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ATG Special Report -- In Indian Territory

Gene Waddell

College of Charleston, waddelle@cofc.edu

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a national bookstore chain, and I welcomed the possibility of libraries and bookstores learning from one another about everything from customer service to special programming. After all, I gathered a wealth of information in my graduate classes that served me well behind the bookstore cash register, and I learned invaluable skills in the retail world that prepared me for the reference desk. As I have progressed in my library career, though, I find myself riding the fence concerning the practicality of libraries' emulation of bookstores. I tend to agree with *American Libraries* editor **Leonard Kniffel** that, for better or worse, "libraries aren't bookstores, and patrons aren't customers."¹ However, I continue to believe that there is much to be learned from bookstores, especially in the area of ambience.

Library-vs.-bookstore ambience is just one of the many topics that **Jeannette Woodward** examines in her book *Creating the Customer-Driven Library: Building on the Bookstore Model*. This should be required reading for those who work in public or academic libraries. **Woodward** has worked in both, and her knowledge of each sector adds immense value to her writing. While the book promotes libraries' adoption of certain bookstore characteristics, **Woodward** by no means advocates libraries' complete embrace of bookstore behavior in its entirety. After all, there are fundamental differences in the primary purpose of each en-

tity, to which she devotes an entire chapter. **Woodward** lives up to her claim: she "consider[s] ways in which the bookstore model can be adapted to the library's needs without abandoning any of the ideals that brought us to the library profession" (20).

Creating the Customer-Driven Library is divided into 16 chapters and includes a separate introduction and conclusion. Citations to works cited are listed at the end of each chapter, and there is a rather extensive, ten-page index. Topics are regarded from the vantage point of both libraries and bookstores, and coverage includes customers/patrons, technology, goals and priorities, atmosphere, signage, and marketing and publicity. **Woodward's** writing style is practical and straight-forward, and the book is quite enjoyable. Photographs of bookstores—supposedly tasteful and cozy—and scattered throughout, though photos of libraries that have successfully built upon the bookstore model are missing.

I must admit that I find a few of **Woodward's** points to be disjointed. For example, she dedicates a good deal of page real estate, complete with screen shots, to the illustration of **Amazon.com's** book database; her idea is that library OPACs should follow suit. **Woodward** argues that being able to preview actual book pages and "customers who bought this book also bought..." lists would benefit library patrons. **Amazon.com**, though, does not offer brick-and-mortar retail outlets. Customers cannot browse through books on an

Amazon.com shelf as they can at a library; they cannot hold materials in their hands and leaf through pages. **Amazon.com** has no choice but to offer the ability to browse book content online, because it is the only way it can offer customers the ability to preview its wares. The benefit of a library or even a **Barnes and Nobel** store is that people are not limited to virtual interaction—they can visit a real place and can interact with books, periodicals, and even humans. Saying that library catalogs should be more like **Amazon.com's** database leaves out the physicality and human touch that libraries (and "real" bookstores) provide.

With that said, though, even disagreeing with some of **Woodward's** thoughts helped me tremendously by resuscitating a topic that I thoroughly enjoyed studying in library school. Our profession is amazing; there are multitudes of ever-evolving facets to which we can turn our attention. Because of this, it can be easy to ignore seemingly-secondary details, such as signage and comfy seating, when there are so many issues that require our consideration. It has been a few years since the professional literature actively discussed the cues that libraries can take from bookstores. I hope that *Creating the Customer-Driven Library* revives the discussion. 🐼

Endnotes

1. Leonard Kniffel, "Libraries Aren't Bookstores, and Patrons Aren't Customers," *American Libraries*, August 1997, 38.

ATG Special Report — In Indian Territory

by **Gene Waddell** (College Archivist, College of Charleston) <waddelle@cofc.edu>

To determine what was characteristic of any culture that is no longer intact, there is no substitute for examining every type of evidence, but one type is especially valuable and has been neglected: Conclusions about cultures that are themselves primary sources of information are among the most valuable statements ever made about the ways of life of independent groups including Native Americans.

Indian territory belonged to Indians, and as long as they were independent, they lived as they thought best. This article is about primary sources of information recorded by travelers who visited Indian territory rather than about the secondary accounts of anthropologists who visited reservations.

Early travelers who took the trouble to record their observations were usually intelligent and conscientious, but the traveler who visited a group of Indians only once did not know how typical the incidents were that he recorded. When evaluating travel accounts, it is important to distinguish between casual observations and well-informed conclusions. Casual travelers were often more likely to notice anything unusual and their observations were often recorded immediately, but they are more likely to exaggerate and to misinterpret. Conclusions by the best informed travelers are more reliable than eye-witness accounts by travelers who did not know Indian languages, but they need to be supplemented by every available primary source.

The following accounts are by explorers who made the earliest contacts with Indians and by later travelers who lived among Indians long enough to be able to summarize their customs accurately. The later traveler often knew more, but arrived after significant cultural traits had disappeared. Even so, the best summaries in later accounts are often more incisive and accurate than poorly documented explorations. Any primary source is of greater value than anthropological writings that are distorted by theory.

All of the following accounts of Indians are worth reading fully, but since some sections were written separately, they can be used separately either as an introduction to a way of life or for comparison with another group. The dates given are the years represented by the travels rather than dates of publication. The accounts discussed relate primarily to the Southeast and the Northwest, but what is significant about them has wider application.

Garcilaso de la Vega's history of the DeSoto Expedition, 1539-1543

Garcilaso's history is one of the four principal accounts of the expedition of **Hernando de Soto**, and it is by far the most comprehensive history of the expedition. It was based on at least

three eye-witness accounts by members of the expedition, and it was vividly and intelligently written by an author who was half-Indian and half-Spanish and who tried to be fair to both sides.

De Soto traveled from the west coast of Florida to South Carolina, crossed the Appalachian Mountains, and got as far as the Mississippi River before being killed. Members of his expedition tried to reach Mexico by land, and failing to do so, they returned to the Mississippi and constructed ships that enabled them to sail to Mexico. Only a small portion of the approximately 700 Spaniards who went on the expedition survived, and four of them left narratives that largely substantiate what **Garcilaso's** informants told him. The value of his

history is independently confirmed by other types of information including enlistment lists and a list of the survivors of the expedition.

The great value of all of the accounts of this expedition and particularly of **Garcilaso's** is that they record the first contact of Europeans with tribes throughout the Southeast. No comparable accounts exist for most tribes of the interior of the region until more than a half-century later, and in the meanwhile, disease caused such loss of population that many tribes had to combine

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and to substantially change their ways of life. **Garcilaso's** account deserves to be read by every college student for what it tells about Indians when they were first encountered by Europeans and for the insight of its author.

