

# 2004 ALCTS President's Program

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and Bill Ivey

*Three papers given at the 2004 Association for Library & Technical Services President's Program are presented. They explore the challenge of preserving cultural memory—an increasingly complex task in an era with a short attention span that may compromise a long-term perspective.*

**World Enough, and Time—Libraries As Agents of Cultural Memory: Introduction to the 2004 ALCTS President's Program, June 28, Orlando, Florida**

Brian E. C. Schottlaender

I am delighted to welcome you to the 2004 ALCTS President's Program. I want to thank you for making the long trip to this distant, if beautiful venue. I also want to thank my Program Planning Committee, chaired by Wendy Pradt Lougee of the University of Minnesota, and including Abby Smith of the Council on Library and Information Resources, Gay Dannelly of Notre Dame University, Genevieve Owens of the Williamsburg Regional Library, and Jane Treadwell of the University of Illinois at Springfield. Finally, I am very pleased to thank our generous sponsors for today's program. Basic Books has donated three hundred copies of Stewart Brand's *The Clock of the Long Now* for today's event. Firma Otto Harrassowitz of Wiesbaden, Germany, and their president and CEO, Knut Dorn, have provided financial support. Almost thirty years ago to the day, Knut and his father Richard gave me my start in the information business. I was grateful then, and I am grateful now. Thank you, Knut.

This program has its genesis in my reading a few years ago Stewart Brand's *The Clock of the Long Now*, and in particular in the chapter contained in that book titled "Burning Libraries."<sup>1</sup> Why, Brand wonders, have people throughout history (from the third century B.C. through the present) burned libraries? In order to wipe clean the slate of history, he concludes, noting that: "Burning libraries is a profound form of murder, or if self-inflicted, suicide. It does to cultural continuity—and hence safety—what destroying species and habitats does to nature's continuity, and hence safety."<sup>2</sup>

Augst, writing in the fall 2001 issue of *American Studies*, notes:

From the campaign of ancient rhetoricians to devise "places of memory," to the modern campaigns to devise a universal standard

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bibliography, the Western ideal of the library has represented not merely a collection of books gathered for some purpose but also arguments about the location, form, and power of knowledge in particular social and historical contexts. As a symbolic space, a type of collection, a kind of building, the library gives institutional form to our collective memory.<sup>3</sup>

Cultural memory provides society with continuity, a mechanism for preserving the knowledge of generations past and present for those to come. Cultural memory resides not only in the products of civilization (such as books or art), but also in myriad communication channels and processes. *The Clock of the Long Now* depicts the increasingly complex task of preserving cultural memory in an era whose “pathologically short attention span” may compromise a long-term perspective.<sup>4</sup> In a time when information permanence is increasingly in question, how do we shape and sustain the legacy of our culture? And where do libraries fit in this process?

The subtitle of *The Clock of the Long Now* is “Time and Responsibility,” about which Brand, in the book’s opening chapter, writes:

Time and Responsibility. What a prime subject for vapid truisms and gaseous generalities adding up to the world’s most boring sermon. To spare us both, let me tie this discussion to a specific device, specific responsibility mechanisms, and specific problems and cases. The main problems might be stated [as follows]: How do we make long-term thinking automatic and common instead of difficult and rare? How do we make the taking of long-term responsibility inevitable? The device is a clock, very big and very slow. For the purposes of this book it is strictly notional, a clock of the mind, an instrument for thinking about time in a different way.<sup>5</sup>

Before turning the podium over to our featured speakers, let me say a few words about the title of our program today, “World Enough and Time.” When Genevieve Owens suggested the title to me, I was not sure whether she was motivated by Robert Penn Warren’s novel of the same title or by the first line of “To His Coy Mistress” by Andrew Marvell (the great seventeenth-century metaphysical poet).<sup>6</sup> It turns out to have been the latter, but the former is no less relevant. In *World Enough, and Time*, Nicholas Murray, Andrew Marvell’s biographer, summarizes “To His Coy Mistress” as follows:

‘Had we but World enough, and Time . . .’  
[there would be no urgency]  
‘But at my back I alwaies hear . . .’  
[the pressure of passing time denies us that leisure]  
‘Now therefore . . .’  
[it is imperative that we seize the moment while we can]<sup>7</sup>

Penn Warren’s omniscient narrator, meanwhile—in setting the stage for explaining how it is we have come to know the fate of the protagonist of *World Enough, and Time*—begins that novel with the following:

