bibliography of bibliographies.

## BIBLIOGRAPHIC DEVELOPMENTS OF THE TWENTIETH CENTURY

The growing belief in the value of free education, in the right of individuals to achieve any level of social and vocational status to which their talents might lead them, in the need to integrate immigrant populations into the "American way of life," and in the promise of technological innovation to solve any attendant problems kept American librarians moving in the direction of open access to collections. The first half of the twentieth century eventuated in a removal of almost all the barriers to published materials. Those who could not afford to buy books and periodicals were able to use them without charge in ever-increasing numbers of public and school libraries. Even research libraries came to champion open stacks as the best way to introduce both students and scholars to the plethora of materials available to them. One after another, most of the university libraries reduced the restrictions to direct consultation of their collections. Perhaps typical of the more elite universities was one which constructed its new library building with full facilities to close the stacks if its experiment in open collections did not work well. The cost of that kind of control has not yet been recouped because there has never been any need—at least to the present—to restrict access to the shelves.

The movement to open stacks did, however, perpetuate some protective activities of libraries. Materials which were costly, rare, or otherwise difficult to replace continued to be separated in order to maintain security. Ironically, many of the most popular books—for example, the now classic *Kinsey Report*—were removed from open access not to censor their use but to keep them from being stolen. In this event, perhaps the completion of a cycle is recognizable, for the latter half of the twentieth century has seen events which once again suggest the need for placing restrictions on collection access.

Perhaps the most dramatic change of the twentieth century has been the proliferation of communications media. Initially the new forms of materials were collected reluctantly, cataloged sporadically, and separated into their own storage areas. The fact that most of these new media required machinery for their effective use contributed greatly to their segregation. Many of the formats were initially both fragile and unstandardized, as were the pieces of equipment necessary to their interpretation. Curiously, as books and periodicals became more accessible through the new spirit of freedom in libraries, films and sound recordings took their place in the “protection” chain.

As the century progressed, the new media took on a more familiar appearance, even though their physical forms became more varied. Despite the increasing variety, standards of production and playback gradually came into force, lending a desired element of predictability in their utilization. This, in turn, caused the rethinking of shelving patterns, with the logical conclusion that it is quite possible to integrate a wide range of so-called “nonbook” media into the main stacks of a library. Although such integrated shelving systems have not yet become the norm, they are held by many librarians to be the ideal.

Reliance upon enumerative classification arrangements and alphabetic subject catalogs for the retrieval of appropriate materials in a library collection has during the current century proved to be less and less feasible. The sheer proliferation of materials in numbers and formats has placed strains upon both the stacks and the catalogs. Further, the continued separation of periodical indexing from library cataloging made the integrated retrieval of information more and more difficult for the searcher. Following the dearth of publication activity during World War II, the world’s printing houses burst forth with materials in stupefying quantities. With more economic resources being directed to libraries, the natural acquisitive nature of librarians was at last gratified, but the frightening consequence was the inundation of catalogers with publications in bulk.

To cope with materials, shortcuts were invented daily. The standardization techniques offered by the Library of Congress, for example, were eagerly embraced and imitations of the LC services proliferated. Local systems for subject analysis and many of the unique projects for cataloging special collections in greater depth gave way to using LC copy. The price of creating local adaptations to general classification schemes was counted

when libraries during the 1950s and 1960s found it necessary to abandon even as standard a system as the Dewey Decimal Classification in order to achieve the economy and speed accorded by using the Library of Congress numbers without "tampering."

The perceived loss of depth in cataloging, coupled with a growing knowledge of the power of computing machinery, moved some librarians and a few from the new breed of computer engineers to explore innovations in the analysis of materials. In most instances, however, their attentions centered upon a limited category of technical publications. Despite the caveat, their systems propelled librarians and bibliographers to consider the possible advantages of synthetic classification, coordinate indexing, and thesauri in offering more precise access to not materials but information.

The "information retrieval" effort penetrated only a few research libraries at first; many of them were governmentally connected and able to tap grant funds which could offset the cost of operating parallel bibliosystems while the experimentation with computer techniques took place. For most libraries, however, "data processing" did little to alter the basic cataloging processes; it simply enabled their staffs to do more quickly and uniformly what they were already doing. Even the Machine-readable Cataloging System (MARC) of the Library of Congress was carefully designed not to interfere with the regular cataloging activities, and the automated card reproduction system (CARDS) at LC seemed, initially at least, to be little more than an elaborate way to speed the delivery of catalog cards to subscribing libraries.

While those interested in information storage and retrieval were busy providing more depth in subject analysis, retrieval by other characteristics was also being explored. Both librarians and library clientele discovered that the continued cumulation of the card catalog presented a record of such bulk and complexity that often only the grossest form of "information retrieval"—even bibliographic information retrieval—could take place successfully there. With the advent of "superimposition," that is, the layering of cataloging practices through an uneasy compromise of letting old records remain unchanged while new ones of different types were introduced, the predictability of the catalog became less possible. The renaissance of the "book catalog" by means of cheaper photographic offset printing, and computer techniques offered a welcome opportunity to return to catalogs in serial bibliographic form. Thus a chronological sequence of cataloging records could be obtained, with change taking place in orderly fashion as each cumulation was ended. Often, however, the chronology was more accidental than real, since cumulations were commonly based upon the acquisition date of the materials in the library's collection, not upon their publication or issue dates.

Other types of catalogs emerged, constructed on principles of segregation of format rather than subject differentiation. Lists—and sometimes union lists—appeared of everything from serials to videotapes, some in card form but many as printed "bibliographies." Even the long cumulated card files of the Library of Congress had to be supplemented by specialized listings to

provide more direct access to certain types of materials. During the 1970s, LC finally began seriously to plan for the “closing” or “freezing” of its card catalogs.