John Lawson's "New Voyage to Carolina," 1700-1701

Lawson was an Englishman seeking adventure, and he decided to travel through the interior of the Carolinas. He went by boat from Charleston along the coast and into the Santee River, then followed Indian trails north of the Santee and east of the Wateree River into the present state of North Carolina, and finally went downriver to the coast. Altogether he traveled several hundred miles through tribes of independent Indians, and he kept a journal of his trip that is consistently informative and well written and often amusing, but had he written nothing else about Indians, his account would be ethnohistory rather than ethnology. He so liked the coast of North Carolina that he decided to settle there. He became its Surveyor General and traveled widely as part of his professional duties. He had good scientific as well as literary training, and he later wrote a detailed summary of the customs of Indians and of the natural history of North Carolina. His journal and history have remained in print almost continually since.

Other travelers had previously been through the same parts of the Carolinas, but recorded little or nothing of what they saw. **Lawson** left by far the best and earliest account of Indians, plants, and animals in the area. He recorded and compared vocabularies of Indian languages and summarized almost every conceivable aspect of their ways of life. Except during his travels, he often did not distinguish between one group of Indians and another, but he did record specific and highly valuable information about the eastern Sioux. His generalizations provide a reliable basis for comparison with other accounts.

James Adair's "History of the American Indians....," c. 1750-1770 (Southeast)

Adair was one of the principal Indian traders

in the Southeast before the American Revolution, and he wrote a largely useless book trying to prove that Indians were the Lost Tribes of Israel. He is a rare example of a knowledgeable primary source who distorted his evidence to fit a theory. In addition to the theoretical main part of his book, he appended a summary of what Southeastern tribes had in common, and none of his conclusions about what was characteristic can be dismissed without better evidence. His summary deserves to be published together with **Lawson's** earlier summary and **Bartram's** later summary to facilitate comparison.

William Bartram's "Travels," 1773-1778 (Southeast)

Bartram was primarily a botanist, and he gives the scientific name of almost every plant he saw, but apart from frequent lists that can be skipped, his text was so well written that it was widely read in Europe in the 18th Century and was highly praised by the English poet **Samuel Taylor Coleridge**.

Bartram was interested in everything he saw, and he kept detailed records about botany, zoology, geography, and anthropology. He included well informed conclusions about topics as wide-ranging as the migration of birds and Indian settlement patterns. Like most naturalists (including **Lawson**), **Bartram** considered Indians part of natural history, and he wrote about them with the same objectivity and detachment that he used for his other studies. The accounts of his travels throughout the Southeast are of great value for anthropology as well as natural history. In addition to his narrative, he appended separate summaries of the customs of the Creeks ("Muscogule") and of the Cherokees. His account of the Cherokees is especially valuable because the settlements he described were soon afterwards destroyed during and soon after the American Revolution. The Cherokee had sided with the British. **Bartram** later wrote a separate article entitled "Observations on the Creek and Cherokee Indians," and it is even more incisive.

Alexander Mackenzie's "Voyage from Montreal," 1789-1793 (across Canada)

Mackenzie was the first European to cross North America, and his published account helped to persuade **Thomas Jefferson** of the need for a

major American expedition. **Mackenzie** was a Canadian trader who hoped to find an all-water route to the Pacific, and although he failed to do so, he discovered the Mackenzie River and followed it to within the influence of Arctic tides; he mapped much of central Canada; and on a second attempt he crossed the Rocky Mountains and reached the Pacific. During these expeditions, he encountered numerous nations of Indians, and his summaries are ethnologies rather than ethnohistories.

In a lengthy preface to his principal travels, **Mackenzie** gave the history of the fur trade in Canada, summarized information about the Indians of Canada, and discussed the customs of two major linguistic groups: the Algonquian-speaking Knistenaux and the Athapaskan-speaking Chepewyan. His book has been reprinted almost continuously since it was first published, and it is one of the great travel accounts of all time. All of it deserves to be read, and for anyone interested in Indians, his essays on two major northern tribes are essential reading.

Meriwether Lewis and William Clark's "Journals," 1804-1806 (along the Missouri River to the Pacific)

In his instructions, **Jefferson** stated that the main object of the **Lewis and Clark Expedition** was "to find the most direct and practicable water-communication across the continent for the purposes of commerce." The leaders of the expedition were instructed to keep detailed journals and to prepare accurate maps. They were to record everything notable about Indians including their names, areas, relationships, languages, traditions, monuments, food, and trade. Their discussions of each group they encountered are concise, but highly informative, and they included an appendix summarizing locations and population size for 84 tribes or nations. As instructed, they also made notes on soils, animals, extinct animals, minerals, climate, furs, and possible locations for ports on the Pacific.

To prepare himself to identify plants and animals by scientific name, **Lewis** (**Jefferson's** secretary as President) studied under some of the leading American naturalists. **Clark** was chosen as a well known military leader and a skilled surveyor and mapmaker. During the expedition, **Lewis and Clark** were greatly aided by Indian guides including **Sagagewa**, who translated information crucial for finding the best way through the Rocky Mountains. Many other Indian informants provided invaluable information about geography and natural history.

The expedition is well known to have accomplished all of its objectives in an exemplary manner, but most of the results were not published until long afterwards. In 1814, the manuscript journals of **Lewis and Clark** were combined and edited by **Nicholas Biddle**, who purposely omitted natural history with the expectation that another volume would be prepared soon afterwards. In 1893 **Elliott Coues** added back natural history and produced a four-volume edition of the principal journals with comparative material from journals kept by other members of the expedition and with extensive and valuable notes. **Coues** omitted little of importance from the approximately 3,000 pages of manuscripts in the 1,300 pages of small type of his printed edition, and he greatly enhanced the narratives with his own expertise in natural history and his first-hand knowledge of the areas visited by the expedition. Part or all of **Coues's** notes can be skipped as

