STATE ARCHIVES UNDER LEGISLATIVE SCRUTINY

West Virginia The Archives and History Division of West Virginia's Department of Culture and History is among those programs slated for termination in a sunset law passed by the state legislature in February.

The sunset legislation provides for performance and fiscal audits of programs slated for demise. The examination of the Archives and History Division to determine if "there is a demonstrable need for the continuation of the program" will be conducted by a 15-person committee which has not yet been appointed.

The timing of the placement of the Archives and History Division on this 'hit list' seems inexplicable. Less than 2 years ago, legislation creating the new Department of Culture and History became effective. In its first year of operation in the agency, the Archives began to take advantage of greatly enhanced processing and storage capabilities in new quarters in the state's Cultural Center. Holdings were increased by 50 percent. The 1977 legislation also spelled out for the first time professional qualifications for the state archivist. Additionally, it gave the archivist, Rodney Pyles, a significant role in the management of current state records—destruction can only proceed after his written approval.

Observers anticipate that the Archives and History Division will be successful in demonstrating the need for its continuance.

Nevada In legislation approved recently in Carson City, the Nevada Division of State, County and Municipal Archives will be transferred, effective July 1, 1979, from the Office of the Secretary of State to the State Library. Frederick C. Gale will remain in his post as Director of Archives. Joseph J. Anderson is State Librarian. Archivists in Nevada believe that this transfer will mean a real step forward for the archival program which Gale has developed. The archives is moving in May to a permanent facility—the original Printing Office in Carson City—the second oldest building built by the state. The building has been completely restored for its new mission.

Kansas A bill pending before the Kansas legislature creates a new position, state records administrator, in the state's Department of Administration. The incumbent is charged with the responsibility of establishing and administering a records management program within the executive branch of state government. The legislation also attempts to improve provisions for access to state records and addresses the issue of governors' papers—one which has been viewed as a significant problem by some Kansas historians and archivists. Action on the legislation (Senate Bill No. 283) is not expected until next year.

New Hampshire The New Hampshire legislature held hearings in March regarding the Division of Records Management and Archives. House Bill No. 540 provides for the transfer of the Division from the Department of Administration to the Department of State. In addition, the legislation spells out minimum educational requirements for a state archivist, a position created by the legislation.

SAA RECEIVES SECOND GRANT FOR WORKSHOP PROGRAM

The National Endowment for the Humanities has awarded $57,176 to the Society of American Archivists for a project designed to provide assistance to basic archival workshop programs conducted by archival associations and agencies. The project has two components: 1) a resource center in the SAA national office for the collections and development, evaluation, and dissemination of curricular materials on archival topics and for the development of materials as needed; 2) a two-part instructional (continued on p. 2)
DEADLINE APPROACHING FOR ADVANCED SEMINARS

There are still openings for the Society's two remaining Advanced Seminars: Security, July 12-13 in Detroit, and Arrangement and Description, August 23-24 in Atlanta. Persons interested in attending should send a letter outlining their experience in the topic area and explaining what they hope to gain from the seminar, and a resume to SAA headquarters. The application deadline is June 1 for the security seminar and July 15 for the arrangement and description seminar.

SAA GRANT, CONT.

Publication which will suggest specific uses for the curricular materials developed by the resource center and provide advice on planning, conducting and evaluating basic archival workshops. The publication will include guidelines and checklists to insure that present and potential workshop directors understand the parameters of basic archival workshops.

The project is the second phase of the SAA Basic Archival Workshop Program. The first phase, which was also partially funded by NEH, consisted of a clearinghouse for information on basic archival workshops, six basic archival workshops run in conjunction with regional and state archival associations, and a conference to discuss the nature of basic archival workshops.

Phase II of the Basic Archival Workshop Program will be coordinated by a member of the SAA staff. The staff will be assisted by an advisory committee chaired by Patrick B. Nolan, Wright State University. Other members of the committee are Anne P. Diffendal, Nebraska State Historical Society; James E. Fogerty, Minnesota Historical Society; William L. Joyce, American Antiquarian Society; and Trudy Huskamp Peterson, National Archives and Records Service. The committee will be particularly responsible for appraising the potential effectiveness of all curricular materials and for advising and assisting the project director in the collection and the fieldtesting of these materials.

The first stage of this two year project will be to collect available curricular materials on basic archival topics such as acquisition, appraisal, arrangement, description, conservation, and reference. The project director and the advisory committee would be grateful for copies of slide presentations, case studies and examples, practical application projects, charts and transparencies which have been used in basic archival workshops. Send these materials to SAA headquarters.

NHPRC FUNDING CUT THREATENED

Suggesting that "the Administration is just not getting the message from the many Americans who cherish their historical records heritage and who are working to see it better preserved and used," Edward Weldon, one of SAA's representatives on the National Historical Publications and Records Commission, asked in March testimony before the House Subcommittee on Treasury, Postal Service and General Government, that Congress continue to be responsive to the public interest in NHPRC's grant programs.

This is a crucial year for the NHPRC. Its current five-year legislative authorization ends on September 30, 1979. The Commission's recommendation in its 1978 "Report to the President," its first such report since 1963, was for an authorization of $6, $7, and $8 million for FY80-82 respectively. Despite this, the Administration requested a three-year continuation of the present $4 million ceiling. The Administration's reauthorization bill, being considered now by the House Government Operations Committee and the Senate Governmental Affairs Committee, also suggests that staffing and other administrative expenses formerly supported from the National Archives and Records Service budget now be taken from the NHPRC appropriation, which was formerly specified only for grant projects. The Commission supports this change and an appropriation increase to provide for it. But the Administration requested a 12% decrease in the FY80 NHPRC appropriation ceiling for each of the next three years.

FY80 funding is being considered by the Senate Appropriations Subcommittees on Treasury, Postal Service and General Government as well. The budget submitted by the Administration could lead to a FY80 reduction in real terms of more than $1 million, or 25%, from the FY79 level of $4 million for publication and records grants. If the $4 million reauthorization ceiling is accepted by the Congress, the Commission's programs will be badly crippled for at least several years.

