

ARCHIVAL

OUTLOOK

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Sophomore class artwork featured in the 1920 *Locust* yearbook.

Public Domain Clearance Project at Texas A&M University–Commerce Libraries

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Copyright law in the United States is notoriously complex. To aid researchers at the Texas A&M University–Commerce Libraries in discerning copyright status more clearly, archivist Michael Barera and digital collections librarian Adam Northam developed a project in 2016 to identify images that have entered the public domain from our Historic East Texas Collection, which documents university history.

The project's main goals were to make public domain materials in our Northeast Texas Digital Collections more accessible and to determine if clearly identifying materials as being in the public domain would direct more traffic back to the source material in our Digital Collections, leading researchers to even more resources.

Despite the complexity of copyright law, we focused on two fairly straightforward public domain rationales. The project primarily involved materials that had entered the public domain because they were published in the United States prior to January 1, 1923.

We also used the more obscure provision that unpublished materials created more than 120 years ago are also in the

public domain if the author's death date is unknown or, as was more relevant in our case, the work was created anonymously or as a work for hire.

Public Domain Clearance

The first stage of the project was to identify public domain materials in our university history collection. We selected this collection for several reasons: its materials were originally produced by the university, so third party rights were not an issue; the size was not overwhelmingly large; and we thought its content, relating to the university's history, would be more widely used.

We researched and documented the copyright status of all the pre-1923 photographic and textual materials in the collection, which resulted in 80 separate files. We implemented a three-part "stoplight" model:

- green "certain" status was assigned to materials that could be proved beyond a reasonable doubt to be in the public domain;

- yellow “plausible” status was given to materials dated before 1923 that were in a form that is typically published (such as programs and postcards) but with no explicit proof of publication; and
- red “uncertain” status was assigned to materials without any evidence of public domain status.

Of the 80 pre-1923 materials in the collection, 9 items were certainly and 19 were plausibly in the public domain, while 53 had uncertain status.

After discussion, we decided to take a risk-averse strategy and only change the rights statements on the materials that were identified as certainly in the public domain, initially just 9 items. In August 2016, the three *Locust* student yearbooks that were published before 1923 were added to the project, each of which included numerous individual images, greatly increasing the scope of the project.

Wikimedia Commons and Wikipedia

An experienced Wikipedia editor, Barera uploaded the files from the Northeast Texas Digital Collections that had been cleared for public domain to Wikimedia Commons, where he also noted their copyright status and added descriptions. In addition, he added content categories relating to each individual image according to the hierarchy of categories on Wikimedia Commons, which facilitates both browsing and searching for material on the site.

In all, 243 individual files were uploaded to Wikimedia Commons, the majority sourced from the three yearbooks. After uploading the files, Barera added the images to various Wikipedia articles, which is easily facilitated by Wikimedia Commons.

We wanted to determine if clearly identifying materials as being in the public domain would direct more traffic back to the source material.

Measuring Impact

Since the start of the project in March 2016, we have compiled thorough metrics on use of these images on both Wikimedia and non-Wikimedia websites. The metrics were determined through both the Northeast Texas Digital Collections (using analytics through CONTENTdm) and Wikimedia websites (using the tool GLAMorous at <https://tools.wmflabs.org/glamtools/glamorous/>), including Wikipedia.

Two years after the project began, detailed metrics from our Digital Collections revealed that 17 of the 18 images and image sets that were cleared had higher rates of viewership after being identified as public domain and ported to Wikimedia Commons. Furthermore, 14 of the 17 had viewership rates that had doubled or more than doubled. This project had substantially increased views to the source materials on our Digital Collections.

Similarly, 35 images uploaded to Wikimedia Commons for this project (representing 14.4% of all images) had been used on various

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“Magic and Infinite Possibilities” continued from page 5

the former executive of the European Edition, reached me. Daniell had been forced to resign several months after Kroesen took over but was later rehired. This interview was conducted in the interim, and Daniell dished on the radical changes brought by the new owner to the newspaper’s liberal editorial policy. The donor expressed an interest in donating the recording, but then I never heard back. I’d spent four months on this side project and, with little to show for my efforts, I realized it was time to let it go. It looked like there was nothing further to pursue.