Part of the complexity of the American catalog is attributable to a continued attempt to control all files by using the principle of “main entry” constructed according to standardized “heading” rules. Out of this principle emerged a concept which may perhaps lead to the demise of the “author entry.” Thanks both to the exigencies of duplicating LC cards for distribution and to the characteristics of computer search and storage techniques, the “unit card” or “unit entry” appeared. At the same time, the concept of “author” as the paradigm for unit entry began to exhibit flaws. The gradual extension of the “author” to include corporate bodies and even uniform and actual titles of materials, not to mention editors, compilers, artists, composers, and cartographers, eventually so departed from the definition accepted by most library users—and most librarians—that it lost meaning. Whereas in earlier times there were relatively few authors (almost exclusively human in form), most of whom wrote a limited number of books and articles, the twentieth-century proliferation of materials and responsibilities of all types occasioned cataloging difficulties of major significance. As pressure for cataloging speed increased, even the basic theories of catalog construction were questioned. Why, for example, should the local card file have to be maintained as a precise bibliography when the Library of Congress and National Union Catalogs were available? It became fashionable to view the catalog as a “finding list,” but the new philosophy did not offer solutions to the accepted need for differentiating among literally hundreds of “Smith, John” entries in the finding list. Logically, it was obvious that an easier solution would be to question the need for such differentiation; and subtly, librarians began to shift the burden of searching onto library users and public service staff, arguing that it was more important to get the items into the catalog than to construct a complete bibliography of holdings.

This trend, coupled with a renewed possibility of achieving some kind of international agreements concerning basic elements and sequences of bibliographic data, has resulted in more serious consideration of an alternate “main entry” approach, utilizing the title as the basic entry element rather than the author. The “unit entry” does not, however, resolve the problems of inconsistencies of heading form—it does not, for example, determine whether libraries should try to distinguish among the various John Smiths represented in their files—but it does divert attention from the sometimes frustrating attempt to discover whether the “author” of a work is really the editor or the sponsoring agency or the title. Nor does unit entry obviate the need for access to materials by means of personal names. In sum, it merely acknowledges that, simply stated, the Renaissance is over. Society’s interest in the author as the major approach to publications has given way to a more intense need to identify desired materials and information through a variety of approaches, only one of which may be the author’s name. An additional advantage of such a revision is that it might make international exchange of



bibliographic records easier, since different national patterns in main entry have quite regularly occasioned problems in communication across national boundaries.

It should be noted at this point that international bibliographic exchange can still be imperiled by differences in selection of heading form. The advantage of the unit entry under title is that such entries do not vary from country to country since they are recorded in the language of the material. Assuring that there is at least an entry under the actual title of the work could certainly improve the likelihood of identifying publications from other nations, although such entry alone will not suffice.

The single alternative in catalog format—book versus card form—has during this century been replaced by a variety of choices so great as to perplex cataloging administrators. The machinery exists to produce catalog entries on a television screen, automatically typed onto a sheet of paper or card stock, photographically reproduced onto microforms of all types, printed into books, or simply sorted in the electronic components of a computer. The once relatively limited options for displaying catalog data have fragmented into such a wide range of possibilities that the librarian is forced to become something of a technologist to be able to select a system which is both cost-effective and serviceable.

To add to the general surplus of alternatives, published bibliographies in both serial and monographic form—some even in microform—have proliferated as a result of the same technological improvements which affected library operations. Even bibliographies of bibliographies have proved inadequate; the current emphasis is upon “guides to the literature” and “pathfinders.” There is no secure way to study any new field of knowledge, for just learning the characteristics and vagaries of the bibliography of the topic may require more hours than either the librarian or the library user has to give.

The twentieth century has thus witnessed both a movement toward more freedom and a relaxation in library and bibliographic structures, to the point of open stacks becoming the norm rather than the exception, of library collections including all types and levels of materials without undue concern about their cultural or scholarly value, and of library catalogs becoming primarily tools for the quick location of needed publications. Within this openness, however, an antithetical strain has begun to manifest itself. Full public access has, for example, led to abuses: materials are mutilated, lost, or stolen, and it is costly to replace them. One library which boasts of its fully integrated media center has found it expedient to remove the motion picture films from the open shelves. This occurred because, the librarian reports, a film costing \$900 was temporarily misplaced; the trauma created by even the thought that it might have been stolen occasioned the removal of all films from the open stacks.

Undifferentiated purchasing for library collections is subtly being eroded, partly as a result of tighter economic conditions, because librarians—and nonlibrary supervising agencies—have recognized that “trash” was often

acquired through blanket order and approval plans. Further, the proliferation of cataloging records in that prototype of democratic access, the dictionary card file, has occasioned review. Among the things learned is that information can be hidden both directly and indirectly; directly by not acquiring or indexing it in the first place; indirectly by burying it in a mass of similar but undifferentiated data. The dream of complete freedom of access is gradually being tempered by the recognized imperative of better bibliographic control.

## SOME QUESTIONS FOR TWENTY-FIRST CENTURY BIBLIOGRAPHY

As librarians and bibliographers approach the end of the twentieth century, the polarities of freedom of access and complete bibliographic control now held so uneasily in tension will need to be resolved into a relationship of mutual enhancement rather than destruction. In this process of synthesis, it is important that the major contributions of each of the poles not be lost. While trying to project a valid synthesis, it may be useful to explore possible answers to some of the major questions which American bibliographic practices have posed during this century.

First, should library stacks continue to remain open to all users, based on the principal of freedom of access, or should they be increasingly closed to certain persons or groups in order to serve the principle of bibliographic control which implies that materials which can be located through the bibliographic systems should not be allowed to disappear from the collection? In seeking answers to this question, certain additional factors ought to be considered. For example, if technological developments such as facsimile transmission and closed circuit and cable television are made more available at less cost, then it may be possible in the future to provide both full access and complete bibliographic control. Yet the potential cultural loss must also be assessed. If there is no longer a need to go to a library and no opportunity to browse in its collections, certain desirable concomitants of the more spontaneous information-seeking process may be forfeited.

Second, should the trend toward physical integration of all types of materials continue, or should increased segregation of fragile and costly materials occur in order to preserve them for serious use? This question introduces the problem of the cost of materials and information systems, as reflected against the potential value of the use to be made of them. This dilemma is also present as librarians attempt to determine under what circumstances a user should be directly rather than indirectly assessed for the cost of library services. The Council of the American Library Association only uneasily scratched the surface of this issue in its attempts to debate a resolution condemning the introduction of fee-based services in publicly-supported libraries. An offer to restrict the condemnation to those services which simply replace "traditionally" free ones proved inadequate because librarians are not fully certain about what services should be included in the traditionally free category. The rising costs of acquiring machine-based

information systems as well as printed bibliographies have argued for the compromise of making specific charges for newer services but allowing free access to older ones. Again, it may be appropriately asked whether the expected increase of access to materials through home-based video systems will ultimately obviate the need for the present tenuous combination of direct and indirect user charges.