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CROSS CANADA TO CHICAGO:
SAA'S STUDY TOUR OF WESTERN CANADA

There is still time to register for SAA's Archives Study Tour of Western Canada, September 17-24, immediately prior to the Society's 43rd annual meeting in Chicago. Reservations with deposits of $75 must be received at SAA headquarters no later than June 1. The total cost of the tour, including motel room, bus and train transportation, air fare from Calgary to Chicago on September 24, and sales tax, is $525. Meals, air fare from tour participant's home city to British Columbia, where the tour begins, personal expenses and any expenses incurred on Saturday, September 15, or Sunday, September 16, are not included in the tour price.

The tour begins officially on Monday September 17, in Victoria, British Columbia. Hotel accommodations for the preceding weekend have been arranged should any tour participants wish to arrive early.

Costs for this weekend, however, are not included in the tour price. In Victoria, tours of the Provincial Archives, the City Archives, and the University of Victoria Archives have been scheduled. The tour then moves to Vancouver, where the City Archives and the University of British Columbia Archives will be visited. From Vancouver, the group will travel by train through the majestic Canadian Rockies, to Banff, where the Archives of the Canadian Rockies will be visited. Tour participants will also take a sightseeing tour to Lake Louise and one of the countryside surrounding Banff. The next stop is Calgary, with a tour of the Glenbow-Alberta Institute, and then on to Edmonton and the Provincial Archives of Alberta, the University of Alberta Archives, and the Edmonton City Archives.

Moraine Lake, Banff National Park, Alberta
The weekend of September 23-24 will be devoted to sightseeing in the Jasper-Lake Louise area. Included are a trip to Maligne Lake via Stoneface, Maligne Canyon, and Medicine Lake—one of the most beautiful trips in the Canadian Rockies. Included also are a snowmobile ride on a glacier, a ride on the Jasper Sky Tram on Whistler's Mountain, Lac Beauvert, Pyramid and Patricia Lakes, the Valley of the Ten Peaks, and Moraine Lake (pictured above). The tour then returns to Calgary for a flight to Chicago on Monday, September 24, in time for the start of SAA's annual meeting on Tuesday.

Don't miss this opportunity to study the archives of Western Canada, meet Canadian colleagues, and see some of the world's most breathtaking scenery. Return the tour registration coupon today!!

Please make reservations for --- person(s) named below to join the SAA ARCHIVES STUDY TOUR OF WESTERN CANADA, September 17-24, 1979. Total Cost: $525.

A deposit of $— ($75.00 per person) is enclosed. Check should be made payable to The Society of American Archivists; deposit is refundable under conditions stated below.

NAME(S) ____________________________________________________________

ADDRESS ___________________________________________________________

CITY——STATE——ZIP——

HOME PHONE _______________________________ BUSINESS PHONE ________________

Complete this form and return with deposit to The Society of American Archivists, 330 S. Wells, Suite 810, Chicago, IL by JUNE 1, 1979. BALANCE DUE NO LATER THAN AUGUST 15. Persons cancelling by July 15 will receive full refund of deposit. Refund of deposit after July 15 is subject to SAA obtaining refunds of deposits made on behalf of tour participants and an assessment of an administrative fee.

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THE NATIONAL ARCHIVES:
AN INTERVIEW WITH DONALD R. MC COY

The National Archives and Records Service is the subject of a recent book which has stirred the interest of the profession. The National Archives: America's Ministry of Documents, 1934-1968, was written by Donald R. McCoy, an SAA member and Professor of History at the University of Kansas. McCoy was recently in Chicago for a meeting of the AHA-OAH-SAA Committee on Historians and Archivists and was interviewed at that time by the SAA Newsletter.

McCoy was asked why he selected NARS as a topic for research, and he noted several reasons. First, he had been employed at the agency in 1951-52 and has maintained his interest for the past twenty-five years. He added parenthetically that he has kept a clipping file on NARS which proved to be invaluable in conducting his research. Second, McCoy saw in NARS the opportunity to explore the formative years of an important federal institution; to his knowledge this had never been done before by a professional historian. Thirdly he was stimulated by H.G. Jones' controversial volume, The Records of A Nation, which was published in 1968.

The author was also questioned about the impact of NARS on the archival profession. Has it been substantial? Can the agency do more? When he started his book McCoy thought that NARS could do a great deal more for the archival profession especially in the specialized aspects of appraisal, conservation, and non-textual records. But as he continued his research he realized that there were realistic, budgetary limitations on what the agency could do for the profession. If NARS increased its support in this area it very well might have to decrease its involvement in another area. In fact, McCoy argued that the archival profession could do more for NARS, especially at budget time. In his opinion, it is the duty of all professional archivists to support the National Archives.

He was then asked about the tension within NARS over the agency's mission. McCoy noted that on this issue, the early years at the National Archives were relatively harmonious because the agency was an independent cultural institution with the mandate of preserving the nation's documentary heritage. But when NARS was incorporated into the General Services Administration in the late 1940's, and given great new responsibilities for providing records management services, the question of the agency's mission became highly controversial within the ranks. McCoy argued that it was inevitable that such diverse responsibilities—preserving the documentary heritage and providing records management services—would precipitate rivalries and tension within NARS.

McCoy quickly added that he thought the advantages of NARS being part of GSA have outweighed the disadvantages over the years. His research showed that the National Archives was very vulnerable to political pressure when it was an independent agency; without the protection of GSA or some other protector agency, the National Archives could suffer serious setbacks. In this regard, McCoy felt that independence for NARS was not likely in the near future, even though the profession might favor such status. Theoretically desirable, it could in practice be disastrous unless the absolutely right formula for change of status was enacted.

The author was also asked how he would respond to charges that he had written an "official" history of the National Archives, minimizing the agency's problems over the years. McCoy noted that such charges were common criticisms of those writing twentieth century history as history rather than as polemic. He said that much of his book focused on the problems within the agency brought on by frequent reorganizations; he pursued every shred of evidence about the agency, both good and bad. Asked if he left anything out, McCoy said that on the major issues he excluded only unsubstantiated rumors and gossip.

Concluding the interview, McCoy expressed a hope that more archivists and historians would consider writing the histories of archival agencies. He added that the archival profession had much to learn from studying its own past.

McCoy's volume is available through the SAA Publication Service for $17 to SAA members and $20 to non-members. Orders should be sent to SAA headquarters.

Nominations for 1979 SAA Awards must be postmarked by June 1. See March 1979 SAA Newsletter for details.
Archivists attending SAA's 43rd annual meeting in Chicago, September 25-28, 1979, will have the opportunity to visit many of the city's archival repositories on pre- and post-meeting tours. Also scheduled are 3 sightseeing tours, which will take in Chicago's architecture, neighborhoods, great works of art, and other famous sites in the Windy City.

