

PUBLICATION AND COPYRIGHT OF ORAL HISTORY MATERIALS:
The OISE Experience

In order to understand my particular viewpoint, perhaps a little background information might be helpful. I have sponsored the preparation of four series of audio tape recordings: the first two of these recording series were Canadian Poets on Tape (we recorded ten Canadian poets) and Canadian Writers on Tape (we recorded six Canadian writers). On the latter two series, Canadian Public Figures on Tape and Canadian Contemporary Issues on Tape, I have been the Project Director in charge of conceptualizing the work, administering, and coordinating the project, and doing the final editing.

These series really grew out of a sense of frustration on my part -- about current courses of study in our schools. In the mid '60's, we went through a period in education rather facetiously called the "post-sputnik era". For those of us engaged in curriculum work and in the development of educational materials, as I was with a commercial firm -- the many new subject matter areas and new educational approaches simultaneously represented challenges and threats, golden opportunities or the decline and fall of many hallowed educational customs.

Commercial publishers rushed to take advantage of the new marketing opportunities. In some areas of the curriculum a dazzling array of glossy new materials inundated the schools; but it wasn't long before the gaps began to appear. Gaps particularly in Canadian studies where commercial publishers and producers maintained that a significant enough market did not exist to justify the vast amount of investment capital necessary.

There was also a great reluctance on the part of teachers to handle newer materials and newer courses. You can get into all kinds of messy classroom trouble with trying to handle fresh events in the classroom, people that are still alive and with assessments to be made that may have to change depending on what tomorrow's newspaper brings. My own particular beef was the absence of materials for classroom use in the area of Canadian literature and contemporary Canadian affairs. Individual publishers jealously guarded the print rights to their authors; history writers insisted on closing down their textbooks at the end of the second World War.

So, with very little development money as backing, which is one of the alluring attributes of audio material -- my energies were directed towards producing our series of poets and writers tapes. It wasn't that we felt we were doing anything unique in bringing people's attention to our national authors, but we were certainly able to provide an added dimension to the teaching in classrooms across the country. Literary people actually became living, breathing human beings.

A couple of years later, we recognized that another tremendous national resource was being ignored because of the vicissitudes of political life. A whole new generation of politicians was coming on, and an older generation, at least most of them, were moving off to retirement or into other areas of accomplishment. With our tapes on Canadian Public Figures - politicians active on the national scene - the first of our tapes on Canadian Contemporary Issues were developed.

I think I should make it clear at this point that our objectives were not primarily to be archivists, our objective was to create materials to be used in schools and with other groups of learners. We had no mandate to be as exhaustive as possible, to be as accurate as possible, to try to get at truth, which is a pretty relative quality in politics anyway. What we wanted to do was to bring to the attention of students the characters, personalities, issues, and subjective kinds of interplay. Among the people we interviewed, I have to admit I freely exercised the prerogative of an editor in preparing final tapes, specifically constructed for my purposes and to a certain time deadline. The total amount of recorded interview time is probably double the amount that was actually used in the final tapes. We didn't destroy anything, but we had to produce a package which, to the best of our ability, would be as useful to the general classroom situation as possible.

Well then, getting right to the question of handling the mechanical details of putting together four series of tape recordings with the obvious problems of dealing with people, still alive; people, many of whom were still pursuing their professional career; people who had many commercial linkages where in fact their output was a very high priced commodity. I think a number of very important details are illustrated in the following extracts which we wrote initially to Lester Pearson to invite him to participate in our series.

Dear Mr. Pearson,

I am taking this opportunity to write to you, to extend an invitation to participate in the new audio series, Canadian Public Figures on Tape, sponsored by The Ontario Institute for Studies in Education.

The above extract established immediately that we were inviting the person to participate in an established series of tape recordings, sponsored by a government backed non-profit educational institute.