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Recommended Editions

- Adair, James. 1775 [1930] *Adair's History of the American Indians*. Edited by Samuel Cole Williams. New York: Promontory Press (reprinted, 1974).
- Bartram, William. 1791 [1996] *Travels, and Other Writings*. New York: Library of America.
- Catlin, George. 1844 [1973] *Letters and notes on the manners, customs, and conditions of the North American Indians; written during eight years' travel (1832-1839) amongst the wildest tribes of Indians in North America*. 2 v. (with reproductions of about 250 paintings instead of prints). New York: Dover Publications.
- Garcilaso de la Vega. 1605 [1967] *The De Soto Chronicles: the Expedition of Hernando de Soto to North America in 1539-1543*. Edited by Lawrence A. Clayton, Vernon James Knight, Jr., and Edward C. Moore. 2 v. (volume 2 contains all of Garcilaso's history). Tuscaloosa: University of Alabama Press, 1993.
- Lawson, John. 1709 [1967] *A New Voyage to Carolina*. Edited by Hugh Talmage Lefler. Chapel Hill, University of North Carolina Press.
- Lewis, Meriwether, and William Clark. 1814 [1893] *History of the Lewis and Clark Expedition*. Edited by Elliott Coues. 4 v. in 3. New York: Dover Publications (reprinted 1979).
- Lorant, Stefan. 1591 [1946] *The New World: the first pictures of America / made by John White and Jacques Le Moyne and engraved by Theodore de Bry [1591]; with contemporary narratives of the Huguenot settlement in Florida, 1562-1565, and the Virginia colony, 1585-1590*. New York: Duell, Sloan & Pearce.
- Mackenzie, Alexander. 1801 [1955] *Journal of the Voyage to the Pacific*. Ed. by Walter Sheppe. New York: Dover Publications, Inc.
- Parkman, Francis. 1883 [2002] *Oregon Trail*. Mineola, NY: Dover Publications, Inc.

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reached giving **King** his royalties. No fee was discussed, both **King** and **Fox** assuming it was covered under the original agreement.

Fast forward to 1986 when the issue was again discussed. **Fox** was representing **King** in a dispute with the estates of former **Skynyrd** members.

Yes, Southern rockers will die young. In 1977, Ronnie Van Zant, Steve Gaines and Cassie Gaines went down in a rented plane when it ran out of fuel and ploughed a 500 foot swath through a swamp near Gillsburg, Mississippi. Allen Collins survived, but killed his girlfriend in a drunk driving car crash and was himself paralyzed to soon die of pneumonia.

In the meantime, **Fox** had been taking a third of writer's and artist's royalties even though the original dispute had been only over artist's. The check would go from **MCA** to **Fox** who would take out his third and forward the rest to **King**.

King claims **Fox** told him the fee arrangement was "approved by the Judge or whatever, and he said he (**Fox**) couldn't change it if he wanted to."

And as a typical client, **King** never asked for a copy of the court order.

And **Fox** denies having said the above.

In 1987, **King** wrote a letter to **Fox** telling him to quit taking fees from the writer's royalties and **Fox** agreed. But he didn't return any writer's royalties he had previously taken.

In 1991, **King** was in the hospital for congestive heart failure. By chance an **MCA** clerk contacted him to verify his address, and for some reason began sending all checks directly to **King**. Which meant **Fox** wasn't taking a third.

Fox called demanding his fees in 1997, and **King** like all clients said he didn't have the money.

In 1997, **King** got a new lawyer who told him **Fox** had been ripping him off and sued, saying the agreement was unconscionable. The District Court gave summary judgment to **Fox** holding that **King** had ratified the agreement.

Unconscionability

"That which is bargained for by the promisor and given in exchange for the promise by the promisee is not made insufficient as a consideration by the fact that its value in the market is not equal to that which is promised." **Corbin on Contracts § 127.**

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secondary to the original accounts, but they are in many cases primary sources in their own right. Starting in 1983, every word of every journal kept during the expedition was published in an 11-volume edition by the University of Nebraska, and its edition includes a folio volume that reproduces the manuscript maps that were long the best available.

From where the Missouri River enters the

Boy that put you to sleep. And here you thought we were talking about rock 'n roll.

That turgid sentence is **Corbin** struggling to say that inadequacy of consideration is not a ground for the rescission of a contract. In a free market, buyer and seller meet and strike their bargain. Absent fraud, duress or mistake they are bound by their decision as to the worth of what they are swapping. Of course with the law there are always exceptions, one being the unconscionable contract.

UCC-2-302 provides that the court as a matter of law may find a contract to be unconscionable thereby opening up an infuriatingly vague area of law. "The court" and "as a matter of law" mean this is a judge question on law and not a jury question on the facts of the case.

And what the heck does the big word mean? Unconscionable. Against conscience. Oo-kay.

Then it's divided into procedural and substantive. Procedural unconsc. consists of dirty tricks in the making of the contract which are so indistinguishable from fraud that I question whether this area of law needs to exist at all.

Substantive is a question of the unfairness of the contract. Sometimes courts babble about unequal bargaining power which has never made sense to me because **Exxon** has to deal with its gas stations and the contracts can't be unfair purely because of the unequal size of the parties.

In the more comprehensible cases, there will frequently be a limitation of remedy for breach which on the surface seems fair but turns out to be no remedy at all. Yarn seller provides in his standard form contract that textile mill must inspect the yarn and inform him of defects within six days. Then seller will replace the defective yarn as the sole remedy. But to discover the defects, mill must weave a sweater and wash it to see if the dye runs. Which takes more than six days. So buyer has no real remedy at all. Unconscionable.

In our current case, the issue seems to be one of the size of the attorney's fee vis-à-vis work done with maybe some ambiguity and/or trickery in the making of the contract thrown in. The justification for the old one-third is the lawyer is taking a high risk of getting nothing. **King's** cases seem to have been pretty much easy lay-ups.

Ratification

Fox claimed **King** ratified the agreement by not challenging it and by continuing to employ **Fox**. The Second Circuit said in a normal contract case the eight years between 1978 and 1986

would be enough to show ratification. See, e.g., *Benjamin Goldstein Prods., Ltd. v. Fish*, 198 A.D. 2d 137 (1st Dep't 1993) (holding that a party's knowing acceptance of benefits from a contract for more than a year after the agreement was executed constituted ratification, and barred the party from alleging economic duress in the execution).

But Attorney's Fees Are Different

Attorney's fees are held to a higher standard than run-of-the-mill contracts as courts have always held authority over legal fees under "inherent and statutory power to regulate the practice of law." *First Nat'l Bank v. Brower*, 42 N.Y.2d 471, 474, 368 N.E.2d 1240 (1977).

New York law puts the burden of proving conscionability of attorney's fees on the attorney. *Greene v. Greene*, 56 N.Y.2d 86, 92, 436 N.Y.S.2d 46, 49 (1982).