On Monday, September 24, a Conservation Tour will visit Kner and Anthony Bookbinders, and the conservation departments at R.R. Donnelly and the Newberry Library. The tour will be followed in the evening by a Conservation Film Festival.

Tour 1—International Harvester Archives & Chicago Tribune Archives International Harvester has a modern archives equipped with automated information storage and retrieval using a time-sharing computer system. The holdings of the Chicago Tribune Archives include the papers of the Medill, McCormick and Patterson families. Both of these repositories use mobile shelving.

Tour 2—Art Institute of Chicago & Chicago Public Library Cultural Center The emphasis of the Art Institute tour will be the Burnham Architectural Archives, one of the largest collections of architectural drawings in the country. The special collections and archives of the Chicago Public Library are housed in one of Chicago's most beautiful landmark buildings.

Tour 3—The Newberry Library Included in the holdings of the Newberry Library's Department of Special Collections are medieval manuscripts, Shakespeare folios and manuscripts and papers of Midwestern authors.

Tour 4—The Chicago Historical Society The manuscripts and graphics collections at the Historical Society relate chiefly to social, political, business, and working conditions in Chicago. Tour participants will also be able to visit the newly-installed Chicago History Galleries.

Tour 5—University of Illinois at Chicago Circle & Jane Addams' Hull House The manuscript collection at UICC contains one of the most important collections relating to women in the country. A special exhibit at Hull House will commemorate the 90th anniversary of its founding.

Tour 6—The University of Chicago & The Lutheran Church in America Archives The University of Chicago's Department of Special Collections contains an extensive collection of rare books, manuscripts, and other special research material covering a wide range of subjects. The holdings of the Lutheran Church in America Archives include a comprehensive collection of materials dealing with world mission activities, and perhaps the most extensive collection anywhere of Lutheran Church educational materials.

Tour 7—Northwestern University Northwestern's Special Collections Department focuses on two dominant subject areas, the Modernist movement and the Women's Liberation movement. The tour will also include a visit to the University Archives, one of the oldest in the U.S.

Tour 8—Spertus College of Judaica The material in the Archives of the Spertus College Library traces the growth of the Chicago Jewish community and includes records of synagogues and of religious and cultural organizations.

On Saturday, September 29, 3 sightseeing tours of famous and not-so-famous sites in Chicago are scheduled.

Sightseer's Grand Tour—A Grayline tour of the city, featuring the Loop, Michigan Avenue's "Magnificent Mile," Lincoln Park, Hyde Park and the University of Chicago.

Chicago Highlights—conducted by the Chicago Architecture Foundation and featuring buildings designed by Frank Lloyd Wright (Robie House), H.H. Richardson (Glessner House), Louis Sullivan, Burnham and Root, and Ludwig Mies van der Rohe.

Chicago: Moving Through the Past—A survey of the historical development of Chicago's neighborhoods, touching on issues in urban studies such as urban renewal and gentrification. This tour will visit Southside neighborhoods often overlooked on typical sightseeing tours.

Meeting participants may sign up for tours on the registration form which will be part of the program packet mailed to all SAA members in July.
WANTED...

The Institute of Certified Records Managers needs volunteers to serve as proctors for two-day Certified Records Manager exams. Prefer CRM's but other volunteers are welcome. If you are interested, contact your local ARMA chapter or ICRM representative, or write Institute of Certified Records Managers, PO Box 89, Washington, DC 20044.

The Semitic Museum of Harvard University is searching for information about collections of photographs of the Near East—primarily from the 19th century. Reply to Ingeborg O'Reilly, Photo-Archivist, Harvard Semitic Museum, Harvard University, 6 Divinity Ave., Room 102, Cambridge, MA 02138.

Gerry C. Williams, University of Oklahoma, Mario D. Zamora, College of William and Mary, and Denis Wiedman, University of Oklahoma, are currently soliciting manuscripts for a text titled Ethnohistory: A Researcher's Manual. Each contributor will present details on the use, availability, and reliability of a particular documentary source. Individuals interested in contributing a paper to this volume may write either Gerry C. Williams, CC 209, Bristol Terrace, Lawrence, KS 66046, or Mario D. Zamora, Dept. of Anthropology, College of William and Mary, Williamsburg, VA 23185.

Herman J. Viola is preparing a guide to the various editions of the McKenney and Hall History of the Indians of North America and is seeking information on the following publishers and lithographers operating in Philadelphia between 1830 and 1880: Edward C. Biddle; J.T. Bowen; Cephas G. Childs; Childs & Lehman; Frederick W. Greenough; Lehman & Duval; George Lehman; Daniel Rice & James G. Clark; D. Rice & A.N. Hart; Rice Rutter and Co.; D. Rice & Co. Anyone with knowledge of business records, correspondence or documents relating to these companies contact Herman J. Viola, Director, National Anthropological Archives, National Museum of Natural History, Smithsonian Institution, Washington, DC 20560.

Louis Joughin is interested in locating material relating to the Sacco and Vanzetti case and particularly to the impact of the case from 1948 to the present. Reply to Louis Joughin, 1558 Massachusetts Ave., Apt. 52, Cambridge, MA 02138.

Dorothy S. Manks is looking for a collection of letters of William Robert Prince. The letters (about 700 pp.) were advertised by Walter M. Hill, Chicago, in his undated Catalogue 132. Reply to Dorothy S. Manks, 15 Linnaean St., Cambridge, MA 02138.

NEW & NOTEWORTHY PUBLICATIONS

The Archives of Appalachia at East Tennessee State University in Johnson City has just published Vol. 1 No. 1 of the Archives of Appalachia Newsletter. For information on how to obtain this publication, write to Richard Kesner, Director, Archives of Appalachia, The Sherrod Library, East Tennessee State University, Johnson City, TN 37601.

A new fact sheet detailing a variety of land records and research services available to the public has been issued by the Eastern States Office of the Bureau of Land Management. Over five million individual documents are stored and maintained at the Eastern States Office, and are open to researchers. To obtain a copy of the "BLM Eastern States Land Records" fact sheet, write Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, MD 20910. The fact sheet is available free of charge.