As you may be aware, the Institute which is affiliated with the University of Toronto engages in a broad program of educational research, and development. Over the past two years, it has developed and produced two series of recordings: Canadian Writers on Tape and Canadian Poets on Tape, for use in secondary school classrooms and colleges across the nation. The success of both of these series, in which participants conversed in individual programs about their lives, their writing, and their Canadian experience has encouraged us to expand our efforts in this field, and to proceed with the production of a new series, Canadian Public Figures on Tape.

The second paragraph established what we were up to. We described the nature of our project, that it was intended for school use and in fact would increase in value in the future, and it clearly outlined that the unique element of audio tapes, that of bringing a human dimension to history, would fit in with more traditional teaching materials.

Our proposal is as follows: (1) You would be interviewed on tape for approximately one hour. (2) The purpose of all interviews in the series is to supply each interviewee with an opportunity to talk about his life, the broad lines of his career, and his general interpretation of the Canadian national experience. (3) To this end you would be supplied with a list of projected questions in advance. This technique gives the

interviewee a chance to consider the questions and to think about how he might comment upon them during the actual interview. Of course, any questions to which you objected or which did not seem useful would be deleted for purposes of the interview, or could be deleted through editing afterwards. (4) The final edited tape will be made available by the Institute for classroom and general use at reasonable cost, but not for broadcasting.

The above specific proposals speak of the mechanics of the interview. The interviewee realizes the depth to which the interview will penetrate by the fact that it will take only slightly over an hour. The interviewee recognizes the scope of the interview and the provision it makes for more personal comment about official events obviously recorded to much greater depth elsewhere. The interviewee has protection in that a list of projected questions is supplied in advance; he or she may recognize that safety devices are built in for the elimination of material that prove to be extraneous or for questions that they do not feel are relevant or pertinent. The interviewee, in point 4 realizes that the tape is to be made available at reasonable cost implying a cost recovery basis and that broadcasting rights will not be allowed to eliminate the possibility of re-editing, or editing beyond the control of the original interviewer-interviewee situation. In addition, this establishes that there are no residual royalties or payments to be made, or negotiated. The final point indicates that for the above interview an honorarium will be paid, and clearly outlines that OISE will retain copyright to the material. Specific mention of a payment and of the retention of copyright clearly establishes with the interviewee the basis upon which the interview is taking place, and establishes the right of ownership over the material by the Ontario Institute.

When the interview is actually completed, we had a cheque available and prepared a release slip which indicated that upon signing it the interviewee was accepting the attached cheque in full payment for the interview.

As I mentioned before, I had the unenviable task of editing each interview to a prescribed length. We initially thought that programs of half-hour duration would be satisfactory, but we very quickly found that this was completely unrealistic; and that as many of these people warmed to their subject, it was not only difficult to turn them off, but in fact, additional time gave them a much deeper and broader image than would the short time of a typical radio-type interview. Many interviews went on for two full hours; these were edited down to one hour, and if I may be permitted to congratulate myself a little bit I don't think too much of the essence of the interviews suffered from abbreviation. Adult attention spans being what they are, and student attention spans being even shorter, a one hour tape recording still provided a tremendous amount of material. There was one major exception of course, John Diefenbaker is utterly fascinating when he talks about early life on the prairies, and his own early career. We allowed a full hour for him to warm to his subject up to 1957-58; then we allowed another hour to bring him up to the present. We probably would also have handled the Lester Pearson interview that way, but his health was beginning to suffer and his schedule of priorities became harder and harder to compete with.

After the tape was completed we had the feeling that we had done all that was reasonably and legally possible in this context to establish clearly that