Third, as librarians and bibliographers try to exploit computer-based systems to achieve more adequate subject control over their materials, should they perpetuate the varieties in such approaches which currently exist or should they move toward a unified, integrated system to assure both depth and breadth of analysis? The dangers of large, monolithic structures have already been faced in such guises as the LC subject heading list and the enumerative classification schemes devised by both LC and Dewey. Yet the alternative of a fully controlled and regulated system poses other dangers: the probability of some materials being inadequately handled and the possibility of deliberate censorship of information by failure to include it in the data base. It is reasonably clear that the technology either exists or will exist to create an integrated subject approach, but there is no reliable picture of user needs to help determine whether such a system is actually required or even desired.

Fourth, should the catalog be designed to cumulate indefinitely, or is it more feasible to construct a series of bibliographic records with expedient breakpoints? While freedom of access would suggest that a single cumulated bibliographic record is more "democratic" than a series of perhaps overlapping or incompletely understood bibliographies, the mass of data and the unavoidable changes which such a catalog would encompass could prove to be more restrictive to the user than even a badly integrated set of more limited bibliographic records. Perhaps the major difficulty in interpreting a series of bibliographies to the user is the illogicality of such a system from the user's standpoint. Librarians, for example, tend to divide bibliographies by acquisition date and to separate them according to the physical format of the materials listed. The user—and, on behalf of the user, the reference librarian—is probably more inclined to respond to bibliographies divided by imprint date or by subject. It remains to be seen whether librarians can devise methods to serve the user without escalating the costs of the bibliographic system so much that alternative forms of access to the materials have to be sacrificed.

Fifth, can the "unit entry" approach—which seems to reflect the spirit of freedom of access—satisfactorily replace the "author main entry" concept? Even though the unit entry under title has much to commend it as a more predictable catalog access point, many library staff members and clientele are obviously accustomed to the traditional author approach. Unless catalogers are careful not to defer to the title entry in lieu of making other access points generously available, it is likely that something of a user revolt might occur. Clearly, there is still a place in society for recognizing the personal author as worthy of "main entry," even though there is probably

little reason for trying to extend this tradition to include corporate bodies and uniform titles as if they were some kind of quasi-author. The proposed revision of the 1967 *Anglo-American Cataloging Rules* admits that the English-speaking community has gone too far in trying to devise "author substitutes" as main entries. In particular, unsuccessful attempts to provide a convincing definition of "corporate authorship" have given way to a plan to specify instead the conditions under which a corporate body may reasonably be selected as the main entry heading for a work. The change looks subtle, but its impact is such that it can free the cataloger to make judgments concerning useful access points without worrying unduly about which one of them is most like an "author."

Sixth, is it desirable to confine the form of the catalog record to one medium, or should it be capable of multiple expressions in different formats and arrangements? This is more than a question of indefinite cumulation; it asks whether freedom of access is better served by a variety of systems than by one. Even further, it forces consideration of perhaps encouraging a competitive bibliographic effort so that the useful formats can be identified by their popular acceptance. On the one side are those who feel that sufficient variations can be achieved by drawing out any number of formats and arrangements, with several levels of bibliographic detail, from one well-programmed computerized data base. On the other are those who fear such a structure as restrictive and unresponsive, once the initial programming is completed, and would prefer to allow a free market to determine which of a number of alternative or complementing systems should survive.

Seventh, should the dual traditions of library cataloging and independent bibliography and indexing work be merged, or is it better to let the two structures coalesce only at natural junctures? Again, those who champion bibliographic control as the prime goal are likely to urge the nation to adopt a well-articulated bibliographic plan which allots to each segment of the relevant community a clear responsibility and defined boundaries. Cataloging leaders and library administrators have repeatedly urged this upon national leaders as a development vital to the bibliographic health of the United States. The plan, while difficult to condemn, seems regularly to evoke uneasiness, for it suggests that the opportunity to break out of the system or inject healthy spontaneity into it may somehow be lost amid the efforts to achieve perfect control.

These enumerated tensions have failed as yet to provide directions toward syntheses which will retain the best of both extremes while resolving the major conflicts between them. Looking forward to a twenty-first-century synthesis affirming both full bibliographic control and complete freedom of access to materials, both desirable and undesirable consequences can be envisioned.

Among the undesirable results, that is, consequences which seem out of harmony with the best of American social principles, would be a system which permits full access to materials only through an intermediary. For example, if the user is prevented from looking directly at published materials

in their original formats but is provided with a computer console which purports to display the information which they contain, too much of the meaning of freedom of access may have been sacrificed.

Equally undesirable is the reliance upon only one type of bibliographic system, even though it promises to anticipate or be responsive to all types of user needs. The American mentality is understandably suspicious of exclusive, noncompetitive structures. Any synthesis which ignores this national trait may expect to encounter continual waves of opposition.

A third undesirable consequence would be the reliance upon the title of a work as the exclusive access to its identification in bibliographic listings. Clearly a one-path approach to library catalogs, even though it may well serve the finding list theory of catalog construction, forces the user into a kind of bibliographical straight-jacket. The value of unit entry under title lies primarily in its reduction of pedantic decision-making about who the author is, but to limit the approach to title goes too far.

A fourth rejectable synthesis would be one which relies upon a bibliographical "elite" who would be interposed between every potential user and the materials required. Some librarians who recognize the limitations of computers to interface successfully with all types of human information requirements and personality configurations see a better solution in inserting a human being to interpret both the bibliographic record and the collections to the user. Insofar as this consequence acts in effect as a censorship device, shutting the user away from the materials themselves, it cannot be accepted as compatible with American traditions.

What, then, are some possibly desirable syntheses? One might be to capitalize upon the variety of user needs by providing a series of nested or layered collections ranging from the small, browsable one to the highly structured, computer-accessible research resource. This has the advantage of preserving direct access to materials where it is likely to be most successful, while also offering expert help in exploiting the bibliographic record when the goal is to obtain information rather than to stimulate serendipity. There is always the risk that something will be lost if research collections are not open for browsing; however, a reasonable synthesis could allow for direct access even to the largest of collections in the event that the user preferred such an approach despite its potential clumsiness. Such collections might not be shelved in relative order, but the person who demanded the opportunity to look at the materials directly should not be deprived of this possibility if it can occur under reasonable supervision.