I can show you what is left . . . what is left is in our hands. Here are the scraps of newspaper, more than a century old, splotted and yellowed and huddled together in a library, like November leaves abandoned by the wind, damp and leached out . . . Here are the diaries, the documents, and the letters, yellow too, bound in neat bundles with tape so stiffened and tired that it parts almost unresisting at your touch. Here are the records of what happened . . . Here is the manuscript he himself wrote . . . telling his story. The letters of his script lean forward in their . . . race against time . . . To whom was he writing . . . ? The answer is easy. He was writing to us.<sup>8</sup>

Finally, I discovered in the University of California, San Diego, online catalog a third volume titled *World Enough, and Time*.<sup>9</sup> Written by Robert Repetto, the book is an outgrowth of a 1984 conference sponsored by the World Resources Institute, a conference to explore practical steps toward successful management of the world’s resources and environmental and pollution pressures. While Repetto’s focus is not, of course, on the management of the sorts of cultural assets with which we typically concern ourselves, his Conclusion includes a section titled “Implications for Private Voluntary Associations.” I found interesting—and relevant:

In creating public awareness of pressing environmental concerns and political support for the policy agendas that have emerged from the Global Possible Conference, NGOs have a critical role. Leadership will not come from politicians, bureaucrats, and policy analysts, but from the people . . . One key to action is widespread change in perceptions and values, to which, in most countries, governments respond. Private voluntary associations are in the vanguard of these changes.<sup>10</sup>

As the clock in the Brand's book is strictly notional, the title of today's program, "World Enough, and Time," is strictly ironic—because, in fact, we have neither.

We are fortunate to have with us today two very distinguished speakers, and an equally distinguished moderator, to speak to the themes I have just outlined.

Our first speaker is Douglas Greenberg, president and chief executive officer of the Survivors of the Shoah Visual History Foundation in Los Angeles. The foundation has collected more than 50,000 testimonies of eyewitnesses to the Holocaust in fifty-six countries and thirty-two languages. The Shoah Foundation is now digitizing and cataloging the testimonies in its archive for use by scholars and educators around the world. Greenberg came to the foundation in 2000 from the Chicago Historical Society, where he served as president and CEO for seven years. Previously he was vice president of the American Council of Learned Societies and associate dean of the faculty at Princeton. He is author or editor of many books and essays on the history of early America and American law, his original scholarly fields, as well as on technology, scholarship, and libraries. Greenberg graduated from Rutgers University with Highest Distinction in History. He took his masters and doctoral degrees in history at Cornell University. He is an elected member of the American Antiquarian Society and a Fellow of the Society of American Historians.

Our second speaker is William Ivey, director of the Curb Center for Art, Enterprise, and Public Policy at Vanderbilt University, an arts policy research center with offices in Nashville, Tennessee, and Washington, D.C. He is also a Senior Fellow at the Center for Arts and Culture, a Washington, D.C., think tank, and chairs the board of the National Recording Preservation Foundation, a federally chartered foundation affiliated with the Library of Congress. He is currently at work on a book about America's endangered twentieth-century cultural heritage. Prior to taking up his responsibilities at the Curb Center, Ivey served in the Clinton-Gore Administration as the seventh chairman of the National Endowment for the Arts, where he was credited with restoring Congressional confidence in the NEA and its work. Before undertaking government service, Ivey was director of the Country Music Foundation in Nashville, Tennessee. Twice elected board chairman of the National Academy of Recording Arts and Sciences, Ivey is a four-time Grammy Award nominee, and is the author of numerous articles on cultural policy, and folk and popular music.

And finally, our moderator is Abby Smith, director of programs at the Council on Library and Information Resources (CLIR) in Washington, D.C. Smith joined CLIR in 1997 to develop and manage collaborative work with library and archival institutions to ensure long-term

access to our cultural and intellectual heritage. Before that, she worked at the Library of Congress, first as a consultant to the special collections research divisions, then coordinating several cultural and academic programs. She holds degrees in history and literature from Harvard and has taught at Harvard and Johns Hopkins. Her recent publications include *Access in the Future Tense; Strategies for Building Digitized Collections; The Evidence in Hand; and Authenticity in the Digital Environment*.<sup>11</sup> I shall now leave you in Abby's good hands.