To find unconscionability, the court must explore all facts and circumstances of the agreement including the parties' intent and value of services in proportion to the fee. See *Gross v. Russo*, 47 A.D.2d 655, 655, 364 N.Y.S.2d 184, 186 (2d Dep't 1996.)

There's no "magic number" that pushes the deal into unconscionability, fifty percenters having been upheld. See, e.g., *Beadwear, Inc. v. Media Brands, LLC*, No. 00 Civ. 5483, 2001 U.S. Dist. Lexis 20927, (S.D.N.Y. Dec. 18, 2001).

In *Shiya v. Nat'l Comm. of Gibran*, 381 F.2d 602 (2d Cir. 1967) the lawyer **Shiya** was employed by the estate of **Khalil Gibran** to secure renewal copyrights for a 25% cut. There was heavy litigation and still more over whether **Shiya** was entitled to a cut of future royalties or just accumulated ones. The agreement was held ambiguous, but both parties agreed the "prize sought... was the full fruits of the renewal copyrights." *Id.* at 607.

Yes, you've squirmed through contrived wedding ceremonies where bride and groom pledged their troth by reading Khalil. You've heard the ghastly poems, now read the appeals case.

But the Second Circuit found a distinction in that **King** claims deception and the sheer amount of **Fox's** fee — \$500,000 "for modest work." These facts could lead to a finding of unconscionability.

And if it is unconscionable, can the client ratify it? Old New York cases — we're talking 1879 type old — seem to say it can be. See *Kent v. Quicksilver Mining Co.*, 78 N.Y. 159, 190 (1879) ("An unconscionable arrangement will not be disturbed when there has been ratification of it with knowledge of all its bearings, after time has been had for consideration."). And then there are similar cases from 1927 and 1932.

But none of that involved attorney-client agreements.

So, they "certified" it to the New York Court of Appeals to answer the question of whether a client can ratify an unconscionable attorney's fee agreement.

The mills of the law grind slowly.

And so we wait for the New York Court of Appeals with bated breath.

Mississippi to where the Columbia River enters the Pacific, the nations of Indians encountered by **Lewis** and **Clark** were recorded in more detail than had previously been done and in some cases that could be done afterwards. Many individual tribes were later recorded in greater detail, but with increasingly less of their original cultures intact.

George Catlin's "North American Indians," 1832-1839

Catlin single-handedly created the most ac-

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Questions & Answers — Copyright Column

Column Editor: **Laura N. Gasaway** (Director of the Law Library & Professor of Law, University of North Carolina, CB #3385, Chapel Hill, NC 27599; Phone: 919-962-1321; Fax: 919-962-1193) <laura_gasaway@unc.edu> www.unc.edu/~uncnlg/gasaway.htm

QUESTION: *DVDs in a library collection are not purchased with public performance rights. Does it infringe copyright if patrons view a DVD in the library after they check it out? Does it make a difference if they use their own laptop to view or the library's computers?*

ANSWER: If the patron is using an individual viewing station in the library or viewing the DVD at home, it is not a public performance at all. Who owns the equipment is irrelevant. If the library's DVD viewing equipment is "an individual viewing station" then it is also not a public performance. However, if the patron is in a public area, the sound is turned so that anyone may hear and anyone can join the patron in viewing the DVD, it likely is a public performance.

QUESTION: *A library has a rare 1773 map showing early landowners in the county. Is there a copyright problem if the library has the map scanned so the image could be saved to a Master CD for preservation purposes? Patrons have asked for a copy of the map as it shows where many of their ancestors were living in 1773. The original size of the map is quite large, and the library has never made copies of it before, but now it could copy the image from the CD to another CD for patrons and even sell that to them. In the alternative, the library could take the CD to a printer and have copies printed for sale. Another possibility is to put it on a Website. Would any of these activities constitute copyright infringement?*

ANSWER: Good news! Copy away in any format. The map is in the public domain. Therefore, anyone who has access to it may reproduce and distribute the map and even sell copies. The library may have the only copy of the map, and it

does not have to grant access to others. But, the library does not hold copyright in the scanned version of the map either since scanning does not create a new copyright. Therefore, if the library sells copies of the map and someone then duplicates a purchased copy and then offers those copies for sale or posts them on the Internet, it is not infringement. The map, whether the original, printed or scanned copies, is a public domain work due to its age.

QUESTION: *As VHS tapes and playing equipment are being phased out of a library, some faculty want to convert commercial VHS tapes to DVD format, so they can continue to use them in the classroom. Many of these VHS tapes are not currently available for purchase in DVD format. Would permission from the copyright holder be required to convert to DVD format if the VHS tapes were: (1) "personal" copies, (2) department owned copies or (3) library owned copies?*

ANSWER: The answer to all three is unfortunately no. Under section 108(c) of the Copyright Act, there is no permission just to convert format as long as the equipment for using VHS is either still being manufactured or is still reasonably available in the commercial marketplace. VHS equipment is still available although at some future time, this will not be the case.

This answer applies to library, personal and departmental copies. If, however, the library copies are "lost, damaged, stolen or deteriorating" and the library tries to buy another VHS copy and a DVD copy and neither is available, then the library could convert the VHS to DVD format. There is no permission for departmental or personal copies. However, if someone owns a

personal VHS copy for home viewing only and not for showing at school, there is a stronger argument for permitting the conversion for use at home. This would not apply if the video is to be used at school.

QUESTION: *If a media producer installs copy protection on a film, does that remove someone's fair-use rights? For example, if the library or a faculty member wants to "rip" a two minute segment from a two hour film, is that infringement, even though using the two minutes would likely be a fair use if it were not copy protected?*

ANSWER: Yes it is infringement. The anti-circumvention provision of the Copyright Act pretty much eliminates fair use. This provision was added by the 1998 Digital Millennium Copyright Act that amended the Copyright Act of 1976. If a copyright owner includes technological copy protection on a work, removing that copy protection, even to make a fair use, violates the statute. Oddly, however, the anti-circumvention provision says that it does not affect fair use, but clearly it does so despite this language.

QUESTION: *Should a library be concerned that researchers are using digital cameras to make reproductions of both published and unpublished works from their collections? This would not seem to be substantially different from allowing a photocopy to be made. Could it be interpreted to fall under section 108(b) or (c) of the Act that restricts a library from making a digital copy of such material available to the public outside the premises of the library or archive?*

ANSWER: If a researcher makes his or her own copy of a work or a portion thereof with a digital camera, it is no different than copying the work by hand or making a photocopy. It may well be fair use for the individual user. Because of the volume and scope of copying that libraries do, they are governed by a special section of the Copyright Act that limits library copying. Sections 108(b) and (c) generally govern preservation copying for unpublished works and replacement copies for published material. The "on premises" restriction relates only to what the library may do and not what a user may do for his or her own research.

