

**MODULE 21**

**LIGHTS, CAMERA,  
ARCHIVES!**

**DANIEL J. LINKE AND TRAVIS H. WILLIAMS**

the East Room of the White House on television on November 23, 1963?” However, early television footage is analog. Time stamps and other metadata common in the digital era doesn’t exist with celluloid. The only way to determine the answer was for the archivist to carefully examine paper records, which she did and then provided to the AMC crew within a couple of hours. She determined that the coffin was shown on television at about 9:00 a.m., 10:15 a.m., 12:30 p.m., 2:00 p.m., 5:00 p.m., and 10:30 p.m. But she also made clear that she only had the necessary documentation for NBC’s broadcast, and other networks may have shown the coffin at other times. The response from the film crew was not “Great, thanks for your hard work on short notice,” but rather, “Approximately those times, or precisely? It matters because a plot point revolves around when a character sees the clip. And we need this ASAP as we are filming as we speak.” Thirty minutes and several math calculations later, the archivist returned the answer: as close as can be determined, the times were exactly 9:02 a.m., 10:17 a.m., 12:30 p.m., 1:50 p.m., 5:06 p.m., and 10:33 p.m. Despite her work, that particular clip was not included in the final cut, perhaps because the accurate historical timeline of the video didn’t match with the writers’ creative intent, or for any other myriad reasons.

A presidential library is accustomed to receiving media requests; many of them have audiovisual archivists employed to address the needs of this specialized material and of these specialized requests. However, as this scenario reveals, even media inquirers to well-resourced institutions can test their limits. Understanding that last-minute requests are part and parcel of working with the media, how much leeway should an institute permit? Will all requests be dealt with on a “Drop everything!” basis? If not, how do you determine who gets special treatment? By audience reach, ratings, or circulation? How many hours of research service will an institution be able to provide? Determining this in advance will not only save you last-minute aggravation but also serve the greater goal of providing equitable access to your materials for all users.

### **Lincoln University and International Copyright**

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*With thanks to Susan Gunn Pevar*

Among today’s historically black colleges and universities, Lincoln University of Pennsylvania has the distinction of being the first institution of higher education to be founded for African Americans,

specifically for black men. Lincoln's most distinguished graduates include poets Langston Hughes and Supreme Court Justice Thurgood Marshall. It also claims as alumni well-known figures who matriculated but never graduated, including the late Gil Scott-Heron, best known for his poem, "The Revolution Will Not Be Televised," which he wrote when he was nineteen. Widely recognized as "the godfather of rap," Scott-Heron preferred to call himself a "bluesologist." At the time of his death in 2011, he was not only a spoken-word performer but also an accomplished jazz musician, poet, and author of two novels.

Researchers regularly contact Lincoln's Special Collections seeking images for video documentaries. Among them was a British production company called Somethin' Else that in 2003 was producing a documentary for the BBC about Scott-Heron and requested photographs of him. The Special Collections only had one glossy black-and-white photo of Scott-Heron—on stage in an unidentified play—and one yearbook photo of him, taken from behind and identified merely by his campus nickname "Spiderman."

But the Somethin' Else representative had additional requests: images of campus life in the period Scott-Heron was at Lincoln; images of his on-campus friends, Victor Brown and Brian Jackson, who later became his musical colleagues; and images of the Lincoln alumni who inspired him, such as Hughes and Marshall as well as poet Melvin Tolson and Ghana's first prime minister, Kwame Nkrumah. Special Collections furnished these images for Somethin' Else to review for possible use in their documentary.

Several months passed with no further communication from Somethin' Else, but in June 2004, a new problem emerged: the BBC required a licensing agreement from Lincoln that included a stipulation that the university would be "subject to English law." Both the interim library director and the university counsel refused to sign the agreement because of that language. The counsel also refused to furnish alternative wording for an agreement that would be acceptable, even after the university president requested him to do so. The counsel said that university officials did not know how the university would be portrayed or if the film would be good for the university's image. When Special Collections asked Somethin' Else for a copy of the documentary for university officials to review, the company claimed that it

was unable to furnish a copy in a format that would be compatible with US video equipment.

As it turned out, Somethin' Else had dropped the ball by using Lincoln's images in the documentary without signing a licensing agreement with the university. The video had already aired in England when the BBC belatedly noticed the omission and requested that the production company obtain permission, as they were preparing to air the program elsewhere in Europe. Somethin' Else contacted Special Collections for the last time in August 2004 and were informed that they would have to work with the university counsel to conclude the agreement. At that point, it seemed quite possible that the BBC would edit the Lincoln images out of any future airings of the documentary, which was frustrating and disappointing for the university.

Ultimately, no agreement was ever signed between Lincoln University and Somethin' Else or between Lincoln University and the BBC, which perhaps explains why the documentary has never aired in the United States (although the entire documentary is available in six segments on YouTube). The documentary includes the Lincoln images but also acknowledges the university in the credits.

The following year, Special Collections began formulating policies where none had previously existed. It adopted both an image request form and a use agreement, which were routinely employed thereafter. While these forms probably would not have prevented the problem that arose with Somethin' Else, given the production company's requirement to follow British rather than US law, issues related to licensing could at least have been discussed upfront had the policy and forms existed at the time. As providers of information, librarians and archivists should never play the role of gatekeeper, approving or denying the use of materials based on how a patron may deploy them. In this instance, without any policy in place, the situation devolved to the point where the general counsel became a roadblock because of his concerns with public relations. By considering legal issues related to permission, copyright, and use in advance, such situations can be avoided.

### **Lessons from the Barnes Foundation Archives**

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*By Katy Rawdon*

The Barnes Foundation, an educational institution best known for its remarkable art collection, has attracted its share of media attention.