### References

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6. Robert Penn Warren, *World Enough and Time: A Romantic Novel* (New York: Random House, 1950).
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8. Penn Warren, *World Enough and Time*, 3.
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11. Abby Smith, "Mapping the Preservation Landscape," in *Access in the Future Tense* (Washington D.C.: Council on Library and Information Resources, 2004), 1–8; Abby Smith, *Strategies for Building Digitized Collections* (Washington D.C.: Council on Library and Information Resources, 2001); Stephen G. Nichols and Abby Smith, *The Evidence in Hand: Report of the Task Force on the Artifact in Library Collections* (Washington D.C.: Council on Library and Information Resources, 2001); Abby Smith, ed., *Authenticity in the Digital Environment* (Washington D.C.: Council on Library and Information Resources, 2001).

### Andrew Marvell and Satchel Paige in Baghdad

Douglas Greenberg

Let me begin with a confession: I am not sure what I am doing here. I am not a librarian and, although I have spent most of my professional life in and around libraries, I have never really understood what technical services are. On the other hand, I am an inveterate library user and, in another incarnation, I used to run a library-museum-archive. And I am now involved in collecting and preserving what is arguably a digital library, although I do not have to tell you that "digital library" is a vexed designation. As I once said in print, it may be

that if a library is digital, it is not a library. And if it is a library, it is not digital. A library may be an ineluctably analog beast, in other words, and to call a digital collection a "library" may confuse more than it clarifies. But I am getting ahead of myself. As I said, I am not sure what I am doing here. In addition to not being a librarian, I have another disqualification: I have read *The Clock of the Long Now*, and I do not understand a word of it.<sup>1</sup>

All of which is a long way of saying I aspire to be pedestrian rather than philosophical in trying to address the question of the library's role in cultural memory. There are some practical problems we need to address, whether we are librarians and archivists or users of libraries and archives—and you can throw in museum goers and curators while you are at it. We need to address these questions whether we know what a clock of the long now is or not. What should we preserve of our cultural life for future generations? How should we preserve it? For what purposes should we preserve it? And, of course, that *most* pedestrian and endlessly fascinating of all questions: in what formats we should preserve it?

In order to get at some of these issues, I want to go back to the title of this session, which comes from a poem about sex. I must say that I never thought I would be speaking to a group of librarians on an assigned topic derived from a poem about sex. Of course, it is a wonderful poem that many of us know: Andrew Marvell's "To His Coy Mistress." You remember the second line of it, I am sure, as well as the first, from which this session derives its title: "If we had but world enough and time, This coyness, lady, were no crime." The narrator goes on, in fairly explicit terms, to insist that what I am told the current generation calls "hooking up" is a pleasure that should not be foregone, since no one lives forever.

I remembered this poem and those first two lines immediately when I saw the title of this session. I am sure you did, too. I had read the poem first at the age of sixteen, when the sentiment expressed in it had—how shall I say this delicately?—special meaning to me. But I had forgotten that the poem also contains a line that is more to the point for those of us who work in and are responsible for institutions of cultural memory: "But at my back I always hear Time's Winged chariot hurry near."

Time, the poet reminds us, is not merely passing. It is *chasing* us. It pursues us and, of course, it eventually defeats us. But while we are here, we can hear those wings beating in our ears as the chariot bears down upon us. In libraries and museums and archives, we are always trying to outrun time, and to stay a step ahead of that chariot.

After all, as John Maynard Keynes observed in a different context, "In the long run, we are all dead."<sup>2</sup> In the meantime, though, this desire to defeat time bears

upon cultural institutions in two ways. First, we must collect materials for our libraries and other institutions of memory before it is too late. And, second, we must preserve what we collect. I will come back to preservation in a moment. What about collecting?

If our successors on this planet are to know us, we must literally scoop up the culture that surrounds us and put it where it may not perhaps survive long enough to outlive the clock of the long now, but where, at least in the medium term, it will survive. Even more important, collecting does not mean today what it meant in the past. It continues, of course, to mean collecting books and manuscripts and photographs and artifacts, but today it also means collecting zeroes and ones—electrons, not merely ink on paper and material culture. Although folks in the world of cultural institutions, including me, have been talking about this new set of responsibilities for a long time, I confess I feel especially aware of them now, doing what I do and overseeing the collection that is in the care of my organization.

Moreover, collecting is even more complex than that. In addition to doing everything we have always done, digital collections are actually of two kinds and each imposes different challenges and opportunities. The first sort of digital collection involves digitizing what has always been in analog form. This is the main sort of digital material that Stewart Brand *seems* to be worrying about in *The Clock of the Long Now*. I am sure I do not need to go into any detail on this. All of us are aware of a multitude of such projects from J-STOR to ART-STOR to the ACLS E-Book project to myriad projects designed to digitize everything from photographs to architectural fragments. Anything that now exists in analog form is fair game for the digitizers.