The Federation Internationale de Documentation (FID) has begun publication on a regular quarterly basis of the Newsletter on Education and Training Programs for Specialized Information Personnel. The Newsletter is intended to provide up-to-date information on education and training programs in the areas of information science, documentation, libraries, and archives. For further information, write FID Newsletter on Education, c/o College of Library and Information Services, Postgraduate Library Building, Room 1101, University of Maryland, College Park, MD 20742.

Career Alternatives for Historians is the name of a new publication from Phi Alpha Theta, c/o Department of History, Washington State University, Pullman, WA 99164. The price is $3.00. The spiral-bound volume contains papers presented at the 1978 Pacific Northwest Phi Alpha Theta History Conference Symposium on Professional Employment for Historians.

SCIENTIFIC SOURCE MATERIALS:
A NOTE ON THEIR PRESERVATION

This 8-page brochure, prepared by the American Institute of Physics, has been written to aid scientists and their families in determining which of their papers scholars will need to document the history of science. UP TO 10 COPIES AVAILABLE FREE OF CHARGE FROM SAA HEADQUARTERS.
WALT WHITMAN MANUSCRIPT FOUND

The Library of Congress has recovered a Walt Whitman manuscript item missing from its collections, thanks to the sharp eye of its honorary consultant in Walt Whitman studies and the cooperation of a Watertown, Mass., antiquarian bookseller. The story and its background are as follows.

Over the last 10 or 12 years of his life, Walt Whitman was greatly interested in the writings and opinions of Robert G. Ingersoll, lawyer, lecturer, and, to his generation, "the great agnostic." Whitman regarded Ingersoll as a prophet, "a chosen man," and Ingersoll's regard for Whitman is indicated by his having been a principal speaker at Whitman's 71st birthday dinner in 1890. The two men were fruitful correspondents during the years of their acquaintance.

Despite their association only one piece of correspondence—a postal card—from Whitman to Ingersoll, dated "April 2 (1880)," has been known to be in a research collection, in the Ingersoll papers in the Manuscript Division of the Library of Congress. The standard edition of Whitman's Correspondence prints two other letters from transcripts or originals in private hands, and identifies a few "lost" Whitman letters, that is, letters known to have been written but apparently not extant. Most of Ingersoll's letters to Whitman are also in the Library of Congress, in the Charles E. Feinberg collection of Walt Whitman.

The Library acquired the Ingersoll papers in installments, the particular installment containing the Whitman post card having been acquired in 1945. It was identified as item 255 in the Library's publication, Walt Whitman: A Catalog Based Upon the Collection of the Library of Congress (Washington, 1955). The text was printed in Edwin H. Miller's edition of Whitman's Correspondence (New York, 1964) (vol. 3, p. 175). Meanwhile, the Library had reorganized the Ingersoll papers in 1963, placing the Whitman post card in Box 3.

Moving ahead 15 years to late November 1978, Charles E. Feinberg, an honorary consultant to the Library and well-known collector of Walt Whitman manuscripts, was offered the opportunity to purchase a Whitman post card to Robert Ingersoll, dated April 2, no year. The offer came from David J. Bromer of Bromer Booksellers, Watertown, Mass. Feinberg quickly ascertained that the offered item was in fact identical with the card which had long been known to be part of the Library's collections and was not known to be missing. He notified Bromer of his findings and alerted the chief of the Library's Manuscript Division. Within a matter of days the item was restored to the Ingersoll papers, through the cooperation of Bromer and Busnagi Rajannan, who had purchased the item from a midwestern bookstore more than five years earlier. How or when it was removed from the Ingersoll papers remains unknown.

INSTRUCTOR HELD IN THEFT OF LIBRARY BOOKS

A 51-year-old college instructor allegedly stole at least 5,000 library books valued at $100,000 to $200,000 and mutilated other costly volumes, according to authorities at the University of California Riverside.

The Los Angeles Times reported that Dr. Gervase Donald Cheshire, who has a PhD in French literature, admitted stealing the books over a 20-year period, but told police he did not know why he committed the thefts. When Cheshire learned that police were suspicious of him, he reportedly had three flatbed truck loads of books taken to dumps in San Bernardino and Riverside. The books were watered down, bulldozed and covered with garbage before they were located by authorities.

In addition to the thefts, Cheshire was accused of mutilating a number of expensive art books. Damage to those books was estimated at $10,000. Cheshire was booked on suspicion of grand theft.

EDITORIAL NOTE

Although the SAA Archival Security Program is supported by a grant from the National Endowment for the Humanities, the opinions expressed in the Archival Security Newsletter are those of the program staff and not of NEH.
LEGAL CLINIC: QUESTIONS & ANSWERS ON COPYRIGHT

Following are the answers to several questions on copyright received by SAA Legal Counsel Alex Ladenson. In his answers, Ladenson has concentrated only on the salient issues that are of importance to archivists.

Is an unpublished work protected under the new copyright act?

Yes. Section 301 provides that all legal and equitable rights in works of authorship, whether published or unpublished, are governed exclusively by the new copyright act. This includes not only works created on or after January 1, 1978, but also those created before this date providing they are not in the public domain or have been copyrighted. This section makes a fundamental change in the previous law in that it abolishes the principle of common law copyright. Instead of a dual system of common law copyright for unpublished works and statutory copyright for published works, which has been in effect since 1790, the new law adopts a single system of statutory copyright for all works of authorship.

What is the duration of copyright of an unpublished work?

Copyright of an unpublished work created on or after January 1, 1978 subsists from its creation, and endures for a term consisting of the life of the author and 50 years after the author's death. The same is true for unpublished works created before January 1, 1978 but not thereafter in the public domain or copyrighted. In no case, however, shall the term of copyright in such a work expire before December 31, 2002; and if it is published on or before December 31, 2002, the term of the copyright shall not expire before December 31, 2027.

May an unpublished work be registered?

Yes. Section 408 provides that the owner of copyright in any unpublished work may obtain registration of his copyright claim by depositing in the Copyright Office one complete copy of the work together with the necessary application and fee.

Does the doctrine of "fair use" apply to an unpublished work?

Before replying to this question, it is important to recognize that there is no definitive answer, since the courts have not dealt with this issue. To our knowledge, all of the case law involving fair use deals with published works. There is, therefore, some difference of opinion on this question.