A second desirable consequence of synthesis between bibliographic control and freedom of access might be the development of well-understood bibliographic systems, allowing for the competitive generation of innovations while keeping track of all such efforts in order to be able to advise national bodies of interested parties concerning gaps or overlaps in the record which might require attention. It is one matter to design a monolith which claims to satisfy all present and future bibliographic needs; it is quite another to provide for a monitoring of the varied catalogs, indexes,

and listings so as to stimulate the generation of supplementary or replacement systems when they are needed.

A third desirable trend would be the development of increased numbers of access paths to both information and materials. To serve the twin objectives of bibliographic control and freedom of access, it would be helpful to reassess traditional "main" and "added entries" as well as subject headings and classification systems to discover whether they exhaust all the relevant retrieval points desired by contemporary citizens. For example, current general cataloging systems find difficulty in prescribing ways to identify maps by area unless the area can be redefined as either a subject or uniform title entry. Similarly, difficulties continually arise in the handling of *Festschriften* since the person honored by the work does not technically qualify for either an added entry or a subject heading. Some would even argue that bibliographic records should also provide for identification through physical characteristics such as the color or size of the material.

Finally, a desirable synthesis might produce a cadre of knowledgeable and skilled bibliographic experts who would both supervise and investigate the results of the nation's bibliographic systems. They should operate in a fully democratic fashion—though perhaps "representative" is a better word. The basic point is, nonetheless, that these experts would not allow themselves to become elitist, but would institute both ongoing and extraordinary research to determine how the systems might be improved. A network of "bibliographic system monitors" could thus be created to arbitrate the problems of insufficient access and lax bibliographic control.

This last type of synthesis presupposes that many of the functions now expressed by catalogers and reference staff more or less independently would perforce be combined by the bibliographic expert. Relatively few of today's professional catalogers might be needed to maintain the bibliographic structure at the local collection level, but it is clear that the expertise of both cataloger and reference librarian would be required by the bibliographic system monitor.

The final question is whether the concepts of free enterprise and representative democracy are changing sufficiently in American society to cause a further antithesis to be posited rather than a synthesis. It is extremely difficult to assess whether the country is moving toward more centralized and standardized control over social systems or is beginning a period of increased resistance to the forces that treat people as groups rather than individuals. There is little doubt that the mood of the country is swinging back toward emphasis upon individual needs and personal responsibility. If the evidence of the past is to be believed, then American bibliographic systems are likely to reflect in large measure the personality of the nation. Whether this is a desirable characteristic might well be debated, but librarians and bibliographers have usually been more reactive to than active in the process of social change.

As a logical argument it could be projected that, given the recognized importance of information and publications to a creative and orderly de-

velopment of society, the designers of the bibliographic systems ought to view themselves as leaders of social innovation rather than followers of it. It is interesting to speculate whether the future of the nation might be directly influenced by the degree to which its research and recreational materials are brought—or are not brought—under bibliographic control which preserves freedom of access.

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## by **Dena J. Epstein**

Assistant Music Librarian, University of Chicago

“A librarian [who unlocked] the key to slave-era music” is how the *Chicago Tribune* described Dena Epstein in an article (October 10, 1978) highlighting her contributions to an area of interdisciplinary research. She is presently the assistant music librarian at the University of Chicago and has served as curator of recordings there, as a music cataloger and revisor at the Library of Congress, as senior music librarian at the Newark Public Library, and as a cataloger in art and music at the University of Illinois. Her professional preparation includes bachelor’s degrees in music (University of Chicago) and library science (University of Illinois) and a master’s in library science from the University of Illinois.

Mrs. Epstein has an impressive record of contributions to professional associations. In the Music Library Association she has served as president, 1977-79; vice-president, 1976-77; coordinator of the libraries contributing card copy to *Music, Books on Music, and Sound Recordings*, 1974-76; member-at-large on the Board of Directors, 1970-73; a member of the Cataloging and Classification Committee; and as a staff member for the journal, *Notes*. Besides the Music Library Association, she is a member of the American Library Association, the American Musicological Society, International Folk Music Council, International Association of Music Libraries, American Association of University Women, Phi Kappa Phi, and Beta Phi Mu.

The publications by Dena Epstein attest to the fact that by virtue of professional training and interest, librarians may be well-suited to the difficulties of interdisciplinary research. She has had numerous articles published in library and music journals on topics in black music, biography, and music publishing. Her books include *Music Publishing in Chicago Before 1871: The Firm of Root & Cady, 1858-1871*, the introduction to a reprint edition of the Board of Music Trade of the United States of America’s *Complete Catalogue of Sheet Music and Musical Works, 1870*; and *Sinful Tunes and Spirituals: Black Folk Music to the Civil War*. The latter, published by the University of Illinois Press in 1977 was, in September 1978, awarded the Chicago Folklore Prize, an award from the International Folklore Association.

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# **Documenting the History of Black Folk Music in the United States: A Librarian Views Interdisciplinary Research**

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In reviewing the earlier lectures in this series, I read Lecture No. 25, Robin Winks's "The Historian, the Detective and the Librarian," and discovered that Sherlock Holmes had already made an appearance here, along with Hercule Poirot and Nero Wolfe. Professor Winks saw the historian as a detective who sometimes had to outmaneuver the librarian to get at the material needed. I prefer to consider librarians as co-detectives, assisting the scholar and suggesting sources he had not thought of. Historians and librarians alike seem to find their greatest satisfaction in solving puzzles and in finding answers to questions. The mystery that challenged my curiosity twenty-five years ago could be compared to the dog that didn't bark; it was the evidence that wasn't there.

For several generations the study of the origins and development of black folk music in the United States was impeded by a lack of primary source material. Very little of the music was published before the Civil War and, until recently, very few contemporary descriptions of the music had been collected from the prewar era. As late as 1959 D.K. Wilgus wrote of the history of the Negro spiritual: "There is no trustworthy evidence before the Civil War."<sup>1</sup> To a librarian experienced in documenting the history of American music, that statement seemed unbelievable. It was like telling Sherlock Holmes, "A murder has been committed. We have a body, but there are no clues." No self-respecting mystery fan would accept such a situation for a moment. If there was a murder, there *must* be clues. In view of the voluminous record of slavery available, how was it possible that no historic record existed of the music that originated in slavery? Equally incredible was the claim, now happily abandoned, that Negro spirituals derived wholly from defective versions of white spirituals, displaying no African elements whatever. With American music today so profoundly

shaped and influenced by black music, was it likely that Afro-American music of an earlier period showed no African traces?