And that is a good thing, of course, since digital copies are easily distributed and disseminated and shared. In a moment, I want to say something about the preservation of digital objects, but there can be no doubt that the digitization of analog collections improves access to them by eliminating physical distance as a barrier to their use. Still—the dream of universal digital access to the best that has been thought and made in our civilization is a long way from being realized. Until it is, we must continue to literally *make* new collections by digitizing old ones. And they are *new* collections in some important sense because they require different methods of preservation as well as novel approaches to access.

But we have another new collecting responsibility, too—to collect materials that are born digital and have no analog replica. Digital video and digital photos, which a decade ago were high-end products for professionals, are becoming not only ubiquitous consumer products, but also important mechanisms for creating new art

and documenting the culture that surrounds us. The Web itself is a record of our times that needs to be collected, and that changes every day. Databases, once the province of banks and governments, surround us and contain essential information that must be stored and accessed somewhere. Lest libraries be let off the hook as repositories of books and journals only, we need to remind ourselves that both these old analog forms are coming increasingly to exist *only* in digital form. Some sorts of scholarship, in fact, cannot exist in analog form at all because they require the use of data and images and other materials that are too expensive to reproduce in any fashion but a digital one. We cannot let the clock of the long now tick off its ten thousand years before we address the problems of digital collecting.

I could go on, but you all know this story better than I do. Society has given its libraries and other institutions of cultural memory a new set of instructions: collect everything you have always collected. Collect two new kinds of digital materials too in multiple incompatible formats—and do it right away with diminishing money, people, resources, space, and cultural legitimacy. While you are at it, make it all universally available on the Internet. Now I know why I am not a librarian. I do not have the necessary masochistic drive!

I say this having, in my current job, some small experience with this problem and with its concomitant problem: preservation. Collecting was the be all and end all of the Shoah Foundation when it was founded: collect fifty thousand video testimonies of survivors and other witnesses to the Holocaust before it is too late. In other words, do a very difficult job as fast as you can because if you do not, you will not be able to do it at all. In that sense, the work of the Shoah Foundation in its first decade has been to collect and to preserve simultaneously, since this is a case in which collecting video testimonies was undertaken in the service of preserving what they record: memory. Now that we have the testimonies, however, we must preserve *them*, which is not an easy task. Our collection is actually an epitome of the preservation questions that all institutions of memory must face, so I want to explain them briefly not as an exercise in organizational self-congratulation, but as a way of exemplifying the larger issues that digitizing and digital collecting present for institutions of memory.

Our 52,000 testimonies, nearly 120,000 hours of video and close to 200 terabytes data, were originally collected on the video standard of the day, Beta SP analog tape. They were immediately digitized on DigiBeta tape and copied to VHS tape, and now most have been digitized as three megabit per second MPEGs. The result is multiple formats for multiple purposes, the details of which I will not go into here. But think about the preser-

vation issues. The original document is the analog Beta SP; everything else is a digital replica, but *not* the thing itself. For how long should we preserve the analog originals? For how long *can* we preserve them? Preservation and conservation of such materials is a scientifically complex proposition since no one knows how long the tape will last, even in pristine environmental circumstances.

This raises the most fundamental question, a question that must be addressed for all sorts of collections of cultural materials, not only our own. What should be preserved in any event—the information or the object, the tape or the interview on it? Only the analog version can be said to be a full representation of the original interview. A digital photograph of the Declaration of Independence is not the original, no matter how high the resolution of the photo, no matter how clever the verisimilitude of the paper on which it is printed.

Video is even more complicated. Transcripts clearly will not do the trick since they remove the very information—sight and sound—that distinguishes video from other formats. Yet too much use of the original analog tapes will eventually destroy them, no matter how carefully they are preserved. They are the rare books of our time. In addition, the digital replicas—at a time when Holocaust denial remains a real danger—can be alleged to be mere digital creations, manipulations of zeroes and ones that have the appearance of truth, but not the reality of it. Only the original analog tapes can be said to hold all the information captured at the moment of the original interview. But there is a physical limit to how long they can be preserved that is imposed by the chemistry of the tape itself. It turns out that the most long-lasting preservation format for our interviews is an analog medium: 35mm film. So perhaps we should “analog-ize” our digital resources, just as we are digitizing our analog collection, and reverse the process completely. It would only cost us about \$80 million.