QUESTION: *A library does not subscribe to a particular journal in either paper or electronic format. It used its "Suggestion of 5" from the CONTU guidelines for calendar year 2005. The serial title is listed in the Copyright Clearance Center (CCC) with a royalty of \$25 per article plus \$2.25 per page. The library has recently discovered that the journal is freely available on the Web back to 2003. Does it need to pay copyright royalties for ILL copies under the CONTU guidelines or may it use the article from the Web to satisfy patron requests?*

ANSWER: No. Use the free Web copy assuming that the publisher has put the issues on the Web.

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curate and comprehensive visual record of the American Indians ever created, and he recorded some of the nations he visited more fully than anyone else. He was a lawyer who taught himself to paint, and he traveled widely throughout the Louisiana Territory, but especially on the Missouri River. His narrative starts slow, but become vivid as he depicts the still intact cultures of the Assiniboin, Blackfoot, Crow, Cree, Ojibwa, Dakota Sioux, and especially the Mandan. He was the only outsider ever to see and record secret ceremonies of the Mandan, and he recorded all aspects of their culture more fully than anyone in both writing and painting, but his skill as a painter was greatly surpassed by **Karl Bodmer**. Shortly after **Catlin** and **Bodmer** visited the Mandan, they were so nearly destroyed by smallpox that they ceased to exist as a culture. **Catlin's** two volumes of text was illustrated by 360 engravings made after his paintings. The customs of the Mandan were among the most unusual for any Indian nation ever recorded, and the chapters he wrote about them can be read separately.

Francis Parkman's "Oregon Trail"

Parkman went west in 1846 specifically to study Indians, and he lived for several weeks among the Dakota Sioux during the last years before their way of life was changed radically by settlers moving west, the Gold Rush, railroads, and the slaughter of buffalo. Through translators, he was able to communicate with numerous members of the Ogillallah branch of the nation and to question them about all aspects of their lives. He kept detailed notes, and as **Herman Melville** noted in a review, what **Parkman** wrote was "obviously truthful." He found much to admire and much to condemn, particularly torture. He lamented the endless cycle of revenge, but after watching small fish devour one another, he reflected that "from minnows to men, life is incessant war." He encountered various other nations of Indians, but what he wrote while living among the Sioux is an essentially separate and coherent whole and is among the best of all writing about Indians.

Publishing Opportunities

The incisive summaries by **Lawson, Adair**, and **Bartram** for the Southeast; by **Mackenzie** for Canada; and by **Lewis and Clark, Catlin**, and

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Biz of Acq — Bottom Feeding For Books: A Dual Strategy for Increasing Print Acquisitions and Circulation

by **David S. Moore** (Technical Services/Systems Librarian, Begley Library, Schenectady County Community College, 78 Washington Avenue, Schenectady, NY 12305; Phone: 518-381-1238) <mooreds@gw.sunysccc.edu>

Column Editor: **Audrey Fenner** (Congressional Research Service, Library of Congress, 101 Independence Avenue, SE, Washington, DC 20540-7480; Phone: 202-707-6213; Fax: 202-707-7021) <afenner@crs.loc.gov>

Column Editor's Note: *A multi-year study of print books purchased from sales catalogs and remainder houses shows how costs and circulation of these discounted copies compare with costs and circulation of books acquired more conventionally, through a book jobber. The author, David S. Moore, can supply spreadsheets identifying 1) list price and actual cost, along with annual circulation numbers and rates, by vendor and publisher, and 2) circulation numbers and rates by LC classification. — AF*

We've lived through it for so long now that librarians have passed through the shock, rage, frustration and the shame and have accepted what can be called **Dewey's Third Law of Inverse Acquisitions**. That is:

$$x/y = z$$

where x represents a static or declining book budget, y represents the ever-increasing cost of each book and z represents the ever-shrinking number of books purchased each year. Many of us are in some level of denial and some have even welcomed the advent of the Internet and eBooks as justification for abandoning the development of our print book collections outright. The problem is that many people — by gosh, even college students — still require print books to round out their education. "If you build a collection, they will come."¹ At least that was our thought here at **Begley Library of Schenectady County Community College (SCCC)**, where, like other academic libraries, total book circulation plummeted during the second half of the 1990s.

Background: The SCCC Print Book Collection and Collection Development Policy

The original collection at **Begley Library**, created from donations at the time of the college's founding in 1969, reflected the broad interests of its donors. The collection has since been built according to its mission of support-

ing the college's curriculum. This it has done well; in fact so well during the days of plenty back in the 1970s and 1980s that it reverted somewhat to resembling a traditional liberal arts collection. As book prices went up in the 1980s and 1990s and acquisitions declined, this broad collection began to age and thin out. Our initial strategy to offset this development, soon after the author's arrival as Technical Services Librarian in 1995, was to shop for better discounts from book vendors. That strategy worked so well that we decided to extend it to its illogical conclusion, that is, to shop for books where they have the ultimate discounts: remainder houses, university press sale catalogs, and direct discount offers from publishers, any place short of rummaging through dumpsters after Friends-of-the-Library book sales.

Hypothesis

The hypothesis used for the study was that the library could purchase deeply discounted, quality books that will circulate at least as often as books in the existing collection. There were many criteria used in the selection of sale books. First, books were purchased in areas of the collection that need the most help, as well as areas where increasing depth would also increase circulation, e.g., areas where one student could clean us out, leaving classmates frustrated and librarians embarrassed and possibly even clinically depressed.

Methodology

Four distinct collection criteria were used for book selection:

1. "Stick with the Winners:" maintain traditional high use areas or support curricula of large programs with a goal of comprehensive coverage. Examples include Computer Science, Music, Culinary Arts, Travel and Tourism.
2. "Instant Collection:" new program or course areas, where the collection has had little or no coverage. Examples include Aviation, Early Childhood Educa-

tion and Juvenile Literature, non-Western cultures, Environmental Science, Family Therapy.

3. "Fattening Up the Losers:" strengthen inadequately maintained traditional areas of broad scope, which have thinned and are aging, and where circulation has decreased significantly. Examples include American History, Sociology, Law, American and British Literature, Health Sciences.