An examination of the literature about black folk music made in 1950 would have revealed a dependence on a relatively few sources known to discuss black music. Interpretations of the published versions of the songs were supplemented by theories of what might have happened, or must have happened, or could have happened—but the controversies remained unresolved. Virtually none of the writers on black music knew much about African music; in fact, a very few of them seemed to consider such knowledge even relevant. Great importance was attached to priority in publication as evidence of origin, whereas publication of folk music cannot prove priority even among literate populations.

What was needed to resolve the old controversies was irrefutable contemporary evidence. A search for such evidence through the literature of many subject fields seemed an appropriate project for a librarian. Training in bibliographic method and the systematic use of research materials would be more important than a specialty in any one subject. I was not an ethnomusicologist; my knowledge of African music was very limited. But my experience in documenting the history of American music would be useful in evaluating whatever material was found, for both music and historic evidence can be misinterpreted.

Do not think that this search began with a carefully drawn plan for an ambitious interdisciplinary survey. Not at all. It began with the conviction that there must be more information than was available, and that it would be interesting to try to find some. Previous investigations had apparently been too restricted; perhaps a broader approach was needed. What would be found was just guess-work. By the time the scope of the project became clear, it was too late to stop. So a northern librarian-turned-housewife spent years touring the remote regions of the South in books—the only way I could travel in those years. Today it is an enormous pleasure to see the regions I have learned are so fascinating.

The types of material to be examined were as varied as the people of the antebellum United States. Beginning with the narratives written by the slaves themselves, they included travelers' accounts, diaries and letters of both whites and blacks, missionary reports, polemics for and against slavery, court records, even novels and poetry. Naturally one person could not hope to read them all, and there are probably a good many fruitful sources still waiting to be examined. The volumes would frequently have to be scanned page by page for many books of that era lacked both tables of contents and indices. There was no way of predicting which sources were likely to be productive. Of the many thousand books and articles that were examined, the vast majority contained not one word about black music or dancing. An initial hunch that touring actors or musicians would be discerning reporters of slave music proved to be almost completely wrong. Very few of them so much as mentioned the subject.

A great many reminiscences by southern whites never mentioned the

blacks among whom they spent their lives, but there was always the hope that exceptional diarists would turn up, as indeed they did. As time passed, a few generalizations became possible. Planters as a group seemed preoccupied with politics and crops, with very little curiosity about the lives of their slaves; southern ladies, on the other hand, seemed more interested in their surroundings and the events of their daily lives, which might include black customs and amusements. Works concerned with slave religion, recreation or morale might mention music. Descriptions of Christmas or harvest festivities, the high points of the slave year, frequently involved music and sometimes dancing. If a writer was an apologist for slavery, the facts must be corroborated, and some interpretations discounted—the view, for example, that the singing of slaves proved they were happy. However the abolitionists—the group who expressed the greatest concern for the welfare of the slaves—had little or no direct experience with plantation slavery or its music, and consequently had almost nothing of value to say on the subject.

The search included long, tedious stretches of fruitless examination, periods of discouragement when it seemed as if perhaps the historic record really did not exist. But then, when it was least expected, a significant document would be uncovered. There was Solomon Northup's description of his life as a slave fiddler, with the transcription of a fiddle tune on the last page of his narrative, *Twelve Years a Slave*.<sup>2</sup> A detailed account of a corn shucking accompanied by corn songs appeared in George Tucker's novel, *The Valley of Shenandoah*, published in 1824.<sup>3</sup> The notated words and music of two slave songs were included in an autobiographical novel, James Hungerford's *The Old Plantation and What I Gathered There in an Autumn Month*, published in 1859 but purporting to describe events of 1832.<sup>4</sup> A case was filed in the Chancery Court of Louisville, Kentucky, in 1844, involving three professional musicians who happened to be slaves, who took their instruments, music, and clothing and escaped on a steamboat to Cincinnati.<sup>5</sup> What were "professional slave musicians"? These men moved from place to place by themselves, playing for dances and sending their earnings to their master for several years before they grew tired of the arrangements and boarded that steamboat. The judge instructed the jury to take into consideration the independent life the musicians had led, and its tendency to render them discontented with servitude. This the jury did in ruling in favor of the owner of the steamboat.

Most of these documents specified the time and place of the events described, indispensable information for tracing the music's development. Many discussions for slavery have been seriously flawed by the assumption that conditions existing just before the Civil War could be extended backward in time. Slavery was not a static institution; it experienced historic change as did the music that developed out of it.

Virtually none of the material consulted was found in music libraries. Earlier books on music might suggest sources to be investigated, but most of the books examined were in general collections or departments like American history. Many libraries were utilized, the most helpful being the New

York Public Library, the Library of Congress, Cornell University, and the University of Chicago. At the time most of the research was done, special collections of black history were uncommon, and the only one used was the Schomburg Collection of Negro History at the New York Public Library. Circumstances did not permit visits to southern libraries, although materials were borrowed through inter-library loan or obtained in photocopy from the Southern Historical Collection at the University of North Carolina and the Caroliniana Library at the University of South Carolina. There must be much material still waiting to be uncovered in libraries all over the South.

Another aspect of the subject that had been neglected was the emergence of black folk music into public knowledge during the Civil War. The names of the early collectors did not recur in the history of American music, and their efforts had been harshly criticized by critics who seemed to know very little about them. The senior editor of the first published collection of its kind, *Slave Songs of the United States*, issued in 1867, was an eminent historian in his day whose musical competence had been challenged. William Francis Allen, a dedicated musical amateur, was trained in classical philology and history in Berlin, Göttingen and Rome before he volunteered to serve as a teacher to the freedmen in South Carolina in 1863. The manuscript diary telling of his Civil War experiences had been in the Library of the State Historical Society of Wisconsin for almost fifty years, unexamined for its musical content. In it he had transcribed with precision and clarity the words and music of the songs he heard, with perceptive comments on the dialect and culture of the people among whom he lived and taught. He was as well qualified as any of his generation to collect black folk music.

His two coeditors, Charles Pickard Ware and Lucy McKim Garrison, presented more difficult problems in biography. Charles Ware was Allen's cousin, and another participant in the Port Royal Experiment, an attempt to prove that ex-slaves could work and learn as free men by providing them with teachers and superintendents from the North. This experiment took place on a chain of islands off the South Carolina coast where several hundred slaves had been left behind when their masters fled to the mainland from the Union forces. Perhaps the best contemporary account of that experiment was a book called *Letters from Port Royal Written at the Time of the Civil War* published in 1906.<sup>6</sup> The writers who were then still alive were identified by their initials only, but it didn't take much of a detective to penetrate that disguise. C.P.W. was Charles Pickard Ware and H.W., his sister Harriet.