So I *do* hear time’s winged chariot beating in my ears, and other voices whisper to me, asking such questions as: What is the point of preservation anyway if we do not pay attention to access? And who will control all this material anyway? Aren’t those questions as important as issues of collection and preservation?

Like it or not, therefore, I have to say a few words about intellectual property. Much has been said and written on this subject and about the challenges it presents in the electronic environment. There is no question that the ease with which digital materials can be copied, altered, and redistributed presents real challenges to cultural institutions committed to expanding their collections electronically. On the other hand, an obsession with intellectual property can be a huge barrier to providing access. I speak from the experience of my

own organization when I say that intellectual property concerns can overwhelm and endanger the missions of institutions of cultural memory.

At the Shoah Foundation, although we own all the underlying intellectual property in our of video testimonies, we have privacy concerns that must be addressed, and we also have the real danger of Holocaust deniers misusing our archive to advance their cause. As a result, we have also had, until recently, a predisposition to permit intellectual property concerns to overwhelm the requirements of access. Shifting from an internal culture in which the protection of the intellectual property dominated to one in which access is the central objective has not been an easy thing to accomplish, especially for an organization that not only owns the intellectual property but also actually *created* it. In some sense, the best way to protect electronic intellectual property would be to prohibit access altogether, lock up our collections in a vault, and be done with it.

And yet the Shoah Foundation archive—including the excruciating memories of eyewitnesses to the greatest crime of the last century and painstakingly gathered in fifty-six countries and in thirty-two languages—was collected for a reason: because we believe the testimonies and the faces and voices they encode have important, even essential and world-transforming, work to do. For us to allow our fears with respect to intellectual property to overwhelm the imperative of providing public access would be to turn away from our mission—and that would be a much more irresponsible act than opening ourselves to the occasional and, in my judgment, unlikely possibility that someone will steal and misuse our intellectual property. The same thing goes for every institution represented in this room.

This brings me to my penultimate point. Are cultural institutions really prepared to offer access to materials that are not digitized from some other medium, but digital in the first instance? It is one thing, in other words, for a museum or library to digitize a collection of photographs or a manuscript or a book. Are our institutions really prepared to offer access to—no less than to store and preserve—materials that exist *only* in digital formats? What are we to do with digital audio files, the papers of public figures that are delivered to archives on disk or even by FTP, or digital video files or databases of cultural, political, economic, or social information? These are not easy questions, but I find myself asking them because the collection of the Shoah Foundation is just such a collection.

Over time, more and more of what we store and offer will originate digitally and will have no analog representation at all. The *only* way to use these materials will be electronic. What will we do to ensure that

today's digital files will still be readable and usable on tomorrow's machines? Paper may be old-fashioned, but it works pretty much now as it did a hundred years ago. The same cannot be said of the digital media we were using even ten years ago. Do we have any idea about how we will handle this sort of material, how we will establish provenance, how we will catalog and index it, how we will store it, preserve it, and, most important, make vast quantities of it available and accessible to users that are likely to become more and more comfortable with material in this format and *less* and *less* comfortable with material in antique analog formats, such as books? Stewart Brand may have it right when he says that people like us have no good answers for these kinds of questions. We must do whatever we can to prove him wrong.

Institutions of cultural memory *must* begin to answer these questions, and the reason to answer them is that the educational mission of our institutions requires it. As publicly responsible, educationally driven institutions we must better understand and anticipate the requirements of the new age in which we live. If we fail to do so, we will not only imperil the responsibility to democratic civic education that ought to be at the heart of everything we do, we will also, ironically enough, endanger both the collections of the past and the collections of the future. In so doing, we will abandon not only our institutional purposes, but memory itself.

It is often said that museums, libraries, archives, and other cultural institutions are the essential links between past and present. The job of those who manage them is one whose main obligations are fiduciary, literally to hold materials in trust and to transmit both their physical reality and cultural significance across generations and geography. These institutions thereby reflect not only *who we are now*, but also what *others were then*, and what *we and they will be in and to the future*. Our responsibility in the moment is to respect both the physical and metaphysical integrity of the materials we collect and preserve in our libraries.

Let me close, then, by coming back to the beginning. Andrew Marvell cautioned us that time's winged chariot was at our backs. The national museum in Baghdad held in its care and had preserved the record of a civilization centuries gone, gone for so long, in fact, that people all over the world assumed that we *did* have world enough time and that time's winged chariot would never catch up with the precious and long-preserved heritage of the civilization of ancient Mesopotamia. But the American invasion of the Tigris and Euphrates valleys gave the lie to those assumptions and showed us that with or without the clock of the long now, whether digital or analog, the task of cultural memory must be pursued actively. Two years ago, we discovered that we did *not* have world

enough and time, as other things seemed more to merit protection and preservation than the memories of a sublimely significant and uniquely venerable culture.