4. "Librarian's Choice:" multi-disciplinary areas that do not support specific programs or courses; we should have them simply because the librarian recognizes a need, or he/she is prognosticating increased use in the future. Examples include African American religious history and music, Sports and culture, North American Indians, Racial violence/Lynching, Railroads of New York State, New York State local history, Media studies, African American military history.

Evaluating Content

Other selection criteria were also used, once a title was identified as a candidate for purchase. It is no secret that many of the books that hit the remainder houses are not alternates for the **Pulitzer Prize**, or even **Caldecott** honorees. Many books become cheap for a single reason; they're dogs that will never get dog-eared. However, some books find their way to discount bins for other reasons.² Generally, the selection criteria and a little experience decoding catalog descriptions eliminated titles of dubious quality. Reviews were regularly checked, but not for every title; many of the titles were not reviewed at all. Only two candidates were rejected because of poor reviews.

Another criterion used was that of cost-effectiveness. Net prices were compared to that of the library's primary vendor; an order had to save at least \$25.00 over the primary vendor's price in order to pay for the additional time spent creating and tracking a separate order.

Data Collection

Beginning in the spring of 1996, the first sale book order was placed and circulation data tracked. List and net prices (including freight charges) for each sale order were recorded, beginning with the first order in May 1996 and ending with August 2003. Circulation data was recorded using one-year sets for each of the first three years each book was shelved, plus a five-year total.³ Complete circulation data exists for books purchased 1996-1999, and partial data, depending on shelf age, exists for books purchased 1999-2003.

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Parkman for the West deserve to be made available in one volume to facilitate comparison. All of them could be reprinted in one volume of about 600 pages, and together, they would provide eyewitness assessments of representative cultures that were contacted successively from east to west in North America during the century and a half from 1700-1846. Despite their wide distribution and the differences in time, all of these groups

have much in common, and all of the conclusions about them by writers who knew them best are basically similar.

All of **Garcilaso's** earlier account is readily available and needs to be read. I know of no comparable early summary for a Southwestern group. Although the **Coronado Expedition** covered much of the Southwest at the same time, the narrative made of it is more history than ethnohistory. Many Spanish accounts of the Indians of Central and South America contain in-

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Books Are Us

by **Anne K. Robichaux** (Professor Emerita, Medical University of South Carolina) <awkr7721@sc-online.net>

Column Editor's Note: This column covers fictitious accounts of people in our industry — librarians, publishers, vendors, booksellers, etc. — people like us. All contributions, comments, suggestions are welcomed. —AR

When I told my friend, **Diane Rourke** (Director, Health Sciences Library, Baptist Health South Florida) about this column four years ago, she gave me a paperback she had just read, telling me that the book had a great main character who is a librarian. Unlike some of the stereotypes we often see in print, this librarian character is strong, smart, persistent, and determined. She is shy by her own admission and lacking in confidence, more understandable given the time frame of the novel.

Seneca Falls Inheritance (NY, St. Martin's Press, 1992; ISBN 0-425-14465-8) by **Miriam Grace Monfredo** is the first book in the *Glynis Tryon* mysteries, combining historical fiction with a murder mystery. **Monfredo**, a former librarian and American historian, includes ample notes devoted to the sources used, and the historical accuracy (or not) of events described. For example, we read about two historic events in 1848 in New York that laid the groundwork toward legal equality for women. Both events are dealt with in this novel: the Married Women's Property Act and the first Woman's (sic) Rights Convention.

Glynis Tryon is the town's independent, free-thinking librarian who is called upon by a friend to help organize the convention. Some members

of the all male library board don't think too much of their librarian's participation in political activities and suggest her job may be in jeopardy if she persists in this sort of extracurricular activity. One of the board members sternly reminds her that it is not "in keeping with your librarians' role to be promoting discord in the very town you are supposed to be assisting."

Glynis is unusual for a woman of this time in that she went to college, even though her family thought college unnatural for women. She is determined to have a career when few women had such ideas. She is living during an age when women were afraid to speak their opinions and lived in the shadow of men. She is a feminist, however, describing herself as a "spinster," not keen on the "yoke of marriage," though the town constable would like to change her mind. He thinks she is lovely. Others describe her as "fine-looking" and not looking "in the least like a librarian." When *Glynis* inquired what the speaker's idea of a librarian might be, he responded that his experience had been that "...librarians are dry old ladies with steel-framed spectacles, and hair pulled back so tightly their lips scarcely move when they talk. And they wear black, black dresses which button up over their chins."

Monfredo covers a few library issues that sound like familiar concerns in some of today's libraries: cataloging backlogs, the mixed blessing of gift books, the suitability of some titles, and dealing with a library board. But library and political issues are temporarily set aside when a body is found in the canal behind the library.

Being an amateur sleuth as well as a librarian, *Glynis* is very much involved in solving the murder, using her instincts and intelligence. One of the library's gift books helps her in sorting out the crime. She is cautious, noting that librarians aren't necessarily required to be brave, but they are required to be resourceful. She's described as someone who can think straight in an emergency. One character calls her "an old maid busybody," while another praises her for a "splendid job of detection." She certainly was credited with uncovering evidence that helped determine the murderer.

On the back jacket of *Seneca Falls Inheritance*, the review quoted from the *Syracuse Herald American* states: "The success of *Seneca Falls Inheritance* rests with the fully drawn character of the poised, plucky librarian *Glynis Tryon*."

Seneca Falls Inheritance is the first in a series of eight novels that feature *Glynis Tryon*,

town librarian. **Grant Burns** covers this title and the next two in the series in his book, *Librarians in Fiction* (1998). According to Burns, **Monfredo** expands *Glynis'* activist bent to include the rights of Native Americans in *Blackwater Spirits* (NY, St. Martin's Press, 1995). In this novel *Glynis* also writes book reviews and articles in support of women's rights for the local paper. Seneca Falls' new woman doctor describes her as "so composed, so self-possessed."

Julie Still (Reference Librarian, Paul Robeson Library, Rutgers University) includes **Miriam Grace Monfredo** in: "Reading Between the Lines: Librarians as Authors of Fiction" (http://libres.curtin.edu.au/libres15n1/Still_2005_02_16.htm).

In the second title of the series, *North Star Conspiracy* (NY, St. Martin's Press, 1993), the focus is on the underground railroad and the year, 1854. The author includes literature contemporary with the time (e.g., *Uncle Tom's Cabin*), and one of the library issues covered is the definition of its users, i.e., just who may use the library, an issue also discussed in the fourth title.