The special problems of research concerning women in the nineteenth century are illustrated in the search for Lucy McKim Garrison. She had lived surrounded by eminent men, but almost nothing was known about her. The *Dictionary of American Biography* included articles about her father, her brother, her husband and her father-in-law. Her father was James Miller McKim, a noted abolitionist; her brother, Charles Follen McKim, the well-known architect of McKim, Mead and White; her husband, Wendell Philips Garrison, the first literary editor of *The Nation*; and her father-in-law,

William Lloyd Garrison himself. Much had been written about them, but almost nothing about the women in the family. In fact I was told that I was the first person who had ever inquired about a woman in the Garrison family. The first step was locating her descendants. Then several years of correspondence yielded only polite expressions of regret that no papers from an earlier generation had survived. Eventually a member of the family suggested Miss Eleanor Garrison of Santa Barbara, California, as a possible source of information. She certainly was! Within a week after I wrote her, copies of letters written by Lucy McKim began to arrive, followed by the original letters themselves. I can still remember how my hands shook when I realized that I was holding letters I had been assured were no longer in existence. Later I learned that Eleanor Garrison was the daughter of William Lloyd Garrison II and Ellen Wright Garrison, Lucy's friend from childhood and later her sister-in-law. Most of the letters were addressed to Ellen Wright, beginning with one that read: "I will be nine years old the 30th of October. Mother says that Pennsylvania excels New York in the growth of children."

When Ellen Wright Garrison moved to California in the 1920s, she took with her a freight car full of family papers, which she housed in a garage. Today they form the Garrison Family Papers collection in the Smith College Library. From her letters Lucy McKim emerged as a delightful young girl who at fifteen was already giving piano lessons to finance her own music lessons. She displayed a lively interest in the new music arriving from Europe, including the works of Chopin and Schumann. Ellen Wright was the daughter of Martha Coffin Wright, who, with her sister, Lucretia Mott, collaborated in calling the first women's rights meeting in Seneca Falls, New York, in 1848. Lucy's father, James Miller McKim, was an active abolitionist, for many years a leading figure in the Pennsylvania Abolition Society, along with James and Lucretia Mott. Thus there was an abolitionist contribution to the history of black folk music although it took a civil war to bring them into contact with the plantation slaves.

By 1962 enough material had been accumulated to provide a preliminary survey of sources that appeared in *Music Library Association Notes* in 1963 as "Slave Music in the United States Before 1860." Another article, "Lucy McKim Garrison, American Musician," appeared in the same year in the *Bulletin of the New York Public Library*. Then, as the synthesis and assembling of all the material was to begin, the work was interrupted for several years. During this period interest in black music became much more intense. At last work was resumed, thanks to assistance from the American Council of Learned Societies, the Illinois Arts Council, and the National Endowment for the Humanities.

In view of the greatly increased interest in the subject, the inadequacy of the documents available from the colonial period was disappointing. Almost nothing had been uncovered about the music brought with the blacks from Africa and the subsequent transformation of that music into something different. This was especially tantalizing since ethnomusicologists had provided meaningful descriptions of the African background from which this

music came. The controversy over the origins of the Negro spiritual and its relation to the white spiritual could never be resolved without evidence provided by contemporary descriptions of the music from the colonial period and of its acculturation in the New World. Blacks had arrived in Jamestown, Virginia in 1619, but for the period up to 1800 only the most fragmentary mentions of their presence had been found. Despite repeated and intensive searches of contemporary documents from colonial America, almost nothing could be discovered about black music. More troubling than the lack of information was my inability to explain that lack. At length it became clear: the black population of the thirteen mainland colonies had increased very slowly throughout the seventeenth century and had been widely dispersed among a much larger white population. Under such circumstances, it was understandable that the blacks were not prominently mentioned in the accounts of travelers and other witnesses.

In 1969 Orlando Patterson's *The Sociology of Slavery*,<sup>7</sup> a description of slave life in Jamaica, suggested a possible new direction for the search. Patterson cited numerous contemporary descriptions of African music and dancing in Jamaica, which had a much larger proportion of blacks to whites than the mainland colonies. Were West Indian accounts relevant for the United States? In the seventeenth and eighteenth centuries they certainly were, for both France and Britain considered all their colonies in the New World as part of the same colonial structure. All the colonies shared a common relationship with the mother country, close commercial ties, and a constant interchange of population, both black and white. Contemporary descriptions of these colonies written before the American Revolution made little distinction between the islands and the mainland. A book was published in 1687 with this title: *The Present State of His Majesties Isles and Territories in America, Vis. Jamaica, Barbados, S. Christophers . . . Dominica, New-Jersey, Pensilvania [sic] Monserat, Anguilla, Bermudas, Carolina, Virginia, New-England, Tobago, New-Found-Land, Mary-Land, New-York*.<sup>8</sup> The mention of Jamaica and Barbados first in the title probably reflected both their newsworthiness and their value, for the cultivation of sugar yielded enormous profits. Most of the island colonies were more valuable to the mother country in the seventeenth century than the wilderness on the mainland, growing more rapidly in population. Most significant for the study of black culture, the blacks far outnumbered the whites in the islands. The cultural heritage brought from Africa, common to the blacks in both areas, found conditions in the islands more conducive to its persistence than on the mainland. From the earliest reports of the West Indian islands, British and French chroniclers gave vivid descriptions of African music, instruments and dancing, descriptions that were quite consistent with the few fragmentary accounts from the mainland. Especially notable were descriptions and pictures of African instruments and notated African music made in Jamaica before 1700 and published in Sir Hans Sloane's *Voyage to the Islands* in 1707.<sup>9</sup> A description of all the British colonies written by a single author, John Oldmixon's *The British Empire in America* of 1708

merely mentioned “Negro servants” in Virginia in passing, but dwelt on the blacks of Barbados in considerable detail. Oldmixon observed “Negro servants [in Virginia] . . . are but a few, in comparison to the Sugar Plantations.”<sup>10</sup>

As early as 1678 an instrument called the *banza* and made from a gourd was reported in Martinique. Other forms of the name came later: *bangil*, *bandore*, *banshaw*, *banjer*, and finally *banjo*. Under these various names, the instrument was found throughout the West Indies and the mainland colonies from well before 1700 until long after the advent of the commercial banjo associated with the Negro minstrel troupes that dominated the American theatre in the mid-nineteenth century. The longstanding controversy over whether the banjo originated in Africa or in the United States can now be resolved in favor of Africa on the basis of documents on hand. More raw materials for a history of the banjo can be found in Tennessee, ready for anyone who is interested. At the Hermitage, Andrew Jackson’s home near Nashville, is a banjo that appears to be hand-made. Perhaps the records there will reveal its age. The Carroll Reece Museum at East Tennessee State University in Johnson City has a collection of six banjos, four without frets and one dated 1833. There must be many more: certainly there are many questions about the banjo still to be answered.