So I think that Stewart Brand must be a fine fellow, and the clock of the long now might even be a good idea. But I am an historian, and I also believe, as we saw so shockingly a year ago in Baghdad, that if someone can build it, someone can destroy it. I guess I think that Andrew Marvell had it right about time when he wrote “To His Coy Mistress.” If seventeenth-century English sex poems make us uncomfortable, however, we can also turn to that most poetic of all *American* arts, baseball, and consult the most inimitable of its bards, Satchel Paige, who reminded us: “Don’t look back. Something might be gaining on you.”<sup>3</sup>

### References

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3. Satchel Paige, *The Oxford Dictionary of Modern Quotations*, ed. Elizabeth Knowles (Oxford Univ. Pr., 2002). (Oxford University Press, *Oxford Reference Online*. Accessed July 29, 2004, [www.oxfordreference.com/views/ENTRY.html?subview+Main&entry+t93.e1382](http://www.oxfordreference.com/views/ENTRY.html?subview+Main&entry+t93.e1382)).

## The Looming Loss of Intangible Heritage

Bill Ivey

During my tenure as National Endowment for the Arts (NEA) chair, hundreds of bright, energetic people inside and outside government devoted countless hours to advancing the budget of the arts endowment. But, as great as it was to see that annual appropriation rise by seven million or ten million dollars, I gradually became convinced that the intense focus on the well-being of our cultural agencies—as though they constituted the entirety of government cultural policy work—distracted arts specialists from a set of policy questions that are, in the long run, of much greater consequence than the size of the NEA’s budget.

After all, during the Clinton/Gore Administration, the term of copyright was extended, media ownership was deregulated, and, through the Digital Millennium Copyright Act, the duplication of intellectual property was criminalized. The cultural impact of any one of these legislative or regulatory actions dwarfs that of the NEA’s entire budget, but the cultural community—with, I must acknowledge, the exception of some engagement by the library community—was not at the table when these transforming public policies were open to debate and modification.

Even today, leaders who care passionately about art and creativity act out the narrow, distracted approach to cultural policy that allowed us, by and large, to miss many of the key legislative and regulatory debates of the past fifty years. (In part, this failing is the result of excessive policy focus on the funding needs of nonprofit, refined arts organizations. But that is another subject for another essay.)

In this presentation, I want to zero in on one problem produced by America’s failure to generate a broad conversation about art and the public interest, and discuss a looming crisis in the cultural heritage of our nation—a crisis that, without a prompt and effective response from arts policy leaders, will severely damage our nation’s ability to recast art of the past as the creativity of the future, and significantly limit our children’s ability to engage democracy’s artistic legacy.

My focus here is twentieth-century cultural heritage—specifically, the recordings, movies, and radio and television programs that contain so much of America’s art making of the past one hundred years. Generally, we can refer to this piece of our creative past as “intangible heritage,” thereby indicating that the artifacts (master film prints, metal recording parts, original audio and video tapes) involved possess negligible object value, but may function as containers for priceless original chunks of America’s performing arts past—content that is the cornerstone of America’s cultural memory.

This category of cultural artifact was new in the early twentieth century. Before that time, after all, musical and dramatic performances were fleeting experiences restricted to a single time and place. If you wanted to hear a Sousa march twice . . . well, get the band to play it again. If you wanted to learn the blues . . . well, take the train to Memphis, a horse and carriage into northern Mississippi, and hope that Robert Johnson or his forbearers were playing in the roadhouse the night you came along.

In fact, sound recording, motion pictures, then radio, and later television made possible a new kind of art product. Music, drama, dance, and comedy could now be permanently fixed; that is, preserved over time, moved from place to place, rented, bought, broadcast, and sold.

Library professionals wrestle with intellectual property issues every day—the costs of engaging culture. I would assert that many of the challenges generated today by copyright and its cousins, trademark and name-and-likeness rights—what could be characterized as the expanding footprint of copyright—arise from the unique character of these twentieth-century arts products.

How were these new arts products different? Historically, copyright resides with the individual who creates a work. Authors basically rent their copyright to

book publishers, and so on. If anything, this principle has been strengthened during the past fifty years, as the notion of presumed copyright retention was extended to visual artists, journalists, and other segments of the creative community.