A male library assistant is introduced in the third title, *Blackwater Spirits*. He favors popular novels more than *Glynis* feels appropriate for the collection. **Stills** describes an incident in the fourth book, *Through a Gold Eagle*, involving the opening of the subscription library to the public. *Glynis* returns from a long absence to find that her assistant has offered a half-price associate membership for use of the library two afternoons a week. She isn't opposed to the idea but wonders if he's cleared the plan with the board, and is concerned because "more people meant more books, more periodicals, more newspapers — paid for by whom? How? The obstacle was — always had been — money." She further discovers that her assistant has been purchasing primarily romance novels for new patrons. She expressed her displeasure and he responds: "Miss Tryon, if romantic novels are what people most want to read, why shouldn't we have more of them?" As **Stills** observes, "this is the 'should we give them what they want or what they ought to have?' question that has plagued librarians from the very first acquisition."

Author **Miriam Grace Monfredo** is an American historian and former librarian who lives in Rochester, New York. She combines her interest in history and librarianship to create a series that is an informative and entertaining blend of historical fiction and mystery novel.

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Within our selection criteria, we pretty much got every book worth getting. Although we did increase the number of titles purchased as the study progressed, that was due to broadening the number of sources, not broadening our selection criteria. Last, there is the problem of currency, especially in such topical areas as computer science, as sales books averaged more than two years older than traditionally acquired titles.

The author wishes to thank **Dennis Mott**, Senior Library Technical Assistant at **Begley Library, Schenectady County Community College**, who for years has very patiently placed and tracked the sale orders.

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formation of great usefulness for ethnohistory, but the cultures they recorded were too advanced to be comparable to Indian nations north of Mexico, and these accounts can be considered separately.

The most accurate and useful early illustra-

tions were made in the 16th Century by **Jacques LeMoyne** of the Indians of the South Atlantic Coast and by **John White** of the Indians of North Carolina, and the work of both artists were engraved and made widely available by **Theodore de Bry**. These illustrations and related texts were brought together in one volume by **Stephan Lorient**, whose edition deserves to be made avail-

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And They Were There

Reports of Meetings — NASIG Conference

Column Editor: **Sever Bordeianu** (University of Mexico) <sbordeia@unm.edu>

North American Serials Interest Group (NASIG)
“Roaring into Our 20s” — May 19-22, 2005, Minneapolis, MN.

Report by **Cris Ferguson** (Electronic Resources/Serials Librarian, James B. Duke Library, Furman University) <cris.ferguson@furman.edu>

This past week I went to the **North American Serials Interest Group** in Minneapolis, MN. The conference opened on Thursday the 18th and closed on Sunday the 22nd. Over the course of the four days I went to many interesting sessions, but there are several sessions programs I want to highlight in particular.

The first session I want to highlight is the opening plenary session, which was given by **Marshall Keys** of **MDA Consulting**. Prior to starting **MDA Consulting**, **Keys** was the executive Director of **NELINET**, the largest library organization in New England. In his talk **Keys** highlighted how today's technology trends affect the libraries of tomorrow. He focused his discussion on chaotic transitions, the period of time in which old and new technologies battle to see which ones survive. In almost all cases, the new technology emerges as the victor and the old technology falls by the wayside. The primary example he used was the continuous changes in music recording formats (45's to 8 tracks to cassettes to CD's and now to music on DVD's).

He went on to explain that new academic library patrons come to school with a “blogger” mentality. They care about community and personalization, but not about privacy, “You are unique, even though you are exactly like ev-

eryone else.” This new generation of students use their cell phones as their primary information appliance, through text messaging, camera phones, and the ability to surf the Internet and check email. Their attitudes towards information dramatically impact the principles and laws of intellectual property. They feel that anything in the environment, whether it is protected or not, is something that can be captured and shared. Students today see no difference between TV and the Internet. They can watch television through **TiVo**, email, and file sharing, and they can browse the Internet from their television. He highlighted a few examples of places that files can be shared that are virtually un-touchable in terms of prosecution for peer to peer file sharing: **Earth Station 5** and **Venuatu**.

For libraries to survive they will have to accommodate users, providing personalized information access. Students want their library interface to be like **Amazon**, showing what they have recently purchased, other materials on the same subject, things that similar users have checked out, etc. At **Duke**, all incoming students were given **iPods** to record and share lectures between each other. They were also given the ability to install **Linux** on the **iPods** to provide more usability. **Keys** emphasized that there will come a time when we will have to treat all

students as distance education students.

The second session I would like to highlight is a session called Collaborative Checklist for E-Journal Access. The session was lead by representatives from **Ohio State Universities**, **Swets Subscription Services**, and **Springer Publishing**. During the session it was mentioned that over 50% of North American libraries receive print + online subscriptions. Of the 50% that receive print + online, 90% of those are academic libraries. In order to streamline the process of handling these print + online subscriptions **OSU**, **Swets**, and **Springer** created a checklist outlining what each organization was responsible for when setting up access to e-journal subscriptions. Their biggest challenge was to consolidate responsibilities and to identify who did what. In the end, they created a list of tasks and very clearly outlined what was expected of the library, the subscription agent, and the publisher. (I have a copy of that handout if anyone is interested.) It was interesting to note how much **Swets** is doing for its customers in the handling of electronic subscriptions. In comparison, **EBSCO** (our subscription agent) is not doing a very good job. It made me seriously rethink using **EBSCO** to handle our larger e-journal packages.

This brings me to the third program I want to highlight. There was a poster session at the conference describing in detail the process of switching subscription agents. (I have that handout as well). In light of the session on the e-journal checklist, I have been inspired to give **Swets** a trial run as an alternative subscription agent. Using the information gleaned from the two sessions, I hope to cancel a small number of subscriptions (50 or so) through **EBSCO** and switch them to **Swets** to see how the service between the two differs.

Other programs I attended were related to

- Electronic Journals Workflow — interesting, but not really applicable to an institution of our size. The speakers were from much larger institutions.
- Electronic Resource Librarians — also interesting. Many different types of institutions were represented, and I got to hear about the kinds of things people in my position at other schools were doing
- The role of the media in the division of America between liberal and conservative — This was one of the most interesting sessions, but not broadly useful to the field of information sciences. I have the Web addresses of a couple of really cool organizations that promote responsible media reporting and democratic conversation between political parties.

Lastly, I attended the **NASIG Continuing Education Committee** meeting. I will now be managing the **CEC's** page on the **NASIG** site and be the committee contact for a continuing education event in Mississippi. 🌳

<<http://www.against-the-grain.com>>

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new knowledge you have could lead to greater job responsibilities or even a different job later on in your career.