After studying the new act carefully, however, this writer is of the opinion that fair use does apply to an unpublished work for the following reasons. An examination of the act reveals that an unpublished work is afforded the same legal protection as a published work. The duration of the copyright is also the same for an unpublished work as it is for published one. Furthermore, an unpublished work, just as is the case with a published work, may be registered in the Copyright Office by depositing a copy, thus affording the copyright owner with additional protection. It, therefore, may be argued that since an unpublished work is given the same legal protection as a published one, it should also be subject to the limitation of fair use.

It should also be pointed out that Section 107 of the copyright act, which deals with fair use, makes no distinction between a published work and an unpublished one. It merely provides: "Notwithstanding the provisions of Section 106, the fair use of a copyrighted work...is not an infringement of copyright." Since an unpublished work enjoys copyright protection from the date of its creation, it follows from this that it was the intention of Congress to make fair use applicable to unpublished works, otherwise Section 107 would have been drafted to exclude unpublished works.

Attention should also be given to Section 108(b) of the act which provides that the rights of reproduction apply to a copy of an unpublished work duplicated in facsimile form solely for the purposes of preservation and security or for deposit for research use in another library or archives. Here, too, it would appear that it was the intention of Congress to make an unpublished work subject to fair use, otherwise the words "for deposit for research use" in the above context would be meaningless since "research use" cannot be accomplished without fair use.

Thus it seems clear that a strong case can be made for the position that an unpublished work is subject to fair use.
But in making an unpublished work available to students and scholars for research purposes, the user must be made aware in some concrete fashion that the unpublished work which he or she is using is protected under the copyright law, and that they cannot publish or distribute it. Since an unpublished work does not carry a visible notice of copyright, as does a published work, it is imperative that the library or archives notify the user that the unpublished work is under copyright protection. The notice of copyright may be stamped on the work itself, if this is practicable, or it can be attached to the work in some manner. It is also possible to convey the necessary warning notice through a general form of instructions. The form, however, would need to be signed by each user acknowledging that he or she is aware of the notice of copyright. As an added protection, the form should contain a statement that the user will indemnify and hold harmless the library or archives against all suits, claims, actions and expenses arising out of use of the collection.

May an unpublished work be reproduced?

Yes, subject to certain conditions. Under Section 108(a) a library or archives is granted the right of reproduction only if (1) the copy is made without any purpose of commercial advantage; (2) the collections of the library or archives are open to the public or are made available to all persons doing research in a specialized field; (3) the reproduction includes a notice of copyright. Under Section 108(b), a library or archives may reproduce a copy of an unpublished work for purposes of preservation and security or for deposit for research use in another library or archives. Under Section 108(f)(1), a library or archives is not responsible for copyright infringement for the unsupervised use of reproducing equipment located on its premises, provided that such equipment displays a notice that the making of a copy is subject to the copyright law.

In general it may be concluded that a library or archives may reproduce a copy of an unpublished work if it is for research purposes and if it is not to be used for commercial advantage and finally if it includes a notice of copyright.

Does the gift of an unpublished work automatically transfer the ownership of the copyright in that work to the donee?

No. Section 202 provides that ownership of a copyright, or any of the exclusive rights under a copyright, is distinct from ownership of any material object in which the work is embodied. Transfer of ownership of any material object, including a copy in which the work is first fixed, does not of itself convey any rights in the copyrighted work embodied in the object.

For this reason, it is highly desirable to request the donor to transfer the ownership of copyright, whenever possible, to the library or archives at the time the gift of the material is executed.

How is a transfer of copyright ownership executed?

Section 201(d) provides that the ownership of a copyright may be transferred in whole or in part by means of a conveyance by operation of law, and may be bequeathed by will or pass as personal property by the applicable laws of interstate succession. Section 204(a) provides that the instrument of conveyance must be in writing and signed by the owner of the copyright or his duly authorized agent.

Is a transfer of copyright revocable?

Yes. Without spelling out all of the details involved in the termination of a transfer of copyright, it is sufficient for the present purpose to note that Section 203(3) provides that a termination of a transfer of copyright may be effected at any time during a period of five years beginning at the end of 35 years from the date of the execution of the grant.

The Copyright Act which became effective in January 1978 provides for an intensive review of the legislation. SAA seeks archivists' suggestions as to areas of the Act which should be clarified or changed. Address communications to the executive director's office.

The SAA Newsletter is a bimonthly publication of the Society of American Archivists, with issues published in January, March, May, July, September and November. The copy deadline for the July issue is June 15.
TRANSITIONS . . .

J.R.K. KANTOR has been appointed to a 3-year term as the University of California's representative on the California Historical Preservation Commission. . . FREDERICK L. HONHART was appointed Director of the Michigan State University Archives and Historical Collections. He succeeds WILLIAM H. COMBS who died on April 6, 1979 at the age of 82. . . ANDY ANDERSON is now Corporate Archivist and Public Relations Officer at the Wells Fargo Bank in San Francisco. . . BONNIE ROTHBART is the new Director of Research at the MGM Research Library. . . JIM MOSS is leaving the San Diego Historical Society to take over as Director of the California Historical Society. . . TYRONE BUTLER is now with the Salvation Army Archives in New York City.

UCLA ARCHIVES RECEIVES GRANT

The University Archives, Department of Special Collections, University of California, Los Angeles, has received a $10,000 grant from the Ralph B. Lloyd Foundation of Beverly Hills. University Archivist James V. Mink reports that the grant money will help support a project to describe and preserve photographs of the UCLA campus.

The University Archives' photographic holdings, located in pictorial files and among the retired records of UCLA offices, are heavily used by academic departments, student organizations, and administrative agencies for illustrating their publications.

"Say, did we tell you guys? Anne and I are considering having our entire correspondence microfilmed."

Drawing by Opie. © 1978 The New Yorker Magazine, Inc.
notable quotables

"[I am] a professional historian employed by the National Archives in Washington. I am not an archivist but someone who has had an intimate professional relationship with archivists for some 15 years now. I claim some insight into the work demands on archivists, and the sorts of training they need and are getting more and more widely these days. Thus, I think it is unfortunate that your notice for an "Assistant Archivist" (SAA Newsletter) carries with it the absolute requirement of the MLS degree. This degree represents fine and useful training, of course, but the job description set forth in the notice is for an archivist or manuscripts curator.