It had been widely believed that African instruments could not have been transported to the New World because the captured Africans were unable to bring anything with them. Unquestionably the blacks were able to bring very little, and they probably reconstructed instruments in the New World that they had known at home; but there is substantial evidence that some instruments were transported by captains of slaving vessels. Mortality rates in the slave trade were staggering, and even the most brutalized slaving captain would be concerned about the profitable arrival of his cargo. An effective way of combatting depression, recognized as a forerunner of suicide or revolt, and of providing physical exercise in a limited space aboard ship, was dancing. Captains encouraged, even demanded, that the slaves dance during the “Middle Passage,” and some provided instruments to accompany the dancing. Bryan Edwards wrote in his *History . . . of the British Colonies in the West Indies*, in 1792: “In the intervals between their meals they [the slaves] are encouraged to divert themselves with music and dancing, for which purpose such rude and uncouth instruments as are used in Africa, are collected before their departure . . .”<sup>11</sup>

The process by which African music and dancing were acculturated into Afro-American forms can now be documented from contemporary accounts. Writers describing the West Indian scene repeatedly depicted African dancing to African instruments occurring side by side with European dancing to European instruments. Only two reports of this cultural complex have been found thus far on the mainland: a Christmas celebration in South Carolina in 1805 and a Mardi Gras festivity in New Orleans in 1808.<sup>12</sup> African instruments that were described on mainland North America included drums of various kinds, rhythm sticks, the musical bow, quills, a kind



of Pan pipes, and the balafo, a xylophone.

A picture emerges of a rich and varied body of secular music, initially African but gradually acculturated at an undetermined rate. Work songs were reported for rowing, shucking corn, harvesting other crops, field work, grinding corn, even spinning and weaving. When secular music was discouraged as "sinful" by the rising evangelical sects, sacred texts were introduced, but there is strong evidence that the performance practices and possibly some of the tunes were not much changed.

Considering the omnipresence of secular music in the antebellum South, how is it possible to account for the widely stated belief that the slaves had no secular music and sang only hymns? Contemporary documents provide the background for this myth, explaining how it came to be believed and at the same time demonstrating that at no time was it really true. In the eighteenth century the growing evangelical sects increasingly attacked all secular music and dancing as "sinful," along with such recreations as card-playing and fox hunting. These tenets were widely accepted by whites as well as blacks, being a denominational, not a racial characteristic. As more and more blacks joined Christian churches, their work songs were adapted to sacred texts, and the "shout" became a substitute for dancing. When the early collectors from the North were told by pious blacks that no one sang "sinful" songs, they tended to believe them.

Many questions about black folk music remain to be answered, and some kinds of sources of necessity were set aside. Newspapers and manuscripts were largely untouched; the contents of many southern libraries are still to be investigated. But future investigators should be encouraged by the progress that has been made. It is now possible to establish from contemporary documents the transplanting of African music in the New World, and its persistence as a recognizably distinctive kind of music for as much as 150 years in the West Indies and for a shorter time on the mainland. Enough documents are now available to disprove conclusively some of the myths that have grown up about the banjo: that it originated in the minstrel theatre, that it was "invented" by white men in New York or Virginia, and that it was unknown to plantation slaves. It was considered an African instrument by many chroniclers in the eighteenth century, including Thomas Jefferson, and that identification seems well founded. The existence of a varied body of secular music: dances, work songs, boat songs and the like is well documented, and we can now glimpse at least the process by which the music of the Africans was acculturated into something different, a process that previously could be projected only in theory. As we have seen, other African instruments beside the banjo were also transplanted in the New World; of the xylophones, marimbas are very popular in Mexico and especially in Brazil, but the balafo, an African xylophone, was described in St. Vincent in 1791 and in Virginia during the eighteenth century.<sup>13</sup>

The questions that led to this search arose in a music library, a specialized collection of musical scores, books about music and sound recordings. Music librarians have special problems because of the types of material they

must deal with, but the library techniques they use have much in common with those of other librarians. A knowledge of music was necessary to evaluate the information that was found, to judge which statements were meaningful and which uninformed, fanciful or just mistaken. But the most important single decision that was made from which everything else flowed was that musical sources alone were inadequate to answer most of the questions about black folk music. In this respect this search was very much like an interdisciplinary study in any other field. To find the answers that cannot be found in the literature of a given subject, library techniques are of immeasurable value. Librarians frequently underestimate their own experience and talents.

The standard reference tools deserve unbounded appreciation. These old friends are so familiar that they are sometimes overlooked or neglected, especially by experts who tend to think mostly in terms of specialized sources. Recently a musicologist wrote to me asking if I had found in my research any reference to the word “rhythm” earlier than 1920, the first use he had been able to find. I don’t know where he looked, but the *Oxford English Dictionary* has almost a full page in double columns of dated citations for this word, going back to the sixteenth century. In starting a search, bibliographies and library catalogs provide the guide posts, titles to be examined. Among the standard reference books that were treasure troves of information in my search were the *Dictionary of American English* that outlined the histories of such words as *banjo*, *pinkster*, and *juba*. Chamber’s *Encyclopedia* of 1728 and Diderot’s *Encyclopédie* documented the common practice in the slave trade of “dancing” the slaves. *Who’s Who in America* identified and located Lucy McKim’s grandson. The *Dictionary of American Biography* identified many of the early collectors of slave songs, none of whom were musicians.