the Institute held the right of ownership. But of course, we were also worried about what would happen to the material once the completed and edited tape was released to the public. Here the flexibility of audio materials is rather a major drawback. Certainly it's the reason many commercial producers will never enter this field; it's too easy to steal material from someone else, even if the cause is a noble one. We were concerned about people using the materials in unauthorized ways, or in fact the outright dubbing of tapes for subsequent sale. I recorded a statement at the end of each tape saying that the material was the property of the Institute and might not be reproduced. On the liner for the tape box we printed the usual and standard copyright symbol and statement, and of course, we followed the prescribed rules in registering copyright with the Copyright Office. But no one is kidding anyone that we are going to eliminate the possibility of illegal dubbing. I've done some checking myself and from the nature of the orders we are receiving, I'm quite convinced that the grand old practice of bootlegging original copies is a well developed and flourishing enterprise in many private and institutionalized settings. But let's say we anticipated this, and we are still able to carry out the luxury of production knowing that it wasn't going to force us into bankruptcy if we lost quite a few potential sales. Our prime concern was to get materials circulating to help school systems that were desperately in need of new content material, to produce and make it available as easily and as economically as possible--short of outright stealing. I think we have accomplished and are accomplishing our objectives, and my one major regret is that a considerable amount of additional funding is not available to extend our four series to include new individuals and to up-date earlier material.

Now let me move on very briefly to the subject of publishing and let me make clear to you what my definition of publishing is. In essence, it is not only the preparation and manufacture of materials, but it includes the equally essential process of dissemination, once material exists.

I am afraid I may tread on a few toes here, but I think really if you want to do a piece of work of value to others you should take pains to make them aware of it. School people, the ones I am particularly concerned with, don't have much time for research. In most cases their wants are simple, but they lack the expertise to use the facilities, such as archives, they can't keep up-to-date on the literature; and they can't afford the time-consuming job of pulling together a myriad of media materials.

I'm calling for those of us in positions where dissemination is possible to greatly extend our activities. In fact, I think we collectively have as much obligation to disseminate information as we have to acquire it.

I admit it makes the whole thing a lot easier if you control the publishing mechanism as I do; but that doesn't mean that in a fashion appropriate to your own case you can't follow the same principles.

Earlier in my speech I described how we identified areas of need in the school curriculum. In my own estimation, materials did not exist -- so fortunately I was able to set about ways of creating material. What do you have in your possession that is needed by others? They don't know what you have, but you should talk to people about what you've got -- it's great for shaping your own ideas. Their interest in you may even help in increasing your budget some day. As I keep saying, my prime interest is in schools and in students, so I say talk to teachers, professors, education officials, coordinators of history and geography, and

English, and whoever. Talk to students, entice both teachers and classes to visit you; find out what their courses are, find out what the curriculum is, get the appropriate course guidelines from the schools, and prepare lists of your holdings that are relevant. Get courses such as these: Man in Society, the history course for junior and senior high schools, Canadian Studies Courses, People and Politics, local area studies. I speak of these courses in particular because they are the sort of thing that is being done in Ontario these days. I am sure there are comparable courses in your local area.

If you prepare correlated materials to courses such as I have mentioned, you will find yourself relating very closely to what's going on -- not only in schools, but in community college courses, adult education courses, and to the community in general. Your visibility will increase immeasurably with people who suddenly realize that you have a resource of great value to them. They may not be history professors, academics, or fellow archivists; but they are all tax payers and most of them have already a devotion and burning interest in the materials that you harbor.

Efforts in these directions may involve a fair amount of effort, but it needn't involve a great deal of money. Duplicating both print and audio material is very simple these days. If any project needs a bit more money do it on a cost recovery basis, that's the way we do it at OISE, and by pure luck we have managed over the last few years to maintain a nicely balanced pool fund for publication.

Finally -- advertise to the best of your ability. A few letters to key school people, coordinators of Canadian Studies, teachers, librarians, telling them what you've got to supplement curriculum needs is the best advertising you can do. Most school boards are highly centralized these days. A letter to one or two people effectively can transmit news to the whole teacher staff. You never know where this kind of mutual cooperation can end, in fact, you'll probably be astonished at what's already taking place in the schools and in adult education courses. The value of oral history is being recognized, not only in academic circles, but in local historical associations, in local museums, in local schools, and in associations where senior citizens are exercising an unbelievable amount of initiative in recording materials of value to the community. Your efforts to open communication with students and with community groups of all ages, will not only advance the cause of oral history, but will reap untold benefits in acquiring material, in teaching the skills of oral history, and in making the general public more aware of the art of archiving.

John R. Main