Recordings, films, and broadcasts are of a different order, however. Because these art forms are inherently collaborative, and because they must be financed in advance of their ability to earn income, the copyright to these twentieth-century arts products resides with the corporation that organized and financed the movie, record, or radio and television production.

Thus, the accumulated creativity of the past century is, simultaneously, cultural heritage and corporate asset. The jazz solos of Louis Armstrong, the films of Orson Wells, the dance of Fred Astaire, the comedy of Jack Benny are, for intents and purposes, owned by multinational media corporations.

This merger of heritage and asset is significant for a couple of reasons, but foremost because this material is important. It may be fair to argue that, in the eighteenth and nineteenth centuries, the United States actually was a second- or third-rate cultural producer. However, once technology bestowed the permanence of print on America's vernacular performing arts, the democratic tapestry that defined our nation's art making was available across the land, and, ultimately, around the world. Jazz, blues, country music, and drama captured on film; comedy, drama, and music on radio; televised young people's concerts; Elvis on the Ed Sullivan Show—I would argue that, in aggregate, these multiple performances constitute the most important visible metaphor for the nature of our democracy, and the best window into the evolution of our nation's diverse, twentieth-century society. This stuff is important and there is a lot of it.

How much? In the archives of major record labels (Warner Brothers, Universal, Sony, BMG, and so on) are more than three million master recordings, and many of these are multicut metal discs or tapes. In film, once again considering only major studios such as Universal, Fox, MGM, and Warner Brothers, archival holdings total about 26,000 master prints. In television, there exist on the order of 400,000 entertainment film and tape masters in the collections of the big three networks, and none of this counts masters held by recording studios, independent record and film producers, cable networks, or entities such as Doug Greenberg's Shoah Foundation.

So, twentieth-century intangible heritage is important, and there is lots of it. And, as you would expect, some has been lost. Back in 1963, RCA Records (now BMG), in an effort to reduce its inventory of warehouse space, dynamited one wing of a master-disc archive into the Delaware River, eliminating both the structure and

its contents. The great early blues radio show, King Biscuit Time, has been lost, as have all the tapes of pioneering disc jockey Alan Freed's earliest work in York, Pennsylvania. The kinescope of Johnny Carson's debut *Tonight Show* has vanished, as have all of James Dean's TV appearances from the 1950s, and MGM threw out many of the original scores to the studio's 1930s musicals. The sad tale goes on and on.

However, not much is to be gained by lamenting losses of the past. I stated in my introduction that I saw a looming crisis in preservation and access. I want to turn to why I think twentieth-century intangible heritage is more at risk now than ever before, and touch on a few suggestions as to how we might right the balance between heritage assets and the public interest.

Here are a few of the specific problems that make the preservation challenge more vexing than in the past. First, technological advances of the past twenty years have created a hardware and software Tower of Babel. When I moved to Nashville in 1971, sixteen-track analog audio tape had just become the industry standard for studio masters; within a few years thirty-two-track, then sixty-four-track, two-inch machines followed. Then early digital formats popped up, included various incarnations of Beta, which quickly were superseded by various formatted computer hard drives, and so on. From 1920 until 1950, most audio masters were metal discs; from 1950 until 1980, most masters were quarter-inch stereo or mono tape recordings. After that . . . Katy bar the door! A modern master may be nothing more than a few data points on a computer hard drive. And, of course, the same thing has happened in moving image media. In fact, technology has handed us a problem unusual in archival work—the past quarter century is much more vulnerable and much more difficult to access than audio and moving image media of the preceding seventy-five years.

Another point to consider is that corporate mergers and acquisitions have forced together vast archival holdings into the combined collections of a few multinational corporations, most of which are not headquartered here in the United States. The trend is marked. In 1925, the film industry boasted fifteen distinct, American-owned studios; today there are seven, and only Disney and Warner Brothers are American-owned.

The change has been even more dramatic in recordings. There were twenty-seven American record companies as recently as 1960; today there are five (four if the BMG/Sony merger goes through), and none is American-owned.

Companies that own America's heritage assets are, for the most part, divisions of multilayered media corporations. Top-down decisions involving preservation



and investment in the release of historical material are today often made in remote corporate headquarters. Uninvolved management and the focus on quarterly performance and shareholder value do not constitute a nurturing environment for intangible heritage.