"There are two particular points to be made here. First, in selecting an employee one should look for high motivation. Someone who has gone to the trouble to get an MLS is likely to want to do librarian's work—but your job description is for activities that many librarians (exceptions, of course!) are not very much interested in. So if you want someone who will be happy in the work, and do the best possible job... I think it is an obstacle to put up the MLS as a first, absolute requirement.

"Second is the matter of training. I've just looked at the 1978 Education Directory, published by the Society of American Archivists. It lists [many] universities...which now give multiple course offerings in archival work...

"If you get hold of this publication you will notice also the considerable number of institutes, many carrying university credit. In future notices for archival or manuscripts curator positions I hope you can see fit to specify requirements encompassing basic professional archival training along these lines."

—John Porter Bloom, writing to an institution which placed a notice in the placement section of the SAA Newsletter.

AMERICAN ARCHIVIST OFFPRINTS AVAILABLE

Offprints of two articles which appeared in recent issues of The American Archivist are available for purchase from SAA headquarters.

"Photographs as Historical Evidence: Early Texas Oil," by Walter Rundell, Jr., was published in Vol. 41 #4 (October 1978) of the journal. The article was the text of Rundell's presidential address delivered at the Society's 42nd annual meeting in Nashville and draws on his experiences in researching his book, Early Texas Oil: A Photographic History, 1860-1936. 26 pp., 14 illustrations. $2.00 members, $3.00 others.

"Fakes and Facsimiles: Problems of Identification," by Leonard Rapport, is an offprint from Vol. 42 #1 (January 1979) of The American Archivist. Rapport discusses ways to distinguish original documents from copies using 36 of the most commonly reproduced historical documents as examples. 46 pp., 22 illustrations. $2.00 members, $3.00 others.

EAST STREET GALLERY CLOSES

Henry Wilhelm, operator of the East Street Gallery, Grinnell, Iowa, has informed SAA that his business has been forced to close and will file for bankruptcy.

Archivists who ordered archival print washers or the preservation book Wilhelm has been writing will be contacted by the federal bankruptcy court which will be administering the liquidation and disposition of the remaining assets of the Gallery. Wilhelm asks that any changes of address be sent to East Street Gallery, 723 State Street, Box 775, Grinnell, Iowa 50112.

METHODIST ARCHIVES TO MOVE TO NEW JERSEY

It has recently been announced that the archives, library, and museum collection of the United Methodist Church will be moved from North Carolina to a new facility on the campus of Drew University in Madison, New Jersey. Drew's library already contains a large collection of Methodist materials. It is particularly rich in manuscripts of John Wesley and his associates in England as well as documents of early American Methodism. The materials which are now housed in Lake Junaluska, North Carolina, include records and papers of Methodist boards and agencies and their leaders of the 20th century.
London The private papers of the Duke of Windsor, including those related to his abdication, have been removed from the Duchess of Windsor's home in Paris. According to the Daily Telegraph, they are being held in the royal family's private archives "at the absolute discretion of the Queen."

Sir Robin Mackworth-Young, librarian and assistant keeper of the Queen's archives at Windsor Castle, went to Paris in 1978 to retrieve "private family papers" with the consent of the 82-year-old Duchess, Buckingham Palace said in a March 1979 announcement.

There is no public access to the Royal Archives at Windsor, which are described as the Royal family's private papers going back for generations. Certain scholars are allowed access with the consent of the Queen.

Washington, DC FOIA strikes again. According to a recently released FBI document, when press dispatches from Paris reported in June 1964 that Jean Paul Sartre had joined the "Who Killed Kennedy Committee," J. Edgar Hoover sprang into action. The Director promptly scribbled a memo: "Find out who Sartre is."

Gloucester County archivist Brian S. Smith has enlisted the aid of unusual but dedicated volunteers to index British census schedules. Working from microfilm copies of the nineteenth century records, two long-term prisoners at the county jail are producing a valuable finding aid for researchers at the Gloucestershire Record Office.

Ottawa Individual records of the 1881 Census of Canada were made available for public reference purposes at the Public Archives of Canada in March 1979. The release of the 1881 records follows a decision to make historical census records routinely available for public access after a suitable lapse of time to ensure that no violation of privacy rights of living persons is likely to result. The Canadian policy is still more conservative than that in the U.S. 1978 legislation in the United States formalized the 72 year restriction on census records which has been in effect for some time.

Philadelphia A national committee led by honorary chairman Leonard Bernstein is raising funds to make singer Marian Anderson's personal papers and memorabilia "a living resource" of the University of Pennsylvania. The University will create an appropriate space in its Van Pelt Library to house the collection. In addition, the University proposes to establish a professorship and fellowships in Miss Anderson's honor in its Music Department.

Washington DC The week following the airing of the Roots II television series brought 8,000 letters to the National Archives requesting genealogical information. This was an all-time record for NARS, surpassing the 7,000-letter totals registered twice in 1977 following the original Roots series.

Salinas, California "Whenever I have a stamp, I can't find the letter. And whenever I find the letter I haven't got a stamp." John Steinbeck would not have repeated this lament in his hometown on February 27.

The John Steinbeck Library was the site of the introduction of a blue-and-white Steinbeck stamp, a commemorative issued by the U.S. Postal Service on what would have been the author's 77th birthday. The stamp which honors the California author who won both the Pulitzer and Nobel Prizes for literature is the first in a new literary arts series that will honor writers.

DATES TO REMEMBER

The American Film Institute will sponsor a workshop on Film/TV Documentation, July 8-14, 1979. The workshop is designed for researchers, educators, and librarians who need to know how to locate and utilize film and television resources. Session topics include film and television archives, cataloging and preservation of special collections, and identification and description of film/tv materials. Registration fee is $325.00. To obtain application for enrollment, write Registrar, Film/TV Documentation Workshop, The American Film Institute, 501 Doheny Rd., Beverly Hills, CA 90210.
DATES TO REMEMBER


The annual meeting of the Lake Ontario Archives Conference will be held June 15-16 at the Cultural Education Center, Albany, NY. Contact Bruce Dearstyne, LOAC Planning Committee, New York State Archives, Cultural Education Center, Albany, NY 12230 (518) 474-1195.

The Chicago Historical Society and The National Archives and Records Service will cosponsor "Going to the Source: An Introduction to Research in Archives," June 12-15 at the Chicago Historical Society. Attendance will be limited; the registration fee is $60.00. Registration deadline is June 1. Contact Elsie Freivogel, NE, NARS, Washington, DC 20408.