Expert B: The Fast and Efficient Response

1. Try to get on **Tim's** schedule to ask him about: departments, trends in collecting, you will want to know about how people use the collection in those fields, what their preferences are, are there any new initiatives or trends in the discipline, get a feel for journal prices, book prices, etc.

2. Need to find out about the collection funding, for example, are there discretionary monies? How much money is left? Is there budget planning to be done?

3. Since this is an added duty, your focus would be on keeping it going right now, then maybe if it turns out to be a long-term commitment, you would need to start thinking on types of projects you would need to do — i.e., review of the approval plan profile. However,

your main concern immediately would be to make sure you are getting by first. All of this of course would depend on how long you would be expected to take on these responsibilities. 🌳

If you have any ideas for future case studies, or a topic you would like explored in this column, please contact me, Anne Langley (Duke University) <anne.langley@duke.edu>.

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able as a paperback and kept in print. The works of **LeMoyne** and **White** provide the most valuable illustrations of Southeastern Indians made during the 16th Century, and they were rarely equaled.

All of the travel accounts listed in this article deserve to be kept in print indefinitely in hardback editions for libraries and in paperback editions for students. No introduction or notes are

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short courses not only in information management but also basic software technical skills. These rooms could also be used by teachers for other purposes and during exam and paper writing periods the computers were opened up for general student use, adding to the number of terminals available.

- **Multimedia workstations.** The emphasis seems to be on campus integration, that instead of having disparate facilities on campus doing this sort of thing, a successful Commons bring all the equipment and staff who know how to use them together with everything else happening in the Commons — this is a one-stop shop for integrating multimedia information, technology, hardware, and learning.
- **Consultation stations.** In this case one-on-one reference and technology consultation sessions are integrated within the

Commons and not located outside it on another floor or area of the Library. These stations, moreover, are not seen just as the private property of library staff members but can also be used by teachers and TA's as needed — the library is not separate from the rest of the university but an integrated part of it.

- **Writing lab.** This is clearly a case where non librarians are integrated within the physical space where students are accessing and manipulating information instead of taking their printout or sending their paper to a writing lab teacher for help.
- **Extended hours.** The principle of integration here is integrating what can happen in the Commons with the life cycle of students who tend to do their searching and writing in the late afternoon and night, instead of the morning and early afternoon when classes are being held.
- **Lounge.** Students rest, eat, study, and play. The idea for lounges seems to be to integrate opportunities for resting, hanging out with friends, and studying within

the Commons. Interestingly, there is no mention of food in the **BYU** report.

Wal-Mart is an example of integration. Everything you want is in one location. Instead of going from one shop to the next, each with its own culture and cash register, at **Wal-Mart** you have a single integrated culture and you pay once. My library is like a small town or even a mall with all the needed services but it has lost the integration that exists in much smaller libraries. I still hope to get a new library to house the 100,000 or so new books we add annually, but I also want an information commons and I want to spread the principles that govern it across the entire library system. 🐼

Endnotes

1. The Free Dictionary by Farlex, "Common land" <http://www.thefreedictionary.com/common%20land>.

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1980s and is essentially a music and dance culture of events that feature primarily electronic music and extended dancing often to the point of trance. Maligned and suppressed for its tolerance of certain trance inducing drugs, the rave culture nevertheless is evolving into a more mainstream expression.

<http://www.rave-network.com/> — An extensive site with many links for research into the rave movement.

<http://www.ravelinks.com/> — Another extensive site with regional calendars and links to worldwide rave organizations.

Hip Hop culture: Beginning in the 1970s in America's inner cities, the Hip Hop movement began as a dance and music culture ostensibly by and for minority youth. As with all such movements, it has moved into the mainstream and become a billion dollar music, fashion and entertainment business while maintaining its various sub-cultural elements.

<http://www.rapworld.com/> — An excel-

lent starting place.

<http://www.hiphop-directory.com/> — Extensive links-page to other hip hop sites on various topics <http://www.b-boys.com/>, <http://www.rapstation.com/>.

Furries: Let me be your, Teddy Bear?

<http://www.interactive-websites.com/scripts/fuzzwolffaq.taf> — http://www.tigress.com/eisfuchs/furry_eng.html — <http://www.furtherconfusion.org/fc2005/> — I must confess, the Furry subculture, was one I knew nothing about until informed of its existence by a colleague. This culture began around 1985 and is focused on the love for and role-playing surrounding the concept of animals with human characteristics and intelligence. Although not a new concept in film and literature, this cultural expression evolved out of the SciFi and Gaming conventions environment. Some individuals even take the next step and begin to dress in full costumes for their events. The first two sites provide definitions and examples for the uninitiated and the third site is an example of an anthropomorphic or furry convention. There is even a subculture of the furries called "plushies." 🐻

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one another and one another's libraries. Not only is the personal comfort level higher and longer lasting, but the application of what is learned is more likely to be apropos."

Susan Campbell agrees. "ACLCP has always been about networking," she contends, "and that still goes on at almost all levels. It's a great organization, — probably the best of its kind. I cannot say enough good things about it. It has proved invaluable for librarians and staff here at **York College**." 🐼

Endnotes

1. This article was written with the collaboration of the ACLCP 40th Anniversary Planning Committee, Associated College Libraries of Central Pennsylvania, including Jonathan Lauer (Chair), Doug Cook, Tom Duszak, Bernadette Lear, Steve McKinzie, Lawrie Merz, Sara Pike, and Ruth Runion-Slear.
2. "Nine Pennsylvania Colleges Begin Library Cooperative Project." *Library Journal* 91 (1966): 2452.
3. "A Program for Sharing Library Resources Has Been Initiated by Nine South Central Pennsylvania Colleges." *Wilson Library Bulletin* 40 (1966): 903.
4. Associated College Libraries of Central Pennsylvania. ACLCP Home Page, 2005 [cited February 21, 2005. Available from <http://www.aclcp.org>].

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needed (or if present need be read). What all of these accounts have in common is that they are primary sources, that they document vanished ways of life, and that they were recorded by highly intelligent and skillful writers. They should be allowed to stand on their own merit.

Gene Waddell is College Archivist at the College of Charleston, and he wrote *Indians of the South Carolina Lowcountry, 1562-1751* (Southern Studies Program, 1980) and *Charleston Architecture, 1670-1860* (Wyrick and Co., 2003).