In addition, the retail environment has grown increasingly hostile to the distribution of niche products. More than a third of all CDs are sold by Wal-Mart, Best Buy, or Target. These big box retailers use bargain-priced audio and video product to steer customers through stores to generate impulse purchases. By stocking only a narrow selection of sure-selling hits, retail chains devalue historical product, inadvertently discouraging both preservation and access.

Earlier, I indicated that the transformation of performances into arts products during the twentieth century was, in part, responsible for the growing footprint of copyright. The unfettered power of corporation-controlled copyright is, in my opinion, the biggest impediment to the development of an appropriate connection between Americans and our twentieth-century artistic heritage.

To be fair, the impact of corporation-controlled copyright has not been all bad. We must acknowledge that, over the years, the art-as-asset model encouraged investment and risk-taking. The very development of modern arts companies was made possible by the work-for-hire concept and by the related ability of corporations to attach multiple revenue streams to arts assets over long periods of time. And, the extent that the master discs and prints of the recordings, films, and broadcasts of the past century have been preserved can be attributed to corporate copyright holders presuming that these originals will maintain sufficient value to justify archival investment.

But I believe things have gone too far. Flexing lobbying power to extend the government-protected monopoly of copyright over time and space, corporations have pushed the term of copyright to ninety years and beyond, effectively locking up heritage assets produced over the entire era of film, records, and radio.

Fueled by fears that digital duplication will allow licensed assets to escape, copyright owners have increasingly limited access to historical material by increasing license fees or by simply saying no. Just try producing a TV series titled "Great Songs and Dances from Thirties Musicals." You cannot produce it because you cannot pay the footage fees, sync licenses, and so on.

We must remember that, in the case of our nation's artistic heritage, access is every bit as important as preservation. When public policy intervenes to protect the natural environment or when a threatened historic structure or monument is threatened with damage or

destruction, preservation may, in such cases, be sufficient. In fact, policy debate within the environmental and historic preservation movements has been almost entirely about preservation.

But, that is not enough for us. Preserving *Gone with the Wind* does not mean much if:

1. You can not watch it, or . . .
2. You can not record a clip for your students, or . . .
3. You can not (as Margaret Mitchell's estate claimed) even reshape the characters from the novel or film into a new artistic creation, or . . .
4. You can not easily anthologize parts of the original work to help tell the story of America.

And the same holds true for *Heartbreak Hotel*, *I Love Lucy*, and so on.

In conclusion, I would like to make a few recommendations about how we might proceed to create a more appropriate balance between the interests of heritage asset owners and the public interest in preservation and access—assuming agreement with the belief that our twentieth-century intangible heritage is important, and that, as corporate asset, it is inadequately protected and insufficiently available.

First, as I suggested previously, we need to back up and take in a wider view of what constitutes cultural policy in a decentralized, market-driven democracy like ours. The intense focus of policy work on the concerns of nonprofit arts organizations and their government analogues has grown to be unhelpful. We should look at the Federal Communications Commission, the Federal Trade Commission (FTC), the Office of the U.S. Trade Representative, and key Congressional committees as cultural policy actors, and as potential partners in shaping America's cultural landscape. Likewise, we should see corporate policy and the actions of key arts industry leaders as cultural actors and as partners and points of leverage enabling cultural policy reform.

More specifically, we must acknowledge that questions of preservation and access surrounding heritage arts assets can best be addressed by advancing public policy. My record- and film-collecting friends like to criticize, harangue, and menace arts companies, but that will not work—a studio has no obligation to think like a preservation-oriented nonprofit organization. If we care about opportunities for our children to engage America's creative past, we must craft legislation and regulation to mandate a responsible commitment to preservation and access. And, we must go further to apply some level of public investment or incentives to the process; it can no longer be left to the whims of the marketplace.

Following are four regulatory or legislative interventions that could make a difference:

- Generate tax and other incentives to encourage arts industries to preserve and make available older, less-valuable, but historically significant archival holdings.
- Craft legislation that defines fair use as an approved set of actions, not simply as a vague defense against an infringement lawsuit.
- Find a way to commit public dollars to those institutions that are currently preserving our cultural heritage—the Library of Congress, the

Smithsonian Institution, and the network of non-profit organizations that maintain archives of heritage arts products.

- Use the FTC as a regulatory backstop to protect heritage assets by requiring a cultural impact plan in advance of any approved merger or acquisition in our cultural industries.

If we forge new alliances, seek new partners, support the good guys who care about heritage, we can craft an effective arts policy community that will work to insure the permanence of America's cultural memory.