The annual meeting of the Lake Ontario Archives Conference will be held June 15-16 at the Cultural Education Center, Albany, NY. Contact Bruce Dearstyne, LOAC Planning Committee, New York State Archives, Cultural Education Center, Albany, NY 12230 (518) 474-1195.

The University of Maryland College of Library and Information Services will conduct a basic workshop entitled "Archival and Library Collection and Preservation Management," July 16-August 4 at the University. Contact Lawrence J. McCrank, College of Library and Information Services, University of Maryland, College Park, MD 20742. (301) 454-2255.

Bergamo Center will hold its fifth annual Religious Archives workshop June 29-July 3. For further information, contact Rev. Norbert Brockman, Bergamo Center, 4435 E. Patterson Rd., Dayton, OH 45430. (513) 426-2363.

PROFESSIONAL OPPORTUNITIES

SAA PROGRAM OFFICER. Under the supervision of executive director, coordinates some special projects in the SAA national office, such as education programs and conferences. Responds to correspondence concerning professional matters; assists in planning and facilitating annual meeting programs; periodically represents SAA and its programs at meetings of professional organizations; serves as liaison to SAA committees and groups. Position requires ability to work effectively at a variety of different and often unrelated tasks, usually under demanding circumstances. Archival experience and/or education required. Salary: $14,000-$16,000 per annum. 2 year appointment with good possibility of permanent position. Application letter, resume, and two letters of recommendation should be received no later than June 10 by SAA Executive Director, 330 S. Wells, Suite 810, Chicago, IL 60606.

ASSISTANT LIBRARIAN, RARE BOOKS AND MANUSCRIPTS, Tannahill Research Library. Immediate responsibility for collection of rare books and manuscripts as well as related material in the research library. Qualifications: MLS plus minimum of 2 years experience in rare books and manuscripts. Reference experience in an academic or special library desirable. Second degree in American studies preferred. Salary: $13,000+ and usual benefits. Send resume to Douglas A. Bakken, Director, Ford Archives & Tannahill Research Library, Henry Ford Museum, Dearborn, MI 48121.

ASSISTANT LIBRARIAN, RARE BOOKS AND MANUSCRIPTS, Tannahill Research Library. Immediate responsibility for collection of rare books and manuscripts as well as related material in the research library. Qualifications: MLS plus minimum of 2 years experience in rare books and manuscripts. Reference experience in an academic or special library desirable. Second degree in American studies preferred. Salary: $13,000+ and usual benefits. Send resume to Douglas A. Bakken, Director, Ford Archives & Tannahill Research Library, Henry Ford Museum, Dearborn, MI 48121.

The Research Collections Program of the National Endowment for the Humanities is currently soliciting applications from candidates interested in serving on an Inter-governmental Personnel Act appointment with that program during 1979-80. Candidates should have either a PhD or completion of course work for a PhD in American history as well as archival training and experience. Candidates must also be currently employed by a public or private college or university or agency funded by state or local government. An IPA appointment maintains the appointee's association with his home institution in terms of pay scale, fringe benefits, seniority and so forth. The institution is reimbursed for these costs by the federal government. Interested candidates should call Margaret Child or Jeffrey Field at (202) 724-0341 or send a resume to Research Collections Program, Mail Stop 350, National Endowment for the Humanities, 806 15th St. NW, Washington, DC 20506.

DIRECTOR, Montana Historical Society. Responsible for overall direction of museum and galleries, historical library, publications, archives, merchandise, preservation programs and branch museum. Qualifications: advanced degree or equivalent experience in history, art, museum sciences or related field. 5 years experience in administrative capacity specializing in budgeting and program planning. Ability to deal effectively in public relations. Western background and service in similar type of institution helpful. Send resume and application to Mrs. Charles A. Bovey, PO Box 1653, Great Falls, MT.

May 1979
PROFESSIONAL OPPORTUNITIES

5 positions, Thomas A. Edison Papers, Edison National Historic Site

EDITORIAL ASSISTANT (2 positions), for summer 1979. Work with senior professional staff in preparation of materials for the microfilm edition of the Edison Papers. Qualifications: Graduate or senior undergraduate background with strengths and interests in history, technology, science, and business in the era of Edison is required. Salary: ten to twelve weeks at $1800-$2150 for the summer. Available early June.


For further information regarding above positions, write the Unit Manager, Edison National Historic Site, Main St. & Lakeside Ave., West Orange, NJ 07052.

ASSISTANT EDITOR (Historical Editing). Works with professional staff in the preparation of both the microfilm and book editions of the Edison Papers. An adjunct teaching appointment with Rutgers University is a possibility. Qualifications: PhD in a historical field or equivalent experience is required. Prefer person with educational background or experience in working with and interpreting visual and artifactual materials. Historical editing experience and background in fields related to technology, science, business, art or museum studies is highly desirable.

ARCHIVES TECHNICIAN/ASSISTANT EDITOR. Position includes substantial archival duties and some historical editing responsibilities. This is a permanent, part-time (30-35 hours per week) civil service position with potential for full time employment. Qualifications: a minimum of a masters degree or equivalent experience is required. Archival training or related experience is also required. Historical editing training or experience and historical background relating to the era of Edison is highly desirable.

For further information regarding the above positions, write to Thomas A. Edison Papers, 1 Richardson St., Rutgers University, New Brunswick, NJ 08903.

PHOTOGRAPHIC TECHNICIAN, Montana Historical Society. 2 year, NHPRC-funded position to begin July 1, 1979. Responsibilities include preparation of archival quality reference prints and copy negatives, establishment of procedures for cleaning, restoring, and preserving glass plate and film negatives. Qualifications: BS in photographic technology, and one year of experience in photographic preservation and copy work; knowledge of the procedures, materials, and equipment used in photography, especially darkroom techniques; skill in operation of cameras and related equipment. Equivalent education or experience will be considered. Contract salary: $12,800 first year, $13,568 second year. Send resume, including two references, to Delores J. Morrow, Photograph Archivist, Montana Historical Society, 225 N. Roberts, Helena, Montana 59601. Deadline for applications in May 18, 1979.

PROJECT DIRECTOR/SENIOR ARCHIVIST to supervise a special project documenting the history of the consumer movement. Qualifications: Minimum of 2 years archival experience and an advanced degree in American history. Course work or experience in archival management desirable. Salary: approximately $17,000 based on experience. Full-time, 16-month position. Send resume and salary history to Personnel Director, SA, Consumer's Union of U.S., Inc., 256 Washington, Mt. Vernon, NY 10550.