A year-and-a-half later, my hopes were briefly reignited after another donor belatedly responded to an inquiry I had made during my initial feverish hunt. He had sixteen bound volumes of the European Edition being housed in Germany—did we want them? After a few email exchanges, this also frustratingly became a dead end.

The Payoff

Over the years, the Ann McKay Papers have gained a small cult following among the students, professors, historians, documentary filmmakers, and others who use our collections. The “magic and infinite possibilities” of OW continues to capture their

imagination as well as mine. Despite the heartbreak of securing so little additional material, my fondness for OW has grown and I’ve held out hope that more information will surface. This spring a visiting filmmaker spent a week diving into the OW material and mentioned seeing a few issues of the Stateside Edition for sale on eBay. After we purchased the eBay items for our collection, curiosity drove me to reach out again to my old contacts with the bound newspapers and the recorded interview.

Much to my delight, the donor with Daniell’s interview responded quickly and was glad to be back in touch. We had a few things to work out (he wished to remain anonymous), but before I could believe it, in my hands was the audiocassette I had been dreaming about for years.

As I sat and listened to the interview, Daniell laid it all out, describing Kroesen’s take on editorial policy as he sought to increase circulation to 500,000 and not make any waves with the military: “In the beginning we’re going to have to get a lot softer. . . . You guys talk awfully tough for a small paper and you can’t do that if you want to succeed.” Kroesen didn’t set any specific policies, but one of his underlings

told Daniell to “cool it on the racial stuff.” Kroesen also wanted to cozy up to the brass by hiring a general to work for OW. It was an intimate and immersive glimpse into the chaotic transition of this truly unique newspaper as it struggled to survive under new leadership. I was enthralled.

Some archival dreams are decades in the making. Maybe those bound OW newspapers eventually come in, maybe they don’t. But I will remain hopeful. Like

working for *Overseas Weekly*, the archival profession also happens to be full of “magic and infinite possibilities.” ■

With only brief glimpses into the turmoil of OW, tantalizing questions remained. I was enamored with the OW story and wanted to know more.

Notes

¹ The Western Historical Manuscript Collection merged with the State Historical Society of Missouri in January 2011 under the Society’s name.

² The OW photo morgue later turned up at the Hoover Institute Library and Archives at Stanford University. I’d like to think my digging drew attention to its importance and saved it from being lost to history. Hoover has digitized the treasure trove of images and they are available online at <https://digitalcollections.hoover.org/advancedsearch/Objects/archiveType%3AItem%3BcollectionId%3A59153>.

Take This, It’s Free! continued from page 13

Wikimedia websites, chiefly Wikipedias in various languages. Some of these images were used multiple times, resulting in 49 “total image usages” across all Wikimedia projects: 47 of these were on the English Wikipedia, with one each on Armenian and Hebrew Wikipedias.

Furthermore, a total of 26 individual uses on non-Wikimedia websites have been confirmed, with 22 occurring on English-language websites, with one each on French, Georgian, Korean, and Spanish websites. Highlights included use of a drawing of a sophomore in a WGBH article, a photograph

of a playground slide on an informational Georgian website, and multiple images on the *Handbook of Texas Online* entry about our university.

A Repeatable Model

Considering the impact of this project and the relative ease with which we accomplished it, it has been successful. Moving forward, we plan to continue this project, annually identifying and porting to Wikimedia Commons materials in our

university history collection as they enter the public domain.

Requiring a few hours a week (including weekly meetings) during its initial months, and just a few hours per month after that, the project workload has been fairly light. Considering this and its measurable impact, we believe that any repository—

even small ones that may be understaffed, underfunded, or adverse to risk—can realistically and successfully use this project as a model for increasing the visibility and use of its own digitized public domain materials. ■

Fourteen of the seventeen image sets had viewership rates that had doubled or more than doubled.