A knowledge of publishing practices in the nineteenth century was very helpful. Newspapers and magazines frequently “exchanged” items of interest, thus providing their readers with more varied material than the editor could gather himself. Familiarity with this practice helped to identify the “author” of an article sometimes described as the earliest to mention Negro music. It appeared in *Dwight’s Journal of Music* with the title, “Songs of the Blacks” over the signature “Evangelist.”<sup>14</sup> Scholars had solemnly speculated about the author’s identity, analyzing the style and possible reason for choosing this pseudonym. Acting on a hunch, I consulted that well-known biographical dictionary, the *Union List of Serials*, where *The Evangelist* was identified as a religious weekly published in New York. The original appearance of the article was then found with relative ease.<sup>15</sup>

The methods that were used to uncover documents pertinent to the history of black folk music would be equally effective in other humanistic studies. I once had an opportunity to talk with a woman doing research on the history of music at a rajah’s court in India in the eighteenth century. We soon discovered that we had each used the same kinds of music sources to study two different kinds of music in totally different cultures. The “Survey

of Sources” for slave music published in 1963 has been used by students of art history as a guide to sources for black folk arts. The new approaches to history and literature, women’s studies, all ethnic studies as well as black studies call for a reevaluation of old research materials and a fresh look at what sources of information might be relevant. This broadening of horizons is going on in older fields of research as well: renaissance poetry can be illuminated by the insights drawn from music and art. Librarians can contribute a great deal by suggesting sources in other disciplines. They can contribute even more by undertaking research of their own.

Humanistic research in all fields is presently endangered by the efforts of libraries to rationalize their purchases in a time of constricting budgets. A study made at the University of Pittsburgh was reported in the *Library Journal* for July 1977 as claiming that “academic libraries are spending too much money on books and periodicals that are little used or not used at all. . . . If a book or monograph hasn’t circulated within five years after acquisition, chances are that it will not move at all.”<sup>16</sup> This view may have some possible validity in the sciences, although it does not seem likely. For the humanities, however, it means disaster, and I am certain that Robin Winks would agree. The most valuable sources for the history of black folk music may not have been popular items even when they were new, such as *The American Missionary* for 1861, or Philip Gosse’s *Letters from Alabama Chiefly Relating to Natural History* of 1859.<sup>17</sup> The agricultural journals that discussed plantation management, the diaries of young girls, the letters of poets—all these combined made it possible to reconstruct the development of black folk music. For the research needs of the future, our libraries and librarians among them must find a way to preserve the raw material of studies still to be made.

## FOOTNOTES

<sup>1</sup> D. K. Wilgus, *Anglo-American Folksong Scholarship Since 1898* (New Brunswick, N. J.: Rutgers University Press, 1959), p. 345.

<sup>2</sup> Solomon Northup, *Twelve Years a Slave: The Narrative of Solomon Northup, a Citizen of New-York, Kidnapped in Washington City in 1841 and Rescued in 1853, from a Cotton Plantation near the Red River in Louisiana* (Auburn, N. Y.: Derby and Miller, 1853), pp. 216-19.

<sup>3</sup> George Tucker, *The Valley of Shenandoah; or, Memoirs of the Graysons* (New York: C. Wiley, 1824), II, 116-18.

<sup>4</sup> James Hungerford, *The Old Plantation, and What I Gathered There in an Autumn Month* (New York: Harper & Brothers, 1859), pp. 183-99.

<sup>5</sup> Helen Tunnicliff Catterall, ed., *Judicial Cases Concerning American Slavery and the Negro* (Washington: Carnegie Institution, 1926-37), I, 365-68.

<sup>6</sup> Elizabeth Ware Pearson, ed., *Letters from Port Royal, Written at the Time of the Civil War* (Boston: W. B. Clarke, 1906).

<sup>7</sup> Orlando Patterson, *The Sociology of Slavery; an Analysis of the Origins, Development and Structure of Negro Slave Society in Jamaica* (Rutherford, N.J.: Fairleigh Dickinson University Press, 1969).

<sup>8</sup> Richard Blome, *The Present State of His Majesties Isles and Territories in America, Vis. Jamaica, Barbados, S. Christophers, Mevis [sic], Antego, S. Vincent, Dominica, New-Jersey, Pensilvania [sic], Monserat, Anguilla, Bermudas, Carolina, Virginia, New-England, Tobago, New-Found-Land, Mary-Land, New-York* (London: Printed by H. Clark for D. Newman, 1687).

<sup>9</sup> Sir Hans Sloane, *A Voyage to the Islands of Madera, Barbados, Nieves, S. Christopher and Jamaica, with the Natural History of the . . . Last of These Islands* (London: Printed by B. M. for the Author, 1707), I, xlviiii-xlix, lii.

<sup>10</sup> John Oldmixon, *The British Empire in America, Containing the History of the Discovery, Settlement, Progress and Present State of All the British Colonies on the Continent and Islands of America* (London: J. Brotherton, 1708), I, 113, 118, 122-24.

<sup>11</sup> Bryan Edwards, *The History, Civil and Commercial, of the British Colonies in the West Indies* (London: Printed for J. Stockdale, 1793-1801), II, 116.

<sup>12</sup> John Pierpont, *Journal*, Ms., Pierpont Morgan Library, New York; Pierre C. de Laussat, *Mémoire sur ma Vie Pendant les Années 1803 et Suivantes . . . à la Louisianne* (Pau, France, 1831), p. 395.

<sup>13</sup> Sir William Young, "A Tour through the Several Islands of Barbados, St. Vincent, Antigua, Tobago and Grenada, in the Years 1791 & 1792," in Bryan Edwards' *History, Civil and Commerical, of the British West Indies* (London: Printed for J. Stockdale, 1793-1801), III, 276; John Harrower, *The Journal of John Harrower, An Indentured Servant in the Colony of Virginia, 1773-1776*, edited, with an introduction by Edward Miles Riley (Williamsburg, Va.: Colonial Williamsburg, c 1963), p. 89.

<sup>14</sup> "Songs of the Blacks," *Dwight's Journal of Music*, 10 (November 15, 1856), 51-52; 15 (1859), 178-80.

<sup>15</sup> "Songs of the Blacks," *The Evangelist*, 27 (October 23, 1856), [1].

<sup>16</sup> "Pitt Study Pegs Faculty Acquisitions Patterns," *Library Journal*, 102 (July 1977), 1438.

<sup>17</sup> Philip Henry Gosse, *Letters from Alabama (U.S.), Chiefly Relating to Natural History* (London: Morgan and Chase, 1859).



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