ARCHIVIST, American Dental Association, to supervise an on-going archives-museum-historical collection program within the Bureau of Library Services. Salary is open depending on experience, (ca. $12,000-$14,000). Contact Aletha Kowitz, Director of the Bureau of Library Services, American Dental Association, 211 E. Chicago Ave., Chicago, IL 60611. (312) 440-2500.

PROFESSOR OF HISTORY, University of South Florida. Qualifications: Knowledge of 20th century Florida history and/or southern history with experience in archival management, historical preservation, and museum work required. Other qualifications include PhD and teaching experience. Apply to Louis A. Perez, Jr., Dept. of History, University of Southern Florida, Tampa, FL 33620.
PROFESSIONAL OPPORTUNITIES

ASSISTANT ARCHIVIST (2 positions), South Dakota Archives Resource Center, contingent on expenditure authority from state legislature. 2 year, NHPRC-funded project to survey and inventory government agency records. Qualifications: BA in history, political science, library science and training in archival administration. MA and experience preferred. Salary: $11,269. Starting date: July 1, 1979. For further information, write to Dennis F. Walle, State Archivist, Archives Resource Center, Pierre, SD 57501.

ARCHIVIST I, Walter Reuther Library of Labor and Urban Affairs. Responsibilities include arrangement and description of archival materials and reference assistance. This position will also assist in the coordination of all graduate archival administration educational programs at Wayne State University, and assist the Director in various professional activities and related research projects. Salary: $11,760-$15,320. Available immediately. Apply to Philip P. Mason, Director, Walter Reuther Library, Wayne State University, Detroit, MI 48202.

2 positions, Western Reserve Historical Society.

ASSISTANT REFERENCE LIBRARIAN, History Library. Responsibilities include assisting the reference staff in providing professional services to the patrons of the Historical Society's History Library; preparing bibliographic guides, and conducting research. Qualifications: MLS from an accredited university and some library experience, or an MA and considerable research background or related work experience; demonstrated verbal and written communication skills. 40 hours per week, Tuesday-Saturday. Salary: negotiable, depending on qualifications and experience. Starting date: on or about June 1, 1979.

BUSINESS RECORDS SPECIALIST to implement a developing regional business archives program, conduct research, transfer and inventory records, and establish retention and disposal guidelines. Qualifications: MA in history, minimum of 2 years experience in archives or related field, good communication skills. Salary: negotiable, depending on qualifications and experience. Starting date: on or about June 1, 1979.

To apply for the above positions, send resume to Kermit J. Pike, Director, History Library, 10825 E. Boulevard, Cleveland, OH 44106.

ASSOCIATE ARCHIVIST (3 positions), United Nations Archives. Duties include analyzing, arranging, and describing U.N. archives; preparing introductions to descriptive inventories and other finding aids; preparing retention and disposal schedules; and supervising microfilming of permanent archival records. To apply, contact Alf Erlandssson, Chief, Archives Section, United Nations, New York, NY 10017.

RECORDS ANALYST, Mississippi Dept. of Archives and History. Duties include surveying and appraising records in selected executive agencies of Mississippi state government. 1 year (July 1, 1979 through June 30, 1980) NHPRC-funded position. Qualifications: MA in history, political science, public administration, or a related field, with one year of archival, records management or related experience, or a BA in one of the above named fields with two years of experience. Salary: $9,437-$10,079 depending on experience. Send resume and three letters of recommendation by June 1, 1979 to Ronald E. Tomlin, Chief, Archives Section, Mississippi Dept. of Archives and History, PO Box 571, Jackson, MS 39205.

2 positions, University of Arkansas.

ARCHIVIST to serve as associate director on 1 year, NHPRC-funded project to arrange and describe papers of mid-twentieth century Southern governor. Qualifications: MA in history with emphasis on 20th century U.S.; graduate archival training, in course work or with certificate from approved institute; one year of experience, at professional or para-professional level, in archival repository, a substantial part of which has been in processing large collection(s). Salary: $12,444. Begin August 1, 1979.

ARCHIVAL TECHNICIAN, to assist with above described project. Qualifications: BA in history with emphasis on 20th century U.S., preferably with background in Southern history; archival experience preferred. Salary: $8,976.

Send letter of application, resume, graduate and undergraduate transcripts, letters of recommendation to Samuel A. Sizer, University Library, University of Arkansas, Fayetteville, AR 72701 by June 10, 1979.

It is assumed that all employers comply with Equal Opportunity/Affirmative Action Regulations.
SAA '79: PRE-CONFERENCE SEMINARS

SAA is sponsoring two seminars in conjunction with the 43rd annual meeting in Chicago. Registration information for these seminars will be mailed to SAA members in July, as part of the annual meeting program packet.

SEMINAR ON HISTORIC PHOTOGRAPHS

On Monday, September 24, a seminar on the care and use of historic photographs has been scheduled in Chicago's Palmer House from 9:00 a.m.-5:00 p.m. The seminar will be preceded on Sunday evening, September 23, by a reception for seminar participants. Larry and Jane Booth of the San Diego Historical Society will be the seminar instructors. Larry Booth is the author of Collection, Use, and Care of Historical Photographs, which will be available to seminar participants at a reduced rate. Topics to be discussed include fundamentals of deterioration, correcting deterioration, indexing/retrieval systems, use of photographs in exhibits, and obtaining funding for photographic collections. The seminar registration fee is $50, which includes a packet of instructional material; enrollment will be limited. Registrants may bring one or two examples of problem photographs for examination and discussion in the seminar.

ARCHIVES: AN INTRODUCTION

An introductory archival seminar will take place on September 24 through September 26 at the Palmer House in Chicago. David Horn, DePauw University, and Megan Desnoyers, John F. Kennedy Library, will be the instructors. Topics to be discussed include appraisal, acquisition, arrangement and description. Sessions will be held Monday and Tuesday, the 24th and 25th, from 9:00 a.m.-5:00 p.m. and Wednesday, the 26th, from 9:00 a.m.-12:00 noon. The registration fee of $80 includes a packet of instructional materials; enrollment will be limited. This seminar is designed for persons with no previous archival training but who currently are responsible for archives and/or manuscripts.